



# International IDEA

The International Institute for Democracy  
and Electoral Assistance

Discussion Paper 4

## Electoral System and Quotas in Nepal



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# About the initiative

*“Constitution building is a key component of democratization and conflict management in divided societies. International IDEA supports inclusive and participatory constitution-building processes that result in constitutions with the following features: they are nationally owned, sustainable and sensitive to gender and conflict prevention dimensions. Constitution building processes with the above characteristics use dialogue to allow participants in the process to formulate long-term solutions and address their own democracy challenges. These may arise from deep political divisions, serious conflict, the denial of political participation, violations of other human rights, or from the failure to improve the quality of life for ordinary citizens. The voice of citizens is critical to the process due to the need to accommodate all legitimate perspectives if support for constitutional reform is to be achieved.” (www.idea.int).*

The Women and Constitution Building Initiative in Nepal was initiated (June 2008) in the spirit of a newly formed Constitution Assembly (CA) which saw the election of a high percentage of women. International IDEA, together with its partners, identified a need for a greater understanding of how a constitution affects women’s lives and how women can contribute to the process of making a new constitution. Strategies were needed to support the creation of an inclusive political environment in a crucial period of Nepal’s history.

The initiative aims at: (1) Developing knowledge resources to support a gender inclusive process and a gender sensitive constitution, (2) Establishing a connection with international experts (cross-party and across all age groups) and, (3) Facilitating dialogue between key stakeholders working on constitution building with a gender perspective.

*A Gender Folder: Toolkit for Constituent Assembly Members* is the key knowledge tool for International IDEA’s Women and Constitution Building Initiative work in Nepal and entail dissemination of discussion papers throughout the constitution making process with the aim of highlighting significant issues related to the constitution from a gender perspective.

The discussion paper topics are identified by a national group of experts. These focus on the following topics: agenda setting, rules of procedure, electoral quotas and participation. Expert groups with the ability to draw on international expertise are established at the national level. The member represents CA members, political parties, lawyers, civil society and academicians. These groups both draw on and inform International IDEA’s gender work.

The national expert groups also conduct round tables and seminars which meet the immediate

needs by addressing 'hot' topics that arise in the process of making a new constitution. The round tables and seminars are hosted by national and international experts and invite professionals working in this field to participate.

The initiative will be conducted throughout the constitution-building process in Nepal (2008-2010) and will be implemented in collaboration with international and national partners. The International IDEA project in Nepal is supported by the Royal Norwegian Embassy and the Government of Finland.

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# Electoral system and electoral quota provisions for the Constituent Assembly (CA) elections in Nepal

- (1) To enable Madhesi, Dalits, indigenous ethnic groups, **women**, labourers, farmers, the physically impaired, disadvantaged classes and disadvantaged regions to participate in all organs of the State on the basis of proportional inclusion.

*Source: Interim Constitution, 2063 (2007), Article 33. Responsibilities of the State*

- (2) A minimum of one-third of the total number of candidates nominated shall be women, taking together the number of candidates on the basis of proportional representation.

*Source: Interim Constitution, 2063 (2007), Article 63: Formation of the Constituent Assembly*

## The Electoral System

*The Interim Constitution of Nepal, 2063 (2007)*, provides for the use of a “mixed electoral system” for the 2008 elections to the Constituent Assembly (CA). The ‘mix’ includes a *First-Past-The-Post System* (FPTP) for the election of one member in each of the 240 geographical constituencies and a *Proportional Representation System* (PR-list) for the election of the remaining 335 members<sup>1</sup>. The voters receive two ballots and cast one for each electoral race.

Nepal has 240 electoral constituencies. Each constituency elects one member to the CA. The ballot for the FPTP election displays the electoral symbols of candidates registered to compete in the election (excluding the names). Political party belonging is not compulsory and candidates can stand for election on an individual basis. Each voter casts one vote for their preferred candidate and the candidate with most votes wins the seat in the CA. The electoral law states that candidates are allowed to compete in up to two constituencies. Should a candidate win in both constituencies (which were the case in Kaski district constituency number 4), she/he selects the one she/he wishes to represent, and a by-election is held in the other constituency<sup>2</sup>.

<sup>1</sup> The mixed system composed of the two races is a parallel system, which means that there is no connection between the two races in terms of distribution of seats under the List PR race.

<sup>2</sup> The by-election is scheduled for April 10. Altogether 154 candidates have filed their candidacy for the by-election in six vacant Constituent Assembly seats. The by-elections were held in Constituency 5 and 7 of Morang district, Dhanusa-5, Kaski-1, Kanchanpur-4 and Rolpa-2. (Source: <http://www.english.people.com.cn/90001/90777/90851/6614366.html>)

The 335 PR-list seats are elected through a single electoral constituency using one ballot that all voters nationwide obtain. It is compulsory for political parties attending the PR-list election to register with the Election Commission of Nepal (ECN) and independent candidates are not permitted to participate. Each party ought to submit a candidate list 90 days prior to the ECN confirmed election date in order to have their political party symbol displayed on the ballot.

The Proportional Representation (PR) System used for the election of the Constituent Assembly relies on a so-called ‘closed list’, Voters can only vote for political parties as a whole and thus have no influence on the order in which party candidates are elected. Once the vote count is completed and seats divided among the winning parties, each party chooses the candidates to be elected from the list of candidates it previously submitted to the ECN. This allows parties to pick any of the candidates on their list as they are listed without preference after the election has been held and seats have been allocated. However, parties have to ensure that the candidates they choose meet the quota requirements for the representation of women, Dalits, oppressed castes/indigenous ethnic groups, backward regions, Madhesis and “others”.

Because of the quota provisions, political parties are required to ensure that their candidate lists contain a certain number of women, Dalits, oppressed castes/indigenous ethnic groups, members of ‘backward’ regions, Madhesis and others. The Interim Constitution of Nepal has, ‘...Lists that do not comply with the quotas be rejected by the ECN. However, the ECN may require the party that committed mistakes to submit a corrected list within seven days’<sup>3</sup>.

### Proportional Representation Quotas

According to the Constituent Assembly Members Election Act, 2007, “political parties must take into account the principle of inclusiveness while nominating the candidates for the FPTP system”<sup>4</sup>. In the PR-list election, candidate lists submitted by political parties (which must cover at least 10% of the seats to be filled under the PR-list system) are required to contain at least 50% of female candidates and the following percentage of candidates from marginalized groups:

Sectoral group/region	Female	Male	Total %
Dalit	6.5	6.5	13
Oppressed Caste/Indigenous groups	18.9	18.9	37.8
Backward region	2	2	4
Madhesi	15.6	15.6	31.2
Other Groups	15.1	15.1	30.2

However, it should be stressed that it is possible for one candidate to fulfill more than one of the categories provided for in the quota provisions. For example, a party can meet several

<sup>3</sup> The Interim Constitution of Nepal, 2063 (2007), 6th amendment, Chapter 5: Candidates and Nomination Papers, English translation by UNDP: Kathmandu, Nepal.

<sup>4</sup> The Interim Constitution, Election to Members of the Constituent Assembly Act 2007, Chapter 2, 5(3) FPTP electoral system, English translation by UNDP: Kathmandu, Nepal.

quotas by listing candidates with intersectional identities such as female Dalit from the Terai (southern belt of Nepal) with a disability (included in 'others').

The category "Backward region" refers to nine districts in Nepal: Achham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla. These areas were chosen as they are at the bottom of the development index among Nepal's 75 districts.

### Implementation of the quota provisions<sup>5</sup>

Even though the ECN had clearly directed quota provisions for the PR-list election, the majority of the parties failed to allocate the legally required number of seats to members of traditionally excluded groups. The Unified Communist Party of Nepal-Maoist (UCPN-M) is the only party that met the requirements with regard to the representation of so-called 'backward' regions and Dalits. Both the Communist Party of Nepal (Unified Marxist-Leninist), CPN-UML and the Nepali Congress Party (NC) failed to comply with any of the quota provisions.

Most political parties contesting the CA election also failed to give appropriate representation to women in the direct election.<sup>6</sup> Out of a total of 30 women who won FPTP, 24 are from the UCPN-M. Even though the UCPN-M has a comparatively satisfying record with regard to women's representation in relation to other political parties it should be pointed out that the party did not do women full justice in the allocation of FPTP candidacies as they fielded only 43 female candidates as against 197 male candidates.

Among the 161 women elected as CA members from the PR-list election, 50 belong to the UCPN-M, 36 to the NC and 35 to the CPN-UML. These numbers show that apart from the UCPN-M, which seems to have cashed the sentiments of voters, other established parties like the NC and CPN-UML blatantly ignored the principle of 33 per cent reservation.

Quota provision (%)	UCPN-M	NC	CPN-UML
Madhesis (31.2)	29	28.77	30
Dalits (13)	14	12.33	12.85
Janajatis (37.8)	30	36.99	34.28
Backward region <sup>7</sup> (4)	4	2.74	2.86
Women (50)	50	49	50
Others (30.2)	30	32.88	30

\* ECN quotas are in parenthesis and all figures in percentage, Source: [www.election.gov.np](http://www.election.gov.np).

<sup>5</sup> The Himalayan Times, 3 May 2008.

<sup>6</sup> The Nepali Congress and Communist Party of Nepal (United Marxist Leninist) fielding 26 and 27 female candidates only two and one female candidates got elected respectively in the FPTP. Other parties such as the Rastriya Prajatantra Party, Janmorcha Nepal, Nepal Majdoor Kisan Party and Nepal Sadhbhawana Party (Anandidevi) fielded 22, 28, 27 and 13 female candidates respectively and none got elected in the FPTP. The Dalit Janajati Party fielded only one female candidate as against 49 male candidates (International IDEA, The Constituent Assembly of Nepal: An Agenda for Women, June 2008).

<sup>7</sup> The category 'backward region' comprised of nine districts that are in the bottom of the development index in Nepal: Achham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla.

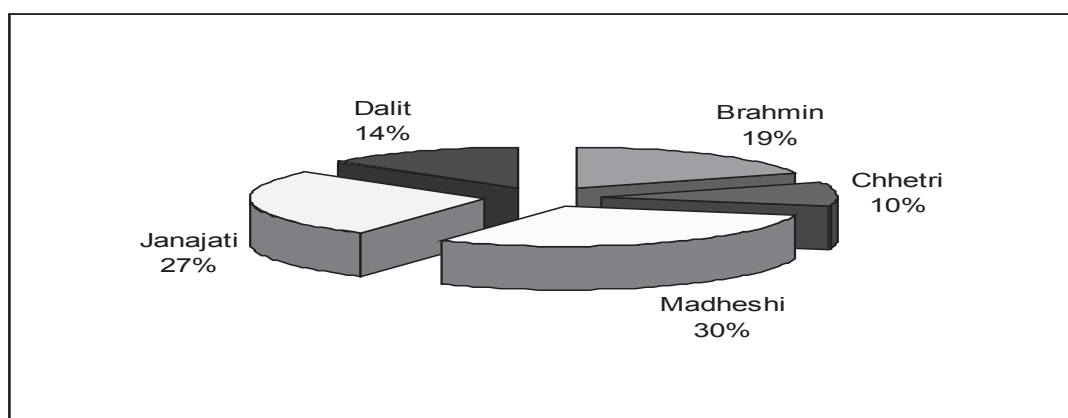
It should be emphasized that these quotas (with the exception of the female quota) were originally only applicable to closed candidate lists covering more than 20% of the seats to be filled in the PR-list election, i.e. lists with 67 candidates or more. However, on March 1, 2008 (the CA elections were held on April 10, 2008) following an agreement between the government and a handful of Terai-based parties which was stipulated in the Interim Constitution as following:

The Interim Constitution from 2007 states that overall, women must constitute at least 33 percent of candidates for both First-Past-The-Post (FPTP) and Proportional Representation (PR) elections.

Of the 601 seats in parliament, 240 members are elected by the FPTP system, 335 are elected through PR elections and 26 are nominated. For the 240 seats filled by FPTP, Article 7(4) in the Election Act (2007) stipulates that at least 33 percent of candidates shall be women. For the 335 seats filled through closed PR electoral lists, Article 7(3) of the Election Act states that the political parties must ensure “women’s proportional representation”, clarified in Schedule 1 of the Act to be 50 per cent women on party candidate lists.

If the lists of candidates submitted for the PR elections fail to meet the quota rule of 50 per cent women, the Election Commission will, according to its Regulations, remove candidates to meet the quota provision and therefore make the list valid.

**Figure: Ethnic and caste representation of women nominated in PR**



Source: [www.election.gov.np](http://www.election.gov.np)

### The election result in terms of gender

As mentioned, the 2008 election resulted in a higher number of women elected than expected by observers. However, some women active in political parties were disappointed that the number of women in the legislature was not proportional to the percentage of women in the population. Interestingly, from the first elected CA members no party with only one representative had a woman as their single member of the house or CA (this has however

changed due to party splits and change of CA composition) in the case of parties with uneven numbers of members; they all have more men than women.

369 women candidates from 55 political parties ran in the FPTP election as opposed to 3577 men candidates. Thirty of the women were elected representing 12.5 per cent of the total 240 constituencies. Two female candidates out of 26 was elected from the Nepali Congress, two out of three from the Madhesi People's Rights Forum (MJF), one of which is a Muslim woman from Parsa, one out of four from the Tarai Madhes Loktantrik Party and 24 out of 43 from the UCPN-M, two of which are Dalits from Banke and Nawalparasi. The results reflect the commitment of the various parties to include women, with the UCPN-M registering a remarkably high number of female winning candidates and setting the standards for all political parties.

A total of 161 women were elected through the PR-list election. They occupy nearly 48 per cent of the total 335 seats. Another 30 women were elected through the FPTP election. Six women were appointed by the cabinet, increasing the total number of women in the CA to 197, or 32.77 per cent of the total. Of these women, 18 have been members of Parliament in the past, many only so since the expansion of Parliament in January 2007 when the Interim Constitution was adopted.<sup>8</sup> The interim period brought with it a huge increase in the number of women in Parliament (from 6 to 17 per cent). This was due to the UCPN-M joining the government and its allocation of seats to women MPs.<sup>9</sup>

Clearly the strategies adopted, especially by the UCPN-M and MJF, of placing female candidates in constituencies where the likelihood of being elected was higher, influenced the overall number of female winning candidates in the FPTP election. Notable is that a majority of the female candidates won with very large margins. In Gorkha constituency 1, the difference in the number of votes between the UCPN-M female winning candidate and the NC candidate exceeded 30,000 votes. The slightest difference in the number of votes was recorded in Kaski with the UCPN-M female candidate beating its male adversaries with just a little more than 400 votes.<sup>10</sup>

<sup>8</sup> International IDEA (2008), Discussion paper 1: The Constituent Assembly of Nepal: An Agenda for Women, Kathmandu, Nepal.

<sup>9</sup> [www.election.gov.np](http://www.election.gov.np)

<sup>10</sup> UNMIN (2008) Report: Women and Election, Gender Affairs section, Kathmandu, Nepal.

**Table: Candidates and election result – CA election in Nepal 2008**

Political Parties	FPTP				PR		Nomination by Cabinet		Grand Total
	Candidates		Elected		Elected		Nominated		
	M	F	M	F	M	F	M	F	
Communist Party of Nepal (Maoist) (CPN-M)	197	43	96	24	50	50	6	3	229
Nepali Congress (NC)	214	26	35	2	37	36	4	1	115
Communist Party of Nepal (United Marxist Leninist)	212	27	32	1	35	35	3	2	108
Madhesi Janaadhikar Forum (MJF)	100	3	28	2	11	11	2	0	54
Tarai Madhes Loktantrik Party (TMLP)	90	4	8	1	6	5	1	0	21
Rastriya Prajatantra Party (RPP)	210	22	0	0	4	4	-	-	8
Communist Party of Nepal (Marxist Leninist) (CPN-ML)	105	11	0	0	4	4	1	0	9
Communist Party of Nepal (United)	49	6	0	0	3	2	-	-	5
Sadbhawana Party	83	4	4	0	3	2	-	-	9
Janamorcha Nepal	175	28	2	0	3	2	1	0	8
Rastriya Prajatantra Party-Nepal	196	8	0	0	2	2	-	-	4
Rastriya Janashakti Party (RJP)	184	14	0	0	2	1	-	-	3
Rastriya Jana Morcha	107	15	1	0	2	1	-	-	4
Nepal Majdoor Kisan Party	71	27	2	0	1	1	1	0	5
Rastriya Janamukti Party	76	8	0	0	1	1	-	-	2
Communist Party of Nepal (Unified)	126	10	0	0	1	1	-	-	2
Nepal Sadbhawana Party (Anandidevi) (NSP-A)	91	13	0	0	1	1	1	0	3

Nepali Janata Dal	30	10	0	0	1	1	-	-	2
Sanghiya Loktantrik Rastriya Manch	43	2	0	0	1	1	-	-	2
Samajbadi Prajatantrik Janata Party, Nepal	43	7	0	0	1	0	-	-	1
Dalit Janajati Party	43	1	0	0	1	0	-	-	1
Nepal Pariwar Dal	-	-	-	-	1	0	-	-	1
Nepal Rastriya Party	5	1	0	0	1	0	-	-	1
Nepal Loktantrik Samajbadi Dal	11	0	0	0	1	0	-	-	1
Chure Bhawar Rastriya Ekta Party Nepal	21	1	0	0	1	0	-	-	1
Independent	774	42	2	0	0	0	-	-	2
<b>Total</b>	<b>3262</b>	<b>333</b>	<b>210</b>	<b>30</b>	<b>174</b>	<b>161</b>	<b>20</b>	<b>6</b>	<b>601</b>

Source: Election Commission of Nepal, [www.election.gov.np](http://www.election.gov.np)



# Effects of the electoral system on representation of women

## **Electoral system: The way in which votes are translated into seats**

*The three main elements of electoral systems are:*

- the district magnitude — determining how many representatives are elected in one electoral district;
- the formula — determining how the winner of a seat is chosen; and
- the ballot structure — determining whether the voter votes for a candidate or a party and whether the voter makes a single choice or expresses a series of preferences.

As can be seen in the sections above, as well as time and time again throughout the world, no electoral system is neutral. All rules governing how votes are translated into seats have implications on the results and the allocation of seats between parties, between regions, and between women and men. It is therefore not always necessary to separate the discourse on electoral systems from the one on quotas, as they will both affect the outcome of the election in one way or another. However, by disentangling them, it might be easier to shed some light on the various forces at play and the causality between the rules chosen and the outcome obtained. This may also make it easier to pick and choose from the different components and to tailor-make a comprehensive and well-fitting solution for the country in question without feeling the restriction to wholesale solutions.

We will therefore have a look at how the various electoral systems in their “natural” form (without quotas) affect the likelihood of women being elected.

## **Single-member district systems**

In any single-member district system, such as first-past-the-post, two-round systems and alternative vote, as well as the single-member district part of a parallel system or a mixed member proportional system<sup>11</sup>, women are likely to be underrepresented.

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<sup>11</sup> See annex for a definition of the electoral systems

The reason behind this is that parties are unable to put up a balanced slate of candidates. If only one candidate is to be nominated, the male candidate will often be incumbent, and in this case, challenging him by a woman candidate can create tensions within the party. Also, if faced with the decision between a man and a woman, parties will often choose the man, as he is seen as the most broadly accepted candidate.

Without quotas, women are likely to be under-represented in single-member district systems. However, quotas are difficult to introduce as parties will most often than not only present one candidate for election in the district.

### **Multi-member district systems**

Generally speaking, for the same reasons exposed above, multi-member district systems are more favourable for the election of women. They allow parties to put up a more balanced slate of candidates in each district as they are not forced to select one candidate only. However, there are some variables that influence how well a particular multi-member district system does in providing adequate gender representation.

### **Ballot structure – candidate centred vs. party centred**

Multi-member district systems come in many different shapes and sizes. One of the main determinants of how the multi-member district system affects the election of women is whether or not the system is party-centred or not. As a general rule, candidate-centred systems are more conducive to the election of women only if the electorate is more favourable towards women candidates than the parties are.

### **Large and small districts**

Large districts (districts electing many representatives to the legislature) are generally more conducive to the election of women than small districts for the same reason why multi-member districts are better than single member districts for women representation. Parties are able to put up a balanced slate of candidates without directly jeopardizing the traditional “male” slot or slots.<sup>12</sup>

Also, under some ballot structures, the voters are allowed to vote for as many or almost as many candidates as there are seats to be filled in the district<sup>13</sup>, and in large districts this means that they can include women in their selection even if a male candidate is their first preference.

### **Party magnitude**

Closely related to the district magnitude is the party magnitude, which refers to the number of candidates elected from one party in one electoral district. As a general rule, the higher the party magnitude, the better the chances that women be elected. This is so because the first

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<sup>12</sup> This will be useful under e.g. List PR systems and Party Block Vote systems.

<sup>13</sup> See for example Block Vote and Limited Vote

slots on the candidate lists or in the party hierarchy are often filled by men (party leaders and others). If a party obtains multiple seats in one district, the chances that women make their entry into Parliament are higher because the party has extra seats to fill with women candidates other than the male ones (i.e. go deeper into their lists, where the women are usually placed). Party magnitude will be larger if the electoral districts are large and if the number of parties that win the elections is relatively low. Party magnitude can thus be influenced by the design process but can only be calculated from the actual election results – i.e. it is impossible to say before an election exactly how large the party magnitude is or will be<sup>14</sup>.

The number of elected parties can be limited, for example, by a legal threshold of support needed to gain representation in the legislature (e.g. 5 per cent of the vote). Such a requirement excludes the smallest parties from the legislature. Small party magnitudes have little impact on the representation of women as women candidates have little chance to be elected unless they are among the absolute top candidates.

### **Open and closed lists**

Closed lists as they were defined in the electoral law for the CA elections in Nepal are incredibly uncommon. In a closed list, candidates are presented in a fixed order. As voters vote only for the party and not for the candidates per se, they have no influence on the candidates that will be elected. When parties are assigned their respective number of seats, they pick the candidates from their list in the present order.

When the order is closed it is clear from the start what the ratio will be between elected men and women, depending on the number of votes gained. It is also clear to the voters who the elected individuals will be, not only their gender (or cast, ethnicity etc). If parties present a balanced list of men and women (voluntarily or in accordance with the law), the representation of women is ensured.

Closed lists as they are currently used in Nepal are well adapted to the quota system (as parties can “do the math” after the election and ensure that all the requirements are met when filling the seats), but it can be troublesome for other reasons. They may be seen as conferring too much power to the parties as they have entire discretion to determine who is actually to occupy a seat in Parliament. They may also lead to a disproportionate allocation of power to the party leadership as candidates may feel the need to please their party leaders in order to be chosen after the election.

Open lists (where the voters can influence the order of the candidates completely or partially by voting for one or more candidates) are favourable to the election of women (without the existence of quotas) in so far as the electorate is itself more favourable towards women candidates than the parties are.

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<sup>14</sup> Unless the system is designed so that only one party can win in each district. See for example Party Block Vote.

### **The formula**

In many countries, it is important for political parties to offer a variety of candidate profiles (e.g. based on gender, ethnicity, geographical region, age) in order to attract a wide spectrum of voters. They are more likely to do so in a system where the threat of losing seats to a competing party is significant. This threat is greater if the type of electoral system:

- (a) favours the presence of many parties in the legislature, as parties are then likely to be closer to each other and voters can change parties more easily. This is likely to yield attempts by parties to appear 'fair' and gender balanced in order not to lose votes to any of the parties whose policies are close to their own. It should be noted, however, that a very high number of parties in the legislature can work against the representation of women as party magnitude goes down (see Party magnitude); and/or
- (b) leads to a few 'wasted' votes. If, for example, a plurality is needed to gain a seat, no bonus is given for parties which have more votes than the mere plurality (i.e. surplus votes are 'wasted') and no representation is given to a party which has less votes than the winner (i.e. all votes for that party are 'wasted'). When votes are wasted, parties are likely to give priority to their 'core group' of voters and have little incentive to appeal to voters outside that group. On the contrary, in systems where all votes count towards gaining the next seat, parties are more inclined to appeal to all kinds of voters in a district.

### **A mix between single and multi-member districts**

The system currently in use in Nepal is a parallel system within the family of mixed systems (the other system is called a Mixed Member Proportional System) using both multi and single member districts. The effects on women are therefore likely to be different in the different districts.

## Quotas and inclusiveness

### Why quotas?

If society was gender conscious, there would be no need for quotas for women. In order to address the disparity in the participation and representation of men and women in politics and decision-making, quotas are a policy measure to overcome the historical disadvantages women face in getting access to the public sphere. Quotas for women entail that women must constitute a certain number or percentage of the members of public institutions and organs at all the levels of decision-making.

The need for women's numerical presence in public decision-making has received increasing attention over the past ten years. Quotas are sometimes necessary short-term strategy for women to get access to the male-dominated decision-making sphere. Women's presence in public decision-making is a decisive factor and a key indicator that contributes towards the achievement of Goal 3 of the United Nations Millennium Development Goals (MDGs), "to promote gender equality and empower women".

Though affirmative action or special measures such as quotas may remain a controversial issue, the outcome of quotas in Rwanda in Africa, serves as a good example of the impact of affirmative action measures for addressing the representation gap. The different experiences of the 23 countries that have registered at least 30 percent women's representation in legislative/parliamentary positions bear testimony to this assertion.

On their own, quotas for women is not sufficient and does not remove all the other barriers that women encounter in both the private and public spheres. Quotas have to be underpinned by sensitization campaigns that promote the participation as well as representation of women. The focus of such sensitization campaigns should include issues such as how quotas contribute to the increase in women's participation and representation in public sphere activities, stigmatization, glass ceilings preventing the number of women to be above the quota requirement and the diversity among women. The effectiveness of quotas can also be attributed to the type of electoral system used in each country and more importantly the intra-party democracy processes.

The present ideal for democracy is that it should be inclusive, participatory, representative, accountable and transparent. However, there are numerous arguments to justify the exclusion of segments in our societies, especially women, even though they constitute half of the world's population. As a system for their participation and representation, can a nation be described

as democratic if there is no equal participation and representation of women and can the decisions taken by men only give a proper shape to democracy?

The continued lack of gender equality in political leadership is in fact part of the broader gender inequality issues which hinder women's participation and representation. Therefore, the discourse on quotas for women has to be contextualised in the broader discussion of affirmative action measures for historically disadvantaged groups. This analysis has also to be informed by how gender is also intertwined with and affected by other identities and realities such as ethnicity, class, race, religion, disability, culture. Women are not a homogenous group and therefore, having quotas for women has a cross cutting effect to address issues of women's exclusion irrespective of these various identities.

### **Representation of women at different levels**

Quotas can be set at different levels such as 30, 40, 50 or limiting the dominance of one gender to a certain number such as not more than 60 percent. The presence of a "critical minority" of minimum of at least 30 percent is commonly considered necessary for women or any disadvantage group to have any impact in the positions of power and decision-making.

Quotas can also be applied at different stages of selection processes into elective positions of decision making such as legislative/parliamentary, executive, municipal/local government and political party levels. Quotas are best implemented through more binding formal regulation by specifications in the constitution or electoral legislation. Voluntary party quotas are implemented at the political party level in the internal party processes and systems.

### **Would it be possible to allocate seats for women and excluded groups?**

In many countries, the quota provision for women e.g. gender quotas or reserved seats for women are being discussed in the light of inclusion. Other traditionally excluded groups are similarly prioritised by affirmative actions allocating seats for them or their numbers in parliaments. However, it is important to remember that women are not a minority in the same sense as other groups are but it is at least half of the population of each of the traditionally excluded groups. It is therefore important to treat gender as a specific category when introducing quotas and generating gender specific/gender neutral legislation or rules to address women's particular representation.

Experience from Nepal shows that women were one of the winning groups in the Constituent Assembly (CA) election. This was mainly due to the quota provision applied in the CA election (see previous section on Nepal).

While in the Philippines the allocated seats for women are also shared with marginalised groups. This has led to a further marginalisation of women elected as the 'glass-ceiling' made by the 'quota provision' and the marginalised groups are prioritised due to political and cultural considerations.

## Different kinds of quotas.

### How do they work?

Type of quota	Description	Where is it entrenched? (Constitution, electoral law, internal party rules)	Expected results and possible benefits and challenges
Reserved seats: certain districts for women candidates only	Provisions requiring that only women candidates are allowed to stand for election in certain districts ensuring that those districts will only return women representatives. This means that certain voters will only be allowed to vote for women candidates and male candidates from these districts will be required to run in other districts.	Needs to be entrenched in law if it is to be seen as reserved seats, affecting all parties equally and actually leading to the expected outcome. If it is not stipulated in law, only the parties who choose to nominate women only in the district/ districts concerned will be guaranteed to elect the said number of women.	If it is entrenched in the law and adhered to by all political parties (and individual candidates), it will lead to the expected number of women representatives. It can however be rather controversial as men will effectively be prohibited from running in those districts, something which might be seen as a violation of the eligibility criteria in the country.
Reserved seats: a tier for women candidates only	An upper tier with only women candidates, added to the other element of the electoral system. This means that the voters vote for the candidates of their district as well as for the women candidates in the women only tier.	Needs to be entrenched in law if it is to be followed.	If it is entrenched in the law and adhered to by all political parties (and individual candidates), it will lead to the increase in the expected number of women representatives.

<p>Reserved seats: best loser system</p>	<p>Provisions under which previously unsuccessful candidates with the most votes in a certain group (e.g. among women) will be elected to the legislature even if they have fewer votes than other candidates do, until the previously set quota is reached. E.g. among the women candidates, those who received the most votes up to the number set by the quota are elected even though male candidates may have won more votes.</p>	<p>Needs to be entrenched in law as it changes the results of the election after election day; something that is not possible to decide unilaterally from the political parties themselves without the legal provisions.</p>	<p>If it is entrenched in the law and adhered to by all political parties (and individual candidates), it will lead to the increase in the expected number of women representatives.</p>
<p>Nomination: percentage regulations without placement mandate/ rank-order rules</p>	<p>Provisions requiring that a certain percentage of candidates of the party list are women; however it is not regulated as to where the women are placed on the list.</p>	<p>Either.</p>	<p>Is likely to be less controversial than reserved seats as it does not prohibit men from running in certain districts or change the results of the election after the election day. Its effectiveness will be very much affected by the choice of electoral system. Party centred systems in large districts are likely to be the best choice. If many individual candidates run and are successful, the results will be smaller than if parties only run.</p>
<p>Nomination: percentage regulations with placement mandate/ rank-order rules (top ranking, zipper quotas)</p>	<p>Provisions requiring that a certain percentage of women are placed in certain positions on the party list, for example every other place goes to a woman, called “zipper quotas” or other rank-order rules as for example in every group of five on the list, two must be of the other gender.</p>	<p>Either.</p>	<p>Is likely to be less controversial than reserved seats as it does not prohibit men from running in certain districts or change the results of the election after the election day. Is likely to be more effective than not having rules about rank order, but will be effected very much by the choice of the electoral system. If many individual candidates run and are successful, the results will be smaller than if parties only run.</p>



Reserved seats: apointment/ indirect election	Direct appointment or indirect election of women.	Needs to be entrenched in the law. Needs to specify how and by whom the women will be appointed or indirectly elected.	Will lead to the increase in the expected number of women representatives. Risks creating two classes of representatives, as well as raise issues concerning whom the appointed women represent if they are not elected.
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## Different quotas under different electoral systems: the results

The table that accompanies this publication offers an overview of the various systems and combinations with specific quotas (including reserved seats), by illustrating which outcomes can be expected when a certain quota is applied under a certain electoral system. The likely relative successes of the respective combinations are illustrated by a colour code.

- Green: the combination of electoral system and a quota is possible and favourable for the representation of women.
- Yellow: the combination of electoral system and a quota can be possible and favourable for the representation of women if the electoral system/quota combination fulfils specific criteria.
- Red: the combination of electoral system and a quota is either not possible or not favourable for increasing representation of women.

This overview focuses on the mechanisms of the interaction between electoral systems and quotas rather than empirical facts about how these combinations work in practice. It is therefore not possible to deduce any statistics to illustrate successful use of other quantitative data from this ground.

The table below illustrates a variety of possible combinations of specific electoral systems with quotas that will produce an increased number of women in politics. These combinations and the conditions under which they will favour the election of women can be summarised as follows.<sup>15</sup>

### Best fit combinations

*Systems with a secondary tier + reserved seats – a tier for women candidates only*

All systems can turn an existing tier into a women-only tier or alternatively add a tier for women candidates only. This is guaranteed to elect as many women as the quota makes provisions for. Example of this combination: Pakistan.

<sup>15</sup> The country examples given are based on information available by December 2006.

*List PR with small districts + nominations – percentage regulations with placement mandate/rank-order rules (e.g. Zipper quotas)*

This combination is guaranteed to work when lists are closed. If lists are open, the order can change, thus undermining the predetermined ranking. It is likely to be slightly less effective in List PR systems with small districts than in List PR systems with large districts as party magnitude is likely to be smaller and more men (who are usually top ranked) are likely to be elected even under Zipper quotas. This can be dealt with within parties by alternating also the number-one positions on lists, placing women first on some lists and men first on others. Examples of this combination: Dominican Republic and Ecuador.

*List PR with large districts + nominations – percentage regulations without placement mandate/rank-order rules*

This combination increases significantly the likelihood of women being elected, especially with large party magnitudes, as even women who are placed quite low on the lists are elected. Example of this combination: Macedonia.

*List PR with large districts + nominations – percentage regulations with placement mandate/rank-order rules (e.g. Zipper quotas)*

This combination is guaranteed to work when lists are closed. If lists are open, the order can change, thus undermining the predetermined ranking. It is likely to be slightly less effective in List PR systems with small districts than in List PR systems with large districts as party magnitude is likely to be smaller and more men (who are usually top ranked) are likely to be elected even under Zipper quotas. Examples of this combination: Argentina, Belgium, Cost Rica and Iraq.

*Block Vote (+Limited Vote and Single Non Transferable Vote) + reserved seats – best loser system*

This is possible and it will work unless there are not enough women candidates. It gives parties incentives to field women candidates in order not to lose any seats to competing parties. Examples of this combination: Jordan.

*Party Block Vote + nominations – percentage regulations without placement mandate/rank-order rules*

This combination is guaranteed to work since the whole list is elected if it receives the highest number of votes. Independent candidates who could reduce the effects of the quota are not likely to stand to any great extent as their chances of winning are minimal. Examples of this combination: Cameroon (voluntary party quotas adopted by the two largest parties) and Djibouti.

*Party Block Vote + nominations – percentage regulations with placement mandate/rank-order rules (e.g. Zipper quotas)*

This combination is guaranteed to work just as well as without placement mandate/rank-order rules as the whole list is elected if it receives the highest number of voters.

*Single Transferable Vote + reserved seats – best loser system*

This combination is possible by the same logic as Block Vote, Limited Vote and Single Non Transferable Vote. When all but the reserved seats have been filled in each districts, if no women have been elected, the highest-polling women are elected.

*Mixed Member Proportional + reserved seats – a tier for women candidates only*

This combination is guaranteed to elect as many women as the quota makes provisions for.

*Borda Count + reserved seats – best loser system*

This combination is possible by the same logic as Block Vote, Limited Vote, Single Non Transferable Vote and Single Transferable Vote, but only in multi-member districts.

**Medium-fit combinations that can work favourably but will need special attention**

Besides those ‘best-fit’ combinations, a number of other combinations can work to a certain degree when specific variables are borne in mind. Some of those are described below. Those cases need more detailed attention by the institutional designer who aims to achieve a higher number of women in the legislature if the goal of increasing women’s political participation is not to be jeopardized, as a quota arrangement can be neutralized by a technicality of the electoral system.

One such example is the use of List PR with large districts without applying any quotas. List PR systems give incentives for women to be elected thorough a variety of different ways. Women can be nominated together with men so that incumbent men are not challenged specifically. Most voters go towards giving the party another seat, which means that it is important for the party to campaign outside its own group of defined voters. Parties are many and are close to each other in policy terms and thus those that are not perceived as being ‘fair’ to women risk losing voters. The larger the districts and party magnitudes, the higher the likelihood of women being elected. However, the mere use of List PR systems without any quota provision does not guarantee a high representation of women.

Another example would be the use of any system (except List PR systems with one nationwide district only) with reserved seats – certain districts for women candidates only. This combination does work in theory, but in order to be effective it requires that in certain geographic areas only women are allowed to stand for elections. It may be difficult to determine which electoral district this should apply to, and voters and candidates alike may feel that their choices and/or political liberties are being infringed upon. These districts can be made to rotate from one election to another, so that the same districts are not women-only all the time. This, however creates an effective term

limit for men – even if there is none explicitly in the electoral legislation – as incumbent men are not allowed to stand again in their district when it is turned into a women-only district. Even if male candidates are then allowed to stand in another district, it may be close to impossible for them in practice to be successful when standing in a district to which they have no links.

Other examples of this are the use of a Parallel or Mixed Member Proportional (MMP) system together with nominations – percentage regulations without placement mandate/rank-order rules or percentage regulations with rank-order rules (e.g. Zipper quotas). These quotas work only for the List PR part of the system (if – as in most of the cases – the district element in FPTP). The effectiveness of quotas will be affected by lists being open or closed and by the party magnitude. Again, as a rule, the larger the party magnitude, the more favourable for women candidates. An example is Armenia (though with only 5 per cent reserved seats).

### **Impossible or non-favourable combinations**

This publication identifies 16 combinations of electoral systems with quota types which are either not possible or not likely to be favourable to achieving a higher level of political representation for women. Countries in this category which aim to increase women's political participation can support the election of women either by reviewing the electoral system in use or by reviewing or introducing quotas that will change the system in use or by reviewing or introducing quotas that will change the status from a 'non-favourable combination' to one of the other categories. This can be controversial since – in addition to raising the representation of women – it can significantly change the outcome of elections and have other, wider political implications. Potential changes to an electoral system therefore have to be well thought out. The political will for change and a readiness on the part of the legislature and the election authorities must exist. In addition, the change must have the endorsement of the relevant national stakeholders.

### **Summary of the table**

No electoral system will translate voters into seats in a neutral way. Regardless of which electoral system is chosen, it will have a number of different political implications – including for the level of representation of women. Used 'as is' without quotas, List PR systems with larger districts are the systems that tend to provide the most favourable conditions for the election of women, while many of the single-member district systems will provide obstacles for women candidates.

Some of the reasons for the advantage of the List PR system in this sense are (a) that it always uses multi-member districts, and (b) that the party magnitudes resulting from elections under List PR systems are usually large. However, List PR is not the only system likely to provide a

good basis for the effective implementation of quotas. Other systems with large districts and party-centred voting, such as Party Block Vote, could be just as effective in promoting the election of women.

The electoral system that make the implementation of quotas more difficult are those that use small electoral districts with candidate-centred voting and decentralized nomination procedures and those which result in low party magnitudes, for example, First-Past-The-Post, Two-Round System and Alternative Vote. Even proportional system such as Single Transferable Vote can be difficult to combine with certain quotas as they too are candidate-centred.

When applying quotas in the nomination process (either as a set percentage or as a number, or with rank-order rules), as the quota will not be applicable to independent candidates, the existence of many independent candidates will make these quotas less effective in practice. The existence of only a small number of independent candidates and the application of rank-order rules (such as Zipper quotas) will make it likely for as many women to be elected as the quota determines. Many candidate-centred systems, however, do not allow predetermined ranking, as it is the voters who determine the ranking of candidates on election day.

The best loser system will guarantee that women are elected (if there are enough candidates and if more than one person is elected in each district) but it may be controversial, as some candidates with fewer votes may overtake others with more votes. In candidate-centred systems – in theory – the best loser system may even shift seats for women from one party to another, which could also be controversial, as it will affect the composition of legislature. The use of this quota could be more challenging than other types, as the preference given to candidate on the basis of gender is more obvious than it is when quotas are used in the nomination process.

All in all – even though the quotas likely to be more effective are the ones which target the results rather than those which target the nomination process – nomination-focused quotas can still be used if result-based ones are too controversial in a particular country. The choice is then between effective and controversial quotas on the one hand and less effective and also less controversial quotas on the other.

Last but not least, it is interesting to note that there is no ‘impossible’ electoral system: it is possible to design a quota solution even under systems that are usually thought of as being unfavourable towards women.

## Directly elected vs. indirectly elected? Reserved seats vs. quotas?

### A discussion about terminology and the experience of quotas in Nepal

Since the Interim Constitution 2007 was in place the discussion regarding electoral system and quotas has intensified in Nepal including a broad public demand for inclusiveness and equal representation. The definition of systems and terminology has varied depending on who has presented the view of ‘best suitable’ systems for the Nepali context. Many views have been presented and parties all carry different suggestions with the common aim of providing a system that suits the local context.

In the next section we are therefore displaying one of the Nepali scholars’ views on the system and quota. It displays one view of how the previous system has worked in terms of inclusion and representation, what is desirable for the future and what is needed in terms of a quota providing opportunities for traditionally marginalised groups to participate actively in politics.

#### **Interview with Dr. Krishna Hachhethu\*, Center for Nepal and Asian Studies, Tribhuvan University**

*\* **Krishna Hachhethu** is Professor of Political Science in Tribhuvan University, Nepal. His area of interest is Politics and Governance of Small States and Nepal. Currently he has been working on researches on Democracy, Pluralism; Constituent Assembly and Constitution Making. He has to his credit authored many books like *State Building in Nepal: Creating a Functional State*; *Nepal in Transition: A Study on the State of Democracy*; *State of Democracy in Nepal: Survey Report*; *Democracy in South Asia: Microprocesses of Democratisation in Nepal and its Neighbours*; *State of Democracy in South Asia*; *Women and Governance: Re-imagining the State from Gender Perspective (Nepal Chapter)*; *Leadership in Nepal*, etc. among others. Prof. Hachhethu is among respected intellectuals of Nepal, and regularly contributes to leading newspapers in the form of articles and analysis on contemporary issues.*

#### ***What is your assessment of the quota system and the result it created in the CA election?***

Nepal has used the First Past the Post (FPTP) System from the beginning of the democracy since 1959. The FPTP system in Nepal is seen as the system that accommodates what Nepalese like to think of as “direct elected” candidates. The FPTP system was continued

in the general elections in 1991, 1994 and 1999. At that time women were not considered as the element of the party politics hence they had a very low participation as candidates. In a multiparty system, a focus remains on winning in the election hence the selection of candidacy becomes an important domain. In the 90's elections almost all the political parties followed the constitutional provision to have five percent reserved seats for candidacy for women. Despite the fact the major political parties (NC, CPN-UML and RPP) had just fulfilled that provision, the women candidates were very few and those who were elected were 10-12 in numbers in all the three general elections.

The CA election in Nepal was a departure from the system based on monarchy and a beginning of the third phase of democracy which aspired to address the people's issues constructed from post *Janandolaan-II*. The third phase of democracy adopted the principle of inclusion and representation through the Interim Constitution which introduced the quota system for traditionally underrepresented groups. When the state decided to promote inclusion and representation it introduced another system in addition to the FPTP. Hence, we adopted a parallel system of FPTP and Proportionate Representation (PR) with an aim of having inclusion of the social mosaic in proportion to their populations.

In the FPTP system there were very few women candidates even from the revolutionary party like UCPN-Maoist. The lower candidacy of women can be seen as a reflection of the conservative approach of the political parties for not considering women as the core element for the election. However, the low candidacy in the FPTP race was compensated by the PR system in which a quota of 50 percent women was applied. The PR system promoted gender equality in terms of numbers among the candidates and achieved the goal of 33 percent of women representation in the CA.

In my opinion, the merit and the quota system are contradictory. As the quota system is new to Nepal it requires a lot of compromises and the lack of proper planning for the CA election made the system somewhat confusing for both voters and parties. It will take time to make it effective and in my opinion it will take another three to four elections to introduce the system properly. The implementation of the quota system should consider various factors such as gender and the social compositions in terms of the size of the population.

***Does the system create a division between directly elected vs. so called indirectly elected? In what way does this influence the CA work?***

There is no legal division between the directly elected and the indirectly elected MPs but there exist some differences in regard to practicalities and their mind set. Those who are elected through FPTP see themselves as having made lots of efforts and investments in terms of skills, money and knowledge. Whereas the members elected through PR-list system were nominated by the political parties which might create discretion in their psychology being inferior to those who came from the FPTP system.



Irrespective to their entry to the CA members personal abilities and capacities are the factors that determine their involvement in the CA work, both in plenary as well as in the committees established to provide substance/thematic specific recommendations to the new constitution. As the CA members entered the assembly there has been a tendency that the less educated are being deprived of opportunities to receive training and participate in public events.

In addition, as the elected have the double responsibility as a CA member of the assembly and as an MP in the house; those members elected through the FPTP seem to have a higher sense of accountability towards their constituencies. While the members elected through the PR system do not represent any specific constituency hence the sense of accountability to people is much lower.

***What has been the discussion in Nepal regarding the quota provision? Does Nepal and Nepalese find a difference between quota provisions and reserved seats?***

Despite of being a very important issue the quota has always been over shadowed by other areas of interest. These days, the major discussions are on federalism, system of government and institutional design. However, in the discussion of what electoral system we are to adopt in our new constitution the issue of quota is an integral part and inclusion as being one of the main topics on people's agenda can be addressed through notion of representation.

The electoral system discussion is still in a very initial stage in Nepal but among the political parties' options of applying a more effective and inclusive system has been initiated. One alternative that has been discussed is the Multi-Member Constituency (MMC) System which I see will balance merit and inclusion. But even the electoral experts are not aware of such system. The type of electoral system will depend on a number of things such as system of governments, levels of federation and the over-all architecture of the state.

For a common Nepali, the quota provisions and reserved seats both are interchangeable.<sup>16</sup> Nepal has never experienced quota system or reservation in the past. In this regard, one should seek experts' opinion for understanding more about it. There is a difference because a reservation means giving privilege in education, employment and public services whereas a quota provision is close to electoral system. However, in Nepal people do not see much difference between them and both are understood in a similar manner.

<sup>16</sup> In this paper, "quota" is the overarching term, while "reserved seats" is used only for those quotas that are aimed only at the results, rather than the nomination phase.

## Discussion questions

### ***Is it important that there be 30% or more women in the legislature?***

*Yes*

In addition to many other efforts that can be made to support women as citizens, voters, candidates and representatives in order to increase the likelihood of women being able to be elected and to fruitfully act as representatives in the legislature in Nepal, it is vital that the electoral system and quota are designed in a way that removes hurdles for women's representation. The ways in which this can be done are described above, and an overview of the different combinations of electoral systems and quotas is available in the matrix attached. Please note that some 30% quotas do not mean 30% women in the legislature, but 30% women candidates, or women candidates in 30% of the constituencies. Another way of approaching the gender issue with the aim and objective to reach gender balance is to include a minimum requirement of both sexes of 30 (or so) per cent to avoid creation of a glass ceiling for women's representation.

*No*

In 1995 the Beijing Process was initiated, striving for 30 per cent women's representation in national legislatures, 30 per cent being seen as a 'critical mass' needed for women to be able to make a meaningful contribution in an otherwise male domain. However, if equal representation is not seen as an important goal on a national level, it is very unlikely that this target will be met.

### ***Do all members of the legislature need to be elected in the exact same way (to avoid creating different groups of members/representatives)?***

*Yes*

If different groups of representatives is perceived as problematic and something that needs to be avoided, then one electoral system (not mixed (parallel or MMP) and not hybrid (one electoral system in some parts of the country and another in other parts of the country) needs to be chosen for the election of all members. Only quota provisions in the nomination phase are possible as the elected representatives will then be elected on the same grounds.

*No*

Opens up for a variety of electoral systems and quotas and other criteria can instead be used to guide the design of the electoral rules.

***Do women have the same possibilities (resources) to campaign as men?***

*Yes*

Any electoral system can be chosen. Any quota system (matching that electoral system) can be chosen.

*No*

Candidate centred systems are difficult as they require candidates to campaign individually to a larger extent than party based electoral systems which might create a disadvantage for women as they in a larger extent lack the networks to fund raise in the same extent as men who has a long tradition of participating in political campaigns etc. One possible solution might be to create mechanisms to provide financial support to women candidates by creating 'pockets' of funds raised by a joint group supporting female candidates. An example that is often referred to is Emily's list, as was created for the Democratic candidates in the US in 1985. (See box below). Similar groups have formed along the same lines as EMILY's List, with some slight variations. The Wish List is a smaller group that supports pro-choice United States Republican Party women (WISH is an acronym for "Women in the Senate and the House"). In 1994, Joan Kirner created a similar organization in Australia by the name EMILY's List Australia.<sup>17</sup>

***EMILY's List - "Early Money Is Like Yeast"***

*"In 1985, 25 women, rolodexes in hand, gathered in Ellen Malcolm's basement to send letters to their friends about a network they were forming to raise money for pro-choice Democratic women candidates. These "founding mothers" pioneered a new concept in fundraising: a donor network that would provide its members with information about candidates and encourage them to write checks directly to the candidates they choose.*

*At that time, no Democratic woman had been elected to the U.S. Senate in her own right, no woman had been elected governor of a large state, and the number of Democratic women in the U.S. House of Representatives had declined. Frustrated by the barriers that prevented women from making it to the top political offices, these women founded EMILY's List to elect more women to the House and Senate, and as governors.*

*Since that day, EMILY's List has grown to more than 100,000 members, raised millions of dollars, and helped elect record numbers of women to office. An acronym for "Early Money Is Like Yeast" (it makes the dough rise...), EMILY's List has become the nation's biggest political action committee. Here is a sketch of 23 years of progress."*

*[http://emilyslist.org/about/where\\_we\\_come\\_from/](http://emilyslist.org/about/where_we_come_from/)*

<sup>17</sup> [http://en.wikipedia.org/wiki/EMILY's\\_List](http://en.wikipedia.org/wiki/EMILY's_List)

***Are parties generally trusted?***

*Yes*

In addition to candidate centred systems, party centred systems can be chosen, and closed list PR systems are possible.

*No*

Candidate centred systems may be a better option than party centred ones. If a List PR system is to be used, open lists (but candidates presented beforehand) where the order of the candidates is determined by the voters might be preferable to closed lists. This increases the pressure on the choice of quotas as candidate centred systems are generally less successful in producing a balanced representation of men and women in the legislature. Also, applying quotas in the nomination process (a common choice in candidate centred systems) is generally less effective than results based quotas, so the quotas may need to be higher and/or better sanctioned to lead to the desired outcome.

***Is there a high literacy level among voters?***

*Yes*

Any electoral system and quota can be chosen and criteria other than simplicity can be used in the design process.

*No*

Illiteracy among voters makes the choice of ballot structure and the design of ballot papers even more important than in countries where literacy levels are high. Party centred systems with well-known party logos that can be put on the ballot papers, and systems which make voting simple (a tick rather than preferential ranking, one ballot paper instead of two etc.) can be a better choice than systems which require lists of names and/or complicated marking by the voters. List PR systems with closed lists could, for example, be one option. This is also generally a system that is conducive to the election of women.

***Are parties generally more positive towards women's representation than voters?***

*Yes*

Candidate centred systems and List PR systems with open lists can be difficult as any preset order of candidates is likely to change. Closed lists or reserved seats can be the only way of ensuring that the desired number of women is elected.

*No*

Open lists or other candidate centred systems can open up for voters' influence on the representation of women in a positive way.

***Are all parties equally likely to promote and support women candidates?***

*Yes*

Voluntary party quotas are possible.

*No*

Legal quotas coupled with sanctions might be needed to ensure that all parties promote and support women candidates.

***Is/will the electoral management body be strong enough to enforce quota sanctions?***

*Yes*

Sanctions for non-compliance with legal quotas can be introduced and enforced by the electoral management body.

*No*

If it is needed and if it is possible, the powers of electoral commission could be amended in the constitution or the electoral law. If the formal power is there, the electoral commission might need support and training for enforcing the quotas. Another option is to empower a different body to enforce sanctions. Yet another one – albeit not very likely to be effective when it comes to women’s representation – is not to have sanctions at all and/or only voluntary party quotas – as legal requirements that are not enforced are likely to undermine the credibility of the laws and the bodies implementing them.

***Do quotas need to be entrenched in the constitution?***

*Yes*

Any type of quota can be chosen.

*No*

Any type of quota can be chosen, but please keep in mind that some quotas need to be regulated in law (constitutions or other types of legislation). This is true for any “reserved seats” quotas – aimed at who is elected, rather than who is nominated, simply because political parties will not be able to unilaterally change who is elected after the election, which only affect quotas on a nomination stage.

***Should gender quotas be seen only as a temporary measure (or are they likely to be needed in the future as well)?***

*Yes*

Voluntary party quotas are possible. If voluntary party quotas are chosen, the political parties can remove them whenever they feel that they are not needed anymore. If legal quotas are chosen, a termination clause in the law can be considered. Is a review of the legal quotas already planned? If so, or if the introduction of gender quotas is seen as a temporary measure in general,

the choice of electoral system is even more important, to ensure sustainable representation levels of women, even after the removal/termination of the quota.

*No*

Constitutional entrenchment could be considered in order to protect the quotas.

***Are independent candidates frequent/wanted/expected?***

*Yes*

An electoral system that allows for independent candidates needs to be chosen. Some quotas are impossible to apply to independent candidates. These are the ones that are applied in the nomination process (either as a set percentage or as a number, or with rank-order rules) simply because an independent candidate is either a woman or a man.

*No*

Party centred systems and all types of quotas can be chosen.

***Do voters in general trust the electoral management body and the “politicians”?***

*Yes*

If the Electoral Management Body (EMB) and the politicians are trusted, the electoral system tends to be better trusted as well. However, simplicity, clarity, transparency and information are principles to be adhered to even if there is high level of trust.

*No*

Keep the electoral system as simple as possible, keep the same system on all levels. Inform voters about the system, and the introduction of any gender quotas well in advance.

***Is women’s representation more important in a national legislative assembly than in for example lower level assemblies or individual posts (such as mayor, president)?***

*No*

Ensure that the electoral system and quota chosen will promote the election of women on all levels. Make sure that the differences between introducing quotas in multi-member districts and single-member districts are acknowledged and taken into consideration (keeping in mind that the election of representatives to individual posts is always seen as a single-member district election).

*Yes*

Quotas could be introduced on national level only. However, consider the possible difficulties in recruiting women for legislative elections if there are no or few women on lower levels. Also, consider the possible advantages of having the same or similar rules for election of representatives to all levels, especially if voter information and voter education together with trust in the process and/or institutions is a plausible problem.

## Glossary

**Alternative Vote (AV):** A candidate-centred, preferential plurality/majority system used in single-member districts in which voters use numbers to mark their preference on the ballot paper. A candidate who receives an absolute majority (50 per cent plus 1) of valid first-preference votes is declared elected. If no candidates achieve an absolute majority of first preference, the least successful candidates are eliminated and their votes reallocated until one candidate has an absolute majority of valid votes remaining.

**Ballot structure:** The way in which electoral choices are presented on the ballot paper; in particular, whether the ballot is candidate-centred or party-centred.

**Best loser system:** Provisions under which previously unsuccessful candidates with the most votes in certain groups (e.g. among women) will be elected to the legislature even if they have fewer votes than other candidates do, until the previously set quota is reached. E.g. among the women candidates, those who received the most votes up to the number set by the quota are elected even though male candidates may have won more votes.

**Block vote (BV):** A plurality/majority system used in multi-member districts. Elections have as many votes as there are candidates to be elected. The candidates securing the highest vote-total win the seats. Usually voters vote for candidates rather than parties and in most systems may use as many or as few of their votes as they wish.

**Borda Count (BC):** A candidate-centred preferential system used in either single- or multi-member districts in which voters use numbers to make their preferences in the ballot paper and each preference marked is then assigned a value, using equal steps. These are summed and the candidate(s) with the highest total(s) is/are declared elected.

**District magnitude:** For an electoral district, the number of representatives to be elected from it.

**Electoral district:** One of the geographic areas into which a country, local authority or supranational institution may be divided for electoral purposes. An electoral district may elect one or more representatives to an elected body.

**Electoral formula:** The rules for determining a winner/winners in an electoral system.

**Electoral Management Body (EMB):** The organization tasked under the electoral law with responsibility for the conduct of elections. In most countries the EMB consists either of an independent commission appointed for the purpose of a specified government department.

**Electoral quotas:** The number of voters that guarantees that a party or candidate will win one seat in a particular electoral district in a PR system. There are three variants in common use: the Haer, Droop (or Hagenbach-Bischoff) and Imperial quotas.

**Electoral system:** That part of the electoral law and regulations which determines how parties and candidates are elected to a body as representatives. Its three most significant components are the electoral formula, the ballot structure and the district magnitude.

**First Past The Post (FPTP):** The simplest form of plurality/majority electoral system. The winning candidate is the one who gains more votes than any other candidate, even if this is not an absolute majority of valid votes. The system uses single-member districts and the voters vote for candidates rather than political parties.

**Limited Vote (LV):** A candidate-centred electoral system used in multi-member districts in which electors have more than one vote, but fewer votes than there are candidates to be elected. The candidate with the highest vote-totals wins the seats.

**List Proportional Representation (List PR):** Proportional representation requires the use of electoral districts with more than one member. Under a List PR system, each party or grouping presents a list of candidates for a multi-member electoral district, the voters vote for a party, and parties receive seats in proportion to their overall share of the vote. In some (close list) systems, the winning candidates are taken from the parties' lists in the order of their position on the lists. If lists are 'open' or 'free', voters can influence the candidates' order by making individual preferences.

**Mixed Member Proportional (MMP):** A mixed system in which the choices expressed by the voters are used to elect representatives through two different systems – most often a plurality/majority system (usually a single-member district) and a List PR system. The PR seats are awarded to compensate for any disproportionality in the results from the plurality/majority system.

**Parallel System:** A mixed system in which the choice expressed by the voters are used to elect representatives through two different systems – one List PR system and (usually) one plurality/majority system – but where no account is taken of the seats allocated under the plurality/majority system in calculating the results on the List PR system.

**Party Block Vote (PBV):** A plurality/majority system using multi-member districts in which voters cast a single-centred vote for a party of choice and do not choose between the candidates. The party securing the most votes will win every seat in the electoral district.



**Party magnitude:** For an electoral district, the average number of representatives elected by each party and grouping. For a country, the average of the party magnitudes for all electoral districts.

**Proportional Representation (PR):** An electoral system family, based on the principle of the conscious translation of the overall share of the vote obtained by a party or grouping into a corresponding share of the seats in an elected body. For example, a party that wins 30 per cent of the vote will receive approximately 30 per cent of the seats. All PR systems required the use of multi-member districts. There are two main types of PR system, List PR and the Single Transferable Vote (STV).

**Quota:** A number of seats in an elected body or a proportion of candidates nominated by a party or grouping which are required to be filled by representatives of a particular kind (in this publication, women); used to ensure the nomination and election of a minimum of women.

**Single Non-Transferable Vote (SNTV):** A preferential system in which the voter ranks the candidates in a multi-member district and the candidates that surpass a specific electoral quota of first-preference votes are immediately elected. In successive counts, votes are redistributed from successful candidates, until sufficient candidates are declared elected. Voters normally vote for candidates rather than political parties, although a party-list option is possible.

**Single Transferable Vote (STV):** A preferential system in which the voter ranks the candidates in a multi-member district and the candidates that surpass a specified electoral quota of first-preference votes are immediately elected. In successive counts, votes are redistributed from the least successful candidates, who are eliminated, and votes surplus to the electoral quota are redistributed from successful candidates, until sufficient candidates are declared elected. Voters normally vote for candidates rather than political parties although a party-list option is possible.

**Two-Round System (TRS):** A plurality/majority system in which a second election is held if no candidate or party achieves a given level of votes, most commonly an absolute majority (50 per cent plus 1, in the first election round. A Two-Round System may take a plurality/majority form – more than two candidates contest the second round and the one who then wins the highest number of votes is elected, regardless of whether he has won an absolute majority – or a majority run-off form – only the top candidates in the first round contest the second round.

**Threshold:** The minimum level of support which a party needs to gain representation in the legislature. A threshold may be formal – a figure laid down in the constitution or the law, usually in the form of a percentage of the valid votes cast – or effective or ‘natural’ – a mathematic property of the electoral system in use.

**Tier:** The levels at which candidates are elected. It can be local, regional or national. All electoral systems thus have at least one tier, but many have two and sometimes even three.

**Zipper:** Quota requiring every other candidate on a party list to be a man and every other candidate to be a woman. Also known as a Zebra System.

# About International IDEA

## *What is International IDEA?*

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide.

International IDEA's mission is to support sustainable democratic change through providing comparative knowledge, assisting in democratic reform, and influencing policies and politics.

## *What does International IDEA do?*

In the field of elections, constitution building, political parties, gender in democracy and women's political empowerment, democracy self-assessments, and democracy and development, we undertake our work through three activity areas:

- providing comparative knowledge and experience derived from practical experience on democracy building processes from diverse contexts around the world;
- assisting political actors in reforming democratic institutions and processes, and engaging in political processes when invited to do so; and
- influencing democracy building policies through the provision of our comparative knowledge resources and assistance to political actors.

## *Where does International IDEA work?*

- International IDEA works worldwide. Based in Stockholm, Sweden, it has offices in Africa, Asia and Latin America.

## *Nepal Programme*

Our work in Nepal dates back to 2004, initially anchored in the field of citizen assessment of democracy. Following the People's Movement for democracy in 2006 and the Comprehensive Peace Agreement, our programme supports the national actors in the process of constitution building by providing knowledge resources and orientations, and by supporting political dialogues and public participation to the constitution building process.



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