

**Why Do Authoritarian Regimes Adopt Quotas:  
Lessons from African Cases**

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**ABSTRACT**

Since the mid-1970s, but especially since the mid-1990s, international and internal domestic pressures have mounted to improve women's political representation. This study asks why non-democratic countries in Africa have adopted quotas to promote women's representation in legislatures when they are not especially interested in promoting other civil, political and human rights? It explains the adoption of quotas primarily in terms of changing international norms, donor and domestic women's movement pressures, conflicts with Islamists in some countries, as well as postconflict impacts. Regime type does not impact level of representation in Africa, however, it does impact what women can do once in parliament. This paper briefly explores what difference women parliamentarians have made in non-democratic countries like Rwanda and Sudan and Tunisia under Ben Ali and contrasts them with hybrid regimes like Uganda under Yoweri Museveni.

**Introduction**

Women's political representation, particularly in legislatures, has been one important arena for advancing women's status. Since the mid-1990s, international and internal domestic pressures have mounted to increase women's political representation through the use of legislative gender quotas, leading to increases in representation throughout the globe and to a situation where one finds non-democratic countries like Rwanda, with the highest rate of legislative representation of women in the world. This study asks why do non-democratic states adopt gender quotas and other female friendly policies when they are not especially interested in promoting other civil, political and human rights? It also situates the adoption of quotas alongside other measures to promote women's rights in order to gauge the depth of commitment to a women's rights agenda. The paper explores the multiple reasons states often pursue in adopting quotas, including internal pressures from women's movements, ideological commitments, attempts to garner international and internal legitimacy, efforts to portray

themselves as modernizers or distinguish themselves from Islamists and other conservative forces, strategies to extend patronage and capture women's votes and support, as well as the impact of post-conflict dynamics in some countries. While it would be easy to dismiss the adoption of quotas simply as a cynical effort to respond to international pressures, local dynamics often reveal complex internal pressures to respond to domestic constituencies.

The idea of states adopting female-friendly policies, sometimes known as "state feminism," was first developed primarily within the context of scholarship on Europe, North America and Australia. Such policies have been promoted globally by the United Nations, the European Union, the South African Development Community, and other such regional and international bodies since the mid-1970s, but most consistently since the 1995 United Nations Conference on Women held in Beijing. State feminist policies have not only been adopted by democracies, but increasingly by non-democracies as well throughout the world (Barrig 1999; Fischler 2001; Gilmartin 1995, Hatem 1994, Racioppi 1995).

In looking at some of the reasons for adopting female friendly policies in non-democratic contexts, we should be clear that woman-friendly policies in democratic contexts have not always been introduced with the primary objective of enhancing women's welfare and status. Many gender equality policies in Scandinavia, for example, had their origins in labor market policies and within the broader welfare state ethos of equality for all citizens. Initially, state policies encouraged women to enter the labor market; subsequently they addressed problems of unequal treatment on the job; and much later they encouraged men to do their share of care work in the home through paternity leave policies (Hernes 1987). Even though the policies were often introduced without taking women's interests as a starting point, they resulted in the improvement in the status of women on many fronts, making Scandinavian countries early leaders on key indices of gender development.

Nevertheless, there is the prevalent view in Scandinavia that “women may gain equal status *within* the confines of dominant egalitarian ideology and public policy, but the thrust of that tradition must not be threatened by “special” interests such as “women’s interests,” as Helga Hernes puts it (1987, 19). Thus, because equality has frequently been defined in economic terms and not women’s rights terms, this has meant, for example, that there has been greater reluctance to take up issues like domestic violence and other concerns that fall outside of the arena of the labor market (Gelb 1989). Although in key areas, Scandinavian women have made impressive strides in attaining equality, nevertheless equality has not always been defined on women’s terms even in a democratic context.

### **Socialist Quotas**

Historically some of the best examples of the uses of quotas under non-democratic regimes come from the experiences of the former Soviet Union and East Europe, which until the 1990s had the highest rates of representation of women in the world due to the reliance on quotas. The Soviet Union had reached the highest levels of female legislative representation in 1946, with women holding 17% of legislative seats. In 1967, East Germany became the first country in which women claimed 30% of the legislative seats, followed by the Soviet Union in 1970 (Paxton and Hughes 2007, 224). Calculations based on Inter-Parliamentary Union data show that average numbers of women in legislatures in Eastern Europe and Eurasia rose from 23 percent in 1960 to 31 percent in 1980, only to plummet to 9 percent in 1990 after socialist policies were abandoned.

**Table 1. Percentage of Seats Held by Women in Eurasian Legislatures, 1959-2001**

	Local Councils of Union Republics			Parliaments of Soviet Socialist Republics			Former Republics
	1959	1967	1985	1959	1967	1985	2001
<b>Turkmenistan</b>	34	35	36	37	41	50	26
<b>Estonia</b>	33	35	36	39	47	50	18
<b>Latvia</b>	31	33	35	37	46	50	17
<b>Tajikistan</b>	33	33	36	33	44	50	13
<b>Lithuania</b>	28	32	36	35	43	50	11
<b>Kazakhstan</b>	32	34	36	33	38	50	10
<b>Azerbaijan</b>	30	32	40	40	41	48	10
<b>Kyrgyzstan</b>	33	35	36	38	41	50	10
<b>Belarus</b>	37	36	37	37	43	50	10
<b>Moldova</b>	37	38	36	45	48	50	9
<b>Russia</b>	33	34	35	40	44	51	8
<b>Ukraine</b>	34	34	36	36	41	50	8
<b>Georgia</b>	30	31	36	44	43	51	7
<b>Uzbekistan</b>	29	31	36	34	44	49	7
<b>Armenia</b>	32	33	36	41	41	50	3
<b>Average</b>	32	34	36	38	43	50	11

Sources: Tsentral'noye Statisticheskoye Upravleniye USSR, Zhenschchiny i Deti SSSR: Statisticheskii Sbornik, Moskva: Finansy i Statistika, 1985. (Central Statistical Bureau of USSR, Women and Children in USSR: Statistical Handbook, Moscow, Finances & Statistics, 1959, 1967, 1985; Inter-Parliamentary Union <http://www.ipu.org/wmn-e/world.htm>)

Similar patterns are evident in looking at the percentages of seats held by women in the individual Soviet republics, which reached all time highs of 48 to 51 percent female representation in 1985 and then dropped as low as 3 percent in Moldova (Table 1).

It is clear that the egalitarian ethos of socialism provided a rationale for introducing quotas. Even though the rates of female representation were among the highest in the world in these countries, they were somewhat illusory in that they did not reflect the real nature and extent of women's political involvement. Women in the Soviet period were well represented in legislatures, yet they were almost completely excluded from the key policy making institutions like the All Union Central Committees and State Councils of Ministers (Lapidus 1978, 206; Moses

1977, 334). This was also the case at the local and regional levels, where political recruitment for central levels started (Moses 1977, 336). Moreover, those women in the past who filled the reserved seats got there because of their loyalty to the Communist Party above all. These women, in particular, were not about to challenge the status quo or adopt positions independent of the party. Thus women's impressively high levels of representation in the Soviet Union — as well as Eastern Europe — served primarily to legitimate the regime.

### **Contemporary Non-Democratic Contexts**

The widespread introduction of electoral quotas globally since the 1990s has meant that over 109 countries globally have adopted legislative gender quotas to improve women's political representation. Of the countries that have adopted quotas, half are democracies and the other half are authoritarian or hybrid states. Drude Dahlerup and Lenita Freidenvall term these quotas the "fast track" to women's political representation because, unlike the Nordic model of slow incremental increases in female representation, we are seeing rapid leaps from relatively low levels of representation to relatively high levels (Dahlerup and Freidenvall 2005). Rwanda, for example, jumped from 17 percent of parliamentary seats held by women in 1998 to 56 percent in 2008.

There are three general types of quotas found in legislatures around the world: 1) reserved seats (found in 20 countries), which from the outset determine the number of seats that are to be won by women in an election; 2) compulsory measures determined through national legislation or constitutional mandates requiring all parties to nominate a certain percentage of women as electoral candidates (found in 43 countries); and 3) measures adopted voluntarily by political parties aimed at influencing the number of women candidates (found in 50 countries).

The proportion of democracies in the world increased by 19 percent in the “third wave of democratization” between 1975 and 2005, based on analysis of Freedom House data. The qualitative literature on Latin America and East Europe has generally shown that democratization did not produce the gender equality outcomes that were hoped for (Waylen 2007, Jaquette and Wolchik 1998; Gal and Kligman 2000). However, the literature on Africa (Bauer and Britton 2006, Fallon 2003, Lindberg 2004) and Asia (Lee 2000; Clark and Lee 2000) showed more positive outcomes for women in this regard.

Quantitative crossnational research shows that democracy itself does not influence levels of women’s political representation (Paxton 1997; Tripp and Kang 2005), because there are a large number hybrid regimes (neither fully authoritarian nor fully democratic) and authoritarian regimes that have adopted quotas and increased female representation. However, it appears that democratization does influence increases in women’s political representation over time by creating the political space in which women can organize to press for increased representation (Paxton, Hughes, and Painter 2010). These findings were replicated for African cases (Tripp and Hughes 2010).

### **Quota Adoption in Africa**

Gender quotas have been adopted in Africa for some time, but they became especially popular after 1995, after the UN Fourth Conference on Women in Beijing, which adopted a Platform of Action that encouraged member states to promote the leadership of women in all spheres. In the decades leading up to 1995, only six countries in had adopted quotas (Egypt had adopted them briefly and abandoned them), and today more than half (27 out of 53) of all sub-Saharan African countries have adopted gender quotas. Those countries in Africa that have the highest rates of representation tend to have quotas: on average in countries with quotas women claim 23% of parliamentary seats, while in countries without quotas women claim on

average 15% of the seats.

In Africa there is little difference in regime type between those countries with the highest rates of representation. On average, women in democracies hold 18% of the seats, while in hybrid and authoritarian regimes they hold 19% and 20% of the seats respectively.<sup>1</sup>

Moreover, there is virtually no relationship between adoption of quotas and regime type in Africa. In Africa, half of the 8 democracies (50%) have adopted quotas and of the 45 non-democracies 23 have adopted quotas (51%) (Table 2). Of the hybrid regimes, which are neither fully authoritarian nor fully democratic, there is slightly less adoption of quotas than in democracies and authoritarian regimes.

**Table 2. Relationship between Regime Type and Adoption of Quotas in Africa and Globally**

	Africa			Globe		
	All Countries	Countries with quotas	Countries without quotas	All Countries	Countries with quotas	Countries without quotas
<b>Democracies</b>	15% (8)	50% (4)	50% (4)	46%	52%	46%
<b>Hybrid</b>	51% (27)	48% (13)	52% (14)	32%	45%	32%
<b>Authoritarian</b>	34% (18)	55% (10)	45% (8)	22%	33%	22%

Source: IDEA, <http://www.quotaproject.org/>; Freedom House <http://www.freedomhouse.org>. Freedom House categories are interpreted for the purposes of this paper in the following way: “Free” = Democratic, “Partly Free” = Hybrid; “Not Free” = Authoritarian.

There is, however, a relationship between regime type and type of quota adopted, with democracies proportionately being most likely to adopt party quotas, while authoritarian

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<sup>1</sup> *Hybrid regimes* are neither fully democratic nor authoritarian, but rather adopt elements of both regime types and vary in the extent to which they incorporate democratic or authoritarian practices. At the most basic level, *democratic regimes* ideally protect political and civil liberties. They hold regular elections, provide mechanisms to ensure accountability of the leaders, and attempt to guarantee political freedom of association and freedom of expression. *Authoritarian regimes*, in contrast, do not permit a changing of the guard through the ballot box. They may be run by military leaders and may even hold elections but under circumstances that cannot be considered free and fair. Others may be led by a one-party system or create a multiparty context where electoral victories are accomplished through repression of the opposition, suppression of the media, and questionable electoral practices.

regimes are most likely to adopt reserved seats (Table 3).

**Table 3. Relationship between Regime Type and Quota Type**

	Africa			Globe		
	Party quotas	Compulsory quotas	Reserved Seats	Party quotas	Compulsory quotas	Reserved seats
<b>Democracies</b>	100% (4)	0% (0)	0% (0)	56% (27)	42% (20)	2% (1)
<b>Hybrid</b>	8% (1)	50% (6)	45% (5)	19% (5)	55% (15)	26% (7)
<b>Authoritarian</b>	30% (3)	20% (2)	50% (5)	18% (3)	41% (7)	41% (7)

NOTE: There is overlap in types of quotas. Africa N=53. Globe N=92. Source: IDEA, <http://www.quotaproject.org/>; Freedom House <http://www.freedomhouse.org>. Freedom House categories are interpreted for the purposes of this paper in the following way: “Free” = Democratic, “Partly Free”= Hybrid; “Not Free” = Authoritarian

There is also no particular correlation between region within Africa and quota adoption, nor is there a correlation between the adoption of quotas and former colony when other factors are considered (Hughes and Tripp 2010).

In terms of outcomes, democratic regimes adopting quotas average 23% women in legislative seats, which contrasts with the 15% rate of democracies without quotas. The success of democratic regimes does not differ significantly from that of authoritarian regimes or hybrid regimes (Table 4).

**Table 4. Impact of Quotas and Regime Type on % of Female Held Legislative Seats**

	Africa		Global;y	
	Women parliamentarians in countries with quotas	Women parliamentarians in countries without quotas	Women parliamentarians in countries with quotas	Women parliamentarians in countries without quotas
<b>Democratic</b>	21%	14%	23%	15%
<b>Hybrid</b>	24%	15%	21%	10%
<b>Authoritarian</b>	24%	15%	22%	15%

Source: IDEA, <http://www.quotaproject.org/>; Freedom House <http://www.freedomhouse.org>; Inter-Parliamentary Union <http://www.ipu.org>



While there are strong similarities in terms of rates of quota adoption and in outcomes when contrasting democratic and non-democratic regimes, the question then becomes, do different regime types adopt quotas for the same reasons and to the same effect?

### **Ideological considerations**

Often a lot of explanatory power for the adoption of quotas is attributed to international influences, particularly the 1995 UN Conference on Women in Beijing, which adopted a Platform of Action committing member states to advance women's leadership in all spheres. However, in Africa, many countries had introduced quotas prior to the 1995 UN conference, and quotas were advanced by both women party leaders and by the state itself. Early on, many of countries that adopted quotas did so because of left-leaning ideological influences and/or an ethos of egalitarianism that evolved during wars of liberation. Most of these countries initially emerged as non-democratic regimes.

As early as 1975 in socialist Tanzania, 15 out of 218 parliamentary seats were reserved for women, raising the percentage of women in parliament to 8.3%. In 1982, Parti Socialiste in Senegal, which was part of the Socialist International, reserved 25% of all posts in the party for women. In 1994, 30% percent of the regional assembly seats were reserved for women in Eritrea. In Uganda in 1989, reserved seats were adopted for women, patterned along the same lines as had been the practice during the guerrilla war in which women held designated seats in the local resistance councils. In Mozambique, the left leaning Frente de Libertação de Moçambique (Frelimo) adopted party quotas in 1994 as did the South African African National Congress that same year. Women in the small island of Seychelles held 47% of the parliamentary seats in the early 1990s and today women once again hold 44% of the seats with a left-leaning party in power, no doubt due to the use of soft quotas.

The impact of left leaning parties declined with time and by the end of the Cold War, the independent influence of left parties on female representation disappeared altogether (Hughes and Tripp 2010). These left ideological influences were further flattened with the increased use of quotas among countries with all types of ideological influences.

### **Islamist and Modernizing Challenges**

In 1957 Egypt became the first Arab country to elect a woman into parliament under the first President Muhammad Naguib. Later, President Anwar Sadat sought to assert himself as a modernizer and promoted gender equality in the areas of education, employment, and political representation. Women had the right to work outside the home and were guaranteed equal salaries (Sika and Khodary 2010). Sadat also sought to expand women's rights within the person status law, particularly the right to divorce. He introduced provisions that gave first wives the right to refuse polygamy and stopped the practice of using police to force wives to return to the husband's home against their will. The law gave women alimony and allowed divorced wives the right to the family home if they had custody of children, which they could be granted automatically if the child was under the age of 10 for boys and 12 for girls. Custody could be extended by a court decision (Botman 1999; Keddie 2006). The parliament refused to pass the law and so Sadat overrode them and unilaterally enacted the law. The reforms were discredited and were thrown out by the Constitutional Court under Mubarak's presidency in 1985.

As part of these reforms, Sadat also increased the number of women in parliament in 1979: he adopted 30 reserved seats for women out of 360 seats (8%) in parliament and 20% of local council seats were allocated to women. Sadat is said to have been influenced by his wife, Jehan Sadat, in introducing the quotas. All the seats had belonged to president's party National Democratic Party and many elected women felt they were bound to toe the party line and

therefore did not press for demands affecting women. While feminists supported the substance of the gender reforms, they rejected the authoritarian manner in which these laws were enacted as did the Islamists. The quota law was eventually abolished in 1986 by the Constitutional Court, which found it unconstitutional. As a result, the percentage of women parliamentarians dropped to 2.2%.

Today, the situation in the North Africa has changed considerably and the adoption of quotas is commonplace in predominantly Muslim countries in Africa (Table 5). In my study with Alice Kang, we discovered that the introduction of quotas offers the most explanatory power for women’s representation today globally. We also discovered that Islam, which had been seen historically to correlate with low rates of female representation (Inglehart and Norris 2003), did *not* act as a constraint on women’s representation when quotas and region were factored into existing models. This is largely because many predominantly Muslim countries, especially outside of the Middle East, are adopting quotas. But even in the Middle East, we are beginning to see the increasing adoption of quotas and most of these countries are non-democratic and the subsequent increase in female representation.

**Table 5. Seats held by women parliamentarians in predominantly Muslim African countries**

Predominantly Muslim Country	Seats held by women (%) in lower house	Quota
Algeria	32	Party quotas and compulsory quotas
Eritrea	22	Reserved seats
Tanzania	31	Reserved seats
Tunisia	27	Party quotas
Senegal	43	Party quotas and compulsory parity
Sudan	27	Reserved seats
Mauritania	22	Compulsory quotas
Morocco	17	Reserved seats and party quotas
Libya	17	Compulsory quotas

Source: Inter-Parliamentary Union <http://www.ipu.org/wmn-e/world.htm>

The adoption of quotas also reflects other changes for women in politics. Though some Arab countries, like Egypt, had women ministers since the 1950s, the trend has accelerated in recent years, with virtually every Arab country now counting at least one woman in government. Even Kuwait, which gave women the right to vote as recently as 2005, has two women ministers. Arab women are even gaining access onto the international stage as Bahraini diplomat Haya Rashed al-Khalifa, a lawyer and women's rights advocate, was elected president of the 61<sup>st</sup> session of the UN General Assembly from 2006-2007. Even in Saudi Arabia, which has been the most reluctant to improve women's status, women have started to organize and demand greater rights. There are more women than men in universities in Algeria, Bahrain, Jordan, Lebanon, Libya, Kuwait, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates, and almost comparable rates elsewhere except for Yemen, Turkey and Iraq. This is bound to start putting pressures on the governments to speed up their reforms. The introduction of legislative quotas for women in the Middle East, thus, reflects some of these new trends regarding women's rights and promises to become increasingly important with time.

The introduction of legislative quotas for women has also served symbolic purposes in various authoritarian regimes. In some predominantly-Islamic countries, state feminism became a point of contention between the state and the Islamists. The introduction of female-friendly policies has been a way in which various states have sought to establish themselves as modernizers, often placing women's rights at the crucible of broader societal change.

### *The Case of Tunisia*

In Tunisia, efforts to promote women's emancipation in many ways has come to symbolize a major fault line between the secularists and Islamists. The previous President Zine El

Abidine Ben Ali during his 2004 election campaign for a fourth term called for "a larger presence for women in decision-making and responsibility positions."<sup>2</sup> Ben Ali sought the vote of half of Tunisia's population by putting women's rights at the center of his agenda. He earmarked 25 percent of his Democratic Constitutional Party seats to women in the 2004 elections. Earlier he had made sure that women would obtain the right to child custody in the event of the father's death. Ben Ali's campaign included attacks on veiling, promises that women would garner two thirds of their salaries if they worked part time, and promises that women would gain 30 percent representation in key decision-making bodies by the end of 2009.<sup>3</sup> Women today make up one quarter of the workforce in Tunisia and half of all university students.

With respect to women's rights, Ben Ali followed in the tradition of the man he ousted from power in 1987, Habib Bourguiba, the country's first president (1956-1987). As Bourguiba attempted to secularize and modernize Tunisia, women became wedged between the state and the Islamists, both of which fought to win women's loyalties. As prime minister in 1956, Bourguiba introduced a Code of Personal Status (CSP), which determined that family structures should be based on the legal equality of men and women. Drawing on liberal interpretations of Islam, Bourguiba abolished polygamy and introduced legal divorce, set a legal age for marriage and granted women the right to work and to gain an education. The 1959 constitution further enshrined these rights and other laws expanded women's rights in other areas, as women gained the right to abortion in 1973, the right to contraceptives in 1961, and divorced women the right to compensation. Bourguiba created state sponsored institutions to promote state feminism, including the Union Nationale de Femmes Tunisiennes, formed in 1957, and a ministry of women (Voorhoeve 2013). Independent women's organizations emerged in the

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<sup>2</sup> Middle East Online 28 October 2004.

<sup>3</sup> Middle East Online 22 October 2004

1970s to push for stronger women's rights reforms.

The Islamists saw these measures and, in particular, the CSP as the symbol of a broad attack on Islam because it challenged Islamic family law, which was seen as the last bastion of the *shari'a* (Islamic law) in the modern Arab state (Brand 1998). By the final years of Bourguiba's rule in 1987, which ended in a bloodless coup, Tunisia had the most progressive legal code for women anywhere in the Arab countries.

The Ben Ali government in Tunisia (1987-2011) responded to renewed Islamist challenges by appealing to women and by creating new pro-women legislation and using women's associations as a way to channel and articulate women's demands (Murphy 2003, 193). The minimum age for marriage had been 15 for girls and 17 for boys in 2007. It was raised to 18 for both sexes. The PSC required the man to pay alimony to the wife in the event of a divorce. Because of a lac of implementation, Ben Ali created a state fund to ensure that divorced women and their children received support (1993). A nationality code (1993) allowed women to pass their nationality to their children for the first time. A 2008 law permitted divorced mothers who had child custody to stay in the marital home, even if it belonged to the father. The Civil Code provided for equality work related matters for the first time (1993), and after 2000 women no longer needed their husband's permission in order to accept work.

Because Islamists saw women's expanded rights as the ultimate threat against their values and way of life, women often became the first line of defense of secularism, but also the first victims of Islamist challenges to the state as they began to assert their influence (Brand 1998, 181).

Ben Ali's adoption of quotas in his party, thus is part of a long history of attempts to secularize the Tunisia, in part, through the advancement of women's rights. His methods were

similar to those of Sadat in their paternalism and top down autocratic imposition of rights. However, it also served an additional purpose, according to Maaïke Voorhoeve, which was to gain international legitimacy at a time when he was restricting civil rights and political liberties through censorship and repression against the opposition. Today, Tunisia is at a crossroads and there is fierce contestation between Islamists and feminists over the fate of women's rights.

### **Women's Movements**

The rise of independent women's movements after the 1990s in Africa also had an effect on female representation even in non-democratic countries. Women's NGOs and networks pressed for changes within the African Union, which in turn had implications for national movements pressing to advance women's status at home. African women's networks throughout the continent, particularly the Solidarity for African Women's Rights network, successfully pushed for the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which went into effect 25 November 2005. This protocol calls for equal representation for women in political office and a broad range of economic and social rights for women. Similar pressures are evident within countries, particularly hybrid regimes, but also autocratic ones like Sudan.

#### *The Case of Sudan*

The Sudanese case is a good one in which to tease out the role of women's movements in pushing for quotas because it is not a signatory of CEDAW and so it would appear that it is not as concerned about international pressures as other countries might be. In the case of Sudan, the Islamic fundamentalist regime of General Omar Hassan Ahmad Al-Bashir has undermined the rights of women by imposing ever harsher restrictions since he came to power in 1989. These restrictions include dress regulations, banning all political and non-political organizations, restricting travel by women, firing women from top positions, and institutionalizing physical and

psychological abuse of women accused of being dissidents. Women's groups like the Sudanese Women Union (formed in 1952) have been at the forefront of the movement for a democratic secular state, campaigning against the various legal restrictions against women and arguing for an interpretation of the Qur'an that does not discriminate against women (Ibrahim 1992, 34, Leatherbee and Osman 1992, 6-7). They argue, like Dr. Fatima Babiker Mahmoud, that Islamic fundamentalism does not "accommodate the notions of equality, human rights, justice, democracy and civil liberties" (Abdulai 1993, 48-50).

However, the most significant change for women occurred after the signing of the 2005 Comprehensive Peace Agreement between the ruling National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), which opened the door for women in both North Sudan and South Sudan to press for gender quotas. In fact, it was the mobilization of women through an alliance of northern and southern women activists in the Sudanese Women's Empowerment for Peace (SuWEP) that pressed for quotas in the context of the 2002 Machakos Protocol to no avail. Then the Comprehensive Peace Agreement (CPA) process created a space for women to regroup and mobilize to make claims for political inclusion (Abbas 2010, Abusharaf 2005, Bender 2011, Erickson and Faria 2011, Hillhorst and van Leeuwen, McFerson 2011, Tønnessen 2011). Although they failed to get the quota into the Machakos Protocol and CPA, women in South Sudan succeeded in getting a 25% quota provision into the interim constitution while women in the north got an affirmative action provision in their new constitution along with strong support for women's rights. Women engaged the media, they participated in protests, and submitted a memo to the constitutional review panel with their demands. The constitution ultimately included support for women's rights and a provision for affirmative action for women.<sup>4</sup> There were differences over the form the quota would take –

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<sup>4</sup> 15 (2) The State shall protect motherhood and women from injustice, promote gender equality



with the government and pro-government women wanting a separate list for women and other women activists advocating for parties to include women on their lists. The 2008 National Elections Act, which was promulgated in 2008, gave women 25% of separate closed women's lists in which one votes for the entire list. Women activists were concerned that by having a separate women's list, the parties would have little incentive to nominate them for the main party lists and constituencies. It would also create a situation where women would be beholden to the male party leaders who put them on the list. Thus, even though the outcome was not what most activists had wanted, the women's movement was able to rally around a common goal of the quota. As Sara Abbas (2010, 107) argues, the legacy of the quota is not likely to be so much the increase in the numbers of women parliamentarians as "the way in which it mobilized Sudanese women and propelled them into the political sphere." Clearly, even the leaders of the most authoritarian state of Sudan had to pay attention to its female constituency.

### **International Pressures**

Pressures from the Inter-Parliamentary Union and UN system have also had an impact. The 1995 UN Conference on Women held in Beijing adopted a Platform of Action in which governmental delegations sought to ensure women's equal participation in all forms of "power structures and decision-making." This conference played a key role in helping foster increases in representation.

International pressures to increase female political representation in Africa, for example, were mediated through sub-regional organizations like the Southern African Development Community (SADC) with 14 member states, the Economic Community of West

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and the role of women in family, and empower them in public life; 32 (1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits. (2) The State shall promote woman rights through affirmative action. (3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.

African States (ECOWAS), with 16 member states and more recently by the Economic Community of Central African States (ECCAS).

SADC, which has achieved relatively greater success in promoting gender balance in governing institutions than other regional bodies, has been especially aggressive in this regard, setting deadlines for increasing female representation. A SADC Regional Women's Parliamentary Caucus was formed in April 2002 in Luanda, Angola, to advocate and lobby for the increased representation of women in SADC parliaments. As a result SADC set a goal in which female held legislative seats of its member countries would reach 30 percent by 2005 and in 2005 a goal of 50 percent was set for 2015. As a result of this type of regional lobbying, SADC countries have 20 percent legislative seats held by women in the lower house, while non-SADC African countries have on average 7 percent. SADC includes democracies like Botswana, South Africa and Namibia, but it also includes non-democratic regimes like Angola, Zimbabwe and Swaziland, which have also adopted measures to increase female representation in parliament, especially in the upper house in the case of the latter two countries.

#### *The Case of Rwanda*

Rwanda has become the world leader in the legislative representation of women as a result of the introduction of quotas. Much of the explanation for this recent surge in female representation in Rwanda can be accounted for by the political calculus of the ruling Front Patriotique Rwandais (RPF). The number of female legislators jumped from 26 percent in 1994 to 49 percent after the 2003 elections to 56 percent in 2008. These and other policies adopted by the RPF won them positive international acclaim and visibility, particularly at a time when their human rights violations were increasingly being called into question.

Gender relations were dramatically transformed after the genocide, as women took up leading roles in the community, household, and as income providers. Women buried the dead, rebuilt shelters, located homes for nearly 500,000 orphans, and took over nontraditional business such as brickmaking, construction and mechanics (Powley 2003, 14-16). Rwandan women's efforts to rebuild the country and overcome the ethnic divisions embedded in Rwanda's social fabric, forced them to think of themselves differently and develop skills they otherwise would not have acquired. Women activists became involved in the peace process at the grassroots level and became an important force for conflict resolution through various women's organizations. This explains, in part, the dramatic change in female representation. But it does not explain everything.

Rwanda adopted a new constitution in 2003 calling for a minimum of one-third of women in all decision-making positions and setting aside 24 (30 percent) of all seats for women in legislative elections. In addition to these reserved seats, another 15 women were elected into non-reserved seats in the 2003 election, bringing the total number of women elected to 39 out of 80 seats in the lower house. The Women's Councils in Rwanda elect the women to the reserved seats in the parliament through an electoral college. They elect women representatives to successive higher administrative levels from the cell level to the sector and district levels, skipping the provincial level, and then to the senate (Powley 2003, 16).

After the genocide, the RPF leadership emphasized women's role in the reconciliation and reconstruction processes and encouraged women to enter public office. This won them considerable support among the female population. The government could in turn count on a loyal cadre of supporters who would not challenge RPF authority, even though many of the Women's Councils that voted the women in were made up of genocide survivors who had not always seen eye to eye with the president Kagame. The RPF has ensured that in elections no

serious political opposition groups are allowed to participate freely or run for office. The RPF has effectively silenced any criticisms or challenges to its authority (HRW 2003). Through the quota system, the RPF is guaranteed an additional loyal constituency through reserved seats for women. To better understand this dynamic it is important to note that the top leadership posts held by women have primarily gone to pro-RPF Anglophone Rwandans who earlier had lived in Uganda or elsewhere (Powley 2003, 34).

Since 1999, the RPF has sought to entrench itself as Rwanda's sole leaders. As human rights advocate, Aloys Habimana pointed out:

The only way to ensure this triumph was to "mimic" some democratic process essentially built on the Ugandan model . . . So with the local elections that took place in 1999, local councils (a new concept in Rwanda) were established all over the country, there had to be on board a representative of women among others. These representatives were carefully selected by RPF cadres and had to undergo later on a long initiation process into the RPF just ahead of the 2003 elections. Even when these elections came, RPF committees all over the country conducted further screening among its female candidates to ensure that only the most loyal to its ideology would appear on the lists of candidates. After the last screening, a good number of women who wished to become parliamentarians were simply told to withdraw their candidacy. And they had to. Of course, the quotas specified in the new constitution concerned women and the youth, because the RPF knew that it fully controlled these structures. So in fact these women elected by their fellow women are in the parliament first and foremost to defend the interests of the RPF not the interests of women/youth. In other

words, people should not be deceived by the "good intentions" voiced out in the new constitution.<sup>5</sup>

These undemocratic domestic factors are conveniently overlooked in the international arena as Paul Kagame continues to claim international acclaim for his promotion of women leaders.

### **Impact of the End of Conflict**

The timing of the implementation of such quotas is linked to the 1995 UN Conference on Women in Beijing. But in many countries it is also linked to the end of conflict, by which I mean that a country has experienced a significant decline in deaths due to conflict, recognizing that low-grade violence and violence against women may still persist. A large number of countries introduced quotas or adopted other measures to increase women's legislative representation after emerging from long-standing wars after the mid-1980s (Burundi, Eritrea, Mozambique, Rwanda, Somalia's Transitional National Government, and Uganda) or wars of liberation (Namibia and South Africa). Most of the countries where women hold as many as or more than one third of seats in parliament came out of conflicts after 1986, e.g., Rwanda, South Africa, Angola, Namibia, Mozambique, Burundi, and Uganda. Liberia placed large numbers of women within top government positions in a country that was headed by a woman.

Most of the countries that adopted quotas after the decline of major conflict were not democracies, e.g., Uganda, Rwanda, Burundi, and Angola. Countries with major conflicts ending after 1985 on average have almost double the rates of representation when compared with countries that did not experience major conflict. In African countries where conflicts ended after 1985, women hold, on average, 27 percent of legislative seats compared with countries that did not experience conflict, where women account for only 13 percent of the legislative seats.

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<sup>5</sup> Personal Communication, Aloys Habimana, director of LIPHRODOR La Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme (LIPRODHOR)

Such increases in female representation and the use of quotas did not occur after the end of wars of independence prior to 1985, e.g., Guinea Bissau (1974), Mozambique (1974), Cape Verde (1974), Angola (1974), Rhodesia/Zimbabwe (1979). Having played important roles in the earlier wars of liberation, women sought greater representation at the end of these earlier conflicts. However, they were told to put their demands on the back burner and wait until development reached levels that could accommodate women's political emancipation. After the mid 1980s the pattern changed as conflicts declined in intensity and women began to gain political power in Africa (Tripp et al. 2009).

There are several reasons why the end of conflict provided propitious opportunities for women activists to demand greater representation. Conflicts disrupted traditional gender roles, thus opening up opportunities for women and men to reenvision new roles for women, including political ones. Often women's movements were able to demand increased representation in peace negotiations or constitution making exercises that generally occurred with the end of conflict as evident in the Sudanese cases. Countries coming out of conflict also tended to be more permeable with respect to international influences, such as new norms relating to women's political representation advocated within the UN system, e.g., UN Security Council Resolution 1325, but also norms advanced by regional organizations like SADC. In some cases conflicts also disrupted potential opponents of gender-based reform and weakened their base (Tripp et al. 2009). Thus, the opening up of new opportunity structures in the aftermath of major conflict created new possibilities for women's demands for representation.

#### *The Case of Uganda*

Uganda was the first country where the postconflict dynamic was evident. Uganda became a semi-authoritarian hybrid regime in 1986 after having been under authoritarian dictatorship for after independence in 1962. It is also a country that adopted female friendly

policies in the process of regime change. Uganda readily agreed to all key UN and international resolutions, treaties and conventions regarding women. It has a vibrant women's movement that has sought to ensure that the affirmative action provisions are implemented domestically.

State feminism emerged in Uganda after 1986 when the new regime of Yoweri Museveni and his National Resistance Movement (NRM) came to power. During the years of conflict in Uganda, women had assumed new leadership roles within their households and communities and had become economically more active. Some fought in the guerrilla war. After the civil war ended in 1986, women began to seek leadership at the national level. Women activists put pressure on the government to increase women's political representation and expand women's rights more generally. They drew inspiration from the UN conferences on women in Nairobi (1985) and Beijing (1994) as well as from regional meetings of women activists from East Africa and Africa more generally. They took advantage of the political opening that occurred in the late 1980s and early 1990s to mobilize independent women's organizations and press their demands.

Early on, Museveni introduced reserved seats for women in parliament, resulting in significant changes in women's political presence. In 1980 there had been one woman in the National Assembly. With the introduction of quotas in 1989, 18% of the seats were held by women. The numbers have risen steadily so that today 35% of the seats are filled by women. Women's presence in cabinet increased from 0% in 1980 to 10% in 2001 and 28% in 2012 and women came to hold key ministerial positions. Uganda had the first woman vice president in Africa from 1994-2003. Women hold almost half of local government seats and their cabinet presence increased from 16 to 22 (or 28%). They soon began lobbying for legislative changes and more widespread changes in the status of women.

Many women parliamentarians, however, owe their positions to Museveni and the existing patronage system. While the relatively large numbers of women in parliament have in many ways been an indication of the success of women's lobbying for greater representation, many of the elected women officials have been restrained from supporting women's issues. As one women's activist put it: "Our voice has been hijacked at the highest organs, at parliament. Our voice there has been killed." Some argue that the affirmative action seats in parliament have created a group of legislators more beholden to the NRM in their loyalties than to the cause of women's emancipation (Tamale 1999). This was evident in the lack of support among key women MPS around amendments to the 1998 Land Act as it pertained to women, and more recently in the challenges in getting the Marriage and Divorce bill passed. Thus, many women MPs have ended up opposing some of the key demands of women's movement. Nevertheless, there has been a steady stream of legislation that has been passed since 1989 regarding women's rights and women parliamentarians and the Women's Parliamentary Caucus have been squarely behind these efforts.

### **Discussion of Findings**

It is clear from the aforementioned cases that the reasons that non-democratic states adopt quotas are varied. With a few exceptions, they are similar to the reasons one finds in democratic countries that adopt quotas: ideological considerations, internal pressures from women's movements, international pressures, desire to appear modern or challenge Islamist or conservative forces; and the post conflict impacts. Given the small number of cases in Africa it is difficult to glean any clear patterns.

Some have argued that the quotas are simply an attempt to comply with CEDAW or create a positive international image. However, if this were entirely the case, we would not see that much resistance to CEDAW on the party of Sudan, for example, which has adopted a quota



and other woman friendly measures but has not signed CEDAW. The same is true for Somalia, which also has a quota and has not signed CEDAW. If the motivation were simply international we would not have seen so many autocratic countries adopt quotas prior to 1995 before the big international push to adopt affirmative action measures.

Another claim that is sometimes made is that autocratic countries adopt policies like quotas but do not follow through on them. However, if that were entirely the case, they would not quibble, like the South Sudan government did, over the level of the quota. The level promised would be irrelevant if they intended to ignore the quota. Moreover authoritarian and hybrid regimes adopting quotas have slightly higher rates of representation of women on average (24% and 24% respectively) than democratic regimes adopting quotas (21%) in Africa. As with quotas, they don't pass all women's rights legislation. The meaning of such legislation is not simply symbolic, even in a regime that has an uneven record when it comes to rule of law.

At the end of the day, authoritarian regimes are less inclined to pass other legislation supporting women's rights, particularly when it comes to difficult societal issues pertaining to customary law. Thus we see a marked difference between Uganda, on the one hand, which is a semi-authoritarian regime, and Sudan and Rwanda on the other hand, which represent more authoritarian states in their willingness to respond to pressures from women's movements.

The Uganda Women's Parliamentary Association (a cross partisan organization of female MPs) has successfully pushed a steady stream of key pro-women's rights legislation over the years. In recent years, for example, they were able to influence the Refugee Act (2006), which contains specific provisions recognizing discriminatory practices based on gender as a ground for seeking asylum; the Employment Act (2006); the Equal Opportunities Commission Act (2007), which established a commission to address laws, policies, customs and traditions that discriminate against women; the National Equal Opportunities Policy (2006) for monitoring

the implementation of the Convention on the Prevention of Discrimination against Women (CEDAW); the National Plan of Action on Women 2007; Amendments to the Penal Code prohibiting defilement of girls and boys (2007); ratification of the Convention on the Rights of Persons with Disabilities, as well as its Optional Protocol (2008); the Domestic Violence Act (2010); the Prohibition of Female Genital Mutilation Act 5 (2010); the Prevention of Trafficking in Persons Act (2010); and the International Criminal Court Act (2010), criminalizing sexual exploitation of women. During the 8<sup>th</sup> parliament, of the 33 bills considered, four had direct implications for women, suggesting that women's rights are very much on the agenda.<sup>6</sup> Women raised gender concerns regarding other bills as well.

In other areas there has been less success. In particular, there has been considerable pressure from civil society organizations to pass the Marriage and Divorce Bill (which has languished for decades and used to be called the Domestic Relations Bill); Muslim Personal Administration Bill, Sexual Offences Bill and a National Sexual Harassment policy. While there are still many gaps in legislation and implementation, other aforementioned changes suggest that there has been significant and sustained momentum to transform the status of women in a country like Uganda.

The picture in neighboring Rwanda is quite different. Although Rwanda has a higher proportion of women in parliament, there has been less momentum around legislation pertaining to women's rights due to the undemocratic nature of the regime. The Forum of Women Parliamentarians spearheaded several initiatives to improve women's status, including a 1998 inheritance law, which gave women equal rights to inheritance and maintain separate property within a marriage. It got the gender quotas incorporated into the 2003 constitution and drafted a bill around Gender Based Violence, which was passed in 2008. There was also

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<sup>6</sup> The Prohibition of Female Genital Mutilation Bill, Marriage and Divorce Bill, Women's Council (Amendment) Bill, Domestic Violence Bill.

legislation to expand the rights of pregnant and breast-feeding mothers in the workplace (1997) and to protect children from violence (2001).

More troubling is the fact that not all measures were taken advanced women's status. The same parliament also approved a new labor code that reduced paid maternity leave from 8 to 2 weeks and increased the work week from 5 to 6 days and from 50 to 45 hours. The Forum for Women's Policy together with the Ministry of Gender and Women in Development argued that land was not a special issue for women in the context of discussions surrounding the 2004 Land Law, when in fact women's land rights are a serious concern in this part of the world. Thus, Jennie Burnett (2008, 2011) is concerned that as women's representation has increased, their ability to influence policy has decreased. She sees the benefits of the heightened female representation as primarily symbolic, devoted more to the consequences of sexual violence than to its causes, such as poverty, land conflict, hostile civil-military relationships, disorganization of the army and the police, weakness of the justice system, physical and economic insecurity, and oppressive gender norms. Devlin and Elgie (2008) also argue that increased representation of women in Rwanda has had little impact on women's rights policy outputs.

The most troubling aspect of politics in Rwanda is the way in which the overall political discourse and practice that women parliamentarians are intensifying ethnic tensions. Carey Hogg (2009) argues that the ruling party, Revolutionary Patriotic Front (RPF), has created a situation in which the women parliamentarians are there to represent women in what she considers an essentialist manner. She argues that this construction has contributed to an ethnic equation that privileges Tutsi over Hutu.

Research in Sudan, has shown similar limitations of the lack of democracy on women's ability to use their representation to advance a women's rights agenda: Liv Tønnessen found that the 25% quota introduced in 2008 was the result of advocacy by women activists and

international NGOs. They seized on the 2005 Comprehensive Peace Agreement and the language of UNSCR 1325 as an opportunity to push for quotas. However, the lack of democracy has acted as a serious constraint on the advancement of any pro-women's rights measures after the quota was implemented (Abbas 2010, Tønnessen 2011).

The expectation therefore of this study would be that those countries that are democratic and adopt women friendly policies like quotas are likely to see other measures adopted. I leave aside the question of causality and whether the women elected to office would be the ones pushing such an agenda, although the Ugandan case certainly is suggestive of this.

## **Conclusions**

On the one hand, women have increased legislative representation in both democratic and non-democratic regimes in Africa through the use of quotas, at the same time women have seen female representation serving diverse ends. Quotas have been adopted at times to show a modern face of a country to the world, thwart conservative and religious political forces, to exhibit compliance with the emerging international norms regarding women, and to placate donors in some cases. They have served to legitimate regimes as well as create new bases of support among women, which can be translated into votes. In many authoritarian African states, women's representation has become an arena for the distribution of state patronage and the emergence of clientelistic networks. Seemingly woman-friendly policies have been employed in the service of political goals that are at times quite undemocratic and divergent from improving the status of women, and at times have undermined efforts to improve women's efforts to advance themselves and pursue gender equality. This occurs within all regime types but the consequences are more serious when authoritarian and hybrid regimes subvert woman-friendly policies.

With the rise of multipartyism and the demise of the one-party state, African hybrid regimes needed new bases of legitimacy and therefore sought to appeal to women, gain votes, assure a block of loyal voters, in particular, by promoting woman friendly policies. The Ugandan case of state feminism is interesting because it offered a model of a government openly interested in empowering women. They placed women in high positions and adopted an affirmative action policy that brought increasing numbers of women into the legislature. Unlike its less democratic neighbors, Uganda has been able to pass a steady stream of woman friendly legislation as a result of continuing pressure from women activists.

Although Uganda, Sudan and Rwanda fall along a spectrum of state feminism, a closer look at gender policies in Rwanda and Sudan shows that they have been implemented in a way that undermines possibilities for real thoroughgoing and substantial democratic change.<sup>7</sup> By subverting key institutions, Kagame's government has been assured of keeping in power many key women (not all) who have aligned themselves against furthering democracy in Rwanda and promoting a pernicious ethnic politics, one that discriminates against the Hutu.

The paper argues against regarding government motives in adopting these policies as always disingenuous or that women are always being manipulated for ulterior and most likely external purposes. Sudan adopted quotas for reasons that had little to do with international pressures as did many African countries that adopted such policies prior to 1995. Thus, it is important to pay attention to the multiple agendas into which women's causes are being diverted, because this determines the possibilities and limits of state initiatives to advance women's rights and their potential to be a force for the transformation of gender relations.

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<sup>7</sup> Tunisia is left out of this discussion because its future is too much in flux at the moment.

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