



Regional Workshop on The Implementation of Quotas: Asian Experiences

The Implementation of Quotas: Bangladesh Experience — Dependence and Marginality in Politics

Dr. Najma Chowdhury
Chairperson, Department of Women's Studies
and
Professor, Department of Political Science
University of Dhaka , Bangladesh

Paper prepared for workshop hosted by
International Institute for Democracy and Electoral Assistance
(IDEA) on 25 September 2002 in Jakarta, Indonesia

Introduction

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

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

In a way, the word “reservation” has a passive connotation in that it refers to numbers without much reflection upon the interface between numbers and outcome. Quotas relate to gender politics and contextualises the inner dynamics and policy outcomes of a body in terms of gendered representation. Though there are some intrinsic differences, the terms quotas and reservations have been used interchangeably both by Bangladeshi and foreign scholars and political observers.

The paper traces a brief history of the quota, notes its salience to women's participation in legislative and electoral politics, assesses its working and examines the ongoing discourse on the re-institution of quotas. In doing so, the paper touches upon the standpoint of major actors in the debate as constructed.

Reserved Seats for Women in the Bangladesh Legislature

The Constitution of the Peoples Republic of Bangladesh provides for a 300-member parliament (the Jatiyo Sangsad). In the initial stage, the parliament comprised a total of 315 seats out of which 15 were reserved for women for a period of 10 years. Members elected to Parliament from the 300 “general” seats represent single-member territorial constituencies that both men and women are eligible to contest. The 15 reserved seats for women were indirectly elected. Members elected to general seats constituted the electoral college for the reserved seats.

In 1978 a presidential proclamation enlarged the number of reserved seats to 30 (increasing women's minimum guaranteed representation in legislature from 4.7 per cent to 9.9 per cent) and extended the period of reservation to 15 years from the date of promulgation of the constitution of the republic in December 1972. To trace the later developments in brief, the constitutional provision lapsed in December 1987 and was re-incorporated in the constitution by an amendment in 1990 to be effective for 10 years from the first meeting of the legislature elected next. This provision also lapsed in 2001. The present parliament elected in October 2001 does not have reserved seats for women, as was the case with the House elected in 1988.¹

Reserved Seats: Making Women “Visible” in the Legislature

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

In 1972, the constitution framers thought 10 years would be an adequate period for women to acquire the skills and resources to successfully enter the arena of electoral politics. Thirty years later, in 2002, the demand for reintroducing quota continued. During these 30 years, a total of eight parliaments were elected, out of which only in two there were no reserved seats. The ongoing discourse envisages the quota as a tool for women's political empowerment and is premised upon the affirmation of voter support gained through direct election to an increased number of legislative seats.

Quota: for Whose Benefit?

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

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

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

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

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

Quotas across the Board

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

However, women legislators and political decision-makers on the whole did not attach importance to the need for the provision of quotas being orchestrated in all representative and statutory bodies in

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

Representational Issue: Dilemma of Representatives in Reserved Seats

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

Women MPs also suffer from the drawback of having to nurture constituencies, on an average, 10 times larger than territorial constituency areas for general seats. This is due to the fact that for purposes of election to reserved seats, the country is divided into 30 electoral zones, while for purposes of delimitation of constituencies for the 300 directly elected seats, the country is divided into 300 constituencies.

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

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

The question as to “who does a woman legislator elected in reserved seat represent” is quite superfluous in view of the electoral process. The nomination process was more conditioned by the social network for political support, where “social work” and some linkage (at formal/informal/personal /family level) with party organization were recognized. Nomination by the majority party spared its candidates from the need to campaign and canvass for votes or strengthen constituency linkages. Thus the allocation of electoral zones (women's constituencies) practically amounted to procedural formalization. This relative detachment from grass-roots mobilization and dependence on party leadership marginalized the political status of the reserved seats of parliament.

The Discourse on Quotas in Bangladesh

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

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

Coalition building on the issue of quotas

The dissolution of parliament in December 1987 caught the women's organizations unprepared as the House, elected in 1986 and carrying the reservation provision with it as stipulated under the constitution, was to complete its tenure in 1991. Nevertheless, individually and collectively they reiterated their stand in conventions, seminars and conferences. They urged re-incorporation of the constitutional provision and were practically unanimous on two issues. They demanded increase in the number of reserved seats (most put the figure at 64 to correspond to the 64 administrative units of the country), and introduction of direct election for these seats with a view to bringing women into the mainstream of politics. Several organizations also urged that political parties award a certain percentage of party nominations (the figures ranged between 10 per cent and 20 per cent) to women for general seats.

The reservation provision was re-inserted in the constitution in 1990 to be effective from the next election to the legislature. The measure was one of political expediency; it retained the earlier system and was in no way attuned to the demands of the movement. The next legislature, however, was elected in 1991 when the constitutional amendment came into force. Towards the end of the following 10 years, the movement mounted a concerted effort to mobilize opinion and create the necessary political will to provide for a quota system that reflected their stated stand. Before the impending dissolution of parliament in 2001, some 20 women's groups and NGOs mobilized by the Mohila Parishad (Women's council — the largest movement-oriented women's organization) lobbied the government, political parties and parliamentarians. Women activists carried on street activities, formed human chains, and staged rallies and symbolic protests. Women's organizations, civil society groups and NGOs shared discussion sessions. However, this heightened level of advocacy failed to have any impact.⁷

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

Most of those elected to reserved seats preferred the existing system as it made the electioneering process less expensive, strenuous and uncertain. They distanced themselves from the movement on the grounds that direct election for women's seats would involve extensive campaigning, requiring both expense and political workers even if the contestants were all women. As practitioners of politics, they tended to regard the movement's stand as being rather detached from politics as it is. They also felt that the recent trends of extravagant spending and violence in elections seriously disadvantaged women's participation in direct election, which pitted them against male contestants. There have been exceptions, however, who saw in the existing method of reservation the reasons for women's subservient status in politics and wanted the system to be replaced.

Political parties, with the exception of some left parties, do not give much credence to women's claim

to “substantial” and “substantive” representation. The issue is not considered central to the political process. Parties have made pledges, on strategic considerations, to take necessary steps to incorporate the movement's demands once elected to power. The pledges have not been redeemed on one pretext or another.

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

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

Linking quotas to a time frame and building of political resource

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

Gains made through Quotas

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

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

Quota at Local Level: How is it Different?

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

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

The bigger and richer national pie

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

Lessons	Learned:	Concluding	Comments
---------	----------	------------	----------

The experiment of Bangladesh with legislative quotas was conditioned by political factors and processes within which it operated. An analysis of these factors and processes highlights the following lessons learned from Bangladesh experience.

1. The provision of quotas should be based upon an understanding of the interface of power, politics and policies in terms of gender relations.

2. The purpose of quotas should be “authoritative” representation rather than “token” representation and hence adequate consideration needs to be given to issues of number/proportion of representation, selection/nomination and election procedures.

3. Successful implementation of the quota depends on its acceptance and endorsement as a workable device for achieving gender equity, by all major actors in the political process, including political parties.

4. The effect of quotas is facilitated when there is a relatively sizeable number of committed women within the institutions/organizations/committees as members.

5. Success in advocacy for introduction of quotas by the women's movement is likely to be contingent on the movement's capacity to build strategic alliances across political parties, women's groups, women in politics, citizen bodies.

6. Provision for quotas enjoys a better prospect of implementation at local level as it opens up for women's access to limited resources and power only to deal with local issues. The perception of politics in terms of a zero-sum game on the part of the (male) political hierarchy and (male) party leadership in matters of access to state power and resources explains, to some extent, the resistance offered to quotas at the level of national politics.

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

Annex 1: Provisions regarding Quota or Reserved Seats

Constitution of the People's Republic of Bangladesh

Article 65 (2)

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

Article 65 (3)

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

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

Second Proclamation Order No IV, 1978

Article 65 (2)

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

Article 65 (3)

Until the dissolution of Parliament occurring next after the expiration of the period of fifteen years from the commencement of this Constitution there shall be reserved thirty seats exclusively for women members, who shall be elected according to law by the members aforesaid: Provided that nothing to this clause shall prevent a woman from being elected to any of the seats provided for in clause (2).

Constitution (Tenth Amendment) Act, 1990

Article 65 (2)

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

Article 65 (3)

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

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

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

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

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

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

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

Notes and References

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