

COOPERATING FOR FAIRNESS: THE ROLE OF ELECTORAL INSTITUTIONS IN  
GENERATING MORE EGALITARIAN LEGISLATION IN THE SUB-SAHARAN  
AFRICAN REGION

by

KARIN RIEDL

A dissertation submitted to the Graduate Faculty in Political Science in partial fulfillment of  
the requirements for the degree of Doctor of Philosophy, The City University of New York

2013

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This manuscript has been read and accepted for the  
Graduate Faculty in Political Science in satisfaction of the  
dissertation requirement for the degree of Doctor of Philosophy

\_\_\_\_\_  
Professor Susan Woodward

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of Examining Committee

\_\_\_\_\_  
Professor Joe Rollins

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Officer

\_\_\_\_\_  
Professor John Bowman

\_\_\_\_\_  
Professor Irving Leonard Markovitz

Supervisory Committee

THE CITY UNIVERSITY OF NEW YORK

Abstract

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Adviser: Professor Susan Woodward

**Abstract**

This dissertation examines the impact of electoral systems on legislation that should produce more socially egalitarian societies in the sub-Saharan African region. Based on a data analysis of 47 sub-Saharan African countries, this dissertation establishes that proportional representation (PR) electoral systems are significantly more likely than plurality or absolute majority electoral systems to generate legislation that establishes and protects equal rights and opportunities for vulnerable societal groups, including women, gays, and people most likely to be infected with HIV. The analysis also shows that plurality and absolute majority systems are more likely to generate legislation that threatens the equal rights and opportunities of vulnerable groups.

The dissertation provides causal explanations for the correlation between PR electoral systems and legislation that protects vulnerable groups. An in-depth examination of four countries in the sub-Saharan African region – Benin, Kenya, Namibia, and Uganda – illustrates that proportional representation electoral systems produce incentives for political parties to adopt issues that are of interest to pockets of the electorate and that do not

necessarily enjoy the support of the majority of voters. The dissertation shows that the comparatively weaker relationships between individual Members of Parliament (MPs) and their largely conservative constituents allow political parties in PR electoral systems to be better equipped than their counterparts to ensure relatively stronger party discipline. As a result of this, political parties are more capable of efficiently pursuing such legislation within political parties and through more effective inter-party cooperation within committees.

## **Acknowledgements**

I would not have been able to finish this dissertation without the relentless support and guidance of my dissertation committee, dedicated Members of Parliament and parliamentary staff, and my family and friends.

I would like to express my deepest gratitude to my advisor, Dr. Susan Woodward, for her excellent guidance and trust in my work. I would like to thank the members of my supervisory committee, Dr. John Bowman and Dr. Leonard Irving Markovitz, for their insightful contributions to the development of my theories.

I am deeply grateful to all the Members of Parliament who agreed to participate in my research. I would not have been able to undergo my research without the support of a number of parliamentary staff members, of whom there are too many to be mentioned. I am particularly indebted to Mr. William Isaac, Senior Parliamentary Clerk of Namibia's National Assembly.

I would like to thank my mother and sister, as well as Janima Nam, for their support throughout the research and writing phases.

Finally, I would like to thank my husband and daughter for their patience.

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## **CHAPTER 1: ESTABLISHING THE PREMISE AND THEORY**

### **Introduction**

In the international arena, sub-Saharan African governments have committed themselves to establishing more socially egalitarian societies by protecting equal rights and opportunities for vulnerable societal groups. Parliaments are tasked to implement these norms through legislation. Given that the executive branches throughout the sub-Saharan African region are overly dominant vis-à-vis national parliaments, the variation in legislative outputs pertaining to the equal rights and opportunities for vulnerable societal groups is surprising. What explains the fact that some parliaments in the region have passed and others have failed to pass legislation establishing and protecting equal rights and opportunities for groups such as women, gays, or people who are most likely to be infected with HIV as a result of their lifestyle?

This dissertation shows that electoral systems help explain the variation in legislative outputs which should ultimately create more socially egalitarian societies. Specifically, I examine the impact of electoral systems on policy areas that pertain to the equal rights and protection of women and other vulnerable groups, such as marital rape, female genital mutilation (FGM), protection of the most at-risk of being infected with HIV/AIDS (MARPs), and same-sex relations. In fact, an examination of 47 sub-Saharan African countries shows a very strong correlation between PR electoral systems and legislation pertaining to rights and protection of women, people most likely to be infected with HIV because of their lifestyle, and gays. Similarly, the data shows a very strong correlation between SMDV systems and the lack of legislation giving rights and protection to vulnerable groups, and a correlation with legislation that actively undermines protection of gays and MARPs.

Parliaments should be the political institutions that are best equipped to produce more egalitarian societies, given that parliaments are the most representative political institutions and that individual parliamentarians are more likely than other politicians to have established relationships with their constituents.<sup>1</sup> In fact, the literature on Western democracies has long established a clear correlation between electoral systems and equality and, by now, it is a commonly accepted fact that proportional representation (PR) electoral systems produce more egalitarian societies than plurality or majoritarian electoral systems in Western democracies do. Scholars attribute this correlation to the greater likelihood of inter-party cooperation on the parliamentary level which results from PR electoral systems. Inter-party cooperation makes socio-economically egalitarian legislation and policies more likely because inter-party cooperation allows for strategic cross-class political alliances, the political burden of unpopular policies is shared, and such systems make it more likely that policies build on existing structures that allow for long-term coherent strategies.

In the sub-Saharan African region, the literature on electoral systems has thus far not examined whether different electoral systems produce more or less socio-economically egalitarian legislation or policies. This is not surprising given that the social, political, and economic conditions that explain the impact of PR electoral systems in Western democracies are not a given in African societies. Unlike in many Western democracies, PR electoral systems in the sub-Saharan African region do not produce more political parties in parliament than majoritarian or plurality systems do, which, in turn, means that PR electoral systems are not more likely to generate inter-party cooperation. Furthermore, political parties in the region lack ideology-based political platforms which, in turn, means that inter-party

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<sup>1</sup> The terms parliament and legislature will be used interchangeably throughout the dissertation. Both terms will be used as generic terms in lieu of the individual names for national legislatures. Similarly, the terms parliamentarian, legislator, Member of Parliament (MP), and parliamentary representative will be used interchangeably throughout the dissertation.

cooperation does not ensure the representation of different interests on the political level. Finally, inequality in the region is not based on class *per se*, but rather based on factors such as locality, ethnicity, or gender.<sup>2</sup> This means that the type of redistributive measures that PR electoral systems have produced in Western democracies would not necessarily decrease socio-economic inequality levels in the sub-Saharan African region.

However, while the causal explanations given in the literature on Western democracies may account for the impact of PR electoral systems on more *socio-economically* egalitarian societies, they do not fully explain the correlation between PR electoral systems and more *socially* egalitarian policies. In fact, the literature on Western democracies has focused mostly on explaining the correlation between electoral systems and socio-economically egalitarian policies (Iversen and Soskice 2006; Bawn and Rosenbluth 2002; Amenta and Skocpol 1989; Persson and Tabellini, 2002, Lizzeri and Persico, 2001, Milesi-Ferretti et al, 2001). It has so far failed to suggest causal explanations for PR electoral systems and more socially egalitarian legislation. Yet Western democracies with PR electoral systems also have fairer social policies in place, including policies that ensure greater equality based on gender and sexuality. Thus, the impact of PR electoral systems clearly goes beyond socio-economic factors and includes social factors that are tightly linked to the social and socio-economic inequalities in the sub-Saharan region.

Through an in-depth examination of four sub-Saharan African countries – Benin, Kenya, Namibia, and Uganda – this dissertation explains the correlation between electoral institutions and types of legislative outputs through the relationship electoral institutions create between individual Members of Parliament (MPs) and their constituents, on the one hand, and between individual MPs and their affiliated political parties, on the other. I show

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<sup>2</sup> These conditions and their impact on the mechanisms that explain the correlation between PR electoral systems and more egalitarian societies in Western democracies will be discussed in more depth in chapter 2.

that PR electoral institutions provide political parties with the incentive to pursue legislation even when it does not enjoy the support of the majority of the population. I further show that the weaker relationship between individual MPs and their constituents in PR electoral systems provides incentives to individual MPs to toe their affiliated political party's policy line. Negative campaigning in such systems becomes a less effective campaign strategy, which allows for such legislation to be pursued more effectively. Finally, I will show that legislation that is pursued by a political party is more likely to be passed with fewer compromises weakening the legislation. Conversely, single-member-district systems in plurality and majoritarian systems provide incentives to individual MPs to side with their constituents' interests when they contradict the policy platforms of the affiliated political party. Without strong intra-party cooperation and party discipline, legislation is likely to be weakened through compromises. Finally, individual MPs are given incentives to use negative campaigning for their own political gain, which, in turn, decreases the chances of legislation that does not enjoy the support of the majority to be adopted or passed.

The hypotheses of this research are, first, that electoral institutions produce different types of legislative cooperation, second, that different types of cooperation generate different types of legislative outputs, and, third, that inclusive legislative cooperation leads to more nationally focused legislation that does not necessarily enjoy the support of the majority. I assume that PR electoral systems produce a type of legislative cooperation that allows for socially egalitarian legislation to be initiated and passed. I define legislation as socially egalitarian when it establishes equal protection and equal rights. Thus, my hypotheses build on the literature that explains the correlation between PR electoral systems and socio-economic equality, which also explains the correlation through cooperation. I assume that the correlation between PR electoral systems and socially egalitarian as well as socio-economically egalitarian legislation is a result of similar mechanisms, since the challenge of

both types of legislation is that they require parliament to pass laws that tend to lack majority support within the general population.<sup>3</sup> The difference between the explanation that I am proposing and the explanations that are given in the literature on Western democracies is that I expect that socially egalitarian legislation is also a result of cooperation among individual parliamentarians within and across political parties rather than solely through inter-party cooperation.

Legislative cooperation exists in both basic types of electoral systems – PR electoral systems on the one end of the spectrum, and plurality (the political candidate with the most votes wins the parliamentary seat) and majoritarian systems (the political candidate with 50 percent of all votes +1 wins the parliamentary seat) on the other. However, plurality and majoritarian electoral systems, which are based on a system of one representative for each electoral district, should lead to cooperation based on trade-offs. PR electoral systems, in which electoral districts are represented by a number of parliamentary representatives, should lead to more inclusive cooperation. I define inclusive cooperation as cooperation on a common issue.

Cooperation based on trade-offs may reap relevant benefits for electoral districts, but such legislative cooperation is unlikely to generate legislation aimed at creating more egalitarian societies. Furthermore, cooperation based on trade-offs is likely to lead to legislative outputs that reflect the interests of the majority within individual constituencies. Conversely, more inclusive cooperation should produce more nationally focused legislation. Nationally focused legislation refers to legislation that applies to the entire population without relevance to location, culture or ethnicity, or religion. More nationally focused legislation does not guarantee more egalitarian societies, especially in the case where such

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<sup>3</sup> The lack of popular support for the policy areas discussed in this research will be discussed in detail in chapter 4.

legislation only solidifies already existing inequalities. However, nationally focused legislation should be the basis for more egalitarian societies when it establishes the legal framework for equal protection and equal opportunities. Inclusive cooperation should also lead to legislative outputs that do not enjoy the support of the majority.

### **1.1 Relevance of question**

This dissertation helps shift scholarly debates over the impact of electoral institutions away from legislative cooperation in divided societies *per se* to the significance of the legislation that is produced as a result of this cooperation. So far, the literature covering the impact of electoral systems on legislative cooperation has focused largely on ways to undermine conflict among legislators and electoral candidates (see, for example Horowitz 1990; Reynolds 1999; Reilly 2006). Such cooperation is expected to lead to greater societal stability, as an increase in incentives for legislative cooperation means a decrease in incentives for playing constituents off against each other for political gain. A few scholars have examined on the actual results of electoral systems for people. Notably, Joel D. Barkan (1995) argues that SMDV systems effectively lead to more services to constituencies. Staffan I. Lindberg (2005) has drawn a connection between PR electoral systems and greater overall stability and accountability, but he fails to account for the causal mechanisms that would explain the correlation. However, no one has examined the impact of electoral systems on actual legislative outputs in the African context. This dissertation emphasizes the impact that electoral institutions can have on legislative outputs, specifically in regard to creating more egalitarian societies in this region which is marked by very high levels of inequality.

In general, this research contributes to the literature that examines the impact of electoral systems on legislative outputs and policies by applying the theories to emerging democracies. If this research establishes that PR electoral institutions ultimately lead to more

socially egalitarian legislative outputs regardless of economic and societal bases, the findings would transgress the conventional assumptions that stress the contextual and temporal nature of constitutional design (see, for example, Huber et al. 2006). Specifically, by establishing a correlation between PR electoral systems and more socially egalitarian legislative, this research shows that the class conditions that led to the introduction of PR electoral systems in Western democracies and still sustain them there are not a necessary precondition for more egalitarian legislative outputs.

Finally, by examining the role parliaments play in producing more egalitarian legislative outputs, this dissertation contributes to a growing amount of literature that contemplates the changing role of parliaments in the sub-Saharan African region (Barkan 2009; Barkan, Mattes, Mozaffar, and Smiddy 2010). At this point, parliaments in the region are still largely assumed to be irrelevant, given the overly dominant executives found throughout sub-Saharan Africa (see, for example, Prempeh 2006). If this research establishes that different electoral institutions lead to different legislative outputs in the sub-Saharan African region despite the fact that all parliaments in the region are faced with overly dominant executives, I would show that electoral reform can help to overcome the dominance of the executive branch.<sup>4</sup> More importantly, by showing electoral systems explain the variation in legislative outputs, I show the electoral systems matter even in non-consolidated democracies.

## **1.2 The Argument**

The first hypothesis of this research is that *different electoral systems produce different types of legislative cooperation*. Specifically, I will show that single-member-

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<sup>4</sup> I would like to point out that I do not expect to establish the impact of electoral systems on the relative strengths of parliaments. Instead, the research examines the impact of electoral institutions on the likelihood that parliamentarians are willing to pursue legislation which does not enjoy the support of the majority.

district voting (SMDV) systems – plurality (first-past-the-post) and majoritarian (50 percent of votes + 1 needed to win the seat) – generate cooperation that is based on legislative trade-offs and PR electoral systems that lead to more inclusive cooperation.<sup>5</sup> Inclusive cooperation refers to cooperation among individual parliamentarians within, across, or between their affiliated political parties on common legislative issues.

The second hypothesis is that *different types of legislative cooperation generate different types of legislative outputs*. Specifically, I will show that cooperation based on legislative trade-offs is less likely to lead to more nationally focused legislative outputs than more inclusive cooperation would. Conversely, I will illustrate that more inclusive cooperation leads to nationally focused legislation. Nationally focused legislation refers to laws that do not provide privileges or benefits to societal groups based on location, cultural and ethnic factors, or religious factors. Nationally focused legislation is not necessarily more egalitarian legislation, especially when such legislation turns a blind eye to already existing inequalities. For example, inequalities in health care provision between urban and rural areas can certainly only be addressed if the more deprived areas receive a greater share of the available resources in order to balance out the existing inequalities. However, parliamentary systems need to be equipped *to be able* to produce nationally focused legislation – that is, legislation that does not tie benefits or privileges to certain localities or culturally or ethnically defined groups – in order to generate laws that establish equal opportunities and protection as the very basis for more egalitarian societies.

The third hypothesis is that *inclusive legislative cooperation should lead to more nationally focused legislation that does not enjoy the support of the majority*. I will

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<sup>5</sup> The research will not differentiate between plurality and majoritarian systems in this analysis, since the hypotheses of this research are based on the single-member-district voting (SMDV) system that both electoral systems are based on. Therefore, this research will use the term SMDV electoral systems to refer to both systems.

demonstrate that cooperation based on trade-offs between individual Members of Parliament (MPs) will lead to legislative outputs that only reflect the interests of the majority within a constituency. Conversely, inclusive cooperation is conducive to legislation that represents interests that are nationally focused and that do not necessarily enjoy the support of the majority.

### *Independent variables*

The two electoral systems are inherently different in their representative nature due to differing district magnitudes, which define the number of representatives per district. Both plurality (the candidate with the largest share of votes wins the parliamentary seat) and majoritarian (the candidate with at least 50 percent of votes +1 wins the parliamentary seat) electoral systems are based on single-member-district voting (SMDV) systems in which one representative represents the interests of an electoral district (district magnitude = 1). As the independent variable is district magnitude, and as both plurality and majoritarian electoral systems have SMDV systems in place, plurality and majoritarian systems will be treated as a single category in this research and referred to as SMDV electoral systems. In PR electoral systems, electoral districts are represented by more than one representative (district magnitude = 2+), ranging from district magnitudes as small as two representatives per district – as is the case in Benin – to nationwide district magnitudes, as is the case in Namibia.

District magnitude and proportionality are positively correlated, which means that PR electoral systems differ greatly in their proportionality, from low levels of proportionality in small district magnitudes to almost perfect proportionality in nationwide district magnitudes. The concept of proportionality indicates the number of votes that are represented in the final parliamentary seat distribution, with increasing proportionality indicating that more voter preferences are reflected in the election outcome.

The second characteristic of electoral systems that is relevant to this research is the way in which individual candidates are chosen. Candidates can be chosen by the voters directly, and, in such systems, voters are often times given a choice of several candidates from the same political party during actual elections. Alternatively, voters do not have a direct influence over the choice of individual candidates when the leaders of political parties determine which party members will receive parliamentary seats. There is great deal of variation among the electoral systems worldwide, including some PR electoral systems that have open lists which allow voters to have some influence over the ranking of party members. However, in the sub-Saharan African region, all PR electoral systems rely on closed-list systems (IPU 2012), which do not allow for any control over the ranking of the lists by the voters. The lack of variation in how candidates are chosen simplifies the analysis of this research, since, at least in theory, party leadership in PR electoral systems has full control over the choice of candidates compared to SMDV systems in which the party leadership has no apparent leverage over the choice of candidates.

### *Intervening variables*

District magnitude and the way candidates are chosen should largely determine the relationship between individual Members of Parliament (MPs) and their constituents, on the one hand, and between MPs and their affiliated political parties on the other. At the core of this argument is the assumption that political representatives act in their own interest, that is, that political representatives will act in a manner that will most likely keep them in their positions (Cox 1997). In this regard, the features of the two electoral systems emphasize the responsibilities and loyalties of political representatives in very different ways.

Relations between MPs and constituents should be the strongest in electoral systems with small district magnitudes, and they should be the most pronounced in SMDV systems.

The logic behind SMDV systems, which are inherent in plurality and majoritarian electoral systems, is clear in the sub-Saharan region (Reynolds 1999). Such systems are supposed to ensure that the interests of specific constituency groups are effectively pursued. Political representatives can focus on legislative interests that are relevant to the entire constituency group of the individual electoral districts, since it is assumed that the smaller the electoral district is, the more homogenous the interests of the district should be (Urbinati and Warren 2008). Another benefit of the system is that constituents have direct access to their representative and are therefore able to communicate what is most important to them (Barkan, Mattes, and Mozaffar 2009; Urbinati and Warren 2008). In turn, this apparent proximity between the political representative and the constituency should increase the political representative's accountability to the voters and the constituents' awareness of political developments and involvement.<sup>6</sup> This relationship seems particularly important in African countries, where the mostly rural electorate is relatively less educated and lacks access to information on political developments (Barkan, 1995, 1997, 1998, 2006). Furthermore, at least in rural areas, constituents within one electoral district are likely to have homogeneous interests based on economic, socio-economic, and, possibly, cultural factors. As a result of the homogeneous nature of electoral districts, SMDV electoral systems in African countries may lead to a somewhat proportional representation of interests in the legislatures (Barkan, 1995, 2006).

As district magnitude increases, the relations between individual MPs and their constituents should be weakened, and the relations between individual MPs and their

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<sup>6</sup> This relationship between political representatives and their constituencies is strengthened in systems that allow the electorate to influence the choice of political candidates, which may be most directly a result of primary elections in which political candidates are chosen by the electorate or through open-list systems that allow the electorate to choose their preferred candidates from a list of candidates chosen by the party. While a number of countries in the sub-Saharan African region are undergoing changes in the electoral systems, which may include the implementation of primary elections, at the time of writing, no country in the region has successfully implemented primary elections.

affiliated political parties should be strengthened. Individual MPs will act in a way that is most likely to keep them in their positions (Cox 1997). As district magnitude increases, and electoral districts lose their homogeneous character, it should become harder for political parties to campaign on particularistic issues, such as ethnicity or the economic or cultural interests of a particular locality. Individual MPs should be less able to build a voter base as the electoral districts become larger, which makes individual MPs more dependent on a larger-scale political party strategy. Conversely, political parties' larger-scale strategies require individual MPs to toe the party line. Closed-list systems should be best equipped to do so, since an individual candidate's political career depends on how the party leadership ranks individuals on the party list.

The two types of relationships with constituents and political parties should be negatively correlated (Barkan 2009). This is the case because the interests of the largely homogeneous electoral districts with competing interests should be regularly at odds with the more national focus of political parties. The gains of one district means the losses of another, and the gains for the nation indicate that individual electoral districts were not able to secure the greatest possible share of resources. Thus, the negative effect of strong relationships with constituents on political party discipline, which refers here to the ability of political party leadership to control the behavior of individual party members, should be more pronounced in the sub-Saharan African region than it is in Western democracies because of the higher level of homogeneity within districts.

*Dependent variable 1: cooperation*

Cooperation in SMDV electoral systems should be a result of stronger constituency relations and weaker party discipline. With a strong focus on representing the interests of relatively homogenous constituent groups, legislative cooperation should be based on trade-

offs. Political representatives in SMDV electoral systems rank the priorities for their constituents. As constituents' priorities among districts are likely to differ, political representatives compete for the limited resources. As a consequence, political representatives in SMDV electoral systems should be willing to sacrifice policy issues that are ranked lower on individual political representatives' priority lists for the sake of passing the policies that are the highest on their policy priority lists (Cox, 1997). This type of political environment leads to cooperation by trading votes, which is commonly referred to as logrolling.

The causal explanations for legislative cooperation in PR electoral systems given by the literature on Western democracies are not likely to apply to the sub-Saharan African region. The basic assumption of the literature on Western democracies, that cooperation in PR electoral systems is more inclusive because PR produces more and smaller political parties which depend on coalition-building (Duverger 1954; Lijphart 1998), does not hold true for the sub-Saharan African region. The number of political parties is largely a function of ethnic cleavages, and, especially in places where ethnic minorities are locally concentrated, SMDV electoral systems can produce a political party system that is as fragmented as one might expect it to be in PR electoral systems (Barkan 1998; Taagerpera and Grofman 1985; Kim and Ohn 1992).<sup>7</sup> Similarly, PR electoral systems do not necessarily rule out ethnicity-based political parties (Lardeyret, 1996; Horowitz, 1993; Reilly, 2006). Finally, PR electoral systems have not prevented one-party dominant states from emerging and surviving (Boogards 2000). Thus, it is unlikely that more inclusive legislative cooperation, which leads to more nationally focused legislation that does not necessarily enjoy the support of the majority, can be explained by the incentive for many smaller political

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<sup>7</sup> It should be noted that there is a general consensus among scholars that social cleavages are not a result of the existence of different ethnic groups but rather a result of politicians using ethnicity as an effective tool for mobilization (see, for example, Posner 2004).

parties to cooperate in order to build a majority coalition on issues or to build a government coalition.

However, PR electoral systems should enable political parties to establish a policy coherence that allows them to pursue narrow issues that do not enjoy widespread support. The relatively weaker relationship between individual MPs and constituents should lead to greater dependence of individual MPs on their affiliated political parties, which, in turn, should strengthen political party discipline. As district magnitudes increase, voters have more options for representatives to turn to and, at the same time, MPs have to spread themselves out more thinly to maintain a certain level of relationships with the larger constituencies. As a result, individual MPs become increasingly dependent on their political parties in order to establish a campaign strategy and to help them pursue that strategy.

Party discipline, which is exerted from the political party leadership, should increase intra-party cooperation, that is, cooperation among individual party members. This should naturally be the case when a party policy is initiated from above. However, this should also be the case when legislation is pursued from the lower ranks within the political party, since individual MPs should benefit from their affiliated political parties' successes on the parliamentary level in a system where voters are more likely to evaluate the achievements of political parties rather than individuals, largely due to a lack of ties to a dedicated representative. After all, as the relationship between individual MPs and their constituents becomes weaker, voters are not as likely to be as aware of the actions of their parliamentary representatives and more likely to evaluate the collective actions of a political party (Barkan, Mattes, and Mozaffar 2009). Intra-party cooperation is necessary for effectively pursuing legislation that covers issues which do not enjoy the support of the majority. Where intra-party cooperation is lacking, individual party members may be inclined to argue against an unpopular party policy for their own political gain.

### *Dependent variable II: legislative output*

In systems where cooperation is based on trade-offs, legislative outputs should be a reflection of competing interests rather than be nationally focused. In the Federalist Papers, James Madison (1961) alludes to the idea that the majoritarian principle leads to national political parties that succeed because they avoid issues that might alienate the majority. However, this conception of the impact of the SMDV system on political party policy platforms is weakened in countries where ethnic minorities are locally concentrated, as in the case in which minorities constitute the majority in the district (Horowitz, 1991; Reynolds, 1999). In such cases, SMDV electoral systems allow for competition for resources to be lifted to the parliamentary level. The type of cooperation that SMDV electoral systems produce should generate legislative outputs that ultimately benefit some individual electoral districts and disadvantage others. Legislative outputs are less likely to be national in character.

As district magnitude increases, individual candidates can no longer necessarily rely on focusing on issues that the majority of the constituents with the individual electoral districts support. In PR electoral systems in which the distribution of parliamentary seats is based on the percentage of votes that political parties receive rather than on the number of party candidates who were able to win the plurality or majority of votes within individual electoral districts, political parties are given an incentive to continuously attempt to gain voter support from as many different groups as possible. Political parties do not aim to secure a minimum number of votes but instead continue to pursue as many voters as possible (Ljiphart 1999). While candidates in SMDV electoral systems can win elections by campaigning on an issue that is relevant to the majority of voters, in PR electoral systems, in which political success is not measured by winning the most votes but rather by continuously increasing the voter base, the better strategy should be to campaign on a range of narrow issues. I define

narrow issues as issues that do not enjoy majority support nationally or within a given constituency. Narrow issues are juxtaposed to *particularistic* issues, which I define as issues that exclusively adhere to one group and give that group benefits or advantages over other groups. Particularistic issues include, for example, the legal acceptance of practices tied to particular groups that are not legally accepted in other groups. For example, I consider allowing for female genital mutilation (FGM) particularistic as it is usually not a national practice, but rather a practice tied to localities and culture. In comparison, I consider outlawing FGM as a practice as a narrow issue, as outlawing the practice does not necessarily enjoy the support of the majority. I also consider legislation that outlaws the practice as nationally focused legislation, as it ensures protection for women irrelevant of the local, ethnic or cultural, or religious backgrounds. As a result, political parties in PR electoral systems should be more likely to adopt issues that are relevant to voters with narrow interests as compared to interests with which the majority politically identifies.

As more narrow interests are represented in the parliamentary debates, legislation should become more national in character, as this reflects more interests and is less dependent on the exclusion of groups based on locality or cultural aspects in order to gain the support of the majority. The outcome of a political strategy that is based on representing narrow interests could be twofold: either there is an abundance of political parties representing minority interests or there is one dominant party that has adopted minority interests onto their party platform in order to maintain their voter base in a system in which voters are given the incentive to vote for smaller political parties that can realistically win parliamentary seats. In the former case, more nationally focused legislative outputs depend on inter-party cooperation in order to achieve the necessary parliamentary support to pass a law. In the latter case, more nationally focused legislative outputs depend on intra-party cooperation in order to ensure enough support within the party in order to pass the law.

As political parties adopt more narrow interests, negative campaigning should be less common, which, in turn, should increase the likelihood of nationally focused legislation being passed. Negative campaigning is defined as a campaign that attacks the other candidate personally as well as the issues for which the other candidate stands (Lau & Pomper 2001; Skaperdas & Grofman 1995:49). There are a number of reasons why negative campaigning is less likely in systems with larger district magnitudes. First, negative campaigning yields fewer political results within systems in which political parties campaign on a number of different interest areas rather than on gaining more votes than other candidates. Second, in electoral systems where political parties continuously seek to expand their voter base to increase their share on votes, negative campaigning may alienate future voters. Third, since it is political parties rather than individual candidates that are campaigning in systems where political success depends on gaining support from a number of narrow interest group voters, the personal weaknesses of individual candidates should be less politically relevant. In the literature on Western democracy, the debate over negative campaigning revolves around the issue of whether it demobilizes (Ansolabehere & Iyengar 1995) or mobilizes voters (Kahn & Kenney 1999; Freedman & Goldstein 1999; Lau & Pomper 2001; 2004; Brooks 2006). In the context of this research, the issue is whether negative campaigning stands in the way of passing legislation that does not enjoy the support of the general population. It can be assumed that negative campaigning on issues that the majority is opposed to brings the issue more to the forefront of public debate and makes the passing of such legislation less likely. If the success of a candidate does not depend on demonstrating the deficiencies of the opponent, then legislative cooperation among individual parliamentarians and among political parties on common issues (inclusive cooperation) should be more likely. Therefore, in PR electoral systems in which political parties organize

around narrow-interest issues, the lack of negative campaigning should be conducive to passing legislation, even when the majority of voters do not support it.

To summarize, I propose that PR electoral systems are more likely to generate nationally focused legislation not only because larger district magnitude lessens the focus on local particularistic interests but also because political parties are given an incentive to include as many narrow interests as possible in their policy platforms. I assume that such issues are more likely to be turned into legislation because larger district magnitudes and closed-list systems increase party discipline and intra-party cooperation, which prevents individual party representatives from straying from the party line. At the same time, the interest in continuously attracting more voter groups takes incentives away from other political parties to use negative campaigning for political gain. Negative campaigning alienates the voter groups who identify with that issue, and this alienation makes it unlikely that the political party that used negative campaigning will be able to capture that group's votes in future elections. I expect that the lack of negative campaigning allows political parties to successfully pursue the legislation that is based on narrow interests but does not enjoy the support of the majority. In one-party dominant states, I expect the dominant party to adopt narrow interests in order to prevent losing its voter base to smaller parties that focus on capturing votes through narrow issues. I acknowledge that nationally focused legislation does not necessarily lead to more egalitarian societies, but I maintain that parliaments need to be properly equipped to be able to pass such legislation when it is necessary to establish and ensure equal opportunities and equal protection.

### **1.3 Explaining the choice of policy areas**

This research differs from the European literature on the impact of electoral systems in that it focuses on policy areas that are not socio-economic but rather social in nature. The assumption of this research is that PR electoral systems produce a type of legislative

cooperation that is conducive to the adoption of issues and the passing of legislation which do not enjoy the support of the majority. I chose to focus on policy areas pertaining to social equality because the social, political, and economic realities in the sub-Saharan region prevent PR electoral systems from having the direct impact on socio-economic equality that they do have in Western democracies (Linz, 1990a and b; Horowitz, 1990; Stepan and Skatch, 1993; Lijphart, 1999; Persson and Tabellini, 1998, 2000, 2003; Austen-Smith, 2000).<sup>8</sup> In Western democracies, socio-economic policies which entail measures that redistribute the wealth of the upper-income levels to the lower-income levels are divisive, since the apparent beneficiaries, that is, the lower-income class, constitute a minority of the population vis-à-vis the middle- and upper-income classes. In sub-Saharan African countries, redistributive measures that are tied to employment, such as sick leave or pension funds, would only increase the gap between those who are in formal employment, and therefore more likely to be educated and more stable socio-economically, and those in informal employment, who would not have access to such benefits at all. Other types of redistributive measures, such as free primary and secondary education or health care, are less divisive in societies where the absolute majority is poor and would therefore benefit from such measures. Thus, the types of policies that can cause divisive legislative debates in Western democracies are unlikely to cause similar divisive political debates within sub-Saharan African legislatures.

Inequalities in the sub-Saharan region are not based on class *per se* but rather on social factors, including gender, ethnicity, and locality. The sub-Saharan region is plagued by what are among the highest socio-economic inequality levels in the world, and the causal explanations include globalization, colonial legacies, and ethnic compositions (for a more in-

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<sup>8</sup> An in-depth explanation on why countries in the sub-Saharan African region do not have the conditions that would allow PR electoral systems to have a direct impact on socio-economic equality is given in chapter 2.

depth discussion on the causes of inequality in the sub-Saharan region, see van de Walle 2008). These high levels of inequality are surprising, given that the sub-Saharan African economies are still agriculturally based (Milanovic 2003). Inequalities in the region are marked by a number of different characteristics. Inequalities in asset holding, especially in rural areas, come closest to the socio-economic inequalities that are discussed in the European literature on inequalities. However, the characteristics of inequalities in the sub-Saharan region go beyond inequalities that can be clearly identified as socio-economic in character, and instead extend to inequalities in, for example, access to health care and education, inequalities between urban and rural areas, and significant gender inequalities (for a more in-depth discussion on the characteristics of inequality in the sub-Saharan African region, see Okojie and Shimeles 2006; Sahn and Stiefel 2007). It is the assumption of this research that such socio-economic inequalities cannot be addressed without addressing the underlying social inequalities. As I will show below, societies that are socially unequal also tend to have higher levels of socio-economic inequality. Thus, the concept of egalitarianism in this research is not limited to socio-economic egalitarianism, but is rather broadened to legislation that establishes equal protection and equal opportunities, which are the principles that should be the basis for socio-economic egalitarianism in the long run.

Divisive issues in the sub-Saharan African region are often social in nature.<sup>9</sup> Thus, testing the impact of electoral systems on the four policy areas that I have chosen will allow me to test whether my assumption is true that PR electoral systems are more conducive to legislation that does not enjoy majority support. As stated above, the literature on Western democracies has established a correlation between PR electoral systems and socially fairer policies. Arend Lijphart (1999) has shown that the impact of PR electoral systems goes

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<sup>9</sup> Chapter 4 discusses in detail the lack of popular support for socially egalitarian legislation pertaining to the four policy areas that are examined in this research.

beyond more socio-economic equality and that PR electoral systems produce “fairer, gentler” societies overall.

The four policy areas that are discussed here – marital rape, FGM, protection of most at-risk to contract HIV populations (MARPs), and same-sex relations – lend themselves towards testing the hypotheses of this research. The underlying argument of this research is that PR electoral systems provide parliamentarians and political parties with incentives to pursue nationally focused rather than particularistic issues. At the same time, I assume that PR electoral systems provide parliamentarians and political parties with incentives to adopt and pursue narrow issues that do not enjoy the support of the majority. The four policy areas fit into both categories. First, legislation that establishes equal rights and protection for women and vulnerable groups is national in character as it establishes that all individuals are treated equally under the law. Second, socially egalitarian legislation pertaining to the four policy areas discussed here is narrow in character. While such laws protect weak sectors of society, they do not privilege groups whose political identities are based on localities, ethnicity or culture, or religion. At the same time, as chapter 4 will discuss in more depth, legislation protecting women and other vulnerable groups does not enjoy the support of the majority.

*Correlation between socially egalitarian legislation and socio-economically egalitarian societies*

This section will explain how, in the African context, socially egalitarian legislation is related to socio-economic equality. This research focuses on four legislative issues that are national in character and for which socially egalitarian legislation may lead to more egalitarian societies: female genital mutilation, marital rape, populations most at risk

(MARPs) of being infected with HIV, and same-sex relations.<sup>10</sup> The choice of policies is first of all based on the assumption that passing nationally focused legislation, in and of itself, indicates willingness on the part of the legislators to work towards the national good rather than only a particular group's interest. While the policy areas discussed here most directly affect weak sectors in society, legislation pertaining to these policy areas that is aimed at creating equal opportunities and equal protection under the law is national in character. Second, legislation that aims to actively include the weak sectors in society can strengthen national economies. Economic development, in turn, provides the basis for greater socio-economic equality, which is the focus of the literature on Western democracies.

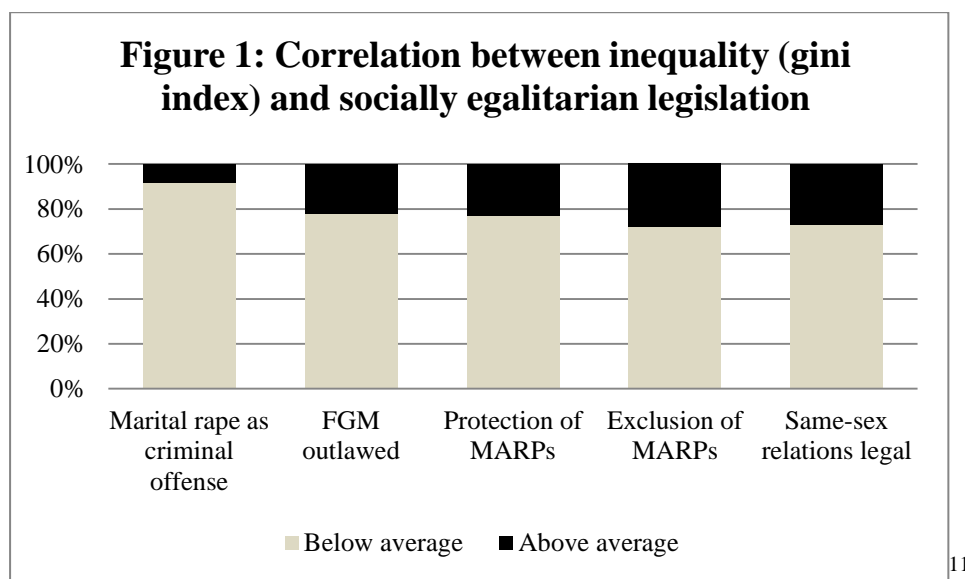
Inequalities are, naturally, most easily measured in industrialized societies, in which welfare state measures can ameliorate the gap between the rich and poor. However, the characteristics of inequality in the sub-Saharan African region are not class-based *per se*, but rather based on factors such as the rural-urban divide and inequalities based on age (UNECA 2005 , p. 57), and on asset holding, especially in rural areas (Sahn and Stifel 2003). However, no inequalities are as pertinent as the gender gap. In sub-Saharan Africa, according to the United Nations Population Fund (2005), girls are less likely to attend primary school and significantly less likely to attend secondary school (79 girls to 100 boys). Women are much less likely to be literate, which is indicated by a 54 percent female literacy rate versus a 70 percent male literacy rate. Women also only take a 36 percent share of the wage employment in the non-agricultural sector.

Inequality is entrenched in sub-Saharan African societies, and it is safe to assume that income inequalities can only be decreased when societal inequalities are addressed. While it is outside the scope of this research to establish the causality of a correlation between socially

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<sup>10</sup> Hereafter, legislation that is meant to create more egalitarian societies will simply be referred to here as socially egalitarian legislation.

egalitarian legislation and more socio-economic societies beyond the assumptions stated below, it is worthwhile to point out that there is a very strong correlation between these two. With an average Gini coefficient of 49.2 for the time period spanning 1990 to 2005 for a total of 35 sub-Saharan African countries, countries that are below the average – and therefore more socio-economically egalitarian – are significantly more likely to have socially egalitarian legislation in place. 10 out of the 11 countries that have made marital rape a criminal offense (91 percent), 10 out of the 13 countries that have outlawed FGM (77 percent), 16 out of the 21 countries that have legal protection of MARPs in place (76 percent), eight out of 11 countries that have not implemented legislation to exclude MARPs from equal opportunities and protection (73 percent), and another eight out of 11 countries where same-sex relations are legal (73 percent), are below the sub-Saharan African Gini coefficient average.



<sup>11</sup> The analysis illustrated in this graph is based on World Bank inequality data, the Gini Index (2012), and the comprehensive data compilation, which can be found in chapter 3 (pp. 58-64).

*The correlation between socially egalitarian legislation and socio-economic equality*

Both the continued practice of FGM and the notion that marital rape is socially acceptable are means of repressing women in society.<sup>12</sup> It is hard to imagine how women can attempt to reach economic equality in societies such as these that expose women to such physical degradation. Outlawing FGM and making marital rape a criminal offense are two important steps towards making societies more equal. By now, a strong correlation between gender inequality and economic growth as a basis for addressing income inequalities has been established by a number of scholars (Klasen, 1999; Dollar & Gatti, 1999; Hill & King, 1993). Stephan Klasen (1999) shows that, if countries in the sub-Saharan African region had achieved gender equality in schooling during the period from 1960 to 1992 in a similar fashion as the East Asian region had, their income per capita would have doubled. David Dollar and Roberta Gatti (1999), examining data from over 100 countries, find that a greater degree of female secondary achievement tends to lead to greater growth. Similarly, Elizabeth M. Hill and M. Anne King (1993) find that a low female-male ratio in primary and secondary education enrollment tends to lead to lower levels of GNP. Thus, the focus on gender inequality, while a worthwhile focus for societal development in and of itself, can also be examined to test theories that have established a correlation between PR electoral systems and lower economic inequalities. In fact, if there is a correlation between PR electoral systems and greater gender equality, this correlation may be one further causal factor that explains the impact of PR electoral systems on more egalitarian societies.

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<sup>12</sup> For example, the 45<sup>th</sup> World Medical Association (WMA) Assembly adopted a statement in 1993, which was editorially revised at the 170<sup>th</sup> WMA Council Session in 2005, stating that “FGM is seen by many as a form of oppression of women.” Similarly, Rafter and Natalizia (1981) argue that marital rape is a form of oppression under capitalism, pointing out that “[t]raditionally, rape has been regarded as a property crime, an offense whose victim is the man whose property (i.e., his wife or daughter) has been defiled [...] Patriarchal capitalism thus reduces the body and spirit of a woman to their property value and then takes from her the control over that property” (88).

There are fewer data available on the correlation between the protection of the rights of the sick and economic development. The focus on the protection of the sick also has an important value in and of itself, and a lack of policies ensuring that the sick have access to education and employment undoubtedly leads to greater societal inequality. All sub-Saharan African countries have acknowledged the need to actively combat HIV/AIDS, but combating the disease does not necessarily lead to more egalitarian societies. Laws that produce more egalitarian societies should protect the rights of people, who are more likely to be exposed to HIV/AIDS, and ensure that they are not excluded from the processes of economic development. Another set of laws are those that aim to protect society from those that are most at risk of being infected, or MARPs: sex workers, men who have sex with men, persons living with HIV, adolescents, and inmates and incarcerated youths. Such legislation can come in the form of explicitly discriminatory laws, such as travel restrictions for people infected with HIV/AIDS or mandatory testing, or laws that indirectly make the inclusion of MARPs more difficult, e.g., laws that drive people most at risk underground and away from HIV services and overly broad laws regarding the criminalization of HIV transmission (UNAIDS 2010). These two types of legislation pertaining to MARPS are not necessarily incompatible, and, as will be discussed below, a number of countries have implemented both types of laws. In such cases, the impact of legislation protecting MARPs should be undermined by legislation that inevitably increases the stigma of MARPs.

Furthermore, it is also possible to establish a correlation between restricting the rights of people who are infected with HIV and national economic growth, as a basis for addressing income inequalities. The impact of HIV/AIDS on sub-Saharan African economies is well established. According to Dixon, McDonalds, and Roberts (2002), the impact of HIV/AIDS on annual national economic growth in sub-Saharan African countries ranges from two to four percent as a result of reduced labor supply, reduced productivity, and reduced export and

increased import levels. Recent data show that the exclusion of whole sectors of society from the economy, through measures such as limiting access to education and job opportunities to people who are considered weak, has drastic effects on the economy. According to the International Labor Organization (2009), the economic losses related to the exclusion of persons with disabilities from the work force amounted to 4.3 percent of the GDP in Namibia and 7 percent of the GDP in South Africa in 2006. While HIV is not considered a disability *per se*, the mechanisms of exclusion are similar and therefore the impact of the exclusion of those infected with HIV as well. It is also well-established that the stigma attached to HIV/AIDS still stands in the way of any real improvement of the epidemic in sub-Saharan African countries.<sup>13</sup> Thus, it is only logical to draw a connection between the legislation that discriminates against MARPs and, ultimately, economic development as a basis for addressing economic inequalities. Inclusive legislation regarding MARPs can increase national growth as a basis for providing the services that may lead to more egalitarian societies, and the social and economic inclusion of MARPs will make society more egalitarian in general.

Directly related to the discussion above are laws regarding same-sex marriages. The United Nations Human Rights Committee states that laws criminalizing same-sex relations run counter to the implementation of effective education on HIV/AIDS. Daniel Ottoson (2010, p.8) explains the relationship between such laws and the lack of effective HIV/AIDS education, arguing that the combination of shame, ostracism, and violence prevents homosexuals in the region from openly acknowledging their sexuality.<sup>14</sup>

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<sup>13</sup> According to Kalichman *et al.* (2004), HIV education has only moderately decreased the HIV stigma in the sub-Saharan African region. It is, therefore, not feasible to reliably trace variation in economic growth based on levels of HIV stigma.

<sup>14</sup> In this research, the terms “homosexual relations” and “same-sex relations” are used interchangeably.

In sum, focusing this research on the impact of electoral systems on socially egalitarian legislation is valuable in itself. However, focusing on socially egalitarian legislation can also be considered an acceptable proxy for legislation that produces more socio-economic societies precisely because socially egalitarian legislation promotes socio-economic equality. If I can show that PR electoral systems produce more socially egalitarian systems, even in the sub-Saharan African region, then this research may add a new link to the causal explanations in the literature on Western democracies, namely, that social equality is a basis for socio-economic equality.

#### **1.4 Explaining the focus on legislation rather than on policy**

The methodology of this research differs from the literature on Western democracies in that it focuses on legislative outputs rather than policy outcome. The logic for this approach, which is possibly narrower than in the literature on Western democracies, is derived from the sub-Saharan African context. The literature on Western democracies assumes that parliamentary debates and legislation lead to the establishment of policies, which means that the assumption is that policies can be created from the bottom up. This assumption is most apparent in the literature on the impact of electoral systems on the welfare state (Amenta and Skocpol 1989, Ljiphart 1999; Iversen and Soskice 2006). In the sub-Saharan African region, the trajectory of policy-making is often times reversed, given the dominance of the executive branch throughout the region (for discussions on the overly dominant executive branches in the region, see, for example, Prempeh 2006; Bratton and van de Walle 1997; van de Walle 2003; Barkan 2009; Hakes and Helgersen 1973; Stultz 1970; Hopkins 1970). Thus, parliaments in the African region are usually put in the position of having to respond, in their legislative roles, to policies already established by the executive branch.

Legislation should be the basis for policy, but policies that are established by the executive do not necessarily require legislative approval. Given that most countries in the region have experienced democracy for only two decades, it is simply too early to measure the impact of electoral systems on actual policy outcomes. The implementation of policies may take a long time and the implementation of legislation is not inevitable in systems where the executive branch still dominates (Prempeh 2006). Parliaments' role in the implementation of legislation is often times limited to passing annual appropriations bills.<sup>15</sup> At the same time, policies may be implemented by the executive branch without former approval by the parliament. As is the case elsewhere in the world, legislatures in sub-Saharan African countries are given the legal authority to accept or reject annual budgets, which should give parliaments significant influence over governmental policy making (IPU, World Bank, and IMF, forthcoming). However, a number of factors explain why sub-Saharan African legislatures usually accept budgets put forward by the executive. Clientelism, that is, the exchange of goods or services for political support, is one factor that explains why parliaments in the sub-Saharan region do not exercise their oversight role (Bratton and van de Walle 1997; van de Walle 2003, 2007; Barkan 2009).<sup>16</sup> This is especially true in systems in which the executive and legislative branches are not independent from each other, as the prospect of obtaining ministerial positions in return for the support of executive policies is often times a very powerful incentive (Barkan 2009).<sup>17</sup> Another factor is how there is too

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<sup>15</sup> Parliaments rarely have the legal right to demand amendments to appropriations bills, which leaves them in the position of having either to approve the budget as presented by the executive, or to reject the entire budget. Additionally, few budgets provide clear itemization of the projects and specific services for which the allocated funds will be used (IPU, World Bank, IMF, forthcoming).

<sup>16</sup> This issue will be discussed in further detail in chapter 4. Here, it should be noted that clientelism is not a phenomenon of the sub-Saharan African region. Nicolas van de Walle (2007) argues that “[c]lientelism exists in all polities. The form it takes, its extent, and its political functions vary enormously, however, across time and place” (50).

<sup>17</sup> For a detailed summary of the literature on the impact of clientelism on political cultures and the economy, please refer to Hicken (2011).

little time for legislatures to examine the proposed budgets effectively, as it is commonplace for the executive to send the proposed budget to parliament only a few days before the due date for passing or rejecting it. Other factors, such as the lack of support staff and research material, and the lack of expertise in the respective committees, also add to the weaknesses of legislatures (Barkan 2009). Focusing on legislation rather than on actual policies allows one to examine the actual active involvement of legislatures rather than the passive approval of policies put in place by the executive. Active involvement may be seen in the form of legislation that helps implement policies put forward by the executive through legislation or – and this is much rarer in the case of sub-Saharan African countries – in the form of legislation that forces the executive to act within policy areas that did not originate from the executive.

Furthermore, all the policy areas that are being examined for this study are driven by norms established by the international community. There are national movements pertaining to these policy areas in many sub-Saharan African countries, but all these policy areas were either initiated or strengthened by international guidelines.<sup>18</sup> This stands in stark contrast to the policy areas examined in the literature on the relationship between electoral systems in policy outputs in that these policy areas were addressed by nationally focused legislation driven by domestic politics from within the individual countries. This difference also means that the legislative trajectory is very different in the policy areas that are being examined for this research *vis-à-vis* the policy areas that are being discussed in literature on Western democracies. Specifically, it is the executive arm that signs onto these guidelines in the international arena and it is the legislatures' role to implement the guidelines.

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<sup>18</sup> International instruments include, but are not limited to, The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966), The Convention on the Elimination of All Forms of Discrimination against Women (1979), The Convention on the Rights of the Child (1989), The Vienna Declaration and the Programme of Action of the World Conference on Human Rights (1993), The Convention on the Elimination of All Forms of Discrimination against Women (1979); and General recommendation 24 by the Convention on the Elimination of All Forms of Discrimination against Women (1999).

It should be noted that this research does not intend to measure the impact of electoral systems on the strength of parliaments. Instead, this research intends to establish whether PR electoral systems give parliaments, regardless of their strength *vis-à-vis* the executive branch, greater incentives to pass socially egalitarian legislation. Similarly, this research does not proclaim to measure the actual impact of the legislation that is passed. My assumption is that legislation is one important step towards more egalitarian societies, and there are indications that, even in the sub-Saharan African context, socially egalitarian legislation has produced more egalitarian societies. Thus, in Burkina Faso, support among women for FGM was significantly lower, with only 17 percent of women supporting the practice, than it was in the rest of the sub-Saharan African region, where the support rate is above 50 percent in every other country where FGM is still practiced. UNICEF (2010) suggests that this significant difference in support for the practice can be explained by the passing of the legislation banning FGM in 1996, which included harsh punishment for people actively involved in genital mutilation. However, there are a number of reasons that make it impossible to establish that socially egalitarian legislation has the expected impact on a more socially egalitarian society. First, a number of factors can prevent the implementation of legislation, especially when the implementation involves financial costs and requires the support of local leaders. Second, even when legislation is implemented, a number of factors can prevent its effectiveness, such as the lack of education among the general population regarding the law and its implications. More importantly, it usually takes a long time before the impact of legislation on more egalitarian societies will become evident.

### **1.5 Methodology**

In order to validate the findings of the research, both quantitative and qualitative data, and primary and secondary data, are used to triangulate the research. A number of scholars on social science methodology have argued that mixing these two traditions is effective in

validating findings (Olson 2004) and that such an approach can lead to the innovation of conceptual frameworks (Flick 1992). Given the dearth of reliable data on the issues pertaining to inequality in sub-Saharan Africa (van de Walle 2008) and on parliaments in this region (Barkan 2009), both these benefits are relevant towards addressing the problem of conceptual stretching (Sartori 1970; Collier and Mahon 1993).<sup>19</sup>

First, semi-structured elite interviews were conducted in four sub-Saharan African countries: Benin, Kenya, Namibia, and Uganda. A total of 80 Members of Parliament (MPs) participated in in-depth and open-ended interviews. The purpose of these interviews was to establish the mechanisms of legislative cooperation on issues pertaining to more legislation aimed at creating more egalitarian societies. The cases chosen reflect the different types of electoral systems – Kenya and Uganda both have plurality systems, Benin has a PR electoral system with small district magnitudes ranging from two to four representatives per district, and Namibia has a PR electoral system with a nationwide district magnitude. Furthermore, the four case studies differ in their party structure in that Uganda and Namibia have one-party dominant party systems in place, while Benin and Kenya are defined as multi-party systems.<sup>20</sup>

<b>Table 1: Case studies by electoral system and party system</b>			
Electoral system	Party system	One-party dominant	Multiparty
Plurality/Majoritarian		Uganda	Kenya
Proportional Representation		Namibia	Benin

<sup>19</sup> The issue of conceptual stretching will be addressed in chapter 2.

<sup>20</sup> The party system categorizations are based on a 2007 International Institute for Democracy and Electoral Assistance (IDEA) study. One-party dominant party systems are characterized by noncompetitive elections in the sense that the dominant party is guaranteed to win elections, even in systems where a number of political parties compete and function.

Second, a total of 47 sub-Saharan African countries were examined in order to establish a correlation between their electoral systems and legislative outputs pertaining to four policy areas: making marital rape a criminal offense, outlawing the practice of female genital mutilation (FGM), the protection of people most at risk of being infected with HIV, and the legalization of same-sex relations.<sup>21</sup>

In order to test alternative explanations for the legislative outputs pertaining to these four policy areas, data were collected and analyzed regarding the following aspects: party systems (one-party dominant, two-party, and multiparty systems) and linkages between the executive and legislative branches in order to examine the impact of executive-legislative relations on legislative outputs; female representation in parliament in order to test whether higher percentages of female representation account for more egalitarian legislation; FGM and HIV prevalence rates in order to examine the impact of the severity of problems on legislation; and the strength of national economies in order to see whether the financial ability to implement legislation, or, alternatively, dependence on international loans, makes the passing of laws more likely.

## **1.6 Structure of dissertation**

The dissertation will proceed as follows:

Chapter 2 examines how the theories that explain the correlation between PR electoral systems and more socio-economically egalitarian societies in Western democracies travel to the sub-Saharan African region. I will examine how the different social, political, and economic conditions in the sub-Saharan African countries affect the mechanisms of legislative cooperation. I will argue that the conditions specific to the sub-Saharan region

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<sup>21</sup> Equatorial Guinea and South Sudan are not included in the analysis for lack of available data given by the sources used for this research (for details, please refer to the source references below the comprehensive data sheet on pp. 58-64). Please also note that South Sudan only achieved independence in July 2011.

make inter-party cooperation less likely, but that PR electoral systems should still lead to stronger party discipline which, in turn, should be the basis for pursuing legislation that does not enjoy majority support among the general population.

Chapter 3 analyzes the impact of electoral systems on legislative outputs in the sub-Saharan African region. Based on an examination of 47 countries in the region, the chapter establishes a very strong correlation between PR electoral systems and more socially egalitarian legislative outputs. Specifically, I will show that countries with PR electoral systems are significantly more likely than their counterparts with SMDV electoral systems to have legislation in place that makes marital rape a criminal offense, that outlaws the practice of FGM, and that protects MARPs. Conversely, I will show that plurality and majoritarian systems generate legislation that threatens the rights and protection of women and other vulnerable groups. Specifically, I will show that countries with such systems are significantly more likely to have legislation in place that discriminates against MARPs and that outlaws same-sex relations. Furthermore, the data examined in this chapter will show that alternative explanations for the correlation, namely, FGM and HIV prevalence rates and party systems, are weak.

Chapter 4 establishes mechanisms explaining the correlation between PR electoral systems and more socially egalitarian legislative outputs. It will trace the impact of electoral systems on the relationship between MPs and their constituents, on the one hand, and with their affiliated political parties, on the other. It will show that MPs throughout the region face similar pressures from the executive branch and their constituents, but that the different levels of relationships with their constituents and political parties lead to different types of cooperation and, ultimately, different types of legislative outputs. This chapter will also show that different levels of strengths of the executive *vis-à-vis* the parliament and of economic strengths do not explain the variation on policy outputs.

Chapter 5 will address the question of whether countries in the sub-Saharan African region are at a crossroads toward electoral reform. To that end, I will examine the causes and conditions of electoral reform in Western democracies during the turn of the 20<sup>th</sup> century, and I will argue that countries in the sub-Saharan African region still largely lack these conditions. However, I will show that more countries in the region are embracing the debate over electoral reforms. I will suggest that the greater focus on electoral reform is a result of a stronger scholarly focus on the role of parliaments in the region, as well as of demographic changes. I will conclude that these debates indicate that sub-Saharan African countries may indeed be more likely to implement electoral reforms.

Chapter 6 will conclude with a summary of the main arguments, the main findings, and a statement on the contribution of this research to the existing knowledge. Finally, I will acknowledge the limitations of this research and make suggestions for future research.

## **CHAPTER 2: APPLYING THE LITERATURE ON ELECTORAL SYSTEMS TO THE AFRICAN CONTEXT**

### **Introduction**

This chapter will examine how the theories on the impact of electoral systems on more egalitarian societies travel to the sub-Saharan African continent where the social, political, and economic conditions differ from the conditions in Western democracies. I will show that the different social conditions mean that proportional representation (PR) electoral systems do not produce inter-party cooperation, which the literature on Western democracies assumes to be the basis for more socio-economically egalitarian legislation and policies. I will further show that the political realities in the region provide few incentives to politicians to pursue socio-economic equality at this point. Finally, I will also argue that economic conditions have prevented the emergence of substantive policy debates on how to address socio-economic inequalities. These factors explain why PR electoral systems do not have a direct impact on socio-economically egalitarian legislation in the sub-Saharan African region.

However, I will show that PR electoral systems may be conducive to passing legislation which does not enjoy popular support. I will show that PR electoral systems in the sub-Saharan African region can have a similar impact on policy coherence, by which I refer to the ability of a political party to pursue a policy goal as a result of party discipline, as they do in Western democracies. Policy coherence is an important feature of the literature that explains the correlation between PR electoral systems and socio-economic equality in Western democracies, as redistributive policies are unpopular among the majority of the population, at least, in the initial phases when the benefits for society overall are less apparent. Similarly, socially egalitarian legislation tends to lack popular support and requires

party leaderships to develop a long-term strategy and to control their party members in order to effectively pursue that strategy.

## **2.1 Explaining the lack of inter-party cooperation in the sub-Saharan African region and its impact on this research**

The assumption of this research is that egalitarian legislation is generated when electoral institutions give parliamentarians incentives to cooperate rather than attempt to make political gain through competition for resources for their constituents. This assumption is derived from the literature that examines the impact of PR electoral systems on more socio-economically egalitarian societies in Western democracies. However, this section will show that social, political, and economic conditions in the sub-Saharan African region create different mechanisms for cooperation and, ultimately, minimize the impact of PR electoral systems on inter-party cooperation. This, in turn, serves as an explanation for why PR electoral systems have not produced more socio-economically egalitarian societies.

*Explaining the correlation between PR electoral systems and more socio-economically egalitarian societies in Western democracies*

Several scholars have observed an apparent link between proportional representation and more egalitarian societies in Western democracies (Linz, 1990a and b; Horowitz, 1990; Stepan and Skatch, 1993; Lijphart, 1999; Persson and Tabellini, 1998, 2000, 2003; Austen-Smith, 2000). Arend Lijphart (1999) posits that what he terms consensus democracies, for which proportional representation is an important feature, produce more socially inclusive societies. Consensus democracies produce more socio-economically egalitarian societies through stronger welfare states. They are also less likely to have the death penalty and more inclined to provide foreign aid. It is noteworthy that consensus democracies also lead to more socially oriented societies with overall better records of environmental protection and

with lower imprisonment rates and, significantly, more socially egalitarian societies with, for example, greater gender equality. Whether there is an actual causal connection between proportional representation and what Lijphart refers to as fairer policy outcomes remains unclear in Lijphart's analysis, as the specific mechanisms for the proposed correlation are not given.

Expanding on Lijphart's research, a number of scholars have examined the legislative and policy outputs of PR electoral systems that generate more egalitarian societies socio-economically (Persson and Tabellini 2000, 2003, Austin-Smith 2000; Lizzeri and Persico 2001; Milesi-Ferretti et al. 2001). Torsten Persson and Guido Tabellini (2003) show that greater levels of cooperation and compromise on the legislative level as a result of PR electoral systems lead to greater and less targeted government spending. Similarly, Austin-Smith (2000) uses aggregate data to show that average-income tax rates are higher in PR electoral systems and that the post-tax income distribution is flatter.

Causal explanations for the correlation between PR electoral systems and more socio-economically egalitarian societies in Western democracies rest on the assumption that PR electoral systems produce inter-party cooperation. Inter-party cooperation increases the political influence of political parties that represent the interest of the industrial labor class (Iversen and Soskice 2006), allow individual political parties to share the political burden of unpopular legislation (Bawn and Rosenbluth 2002), and strengthen policy coherence (Amenta and Skocpol 1989).

Torben Iversen and David Soskice (2006) argue that the ideological partisan character of the government determines redistributive outcomes, and that the partisan character is mainly determined by differences in the coalitional dynamic associated with PR electoral systems. Their model is based on the assumption that political parties reflect class or class-

coalition interests and on the observation that PR electoral systems force political parties into coalitions that are initiated by middle-class political parties. They find that government coalitions between lower-class and middle-class political parties are most likely to occur in PR electoral systems. Their explanation for this pattern is based on the assumption that there is nothing that prevents the poor from taking from the middle class, or the middle class from taking from the rich. Thus, the middle class has an incentive to ally with the poor in order to exploit the rich. In this way, the middle class ensures that it will also benefit from redistribution, which is largely financed by the rich.

Another causal explanation for the relationship between electoral systems and policy outputs focuses on the impact of electoral systems not on who is cooperating as a result of electoral institutions, but rather on the type of legislative cooperation that electoral systems produce (Amenta and Skocpol 1989; Bawn and Rosenbluth 2002). Supporting the assumption that electoral systems produce a different type of legislative cooperation, Edwin Amenta and Theda Skocpol (1989) argue that majoritarian systems inhibit the development of welfare states. Examining the United States from a historical-institutional perspective, they find that the single-member-district voting (SMDV) system is associated with patronage, which in turn undermines nationally focused policies. Furthermore, they argue that in countries where majoritarian systems lead to a two-party systems and, thus, prevent coalition-building among political parties, policy areas that require a long time to be implemented and to show actual policy outcomes are less likely to be achieved. The scholars examine the development of the welfare state in the United States and argue that the complete change of government, when a change of government occurs, makes coherent policy-making less likely. Conversely, proportional representation systems that lead to coalition-building are more likely to lead to coherent policy making, because a change of government is rarely a complete change, with some factions from the previous government rejoining the new government.

Thus, coalition governments are more likely to build on existing structures. Building on existing structures, in turn, leads to more coherent policy-making.

Similarly, Kathleen Bawn and Frances Rosenbluth (2002) explain different policy outputs through the impact of electoral systems on intra- and inter-party cooperation. They establish that the single-political party governments of majoritarian systems, which they argue represent a coalition of interests, are less likely to invest in the public sector than governments based on coalitions of political parties formed after elections are. Their causal explanation is based on the notion of electoral accountability, as they argue that single-political party governments are accountable for all political party decisions, while political parties that participate in coalition governments are only held responsible for a subset of policy decisions. Bawn and Rosenbluth assume that voters are aware of the individual political parties' policy priorities and that voters expect that each political party will pursue their priorities. Logrolling projects among the political parties in the coalition government is therefore more likely, since political parties themselves do not internalize the political costs to the same degree as a single political party does in a majoritarian system. Persson and Tabellini (2000) put forward a similar argument, but they focus on individual parliamentarians rather than on political parties. They argue that the correlation between electoral systems and fiscal spending can be explained by the career aspirations of elected representatives. While elected representatives in majoritarian systems are individually accountable to a specific constituency and are therefore less likely to endorse nationwide spending programs, representatives in PR electoral systems are collectively accountable via political party lists.

Another set of analyses establishes that the strategies of political parties in PR electoral systems are based on capturing as many narrow interests as possible. These analyses examine the impact of electoral systems on spending on broad programs, such as

social transfers and investing in national public goods, versus locally targeted programs, such as targeted transfers and local public goods. Several studies show that political parties seek nationwide support by offering broad programs in PR electoral systems (Persson and Tabellini, 2002, Lizzeri and Persico, 2001, Milesi-Ferretti et al, 2001). Persson and Tabellini (2002) find that spending on the welfare state increases in PR electoral systems during electoral campaign cycles, while pre-election tax cuts are evident in both systems but more pronounced in majoritarian systems. This finding is in line with the assumption that representatives in PR electoral systems seek support among broad coalitions of voters.

#### *Mechanisms of inter-party cooperation*

All of these scholars assume that PR electoral systems produce coalitions because the larger district magnitudes should increase the number of political parties in parliament, forcing them to cooperate to build a government and effective opposition. Maurice Duverger (1954) provided the basis for this analytical approach. Maurice Duverger's Law and Hypothesis (Riker, 1982), which state that "the simple-majority single-ballot systems [i.e. simple plurality rule] favors the two-political party system" (Duverger, 1954: 217) and that "the simple-majority system with second ballot and proportional representation favors multipartyism" (Duverger, 1954: 239), have established the basis for analyses on electoral systems. Building on Duverger's propositions, Giovanni Sartori (1968) proposed that in a multimember-district PR system, district magnitude is the best predictor for the number of political parties that can be expected to contest the district. Robert Cox (1997) explains Duverger's laws by pointing to strategic voting among the mass electorate and strategic contributions among the elites. He argues that, since contribution, in the form of voting or otherwise, is meant to influence the outcome, contributions in a plurality system are concentrated on serious candidates, of whom there will usually only be two in equilibrium. As the district magnitude increases, voters are less likely to vote strategically by voting for a

likely winner.<sup>22</sup> One may add thresholds to parliamentary entry as yet another, probably less significant, factor to Cox's argument, as lower thresholds increase proportionality and, in turn, the chances for smaller political parties towards gaining parliamentary representation. Thus, the lower the thresholds are, the less strategic the voters should become.

*Explaining the limitations of Duverger's Law and Hypothesis in the sub-Saharan African context*

Duverger's Law and Hypothesis fail to explain party systems in the sub-Saharan African region, where almost all countries have a large number of political parties that are competing for power and that are represented in parliament irrespective of the electoral system in place.<sup>23</sup> A number of scholars have established explanations for why electoral systems do not necessarily have the expected impact on party systems.

First, the assumptions of Duverger's propositions have been criticized for being overly simplified, as the assumptions ignore the impact of social and demographic factors. Several scholars (Nohlen, 1993; Lipset and Rokkan, 1967; Taagepera and Grofman, 1985) have argued that the number of political parties is a reflection of the diversity of social cleavages and that the electoral system is an extension of the existing political party system rather than a basis for the creation or limitation of political parties. Similarly, Riker shows that PR electoral systems do not necessarily lead to multiparty systems, which, in Duverger's analysis, means more than two political parties. William H. Riker (1982) argues that four countries – West Germany, Austria, Australia, and Ireland – prove Duverger's law wrong, as all four political systems at the time of his writing had what he considered a two-political

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<sup>22</sup> Strategic voting refers to voters' choice to not support their preferred candidate and vote for another in order to prevent an undesirable outcome of an election.

<sup>23</sup> One notable exception is Ghana, where the plurality system may have contributed to the establishment of a true two-party system.

party system despite having PR electoral systems in place. Although West Germany and Australia essentially had 2.5 political parties, and although Ireland's single-transferable vote (STV) system may not have the same impact as other PR electoral systems, Austria, at the time of Riker's writing, was a convincing example of a PR system with a two-political party system (Taagepera and Grofman, 1985).<sup>24</sup> Integrating Duverger's and Giovanni Sartori's work with the hypotheses of Lipset and Rokkan, Rein Taagepera and Bernard Grofman (1985) maintain that the literature on electoral systems shows that the higher the number of cleavages in society, the more political parties there will be. They add that Duverger's assumptions only work when there is a dominant and politicized social cleavage.

The criticism most pertinent to the sub-Saharan African region, which also explains why party systems in the region are marked by large numbers of political parties represented in parliament, is put forward by a set of scholars who maintain that Duverger's supposition that small political parties will be underrepresented in a plurality system will only hold true in places where ethnic minority interests are not locally concentrated (Taagerpera and Grofman, 1985; Kim and Ohn, 1992). Specifically, these scholars argue that multiparty systems are not only limited to PR electoral systems, but can also result in plurality systems in which minorities are locally concentrated. With this point, this set of scholars makes an important contribution to both Duverger's and Lipset and Rokkan's work in that they show that Duverger's laws only apply in places where functional cleavages based on class interest rather than only territorial interests determine political party formation. In places where ethnic minority groups are locally concentrated, the plurality system is conducive to a large number of minority political parties. Local concentration of ethnic groups explains the well-

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<sup>24</sup> STV electoral systems seek to minimize lost votes and achieve a level of proportionality by allowing voters to rank their preferences. Once the voter's first choice is either elected or eliminated, any surplus votes are transferred according to the voter's stated preferences. Thus, the system allows voters to have a direct impact on the choice of candidates compared to closed-list PR electoral systems, where the party leaders rank candidates and thus determine which party members are most likely to receive a seat in parliament.

known cases to which Duverger's laws do not seem to apply, as in the case of India or Canada, where locally concentrated ethnic groups have been able to vote political parties representing their interests into parliament. Thus, Jae-On Kim and Mahn-Geum Ohn (1992), building on earlier work that points out that Duverger's supposition that single-member districts lead to two-political party systems is flawed (Sartori, 1968; Rae, 1971; Riker, 1982), argue that the geographic distribution of votes influences the number of political parties represented in parliament. In countries where minorities dominate some districts, such as in Canada or India, minority political parties can become effective third political parties in parliament. Peter Ordershook and Olga Shvetsova (1994) show that social structure and electoral proportionality interact with each other. Increasing proportionality only leads to political party proliferation in heterogeneous societies, and increasing the diversity of the social structure only leads to political party proliferation in proportional electoral systems. If a third political party's supporters are concentrated in one particular region, then that political party may gain seats while remaining a minority political party nationally. In a similar manner, Rein Taagepera and Matthew Soberg Shugart (1993) show that district magnitude (the number of parliamentary representatives per district) alone does not account for the number of political parties. They argue that the number of political parties is a function of the interrelation between district magnitude and what Lijphart (1984) terms "issue dimension," which refers to the number of societal cleavages. When there are only a few societal cleavages, increasing the district magnitude will not lead to more political parties. Conversely, when there are many societal cleavages, lowering the district magnitude dramatically reduces the number of political parties that win at least one seat in parliament.

The assumption that party systems are not a result of electoral systems but rather of societal cleavages originated in the literature on Western democracies, which assumes that, once voters have affiliated themselves with a political party, changes to the party system

become unlikely. The basis for the analytical correlation between societal cleavages and political party systems is derived from Seymour M. Lipset and Stein Rokkan's seminal work (1967) in which they claim that European political party systems were stabilized because individuals developed attachments to political parties on the basis of four social cleavages that emerged over time at moments of historical crisis – center–periphery (region), state–church (religion), land–industry (urban–rural), and owner–worker (class). Lipset and Rokkan argue that the political party systems of Western European countries were essentially frozen once the political parties were fully established in the 1920s and 1930s. Similarly, Kenneth Roberts and Eric Wibbles (1999) show that Duverger's assumptions cannot be applied universally, by pointing out that Latin American political party systems are less volatile when the political parties have roots in the 19<sup>th</sup>-century preindustrial oligarchic divisions that cut across class organizations. More precisely, as Dieter Nohlen (1993) argues, it is the number of existing political parties that determines the choice of electoral systems rather than vice versa.

Not all scholars agree with the assumption that party systems are unlikely to change once voters have established an affiliation with political parties, and there are signs that electoral systems in the long run may have a similar impact on party systems in the sub-Saharan African region, as they do in most Western democracies. Robert Cox (1997: 21-23) challenges the argument that electoral systems are merely a reflection of social cleavages. Examining available data on countries with two legislative chambers, where the same number of political parties should be competing for both chambers if political parties are indeed a reflection of social cleavages, he shows that different electoral systems produce different political party systems, even when used in the same society at the same time. An indication that Cox's assumption applies even to the sub-Saharan African region is given by Minion K. C. Morrison and Jae Woo Hong's (2006) analysis of Ghana's party system. Morrison and

Hong claim that the single-member-district voting system in Ghana has effectively led to a two-party system, even though, as they acknowledge, ethnic and local cleavages exist and play a role in electoral support for the two major political parties.

*Explaining the limited impact of inter-party cooperation in the sub-Saharan African region*

Although the number of political parties represented in parliament is high throughout the sub-Saharan African region, government coalitions are not as common as the sheer number of political parties would indicate. One reason for the relative lack of political party coalitions is the still widespread phenomenon of one-party dominant states. Approximately half (46 percent) of sub-Saharan African countries are ruled by a single political party, which controls both the executive and the legislative branch and has such a stronghold that it is unlikely to be voted out. Surprisingly, inter-party cooperation among opposition parties in one-party dominant systems remains unorganized and weak. A number of scholars have examined the causes of weaknesses of opposition parties throughout the region (van de Walle and Butler 1999; Mathisen and Svasand 2002; Gentili 2005). Nicolas van de Walle and Kimberley Butler (1999) point out that African political parties are generally marked by weak institutionalization, organization, and links to society (p. 15). Harald Mathisen and Lars Svasand (2002) argue that the large number of political parties led to fragmentation of the party system, which continues to be largely driven by the dominant parties. Anna Maria Gentili (2005) maintains that the increase in political parties does not indicate greater participation, but rather a weakening of the party system. Wondwosen Teshome (2009) argues that political parties in the region tend to appear mostly around the election period and then disappear soon thereafter.

Even where government or opposition coalitions are built, the coalitions would be unlikely to have the expected impact on policy making, given that policy platforms of

political parties in the region rarely propose alternative approaches to solving socio-economic problems. It is commonly assumed that political parties in the sub-Saharan African region lack policy platforms (Mathisen and Sasvand 2002; Isakpa 2008). It may be more accurate to specify that political parties tend to project similar aims without providing different ways through which these aims should be achieved. A Konrad Adenauer Stiftung analysis (2007) of the political party policy platforms of Uganda's political parties for the 2006 election showed that all parties focused on the same issues, such as free secondary education and poverty eradication. The fact that all political parties focus on the same issues is not surprising, given that the majority of the region's population (51%) lives below the absolute poverty line and 28 percent are chronically hungry (Singhathe 2011). It is more important to note that none of the political parties, according to the study, suggested alternative solutions to the problems. The lack of diversity in policy platforms means that even where inter-party cooperation occurs, such cooperation is unlikely to generate legislative debates on issues that are not already present, or innovative approaches on how to achieve the aims that all political party platforms claim to pursue.

More specifically, the industrial labor class has a very weak link to political parties and is thus unable to shape political platforms where they exist. Trade unions in the sub-Saharan African region are not commonly involved in political party politics in the way that they are in other regions of the world. Björn Beckman, Sakhela Buhlungu, and Lloyd Sachikonye (2010) maintain that the experiences of other regions in the world show that civil and political liberties are the preconditions for converting the economic interests of workers into rights and entitlement (p.5). While trade unions are common throughout the sub-Saharan African region, Zimbabwe and South Africa are among the few cases in which the unions are directly involved in political party politics. In other cases, like Zambia, the relationship between the government and trade unions is based on mutual mistrust after failed attempts by

unions to influence government policy and to reshape the labor regime (Akwetey 2001). In Ghana, trade unions deliberately decided to stay away from political party politics in Ghana's two-political party system in order to maintain their political autonomy. However, Emmanuel Obliteifio Akwetey (2001) argues that trade unions in Ghana were also unable to influence policy making. Beckman, Buhlungu, and Sachikonye (2010) point out that the political weakness of trade unions in the sub-Saharan African region is at least partially a result of their opposition to market liberalization and privatization, which were pre-conditions under the Structural Adjustment Programmes of the Bretton Woods Institutions.

### *Causes and characteristics of inequality in the region*

Inequalities in the sub-Saharan African region are not solely class-based, even though the middle class remains small there. Inequalities are instead largely based on localities or on identities based on ethnicity, culture, or religion. In this section, I will examine the causes of inequality and the characteristics of inequality in the region. I will show that the institutionalized nature of inequality explains why effective policies of redistribution akin to affirmative action policies have not been applied in the region. This is to show that the economic realities in the region would render class-based redistributive measures akin to Western welfare states ineffective.

In 2011, the six most unequal countries were all from this region (Namibia, South Africa, Lesotho, Botswana, Central African Republic, and Zimbabwe), yet none of the traditional explanations can explain the high levels of inequality there. Milanovic (2003) pointed out that, based on the assumptions of the Kuznets curve, countries in the sub-Saharan African region should be quite equal, given the low levels of industrialization of sub-Saharan

African countries.<sup>25</sup> Nicolas van de Walle (2008) further shows that land asset inequality only explains inequality in former settler colonies, where settlers established large-scale farms. Inequality is less likely to be tied to land and most often communal since historically, the region was land-abundant and short on labor, even though land redistribution has clearly become a significant political issue, even in countries that were not characterized as settler colonies. Interestingly, van de Walle finds that inequality levels are higher in those sub-Saharan countries that have more land per capita (10). Finally, van de Walle argues that the impact of globalization on inequality in the region is far from clear. In general, there is still no consensus in the scholarly community on whether globalization increases (Wibbles 2006, Rudra 2003) or decreases inequality (Rodrik 1999). A more important notion for the sub-Saharan African region might be that growth in highly unequal countries generates less poverty reduction than in countries with less inequality (van de Walle 2009, 12).

Given that none of the traditional, economically focused theories provide an explanation for the high levels of inequality in the sub-Saharan African region – and also given that, despite variations in the levels of inequalities, inequality is high in all of the countries in the region – van de Walle proposes an institutional explanation that attributes the inequality levels to the region’s common colonial experience. He argues that inequalities were created partially because of the colonial authorities’ focus on cash crops as a means to finance the exploitation of the continent, which was a financially successful strategy that nevertheless only benefitted a few farmers, while the rest of the population had no access to cash crops. At the same time, to rule, colonial authorities tended to rely on selective indigenous groups, who often inherited the state at independence. He suggests that the very weak administration of the colonial authorities – which relied mostly on local chiefs for the

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<sup>25</sup> The Kuznets curve graphically illustrates the cycle of inequality driven by market forces with an inverted U-curve: when countries first industrialize, inequality increases, but it decreases as growth leads to trickle-down effects.

implementation of colonial policies – resulted in colonial state institutions that were not accountable or responsive to the needs of the African populations. Thus, at the time of independence, no “social contract” between the state and the people had been established. Van de Walle maintains that the system of favoring certain groups over others and the fact that the favored groups gained political control at the time of independence are largely the causes for inequality today. Given that political elites benefit from investing in the groups that support them, there are few incentives for politicians to pursue policies akin to affirmative action policies aimed towards eradicating existing inequalities.

In addition, the varying economic structures of sub-Saharan African countries make it unlikely that the class-based redistributive measures that are taken in Western welfare states would ameliorate socio-economic inequalities there. African societies are becoming increasingly urbanized, with an estimated 41 percent living in urban areas (Venard 1995), and, according to the African Development Bank (2011), the middle class has tripled over the last three decades, with 34 percent of the sub-Saharan African population now being considered as part of that category. Despite these demographic changes, the majority (59 percent) of people living in sub-Saharan Africa live in rural areas, and about 60 percent of those employed work in the agricultural sector. Approximately three-fifths of those employed in agriculture are subsistence farmers. In addition, few people are formally employed. Estimates of the percentage of people who are engaged in informal, non-agricultural work range from 22 percent (Becker 2004) to 38 percent (ILO 2002a). No concrete data are available, but the number of formally employed is likely to decrease dramatically when people working in the agricultural sector are included in that number. In addition, there is a wide variation in formal employment numbers within sub-Saharan Africa, with only seven percent of employed Ethiopians working in a formal setting compared to 38 percent of employed Kenyans (UNECA 2005, 67). Informal employment relationships make

it difficult to provide benefits that will decrease inequalities. Furthermore, in those societies in which few people are formally employed, the provision of benefits will only lead to greater inequalities between the few who are formally employed and those who are engaged in informal employment or are unemployed. Thus, for example, health care benefits, if they are tied to formal employment, improve the situation of those who are employed, but, simultaneously, increase the socio-economic gap with those who are informally employed.

## **2.2 Explaining legislative cooperation and its significance in coherent policy making in the sub-Saharan African context**

This research assumes that policy coherence, that is, the ability to pursue policies gradually and over a long period of time, is an important factor towards initiating and passing socially egalitarian legislation. Policies in this area tend to lack popular support, which requires political parties to take a long-term strategy in pursuing such policies.<sup>26</sup> As shown above, a significant explanatory factor for more socio-economically egalitarian societies is that PR electoral systems can generate greater policy coherence. Again, the causal explanations in the literature on Western democracies rest largely on the assumption that political systems that provide incentives to political parties to build coalitions are more likely to build on existing structures (Amenta and Skocpol 1989) and, maybe more importantly, that political parties and individual politicians can share the political burden of unpopular legislation (Bawn and Rosenbluth 2002). Conversely, single-member district voting systems open up the opportunity to overhaul or eliminate policies that were pursued during a previous government more easily (Amenta and Skocpol 1989) and are less likely to pursue unpopular legislation in the first place (Bawn and Rosenbluth 2002).

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<sup>26</sup> See chapter 4, pp. 80-82, for a more in-depth examination of the extent of the popular disapproval of the socially egalitarian policy areas that are discussed here.

It is the assumption of this research that legislative cooperation increases policy coherence in sub-Saharan African countries for the same reasons that are established in the literature on Western democracies. Specifically, I argue that legislative cooperation increases the likelihood that policies are pursued over a longer period of time, and I maintain that legislative cooperation allows political parties and individual parliamentarians to share the political burden of unpopular legislation, which, in turn, minimizes the political losses that result from such legislation. The literature on Western democracies focuses on legislative cooperation among political parties. However, legislative cooperation is not limited to cooperation among political parties, but such cooperation can also have different levels of strength on the intra-party level. Intra-party cooperation is, of course, the essence of political parties whose strength is based on a coherent policy platform with which they aim to represent specific societal groups against other societal groups that also organize around political parties. Party discipline is a necessary tool through which intra-party cooperation is maintained. Party leaders rely on measures ranging from offering individual Members of Parliament (MPs) political advancement, to threatening discipline, and, as Christopher J. Kam (2009) argues, party leaders have to ultimately rely on a long-term strategy of socialization in order to ensure that individual party representatives do not dissent for political gain.

Intra-party cooperation is very weak throughout the sub-Saharan region, where the changing of individual parliamentarians' party affiliations during the electoral term is a common phenomenon (Konrad Adenauer Stiftung 2007). Intra-party cooperation has been weakening, even in Western democracies, and the experience of some of these countries illustrates the difficulties that political parties are facing when party discipline is not given. Richard S. Katz and Peter Mair (1995) argue that the type of mass-party politics that is a prerequisite for inter-party and policy-based legislative cooperation is not a sign of a

stabilized democratic system *per se*, but rather just one step in an ongoing political development. They argue that, in Western democracies, mass parties started eroding and individual politicians gained a stronger presence due to a number of reasons. First, the weakening of highly distinctive collective identities in the 1950s and 1960s made it harder for political parties to identify a common interest area and to juxtapose distinct group interests. Second, the increasing significance of the welfare state for more sectors of society made the issue less decisive (See also Dalton and Wattenberg 2002). Third, while political parties were less able to establish a coherent policy platform based on distinct policy interests due to the two reasons given above, mass media allowed politicians to appeal to the electorate at large, and voters “were learning to behave more like consumers than active participants” (7). In his examination of Britain, Canada, Australia, and New Zealand, Christopher J. Kam (2009) illustrates how weaker partisan alignment has created a less partisan electorate which rewards politicians who can demonstrate their political independence. It is the assumption of Kam’s work that the trend moves towards weakening partisan alignment, and, as a result, political parties anywhere will have weaker policy platforms. However, it is important to note that Kam’s case studies all have SMDV systems in place, which raises the question of whether the factors leading to weaker party affiliation affect PR electoral systems similarly or whether features inherent in PR electoral systems, especially in closed-list systems, continue to produce stronger party affiliations.

When intra-party cooperation is weak, cooperation among individual parliamentarians across party lines becomes more likely. This type of cooperation depends on what is called here “personal voting,” which means that the political party official is not bound to political party-line politics and that intra-party coalitions are weak. Personal voting as a result of weak intra-party cooperation makes coherent policymaking in regard to unpopular legislation less likely. This is the case because party members changing party affiliations and

representing the interests of their constituents over the interests of their affiliated parties prevents political parties from developing coherent policy platforms in the first place, and from pursuing them in the face of popular opposition. Personal voting tends to be affiliated with plurality systems, in which office holders are expected to represent the interests of their constituencies. In these systems, it is more probable that office holders cross political party lines in order to build coalitions based on specific constituencies' interests. Individual parliamentarians are more likely to cooperate with parliamentarians from other political parties and on a level that is not driven by political party policy platforms. Thus, one would expect office holders from different political parties but similar constituency interests, based on factors such as location, culture, or class, to be more inclined to cooperate than to follow their political party's official line. The logic here is clear in that the office holder is accountable to a particular constituency and the interest of being voted in again will make the office holder more likely to vote in line with the interest of the constituency. This pattern is particularly important in societies in which the majority of voters is likely to be less educated. The, Robert Mattes, Joel D. Barkan, and Shaheen Mozaffar (2009) argue that such systems, which emphasize constituency relations, are particularly relevant in African societies, because in such systems, voters are more likely to be aware of the voting pattern of an individual representative than of the more complex actions of a political party (Mattes, Barkan, and Mozaffar 2009).

Personal voting is not limited to majoritarian systems, it can also be found in PR electoral systems in which the political party lists are open and competition among candidates becomes a feature of intra-party politics. Open political party lists can enable the voter to choose a candidate within a political party, as in the preferential-list PR electoral systems of Austria, Belgium, Chile, Denmark, Finland, and The Netherlands. The Irish PR system offers voters the options of choosing a candidate not only within a political party but also

across political party lines. These types of PR electoral systems, which provide voters with a choice of candidates, increase competition among political party officials and therefore the level of personal voting. Similarly, different ballot structures allow voters a different level of influence over political party members' voting patterns. Specifically, in ordinal ballot structures, in which voters rank-order different candidates according to their preferences – as in Australia's alternative vote system – in which voters can state second and third preferences in case their first choice is taken off the list and the votes are redistributed until winners in a plurality system are established, or in Ireland's PR-single transferable vote system, which similarly allows voters to rank their preferences in case their first choice is taken off the list, until the winners in a PR system are found – intra-party competition among individual candidates increases. This in turn increases the level of accountability of individual candidates to specific constituencies. In PR electoral systems, the type of target constituencies is less likely to be local, but it includes minority interests such as gender and class. It should be noted that, while an increase in personal voting in plurality systems should be correlated with greater inter-party cooperation through the cooperation of individual office holders, an increase in personal voting in PR electoral systems should have the opposite effect in that political party cooperation is less likely in those cases where individual political party members are more likely to stray from the political party line.

These debates on the impact of different nuances of the two basic electoral systems may at first seem irrelevant in the sub-Saharan region. While the impact of different electoral institutions, such as open-list systems in PR electoral systems (Reynolds 1996) and single-transferable vote (STV) systems (Farrell, 2001), has been contemplated for countries in the region, electoral systems in the region still lack such features.<sup>27</sup> Nevertheless, African

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<sup>27</sup> Both systems would ensure high levels of proportionality while allowing voters to influence which candidates will gain seats in the elections. Proportionality in open-list systems is a factor of district magnitude, with larger district magnitudes leading to greater levels of proportionality. Proportionality in STV systems is a factor behind

electoral systems show different features that should lead to variation in the levels of party discipline within the two basic electoral systems. First, five countries – Cameroon, Chad, Cote D’Ivoire, Djibouti, and Mauritius – have a party-block-voting (PBV) system in place, which should strengthen party discipline among individual party members as long as PBV systems adhere to the principle of plurality voting. PBV electoral systems are multi-member plurality systems in which the party with the most votes in one electoral district takes all the seats. Since the winning political party receives all the seats of a multi-member district, PBV systems may still produce a level of negative campaigning similar to that of a single-member-district voting (SMDV) system. However, given the larger district magnitude, which means that individual candidates cannot establish strong relations with a constituency with somewhat homogeneous interests, individual candidates may have to rely on a campaign strategy organized by party leadership. At the same time, a large number of PR electoral systems in the region are based on small district magnitudes. Small district magnitudes increase individual candidates’ ability to establish relations with their constituency. Therefore, there is variation within the two basic electoral systems that should lead to different levels of party discipline.

### **Chapter conclusion**

This chapter examined how well the theories that explain the correlation between PR electoral systems and more socio-economically egalitarian policies in Western democracies travel to the sub-Saharan African region. PR electoral systems are no more likely to generate a large number of political parties than plurality or majoritarian systems are. More importantly, the large number of political parties found in parliaments throughout the sub-Saharan African region does not lead to effective inter-party cooperation, partially because

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transferring votes to the next candidate based on the personal preferences of the voter, when the first choice of the voter is eliminated. Thus, few votes are lost and a level of proportionality in representation is achieved.

almost half of the countries are marked by one-party dominant systems, which do not need to rely on coalition-building to remain in power. I further argued that inter-party cooperation, where it exists, is unlikely to lead to new ideas on how to solve problems since political parties lack diverse policy platforms. Furthermore, inter-party cooperation is not necessary in order to represent the interests of the poor because, in essence, the poor do not constitute a minority in Africa's population and all political party policy platforms focus on the needs of the poor. Finally, the type of socio-economically egalitarian policies that PR electoral systems have helped produce in Western democracies are unlikely to address inequalities in this region, where the characteristics of inequality are not based on class but rather on local, cultural, or gender factors.

However, there is no reason to assume that the mechanisms that I expect would lead to more socially egalitarian legislation, namely, policy coherence through intra-party cooperation, are not given. The literature on Western democracies assumes that PR electoral systems allow political parties to pursue unpopular policies in a more coherent manner, because inter-party cooperation allows them to gradually build policies over time and prevents the elimination of an existing policy when a new government comes into power, and because inter-party cooperation allows political parties to share the burden of unpopular policies. The underlying assumption of these theories is that political parties stand for specific policies and that, as a unit, they pursue those policies over time. The literature on Western democracies shows that such policy coherence is a result of strong party affiliation. I showed that it should be possible to trace the impact of electoral systems on policy coherence because of the variation in the features within the two basic types of electoral systems which, in turn, should lead to different levels of party discipline.

## **CHAPTER 3: THE IMPACT OF ELECTORAL SYSTEMS ON GENERATING MORE EGALITARIAN LEGISLATION IN THE SUB-SAHARAN AFRICAN REGION**

### **Introduction**

This chapter will examine whether there is a correlation between PR electoral systems and legislative outputs that are meant to produce more egalitarian societies in the sub-Saharan African region. Region-wide analysis allows this research to be put into a sub-Saharan African context. Furthermore, region-wide analysis is the first step towards establishing mechanisms and ruling out alternative explanations of legislation for more egalitarian societies.

The chapter will show that electoral systems have a strong impact on the type of legislation passed in sub-Saharan African parliaments. Specifically, PR electoral systems are more likely to strengthen weak sectors of society and less likely to use legislation to strip the weak of their rights. This finding, in turn, undermines the assumption that PR electoral systems do not have an impact on societies that are not industrially advanced. At the same time, it provides grounds for the hypothesis of this dissertation, which is that PR electoral systems lead to more egalitarian policies because they produce a different type of legislative cooperation – and therefore not only because they allow class-oriented parties from gaining influence.

The final section of this chapter will contemplate alternative causal explanations. Alternative explanations that will be tested are HIV prevalence rates and the impact of the

party system. The discussion will show that these factors provide weak alternative explanations.

### **3.1 Data analysis: Testing the hypotheses**

The comprehensive data set below provides an overview of the impact of electoral systems on legislative outputs and enables the testing of the hypotheses of this research. First, the data establish a clear picture of the impact of electoral systems on the legislative areas examined in this research. Specifically, the data indicate the impact of party discipline, district magnitude, the number of parties, and the percentage of female parliamentary representation. Secondly, the data offer an opportunity to examine possible mechanisms that might explain the correlation between electoral systems and legislative outputs. Thirdly, the data help examine the alternative explanations for the generation of different types of legislative outputs, including party systems, as well as for high rates of FGM and HIV.

**Table 2: Data set on electoral systems and legislation<sup>28</sup>**

Country <sup>29</sup>	Electoral System <sup>30</sup>	District magnitude	Number of effective political parties <sup>32</sup>	Party system <sup>33</sup>	Executive-legislative linkages	Public party financing	Percentage of parliamentary seats taken by women	FGM prevalence rates <sup>34</sup>	Estimated adult (15-49) HIV prevalence rate <sup>35</sup>	Marital rape <sup>36</sup>	FGM	Legislation protection MARPs	Legislation posing an obstacle to protection of MARPs	Same-sex relations
Angola	List PR	18 multi-member (5 seats) provincial constituencies one multi-member (130 seats) national constituency	5	One-party dominant	No	Yes	37.27	Not applicable	2.0	No legislation in place	Not applicable	Yes	Yes	Illegal
Benin	List PR	24 multi-member constituencies for 83 seats.	8	Two-party	No	Yes	9.64	16.8	1.2	Criminal offense	Outlawed	Yes	No	Legal
Botswana	FPTP	SMDV	4 + 1 independent	One-party dominant	Not available	No	7.94	Not applicable	24.8	No legislation in place	Not applicable	No	Yes	Illegal
Burkina Faso	List PR	1 multi-member (15 members) nationwide constituency. 13 multi-member (2 to 10 seats)	13	Multiparty	Not available	Yes	11.71	0	1.2	No legislation in place	Outlawed	Yes	No	Legal

<sup>28</sup> Data sources are listed below. Please note that where the chosen source did not provide data for individual countries, no alternative source was used to fill in the data gaps in the interest of ensuring the highest level of consistency.

<sup>29</sup> Not included are Equatorial Guinea and South Sudan for lack of available data provided by the sources used. South Sudan only achieved independence in July 2011.

<sup>30</sup> List Proportional Representation (PR), Parallel systems incorporating List PR and Party Block Vote (PBV), and Mixed-Member Proportional Systems incorporating List PR and First-Past-The Post (FPTP) systems are treated here as predominantly PR electoral systems. FPTP and TRS systems are both treated as Plurality/Majoritarian (PM) electoral systems. Party Block Vote (PBV) systems are treated as a separate category, as they are based on a winner-takes-all system with features that strongly encourage party affiliation.

<sup>31</sup> Electoral system, district magnitude, and percentage of parliamentary seats taken by women taken from Inter-Parliamentary Union's *PARLINE database on national parliaments*, retrieved July 2011.

<sup>32</sup> The term "effective party" refers to political parties that have at least one seat in parliament.

<sup>33</sup> A one-party dominant system exists in which a single party has been in power since the implementation of elections and the election of a new party in power is highly unlikely.

A two-party system is a system in which two political parties or two political party blocks have a genuine chance of winning elections.

A multi-party system is a system in which competition occurs among more than two parties, thus reducing the chances of a single-party government and increasing the chances for political coalitions. Multi-party systems are characterized by political parties with different ideologies.

<sup>34</sup> Data on FGM taken from World Health Organization Media Centre. (2010, February). *Factsheet Number 241: Female genital mutilation*.

<sup>35</sup> Information on HIV prevalence rates and legislation pertaining to the protection of MARPs was taken from the Joint United Nations Programme on HIV/AIDS. (2010). *Global report: UNAIDS report on the global AIDS epidemic 2010*.

<sup>36</sup> UN Women, *Progress of the World's Women: In Pursuit of Justice*, 2011

Burundi	List PR	constituencies 17 multi-member constituencies for 100 seats	4	One-party dominant	Not available	Yes	32.08	Not applicable	3.3	Criminal offense	Not applicable	Yes	Yes	Illegal
Cape Verde	List PR	16 multi-member constituencies with 2 to 15 seats each	3	Two party	Not available	Yes	20.83	Not applicable	Not available	No legislation in place	Not applicable	Yes	No	Legal
Cameroon	PBV/List PR + FPTP	Simple majority in single-member constituencies; absolute majority in constituencies where the list system is applicable.	5	One-party dominant	No	Yes	13.89	1.4	5.3	No legislation in place	None	No	No	Illegal
Central African Republic	TRS	SMDV	5	One-party dominant	No	No	13.04	25.7	4.7	Criminal offense	Outlawed	No	Yes	Legal
Chad	PBV/List PR + TRS	Absolute majority vote in two rounds in the 25 single-member constituencies Party-list system in the 34 multi-member constituencies. Any list which obtains the absolute majority of votes in a constituency is awarded all the seats therein.	30	One-party dominant	No	yes	12.77	44.9	3.4	Criminal offense	Outlawed	Yes	No	Legal
Comoros	TRS	SMDV	No party affiliations per se; A total of 21 MPs with 16 pro-presidential 1 MPs	Two-party	Not available	Not available	3.03	Not applicable	0.1	No legislation in place	Not applicable	No	No	Illegal
Congo	TRS	SMDV	14	One-party dominant	No	Yes	7.30	Not applicable	3.4	No legislation in place	Not applicable	No	Yes	Legal
Cote D'Ivoire	FPTP + PBV	SMDV and MMD	7 + 4 independents	Two-party	No	Yes	8.52	41.7	3.4	Criminal offense	Outlawed	No	No	Legal
Democratic Republic of the Congo	TRS	SMDV	13 parties + large number of independents	Multi-party	No	Yes	8.40	Practiced in the North; no prevalence rate available	1.2-1.6	No legislation in place	None	Yes	No	Legal
Djibouti	PBV	6 multi-member (4 to 37 seats, according to population) constituencies.	1 (there are other parties who were unable to win seats)	One-party dominant	Not available	Yes	13.85	93.1	Not available	Criminal offense	Outlawed	Yes	No	Illegal
Equatorial Guinea	List PR	Multi-member constituencies corresponding to the country's administrative units.	3	One-party dominant	Not available	Yes	6.00	Not applicable	5.0	No legislation in place	Not applicable	Yes	No	Legal
Eritrea	FPTP	SMDV	1	Not applicable	Not available	N/A	14.67	88.7	0.8	No legislation in place	None	Yes	Yes	Illegal
Ethiopia	FPTP	SMDV	8 + 1 independent	One-party dominant	Not available	Yes	27.79	74.3	Not available	No legislation in place	None	Yes	No	Illegal

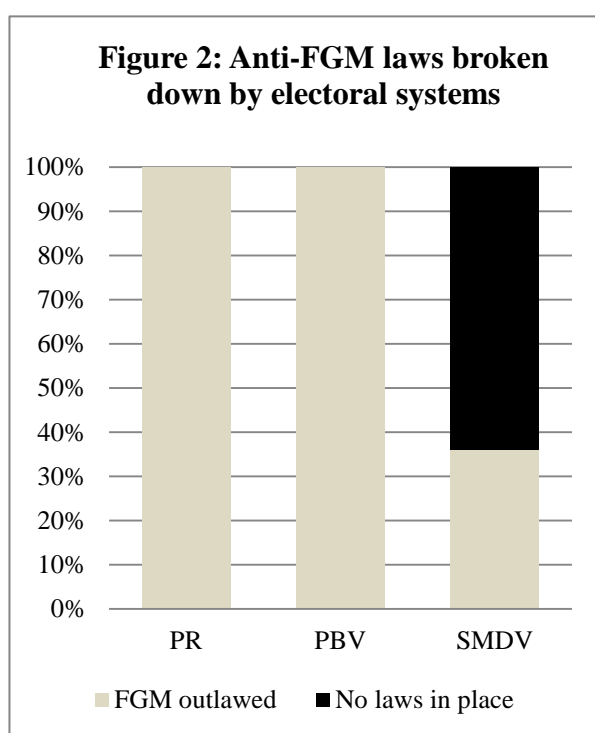
Gabon	FPTP	SMDV	N/A	One-party dominant	No	Yes	5.2	Not applicable	5.2	No legislation in place	Not applicable	No	No	Legal
Gambia	FPTP	SMDV	N/A	One-party dominant	No	No	9.43	78.3	2.0	No legislation in place	None	No	Yes	Illegal
Ghana	FPTP	SMDV	4 + 4 independents	Two-party	Not available	No	7.89	3.8	1.8	Criminal offense	Outlawed	Yes	Yes	Illegal
Guinea	Parallel -- List PR + FPTP	38 members are elected by plurality vote in single-member constituencies; 76 members are elected through a closed-list PR system	Not available	Not available	Not available	No	N/A	95.6	1.3	Criminal offense	Outlawed	Yes	No	Illegal
Guinea-Bissau	List PR	27 multi-member constituencies for 102 seats	5		No	No	10.00	44.5	2.5	Criminal offense	Outlawed	Yes	No	Legal
Kenya	FPTP	SMDV	23	Multi-party	Not available	Yes	9.38	32.3	6.3	No legislation in place	Outlawed	No	Yes	Illegal
Lesotho	List PR + FPTP	80 single-member constituencies; nationwide constituency for the remaining 40 seats	11	One-party dominant	Yes	Yes	24.17	Not applicable	23.6	No legislation in place	Not applicable	Yes	Yes	Illegal
Liberia	FPTP	SMDV	11 + 7 independents	Multi-party	N/A	No	12.50	45.0	1.5		None	Not available	Not available	Illegal
Malawi	FPTP	SMDV	6 + 33 independents	One-party dominant	N/A	Yes	21.24	Not applicable	11.0	No legislation in place	Not applicable	Yes	Yes	Illegal
Mali	TRS	SMDV	3 + 14 independents	One-party dominant system	No	Yes	10.20	91.6	1.0	No legislation in place	None	Yes	No	Legal
Mauritania	FPTP	SMDV	10 parties + 31 independents (taking the majority of seats)	Multi-party	Not available	No	17.89	71.3	0.7	Criminal offense	Outlawed	Not available	Not available	Illegal
Mauritius	Block vote	21 constituencies for 62 seats; 7 appointed	5	Multi-party	Not available	No	18.84	Not applicable	1.0	No legislation in place	Not applicable	Yes	Yes	Illegal
Mozambique	List PR	11 multi-member constituencies (12 to 50 representatives for each, based on population); 2 single-member constituencies	3	One-party dominant	No	Yes	39.20	Not applicable	11.5	No legislation in place	Not applicable	Yes	Yes	Legal
Namibia	List PR	72 directly elected, nationwide constituency	9	One-party dominant	Yes	Yes	24.36	Not applicable	13.1	No legislation in place	Not applicable	Not available	Not available	Illegal
Niger	List PR + FPTP	8 multi-member ordinary	8	Multi-party	Not available	Yes	13.27	2.2	0.8	Criminal offense	Outlawed	Yes	No	Legal

		constituencies for 105 deputies; 8 special constituencies based on SMDV												
Nigeria	FPTP	SMDV	10	Multi-party	Not available	No	3.69	19	3.6	Criminal offense in several states; but not a federal crime	Outlawed in multiple states, but not federally	No	Yes	Illegal
Rwanda	List PR	One nationwide constituency for 53 seats	3	One-party dominant	No	Yes	56.25	Not applicable	2.9	No legislation in place	Not applicable	Yes	Yes	Legal
Sao Tome and Principe	List PR	7 multi-member constituencies for 55 seats	4	Two-party democracy	Not available	Yes	18.18	Not applicable	Not available	No legislation in place	Not applicable	Yes	No	Legal
Senegal	Parallel (PBV + List PR)	35 departmental single or multi-member (up to 5 seats, depending on population) constituencies for 150 seats	13	Multi-party	No	No	18.00	28.2	0.9	Criminal offense	Outlawed	Yes	Yes	Illegal
Seychelles	Parallel (PBV + List PR)	25 members directly elected by simple majority vote. Remaining members are nominated by political parties that obtain at least 10% of the total votes cast under the majority system. These parties are entitled to nominate one member for every 10 per cent of the votes polled.	2	Two-party	Not available	Yes	40.00	Not applicable	Not available	No legislation in place	Not applicable	Yes	Yes	Illegal
Sierra Leone	FPTP	SMDV	3	Two-party	Not available	No	12.90	94.0	1.6	No legislation in place	None	Yes	No	Illegal
Somalia	Not applicable	Not applicable	Not applicable	Not applicable	Not available	N/A	Not applicable	97.9	Not available	No legislation in place	None	No	No	Illegal
South Africa	List PR	9 multi-member (4 to 43 seats) constituencies	13	One-party dominant	Yes	Yes	43.50	Not applicable	17.8	No legislation in place	Not applicable	Yes	Yes	Legal
Sudan (northern)	FPTP	SMDV	Not available	One-party dominant	Yes	N/A	25.56	90.0	Not available	No legislation in place	None	Not available	Not available	Illegal
Swaziland	FPTP	SMDV	No-party system	Not available	Not available	No	13.85	Not applicable	25.9	No legislation in place	Not applicable	No	Yes	Illegal
Tanzania	FPTP	SMDV	7	One-party dominant	N/A	Yes	36.00	14.6	5.6	Criminal offense	Outlawed	Not available	Not available	Illegal
Togo	TRS	SMDV	3	Two-party	No	Yes	8.64	5.8	3.2	Criminal offense	Outlawed	Yes	Yes	Illegal
Uganda	FPTP	SMDV	7 + 44 independents	One-party dominant	Yes	Yes	34.93	0.6	6.5	No legislation in place	None	Yes	Yes	Illegal
Zambia	FPTP	SMDV	6	Multi-party	Yes	No	10.90	Not applicable	13.5	No legislation in place	Not applicable	Yes	Yes	Illegal
Zimbabwe	FPTP	SMDV	3 + 1 independent	Two-party	Yes	Yes	15.24	Not applicable	14.3	No legislation in place	Not applicable	Yes	Yes	Illegal

### *Correlation between electoral systems and legislative output*

The data show a strong correlation between electoral systems and the type of legislative output. Specifically, there is a very strong correlation between proportional representation (PR) electoral systems and more socially egalitarian legislation regarding all four policy areas: FGM, marital rape, the protection of MARPs, and same-sex relations. At the same time, there is a very strong correlation between plurality/majoritarian (PM) electoral systems and non-socially egalitarian legislation.

As the table above shows, countries with a predominantly PR electoral system in



place are significantly more likely to have adopted legislation that outlaws the practice of FGM.<sup>37</sup> All six countries with predominantly PR electoral systems have outlawed FGM.<sup>38</sup> Three out of the four (75 percent) countries with predominantly party block voting (PBV) systems and that practice FGM have outlawed the practice.<sup>39</sup> In stark contrast to the findings on PR electoral systems and PBV electoral systems, only five

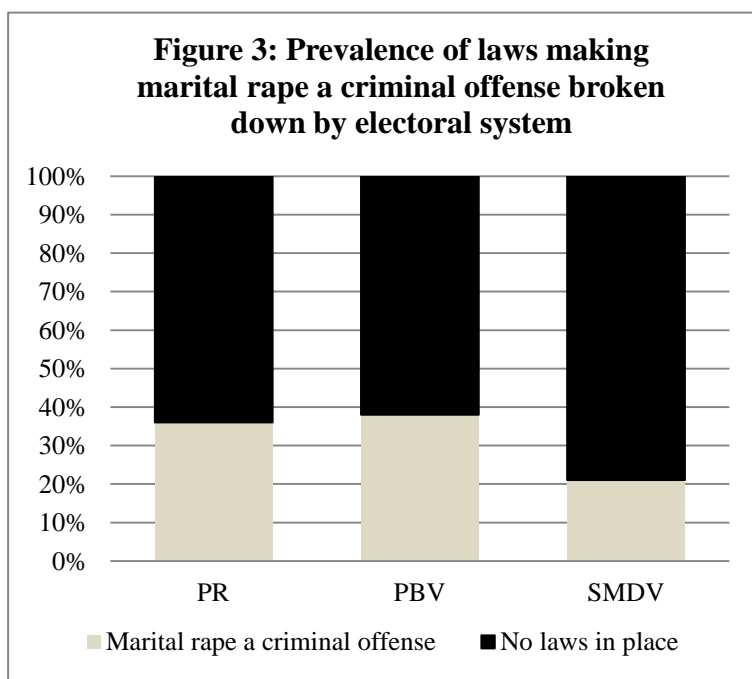
<sup>37</sup> Countries with predominantly PR electoral systems are the following: Angola, Benin, Burkina Faso, Burundi, Cape Verde, Equatorial Guinea, Guinea, Guinea-Bissau, Lesotho, Mozambique, Namibia, Niger, Rwanda, Sao Tome and Principe, Senegal, Seychelles, and South Africa.

<sup>38</sup> Predominantly PR electoral systems include list-PR electoral systems and parallel systems that include majoritarian features.

<sup>39</sup> Countries with predominantly PBV systems are the following: Cameroon, Chad, Cote D'Ivoire, Djibouti, and Mauritius.

out of the fourteen SMDV electoral systems (36 percent) have outlawed FGM.<sup>40</sup>

Similarly, the data indicate a correlation between electoral systems and legislation that makes marital rape a criminal offense. Only 14 of the 47 sub-Saharan countries examined here have so far introduced such federal legislation. Some Nigerian states have introduced



such legislation, but no federal legislation is in place. Of the 17 countries with predominantly PR electoral systems, six countries (35 percent) have introduced legislation making marital rape a criminal offense. Of the five countries with predominantly PBV electoral systems, three countries (71 percent) have such

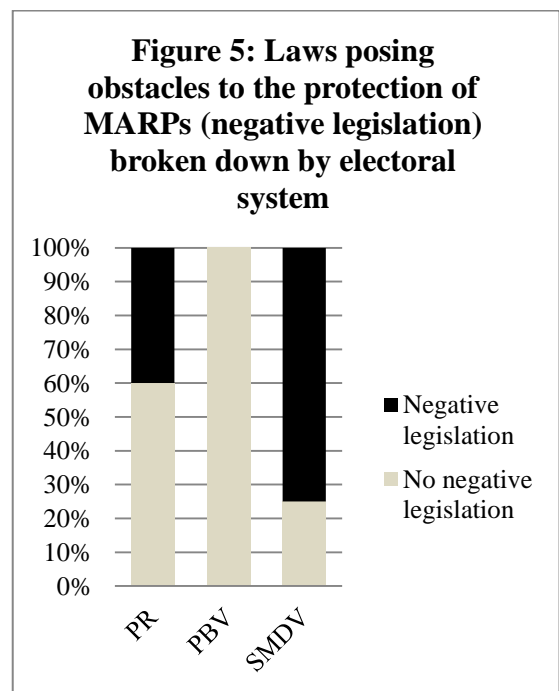
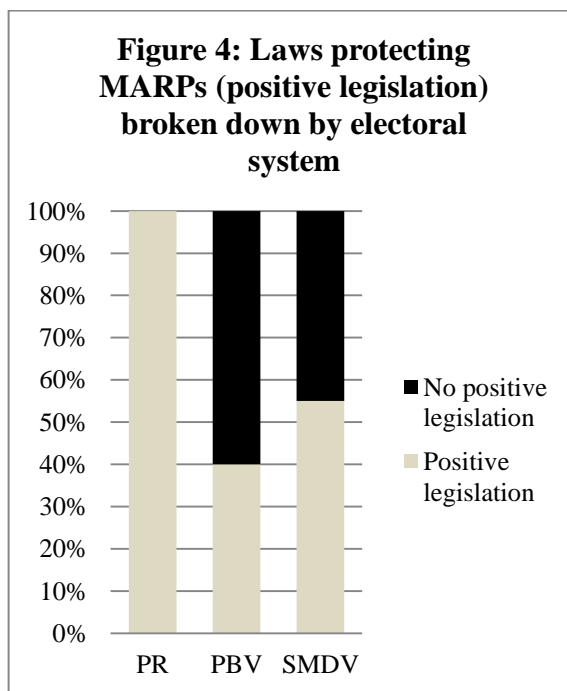
legislation in place. In comparison, only five out of the 24 countries with SMDV electoral systems (21 percent) have introduced such legislation.

The correlation between PR electoral systems and more socially egalitarian legislative outputs is most apparent in the legislative areas regarding the protection of MARPs. The data above show a strong correlation between electoral systems and legislation pertaining to MARPs. Specifically, there is a clear correlation between PR electoral systems and legislation protecting MARPs. Of the 16 countries with predominantly PR electoral systems for which data were available – Namibia is the only country with a PR system that did not

<sup>40</sup> Countries with SMDV electoral systems are the following: Botswana, Central African Republic, Comoros, Congo, Democratic Republic of the Congo, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Kenya, Liberia, Malawi, Mali, Mauritania, Nigeria, Sierra Leone, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, and Zimbabwe.

report on its progress for the 2010 UNAIDS Country Progress Report – all 16 have legislation protecting MARPs in place – hereafter referred to as “positive legislation.” Out of these 16 countries, nine (66 percent) have no legislation in place that is focused on protecting society from MARPs – hereafter referred to as “negative legislation.” Of the five predominantly PBV electoral systems, three have positive legislation protecting MARPS, but notably, only Mauritius has had negative legislation adopted.

In stark contrast to the findings regarding PR electoral systems and PBV electoral systems, the data show a clear correlation between SMDV electoral systems and negative legislation. Out of a total of 25 SMDV electoral systems, five countries did not report on the progress of addressing HIV. Out of the remaining 20 countries with SMDV electoral systems, nine (45 percent) had no positive legislation protecting MARPs in place. A total of 15 countries (75 percent) out of all the countries with SMDV electoral systems have adopted legislation that poses an obstacle to the protection of MARPs.



Finally, there is a strong correlation between PR electoral systems and legislation that makes same-sex relations legal. Out of a total of 17 countries with PR electoral systems, 10 (59 percent) have legalized same-sex relations. In comparison, out of the 22 countries with SMDV electoral systems, only five (22 percent) have legalized same-sex relations and a total of 18 countries (78 percent) have criminalized same-sex relations. No apparent correlation between PBV electoral systems and legislation regarding same-sex relations can be established, with three countries that have outlawed same-sex relations and two that have not.

It should be noted that laws prohibiting same-sex relations are in many cases a relic of colonial times. Such laws are particularly common in former British colonies (Human Rights Watch 2008; Cowell 2010). In fact, South Africa is the only former British colony in the region that abolished the law in the 1994 Constitution.<sup>41</sup> As will be established in chapter 5, electoral systems in the sub-Saharan African region are largely a legacy of the colonial powers' electoral systems and the social structures that were created under colonialism (see pp. 114-115). Therefore, the finding on the strong correlation between SMDV electoral systems and laws prohibiting same-sex relations needs to be taken with a caveat. However, there are another 14 countries in the region that were not British colonies and that nevertheless have such laws in place.<sup>42</sup> Therefore, the common assumption that these laws are a direct result of British colonialism is a limited explanation.

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<sup>41</sup> The following former British colonies kept the law prohibiting same-sex relations in place: Botswana, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Seychelles, Sierra Leone, Somalia, Swaziland, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.

<sup>42</sup> Cameroon may be considered yet another former British colony. As a former German colony, the country was divided between Britain and France as part of a League of Nations mandate.

### **3.2 Mechanisms explaining the correlation between PR electoral systems and more socially egalitarian legislation (based on the available data)**

The data above show a strong correlation between PR electoral systems and more socially egalitarian legislative outputs. They also provide insight into the mechanisms explaining the correlation. The literature on Western democracies assumes that PR electoral systems – when they lead to a larger number of effective parties – are the basis for party cooperation that addresses the interest of the weak in society (Iversen & Soskice 2006). The hypothesis of this research is that larger district magnitudes and closed-list systems lead to greater party discipline, which in turn creates an incentive for parties to pursue nationally rather than locally relevant policies. Furthermore, larger district magnitudes should also decrease negative campaigning and thus allow parties to build coalitions that are focused on socially egalitarian legislation. Finally, another hypothesis is that PR electoral systems are more likely to have a larger number of female representatives, which should lead to legislation empowering women.

#### *The impact of electoral systems on the number of effective parties and coalition-building*

The correlation between PR electoral systems and more socially egalitarian legislation cannot be explained by an increase in party coalitions resulting from a larger number of effective political parties. As already established by a number of scholars, in countries where interests are regionally concentrated – which is the case in many of the sub-Saharan African countries – electoral systems seem to have no impact on the number of effective parties (Nohlen, 1993; Lipset and Rokkan, 1967; Taagepera and Grofman, 1985; Kim and Ohn, 1992).

More importantly, there seems to be no correlation between an increase in the number of effective parties and types of legislative outputs. Both PR and SMDV electoral systems

have large numbers of political parties. This indicates that more egalitarian legislative outputs are not a result of coalitions that are built due to a larger number of political parties, since coalitions should be found in both SMDV and PR electoral systems as a result of the large number of effective parties.

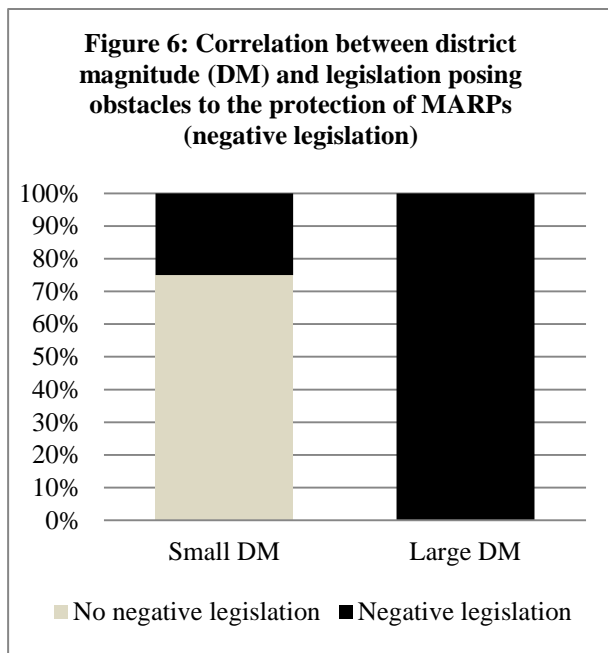
#### *The impact of party discipline on legislative outputs*

While the number of countries with PBV electoral systems is too small to get conclusive findings, with only five countries that can be categorized as such, the consistent finding that these countries are most likely to pass socially egalitarian legislation is an indication that party discipline plays a significant role in the generation of more socially egalitarian legislative outputs. Of the four countries that practice FGM and have a PBV electoral system in place, three have outlawed the practice. Three out of five countries with PBV electoral systems have made marital rape a criminal offense. Most notably, of the five predominantly PBV electoral systems, three have legislation protecting MARPS and only one had legislation adopted that poses obstacles to the protection of MARPs.

PBV electoral systems are winner-take-all systems in which the party with the most votes in one electoral district takes all the seats. However, countries with PBV electoral systems seem to consistently produce more socially egalitarian legislative outputs. The reason for this may be the high level of party discipline that the PBV electoral system generates. Electoral districts in PBV electoral systems have large magnitudes. Thus, in PBV electoral systems, candidates are less able to rally local support exclusively, as doing so would undermine the credibility of the party overall and decrease the chances of winning the district. Additionally, at the same time that individual candidates are campaigning, political parties have a number of candidates campaigning. A more personalized campaigning style would entail candidates of the same party competing against each other, which again would decrease the chances of the political party winning the district. It should be also noted that

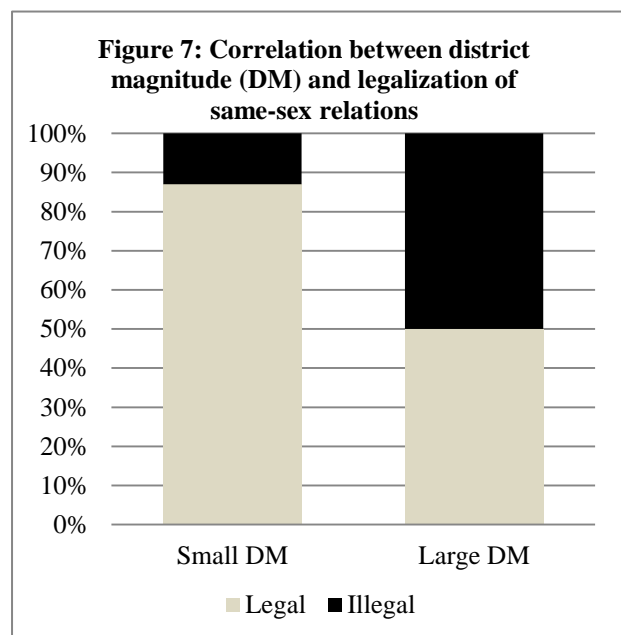
large district magnitudes in a system where the winning party takes all seats can increase the pressure on the leadership of the political parties to appear coherent throughout a campaign that is based on party-line politics and limited negative campaigning. This may explain why all PBV electoral systems in sub-Saharan Africa are based on closed-list systems that allow the parties to determine the candidates on the list and ensure high party discipline.

*Impact of district magnitude*



District magnitude, which refers to the number of seats per district, clearly matters when it comes to explaining the output of more socially egalitarian legislation. This is evident in the fact that PR electoral systems – which become more proportional as the district magnitude increases – produce more socially egalitarian legislation. There are not enough

data on the legislative areas of FGM and marital rape to establish a clear correlation between district magnitude and the type of legislation produced. The policy areas regarding the protection of MARPs and the legalization of same-sex relations provide enough data to suggest a correlation between district magnitude and the type of legislation produced. By breaking down the



predominantly PR electoral systems into two categories – small-to-medium (2 to 10 seats per

district) and medium-to-large (10+ seats per district) – it appears that larger district magnitudes are significantly more likely to have legislation in place that obstruct the protection of MARPs (here referred to as “negative legislation”).<sup>43</sup> Of the 11 countries with small-to-medium district magnitudes, eight have no negative legislation in place. In comparison, all five countries with large district magnitudes have adopted negative legislation. Similarly, of the six countries with large district magnitudes, for which data are available pertaining to legislation regarding same-sex relations, three countries have laws making same-sex relations illegal, while they are legal in the other three countries. This compares to countries with small district magnitudes, where seven out of a total of eight countries legally allow for same-sex relations.

These findings are surprising and suggest that a certain level of personality-based politics in multi-member districts may lead to more socially egalitarian legislation. The findings are certainly not conclusive given the small number of countries in each of the two categories (small district magnitudes and large district magnitudes). Furthermore, the findings have to be taken with a caveat, given that four out of the five countries with large district magnitudes – Angola, Lesotho, Mozambique, Rwanda, and South Africa – are located in the Southern African region, which suggests that the correlation may be with the high HIV rates common throughout that region. However, these findings nevertheless indicate that a certain level of personality-based campaigning can be conducive to more socially egalitarian legislative output as long as the district magnitude is greater than one. An explanation for this apparent correlation may be that, while a larger district magnitude does allow individual candidates to focus on group interests other than the local ones, such as women’s or MARPs’ interests, the contact between candidates and the electorate in smaller district magnitudes

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<sup>43</sup> In cases where countries have district magnitudes ranging from below 10 seats to above 10 seats, the more common scenario was chosen as the baseline.

provides incentives for candidates to deliver on their promises. This is in line with the assumption put forward by Joel D. Barkan, Robert Mattes, and Shaheen Mozzaffer (2009) that plurality systems are more likely to produce positive outcomes for constituents because of the direct pressure constituents put on candidates and their MPs. At the same time, as the scholars point out, more direct access to individual candidates and representatives tends to be conducive to more politically active and organized constituents, especially in societies with low levels of education, as political goals become more tangible when individual representatives are assigned to represent the interests of specific groups. Similarly, Arendt Lijphart (2004) points out that PR electoral systems with smaller district magnitudes are more accessible to the voter. Thus, the combination of larger district magnitudes with a strong presence of individual candidates and representatives may indeed be the most fruitful combination for more socially egalitarian legislative outputs.

#### *Impact of electoral systems on female representation and legislative outputs*

As expected, PR electoral systems are conducive to higher female representation. As the data above show, female representation is much higher in PR countries than in SMDV countries. The average percentage of female representation in countries with PR electoral systems for which data are available is 24.35 percent, compared to a mere 14.21 percent in SMDV countries.<sup>44</sup> The higher percentage of female representation may be a result of a “zebra” system – which may be used in closed-list systems and which requires parties to alternate males and females on the party list – or a result of quota systems, which require parties or parliaments as an institution to allow for a minimum number of female candidates. Some scholars argue that high female representation is mostly a result of quota systems, which does not make higher female representation contingent on the electoral system (Tripp

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<sup>44</sup> No data on female representation in Guinea are available.

and Kang 2008). Even if it is the case that the higher female representation in PR electoral systems is not a result of the “zebra” system, which can be applied to the closed-list PR electoral systems, it seems to be the case that PR electoral systems are more inclined to ensure higher levels of female representation. The actual mechanism by which higher female representation is established is not relevant to this research.

A more surprising finding is that there seems to be no clear correlation between a higher percentage of female representatives and legislation outlawing FGM or making marital rape a criminal offense. Countries with both high and low female representation, such as Tanzania, with a 36 percent female representation, and Kenya, with a 7.89 percent female representation, have outlawed FGM. Conversely, countries with either high or low female representation, like Uganda, with 34.93 percent female representation, and the Democratic Republic of Congo, with an 8.4 percent female representation, have so far failed to outlaw the practice. Similarly, the level of female representation in parliament seems to have no impact on the legislation that makes marital rape a criminal offense. It is commonly assumed that the 30 percent female representation threshold will provide the critical mass necessary to lead to more gender mainstreaming of legislation (Bauer 2004; United Nations Division for the Advancement of Women 2005). However, of the nine countries that are very close to or above this threshold, only Tanzania has introduced a law that makes marital rape a criminal offense.<sup>45</sup> This raises the question of whether PR electoral systems create a political environment, either within parliament as an institution or within the individual parties, that is more conducive to socially egalitarian legislation as opposed to the level of female legislative representation *per se*.

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<sup>45</sup> Countries close to or above the 30 percent threshold are the following: Angola, Burundi, Ethiopia, Mozambique, Rwanda, Seychelles, South Africa, Tanzania, and Uganda.

### 3.4 Testing alternative explanations

The data that have been collected in order to examine the impact of electoral systems on the type of legislation produced can also be used to test alternative explanations for more versus less socially egalitarian legislation. Two alternative explanations that immediately come to mind are FGM- and HIV-prevalence rates, as well as party systems used as a measure for democratic consolidation. While prevalence rates seem, surprisingly, not to have a direct impact on the type of legislation produced, the data indicate that the existence of strong opposition parties does matter.

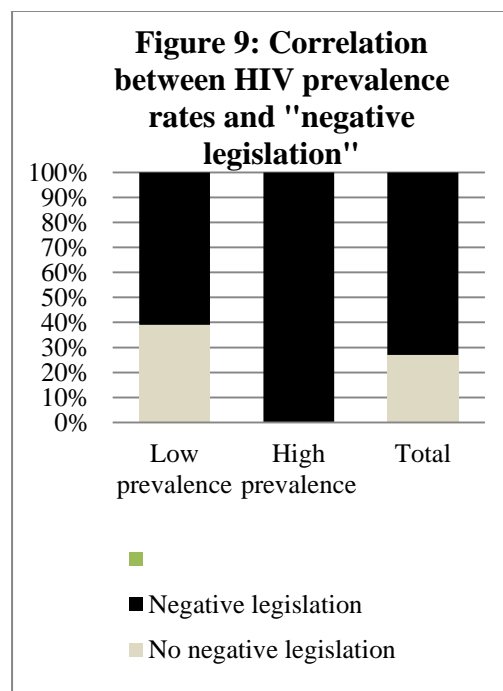
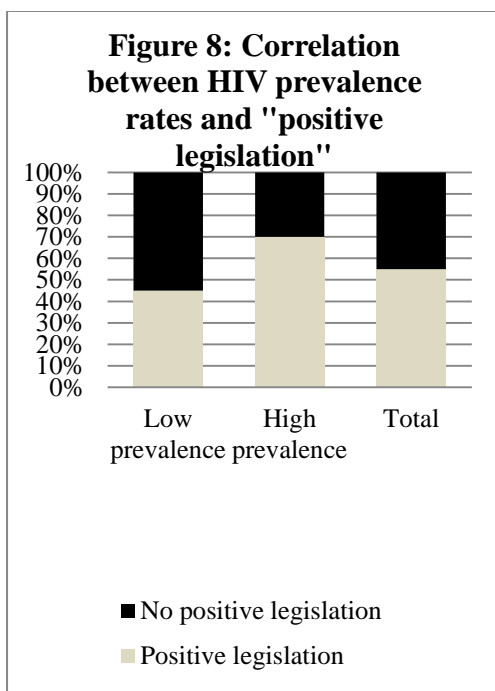
#### *Prevalence rates*

It seems apparent that prevalence rates both in regard to FGM and HIV should have an impact on the type of legislation produced. High prevalence rates may lead to more socially egalitarian legislation as a result of greater pressure from domestic and international civil society organizations and international donors, greater focus of the media on the issue, or simply as a result of economic considerations. Joseph Tumushabe (2006), for example, links government responses to the HIV epidemic in Uganda during the 1990s to the increasing threat that the epidemic posed to the military and the national, expanding international donor support to combat HIV in Uganda, and the liberalization of mass media. On the other hand, high prevalence rates could cause the opposite reaction, from more effective domestic pressure to keep customary practices like FGM in place and legislation that is aimed at socially and economically excluding MARPs, to more aggressive – though not necessarily more effective – prevention of the spread of HIV. A UNICEF study (2005) provides telling data in that regard, as it shows that support among women for FGM practice is positively correlated with the national prevalence rate of the practice.

Surprisingly, there seems to be no correlation between FGM prevalence rates and legislation of any type. Legislation outlawing FGM is found in countries ranging from those with very high prevalence rates, such as Guinea, with a 95.6 percent prevalence rate, to very low prevalence rates, such as Niger, with a prevalence rate of 2.2 percent. Similarly, countries with very high prevalence rates, such as Sierra Leone, with a 94 percent prevalence rate, and countries with very low prevalence rates, such as Uganda, with a 0.6 percent prevalence rate, have not yet introduced legislation outlawing FGM.

The relationship between HIV prevalence rates and the type of legislation produced is somewhat more complex. Out of the eight countries with prevalence rates above 10 percent – Botswana, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Zambia, and Zimbabwe – only two did not have positive legislation protecting MARPs in place, and all eight have negative legislation that is focused on protecting society from MARPs. While HIV prevalence rates seem to have a clear impact on the adoption of legislation both protecting MARPs and posing obstacles to protection, this finding does not undermine the assumption that electoral systems have a strong influence on legislative outputs in the policy area of MARPs. In fact, removing the seven Southern African countries with SMDV electoral systems (all but South Africa) from the equation for the correlation between electoral systems and legislation pertaining to MARPS, the likelihood that no legislation protecting MARPs is in place increases significantly in countries with SMDV electoral systems. Of the remaining 12 countries with SMDV electoral systems, seven countries (58 percent) have no legislation protecting MARPs in place. Since all seven countries with SMDV electoral systems and HIV prevalence rates above 10 percent have legislation in place that poses obstacles to the protection of MARPs, the percentage of countries with SMDV electoral systems that have adopted such legislation decreases when the countries with high prevalence rates are taken out of the equation. Of the 12 remaining countries with SMDV electoral systems, eight (67

percent) have such legislation in place. This seems to indicate that high prevalence rates decrease the likelihood of both legislation protecting MARPs and legislation posing obstacles. The overall finding that countries with PR electoral systems are much more likely to have adopted legislation protecting MARPs and, at the same time, are much less likely to have legislation posing obstacles to the protecting of MARPs, is still valid even when the group of countries with high prevalence rates are taken out.



*Party system*

A second alternative explanation may involve political party systems, differentiating between one-party dominant party systems and more politically competitive two-party or multi-party systems. The literature on political party systems in Africa has, surprisingly, not yet produced any theories on the impact of party systems on actual policy or legislative outputs (Carbone 2007). However, the logic for testing political party systems as an alternative explanation for the variation in legislative outputs can be borrowed from the

literature on political party systems in the Latin American and Caribbean regions. Evelyn Huber, Jennifer Pribble, François Nielsen, and John D. Stephens (2006) provide empirical evidence that countries with longer democratic experience are likely to have lower inequality levels. Michael Coppedge (2004) maintains that party systems affect the quality of representation by defining the number and quality of choices through which voters can express their preferences. More fragmented party systems, therefore, should allow for greater representation of interests, which, in turn, may explain a decrease in inequality. Conversely, one-party dominant states should produce less socially egalitarian legislation. This argument is in line with the arguments that a number of scholars make about the impact of overly dominant executives on undemocratic and non-accountable political systems (Joseph 1998; Prempeh 2006; Branch and Cheeseman 2008). As already established, electoral systems in Africa are not correlated with the party system, which means that if party systems are correlated to legislative outputs in the four policy areas discussed here, then party systems must be considered as an alternative explanation.

The data which are available for this research indicate that there is no clear correlation between party systems – one-party dominant, two-party, and multi-party systems – and the type of legislation produced. Of the countries that have introduced positive legislation protecting MARPs, 50 percent have a one-party dominant party system in place. Of the countries that have not introduced such legislation, 46 percent have a one-party dominant party system in place. Of the countries that have introduced legislation pertaining to the protection of MARPs, 46 percent of them have a one-party dominant party system. Of the countries that have negative legislation that protects society from MARPs in place, again, 46 percent have a one-party dominant party system in place. Finally, of the countries that have not outlawed FGM, 50 percent have a one-party dominant party system in place. Since one-party dominant party systems constitute 46 percent of the party systems that are examined

here, the data on protection and equal opportunity for MARPs show that there is no correlation between political party systems and legislative output.<sup>46</sup>

## **Chapter conclusion**

The comprehensive analysis of the impact of electoral systems on four legislative areas establishes a clear correlation between PR electoral systems and more socially egalitarian legislation in regard to women and people most at risk of being infected with HIV, including homosexuals. More socially egalitarian legislation is likely to create more egalitarian societies, which, in turn, is the basis for greater socio-economic equality – the basis for the evaluation of electoral systems in the literature on Western democracies – in the long run. This correlation between PR electoral systems and more socially egalitarian legislation alone should come as a surprise to those who argue that political parties do not matter in systems that have an overly dominant executive branch – a characteristic that applies universally across the sub-Saharan African region. Parliaments may not be as powerful *vis-à-vis* the executive as in Western democracies, but the correlation that this research established shows parliamentary politics leads to variation in legislative outputs despite the fact that all countries in the region are marked by overly dominant executives.

More importantly, this comprehensive analysis provides some clarity regarding the mechanisms that lead to various legislative outcomes. More socially egalitarian legislation in countries with PR electoral systems does not seem to be a result of inter-party coalitions that are built purely as a result of larger numbers of political parties. Throughout the region, there are large numbers of effective political parties, and an even greater number of non-effective

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<sup>46</sup> No clear correlation between party systems and legislation making marital rape a criminal offense can be established at this point. The cases in which such legislation has been passed are evenly spread out across one-dominant, two-party, and multiparty systems. A trend may emerge as the number of countries with such legislation increases.

parties that are unable to win seats in parliament. Socially egalitarian legislative outcomes may still be related to coalitions, but an explanation may be found among the causes for coalitions being built rather than just due to the existence of coalitions alone. Perhaps more surprising is the finding that the greater representation of women *per se* does not lead to more socially egalitarian legislation in regard to women, but instead greater female representation leads to legislation pertaining to women's rights only in conjunction with PR electoral systems. The question remains of whether the political environment that results from electoral systems provides incentives to women for being more or less influential in terms of more socially egalitarian legislation, or whether political environments that are conducive to more socially egalitarian legislative outputs tend to be more likely to increase female representation through zebra-list and quota systems. The fact that prevalence rates do not appear to make a difference indicates that, surprisingly, domestic considerations – that is, the well-being of a nation--do not appear to be the driving factor behind legislation.

Having ruled out many of the commonly assumed mechanisms behind PR electoral systems, there nevertheless seems to be something inherent in PR electoral systems that accounts for more socially egalitarian legislative outputs. One indication is given by the consistently socially egalitarian legislation of PBV countries, which indicates that party discipline does matter. Furthermore, district magnitudes greater than one representative per district are clearly strongly correlated with more socially egalitarian legislative outputs. Surprisingly, the relationship is not linear, as smaller district magnitudes – as long as they are greater than one – seem to be more likely to lead to such type of legislation than systems with larger district magnitudes are. The following chapter will further examine the mechanisms of electoral systems based on four case studies.

## **CHAPTER 4: MECHANISMS EXPLAINING THE VARIATION OF LEGISLATIVE OUTPUTS**

### **Introduction**

The previous chapter established a significant correlation between electoral systems and legislative responses to policy areas related to marital rape, female genital mutilation (FGM), protection of population sectors most at risk of contracting HIV/AIDS (MARPs), and legalization of same-sex relationships. The continent-wide examination established that proportional representation (PR) electoral systems are significantly more likely to produce more socially egalitarian legislation pertaining to these four policy areas than plurality/majoritarian (PM) electoral systems are.

These findings are in line with the underlying assumption of this research that the impact of PR electoral systems is not limited to producing more socio-economically egalitarian societies in which political parties are placed along an ideological continuum that allows for class compromises on the political level. Therefore, this chapter will test the basic hypotheses of this research that different types of electoral systems produce different types of legislative cooperation, and that those different types of legislative cooperation generate different types of legislative outputs.

The first part of this chapter will establish the political dilemma for Members of Parliament (MPs) inherent in the policy areas discussed here, namely, that they are generally initiated by the executive, influenced by international norms, and largely opposed by the general public. This section will show that MPs in both types of electoral systems face the same dilemma of competing executive-constituency interests, which raises the question of why the legislative outputs vary between countries with PR and those with SMDV electoral systems. The second part of this chapter will briefly examine whether the different electoral

systems produce the expected types of relationships between individual MPs and constituents, on the one hand, and their political parties, on the other hand. The discussion will show that there is a clear negative relationship between constituency relations and party discipline, and that PR electoral systems generate stronger party discipline, even in the African context in which pressure on MPs to provide constituency services is particularly high. The third part of the chapter will test whether these different types of relationships with constituents and political parties actually produce different types of legislative cooperation, and why the different types of legislative cooperation produce different types of legislative outputs. Based largely on approximately 80 interviews conducted in Benin, Kenya, Namibia, and Uganda, the analysis will show that strong constituency relations and weak party discipline minimize intra-party cooperation leading to parliamentary behavior akin to logrolling, which tends to weaken the national character of the legislation or prevent it from being passed. Conversely, weak constituency relations and strong party discipline generate political party policy platforms that are more nationally focused by including more narrow interests. Furthermore, it will be shown that the passing of socially egalitarian legislation is more likely because PR electoral systems minimize incentives for negative campaigning on these issues both from within a political party and from opposition parties.

#### **4.1 Explaining why socially egalitarian policies face competing executive-constituency interests**

Much of the legislation pertaining to the four policy areas discussed here is initiated by the executive branch through international commitments, which, once signed, theoretically require the executive to pursue the implementation of such policies on the national level.<sup>47</sup> It

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<sup>47</sup> Most pertinent to the policy areas discussed in this research are the following UN conventions: The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966); The Convention on the Elimination of All Forms of Discrimination against Women (1979); The Convention on the Rights of the Child (1989); The Vienna Declaration and the Programme of Action of the World Conference on

should be surprising that the executive branch supports policies and initiates legislation to implement them, even though the majority of the population is still opposed to such policies. None of these policy areas has popular support. It is a well-established fact that homosexuality is not socially accepted throughout the sub-Saharan African region. This is effectively illustrated by a study conducted by the Human Rights Research Council (2008), which tracked the attitudes of the general population towards homosexuality in South Africa, where gay rights are entrenched in the constitution, and found that over 80 percent of South Africans always consider homosexual relations as wrong. On a comparative level, attitudes towards homosexuality in South Africa are five times more intolerant than in the Netherlands, three times more intolerant than in the United States, and twice as intolerant as in Great Britain. Similarly, the stigma attached to HIV/AIDS is only moderately decreasing, despite efforts towards widespread education. A series of studies conducted on this matter in South Africa showed that, even among those that have been tested for the disease, which appears to be among the most effective measures to decrease the stigma, negative attitudes towards people are still high, with one in five stating that people with AIDS cannot be trusted, that they should feel guilty, and that they should not be allowed to work with children (Kalichman et al. 2004). Given the attitudes towards people infected with HIV, one can assume that the general population favors legislation that protects society from people that are vulnerable to HIV as opposed to legislation that protects the rights of vulnerable populations. Conservative attitudes towards women's rights are best illustrated by attitudes among women themselves. A UNICEF study (2005) found that support for FGM among women aged 15 to 49 is as high as 70 percent in some countries in the region, and that support is higher where the practice is

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Human Rights (1993); The Convention on the Elimination of All Forms of Discrimination against Women (1979); General recommendation 24 (1999) to article 12 of the Convention (on women and health); Declaration of Commitments on HIV/AIDS. At the time of writing, all African countries are signatories to the Convention on the Rights of the Child and HIV/AIDS, only Sudan and Somalia are not signatories to the Convention of the Elimination of Discrimination Against Women, and only five African countries are not signatories to the Convention on Torture.

more common. In a similar vein, domestic violence is a common and accepted practice, which is illustrated by a 2007 UNICEF survey that showed that the majority of women throughout the sub-Saharan African region condone domestic violence for a variety of reasons, such as burning food.<sup>48</sup>

An explanation for the executive support of policies that do not enjoy widespread support may be that executives in the sub-Saharan African region are keen to adopt international norms in order to ensure continued international financial support (Joseph 1997; Prempeh 2006). Most of the literature arguing along these lines focuses on democratic norms and maintains that the executive branches have no interest in pursuing the implementation of such norms as the actual realization of democratic norms may threaten their political standing. However, one can assume that executive branches are politically less concerned with legislation implementing policies that produce more socially egalitarian societies, as such policies pose a lesser political risk and increase their credibility in the international community. In fact, executive support for such policies is not limited to the international level, but most laws are initiated by the executive branch throughout the sub-Saharan African region. Joel D. Barkan, Robert Mattes, Shaheen Mozaffar, and Kimberly Smiddy (2010) have found that, out of the 137 laws that were initiated between 2005 and 2010 in five of the region's strongest democracies – Kenya, Malawi, Namibia, South Africa, and Zambia – a total of 124 (91 percent) were introduced by the executive branch.<sup>49</sup> The fact that legislation is nearly always initiated by the executive branch is a result due to various reasons, including lack of support staff and parliaments' lack of jurisdiction to raise taxes, which prevents them from initiating legislation pertaining to social welfare services (Barkan and Matiangi 2009).

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<sup>48</sup> This view is most common in Mali, where a total of 89 percent of women agree that domestic violence is acceptable. It is noteworthy that, throughout the continent, women were more likely than men to condone domestic violence, which is an indicator that outreach projects have not yet borne much fruit.

<sup>49</sup> These numbers are not limited to socially egalitarian laws but include all types of laws.

What is important to note is that the fact that all types of laws, including laws pertaining to the policy areas discussed in this research, are initiated by the executive branch supports the suggestion that such legislation is not considered a threat by the executive branch.

*Variation in legislative outputs cannot be explained through executive dominance*

Individual MPs throughout the sub-Saharan African region face the dilemma of having to reconcile the opposing interests of the executive branch and their constituents, given that almost all countries in this region have signed onto the relevant international conventions and that conservative attitudes towards the policy areas discussed here are still common in every country. However, the variation in legislative outputs responding to these largely standardized policies – ranging from legislation that ensures equal opportunities and equal protection to legislation that threatens the very same things – cannot be explained by the level of influence of the executive branch over parliament. If executive strength played a significant role, one would expect that one-party dominant states and political systems that allow the executive to influence individual MPs' voting decisions should have a stronger track record in passing legislation implementing the policies. Examining these two variables, it becomes apparent that the strength of the executive is less relevant in the legislative process as some scholars would expect (see Simutanyi 2005).

First, one-party dominant systems should be best equipped to pass legislation to implement executive policies. In such systems, the control of both branches by the same party would allow the head of the party to control its party on the parliamentary level and ensure that laws are passed by a majority vote. One-party dominant party systems are still the norm in the region, with 46 percent of the countries examined categorized as such (based on the categorization provided by IDEA 2007). The case of Uganda illustrates the impact of the executive over the legislative branch in one-party dominant state. There, the National

Resistance Movement (NRM) won 70 percent of parliamentary seats in the 2011 election and a parliamentary NRM caucus ensures that all NRM members vote in line with executive policies (Tripp 2010; Carbone 2008).

Despite these apparent advantages of the executive branch in one-party dominant systems, socially egalitarian legislation is not more likely to be passed in one-party dominant systems. The previous chapter ruled out a correlation between one-party dominant states and a lower likelihood of socially egalitarian legislation being passed. Here, the flipside of the hypothesis on the correlation between one-party dominant states and socially egalitarian legislation is tested to see if overly dominant executive branches are more likely to pursue the implementation of policies that they signed on to on the international level. The data indicate that one-party dominant party systems are, in fact, not more likely to pass socially egalitarian legislation. Thirty-six percent of the countries that have made marital rape a criminal offense, 29 percent of the countries that have passed FGM laws, 43 percent of the countries that have passed positive legislation protecting MARPs, and 39 percent of the countries that have not passed negative legislation protecting society from MARPs, have one-party dominant party systems in place. Given that 46 percent of the countries examined for this research have one-party dominant party systems, that data clearly show that one-party dominant party systems are not more likely to pass socially-egalitarian legislation in order to implement policies that the executive has signed on to on the international level. Only in the case of same-sex relations, one-party dominant party systems seem to be more likely to legally allow such relations, with 53 percent of countries that having not outlawed same-sex relations having one-party dominant party systems in place.

Second, executive branches which can co-opt parliamentarians through a system that links the executive and the legislative branches should also be better equipped to ensure the passing of legislation in order to implement socially egalitarian policies. A number of

scholars have established the proclivity of African political leaders to control parliament by ensuring individual MPs' support for executive policies through offering individual incentives – a practice that is commonly referred to as co-optation (Bratton & van de Walle 1996; van de Walle 2003; Joseph 1997; Prempeh 2006, Barkan 2009; Tripp 2001). Thus, different levels of the executives' ability to co-opt parliamentarians could explain variation in legislative outputs. Co-optation should be simplified in those political systems in which the executive and legislative branches are linked, which means that the executive can appoint MPs to ministerial positions who would not be required to resign from their parliamentary positions. Co-optation of parliamentarians into ministerial positions should ease the implementation of executive policies in two ways. First, these types of systems give MPs incentives to support executive policies with the hope of increasing their chances of being appointed to the often significantly more lucrative ministerial positions.<sup>50</sup> Second, such systems naturally decrease opposition to legislation initiated by the executive, given that a number of MPs are part of the executive and are thus supposed to represent the official policy of the executive. The greater the percentage of MPs who also hold a ministerial position is, the easier it should be to pass legislation that was initiated by the executive. An extreme case that illustrates the impact is Namibia's parliament, in which approximately 2/3<sup>rd</sup> of the 72 MPs hold ministerial positions and which has never rejected a single bill (Afrobarometer 2008; Koep 2009). Incidentally, co-optation of a large number of MPs to ministerial positions weakens parliament's oversight ability, given that fewer MPs are available to cover positions in the various committees, which, in turn, eases the way for the executive to pass legislation. However, even in larger parliaments, where the percentage of MPs who also occupy executive positions is comparatively low, linked systems can weaken the role of parliament. Thus, Kenya's 2012 Constitution delinks ministerial and parliamentary positions

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<sup>50</sup> For example, in Namibia, each minister is provided with a car and driver.

in an effort to strengthen parliament *vis-à-vis* the executive branch, according to a number of Kenyan MPs interviewed for this research (interviews 5/22/2011; 5/25/2011). The fact that this decision was made in Kenya, with its 224-MP-strong parliament, indicates that the impact of co-optation on parliamentary strength is significant, even in larger parliaments.

Linked systems are akin to the Westminster parliamentary system, which does not necessarily lead to a weak parliament *vis-à-vis* the executive branch (for discussions on the advantages of such systems, see, for example, Ljiphart 1999; Reynolds 1999). However, institutional parliamentary weaknesses in sub-Saharan African countries provide fewer barriers for MPs to be co-opted. Institutional weaknesses stem from a variety of reasons, but most are derived from the fact that most parliaments in the sub-Saharan African region are unable to determine their own budgets. Without control over their own budgets, MPs are often underpaid for the services they are supposed to perform, leaving them more vulnerable to executive attempts at co-optation. Thus, Joel D. Barkan (2009) argues that Kenya's parliament became more active once it took control of its own budget and dramatically increased the salaries of individual MPs.<sup>51</sup> Thus, one might expect that, in political systems in which parliamentary and ministerial positions are compatible, executive decisions should more likely be implemented. However, in regard to the policy areas discussed in this research, it appears that the concept of co-optation does not explain the variation in legislative outputs. Instead, surprisingly, socially egalitarian legislation is more likely to be passed in countries that do not allow for compatibility of parliamentary and ministerial positions. Based on data available in the Inter-Parliamentary Union's (IPU) database,

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<sup>51</sup> According to Barkan (2009), salaries for Kenyan MPs are among the highest in the world. While this has raised plenty of criticism from the Kenyan government and the general population alike, Barkan argues that the high salary not only minimizes the risk for co-optation, but has also attracted more highly educated and dedicated MPs.

Parline, there is no correlation between compatibility of ministerial and parliamentary positions and electoral systems, which rules out political systems as an alternative explanation: 63 percent of countries with PR electoral systems and 67 percent of countries with SMDV electoral systems allow for compatibility.

After examining the impact of compatibility on legislative output in the countries for which data are available, it appears, surprisingly, that compatibility makes it less likely that socially egalitarian legislation is passed. All seven countries that have legislation in place that makes marital rape a criminal offense, and all eight countries that have FGM legislation in place, do not allow for compatibility. Similarly, 10 out of the 15 countries that have policies protecting MARPs do not allow for compatibility. Finally, of the 12 countries where same-sex relations are legal, 11 do not allow for compatibility. It appears that parliaments that are less vulnerable to co-optation are more likely to produce socially egalitarian legislation. An explanation for this finding may be that systems that allow for compatibility weaken legislative oversight over executive policies to a degree that the executive branch can implement policies without legislation in place.

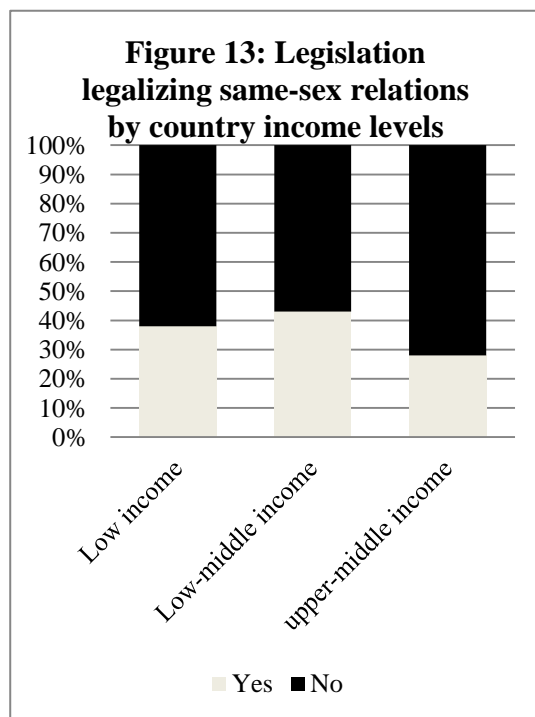
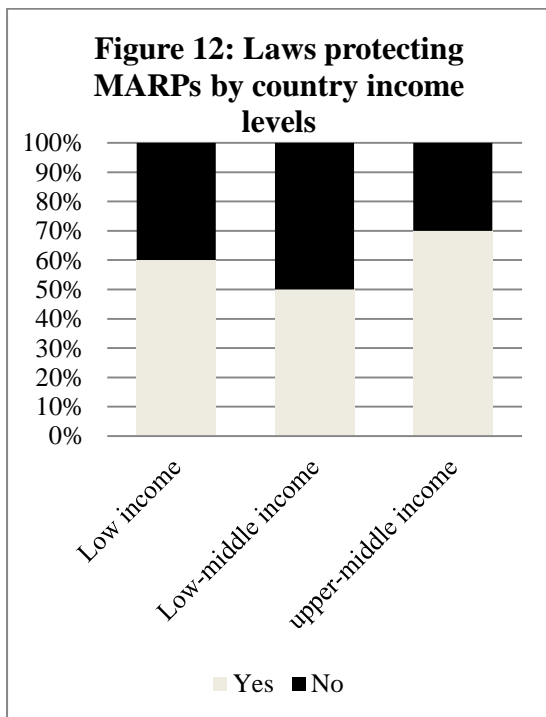
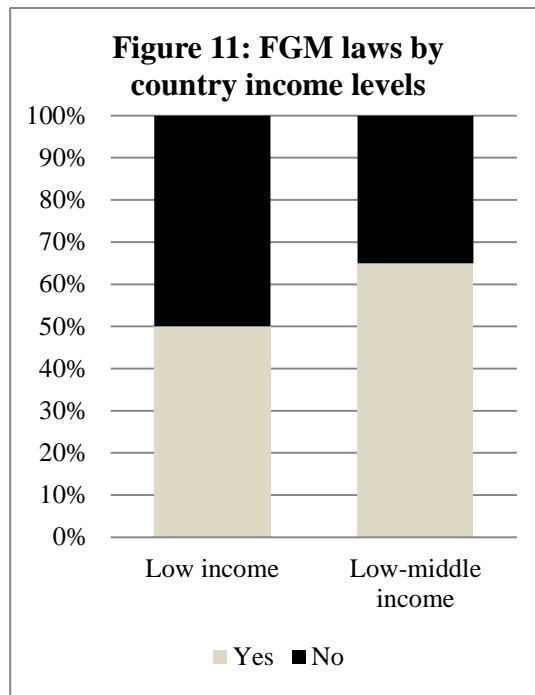
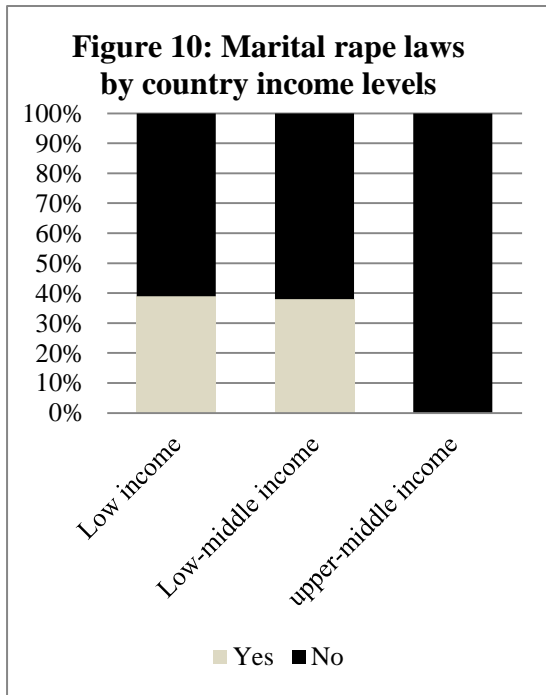
#### *Variation in legislative outputs cannot be explained through economic strength*

Given that the four policy areas discussed here are, as argued above, driven by international norms, one may expect that the different levels of economic strength among the countries in the region should explain the variation in legislative outputs. The causal explanation could go in two different directions. On the one hand, the implementation of legislation can be costly, which may mean that parliaments in weak economies are less inclined to pass laws that are unlikely to be implemented. On the other hand, parliaments in weak economies may be more inclined to pass laws that are in line with international norms in order to ensure, or at least increase, the chances of international financial support. Joel A.

Capellán and Simonpeter Gomez (2007), for example, establish that a small number of donor countries, namely, the United States, Germany, Denmark, France, and the United Kingdom, tie international aid to human rights. Eric Neumayer (2003a) finds that personal integrity rights, which are in many ways the basis for human rights, matter when donor countries choose recipients. Importantly, he also finds that, once recipients are chosen, donors do not allocate more funding to countries with stronger human rights records. Similarly, Alberto Alesina and David Dollar (2000) find that “the direction of foreign aid is dictated as much by political and strategic considerations, as by economic needs and policy performance of the recipients” (33).

However, examining legislative outputs pertaining to the four policy areas discussed in this research in conjunction with the countries’ economic income levels, there appears to be no correlation between the strength of the economy and the type of legislation passed. Using the World Bank categorization of countries into low-income economies (up to \$1,025 GDP per capita), lower-middle-income economies (\$1,026 to \$4,035 GDP per capita), and upper-middle-income economies (\$4,036 to \$12,475 GDP per capita), the data show that there is no significant difference between the legislative outputs in the low-income and lower-middle-income economies in regard to any of the four policy areas. The upper-middle-income economies appear to be more likely to have passed laws making marital rape a criminal offense, and, to a lesser degree, they appear to be more likely to have legislation protecting the rights of MARPs in place. This finding would indicate that the assumption that the financial ability to implement laws plays a role in passing laws. However, the data regarding the upper-middle-income economies have to be taken with a caveat, given the low

number of sub-Saharan African countries that fall into that category – seven in total, and only one for the category on FGM laws (therefore not reflected in the graph below).<sup>52</sup>



<sup>52</sup> Data are available for 29 low-income economies, 12 lower-middle-income economies, and seven upper-middle-income economies. The World Bank categorization includes upper-income economies, which does not include any countries from the sub-Saharan region.

*The impact of electoral systems on constituency relations and party discipline*

It is the assumption of this research that district magnitude – the number of representatives per electoral district, which, in turn, determines the level of proportionality of an electoral system – is correlated with constituency relations and party discipline.<sup>53</sup> Specifically, the assumption is that, as district magnitude increases, the electoral system becomes more proportional, constituency relations become weaker, and party discipline stronger. By focusing on district magnitude rather than on the more generic SMDV electoral systems, with a district magnitude of one, and on PR electoral systems, with district magnitudes starting at two representatives per district to nationwide district magnitudes, one can measure the correlation between increasing district magnitudes and the relationships of MPs with their constituents and political parties. The findings of this research, discussed below, show that, indeed, the relationship between district magnitude and constituency relations is negative and the relationship between district magnitude and party discipline is positive. Party discipline is further correlated with public party financing, which, in turn, is more likely to exist in PR electoral systems.

As expected, smaller district magnitudes lead to stronger relationships between individual MPs and their constituents, especially in socio-economically and culturally more homogeneous rural districts. Individual MPs win seats if they represent the interests of their constituents, and constituents can only be aware of what their representatives are doing if the representatives themselves keep them abreast of their work. Theoretically, constituency service can be provided through parliamentary work by ensuring that financial and other

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<sup>53</sup> As a reminder, district magnitudes of one representative per district constitute the basis for SMDV electoral systems, while PR electoral systems range from small district magnitudes starting with two representatives per district to nationwide district magnitudes.

types of benefits are redistributed to one's district. In Kenya, for example, the most effective way for an MP to provide constituency service is to be on the committee that determines the final distribution of the Constituency Development Fund (CDF), according to a number of MPs interviewed (interview 5/25/2011).<sup>54</sup> However, services to constituencies that are provided and paid for by individual MPs, such as funeral services or weddings, are more common (interview 5/25/2011; Barkan 2009). Expectations for individual MPs to provide constituency services are high in both SMDV and PR electoral systems, which is illustrated by the fact that 48 percent of MPs from PR electoral systems and 45 percent of MPs from SMDV electoral systems assume that voters consider constituency service the most important role of parliamentarians (unpublished data, collected for the Global Parliamentary Report, IPU and UNDP 2012). Similarly, an Afrobarometer study (2008) showed that citizens in countries with PR electoral systems consider constituency service to be more important than the national representation of their interests, while the reverse was true in countries with SMDV electoral systems. Notably, even though the expectations to perform constituency services are similarly high for MPs in both types of electoral systems, MPs in SMDV electoral systems spend significantly more time on constituency work compared to their counterparts in PR electoral systems: 50 percent versus 20 percent of their time (Barkan, Mattes, Mozaffar, and Smiddy 2010, p. 9).

As assumed, larger district magnitudes strengthen party discipline. This finding may be surprising given that “floor-crossing,” which refers to the practice of individual MPs switching political party affiliation in the middle of a parliamentary term, is a common phenomenon in most sub-Saharan African countries (Konrad Adenauer Stiftung 2007).

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<sup>54</sup> Kenya's CDF is based on a formula that establishes that 75 percent of the CDF – 2.5 percent of the national budget – is equally divided among the 210 constituencies, and the remaining 25 percent is allocated based on the poverty index (Romero 2009). However, according to a number of MPs interviewed for this research, the formulation leaves some room for interpretation, especially since the poverty index itself is based on unreliable calculations (interviews 5/25/2011).

Indeed, according to the unpublished data collected for the Global Parliamentary Report (UNDP and IPU 2012), not a single African MP surveyed considers supporting political party policy as the most important role of a parliamentarian. However, when prompted about which side individual MPs support when their political party's policy platform is at odds with their constituents' views, MPs from SMDV electoral systems are significantly more likely to state that they would support their constituents – 60 percent of Zambian MPs, 69 percent of Malawian MPs, and 100 percent of Kenyan MPs – than their counterparts in PR electoral systems are – 12 percent of Mozambican MPs and 20 percent of South African MPs.

Greater political party discipline can be explained by the closed-list system in PR electoral systems and public party financing, both of which provide incentives for MPs to toe the party line in order to keep their parliamentary seats. The closed-list system allows the party leadership to reward supportive party members with a placement high up on the party list, which increases the chances of actually winning a seat, and to punish those that act against party policy by placing them further down on the list or removing them from the list altogether. According to the data available on the Parline database (IPU 2012), all PR electoral systems in the region have a closed-list system in place, which means that variation in legislative outputs within PR electoral systems cannot be explained by differences in the list system. The second explanatory factor for party discipline is public party financing. While public party financing is becoming more widespread in the sub-Saharan African region, PR electoral systems are still significantly more likely to have public party financing systems in place: 83 percent of PR electoral systems have a political party financing system established versus 52 percent of countries with SMDV electoral systems (IDEA 2012). Public party financing makes individual MPs less dependent on their own finances for political campaigning, which should strengthen party discipline even in countries with small district magnitudes. At the same time, political party leaders can use the power of the party's

purse to ensure that individual MPs support the party's line. Logically, MPs who are forced to spend more of their own financial resources in order to secure a seat are less likely to toe the party line than those whose campaign is largely funded by the political party with which they are affiliated. In Benin, for example, where districts are represented by two to four representatives, individual candidates spend large amounts of their own funds during election campaigns, akin to their counterparts in SMDV electoral systems. One Beninese MP interviewed for this research stated that he had spent a minimum of CFA100 million (\$200,000) of his own personal funds during one campaign period on projects such as building bridges or roads in his district (7/2/2011). In comparison, in Namibia, with its nationwide district magnitude, about one-third of the available political party funding is used to finance travel to the different regions of the country (Amupadhi 2004).

#### **4.2 Impact of electoral systems on type of legislative cooperation**

Electoral systems, even in the African context, produce different types of relationships between MPs and their political parties and between MPs and their constituents. The question that remains to be answered is whether the impact that electoral systems have on constituency relations and on party discipline explains variation in legislative outputs. This section will establish that stronger constituency relations coupled with weak party discipline lead to parliamentary logrolling, which, in turn, generates more compromise-driven and less socially egalitarian legislation. Conversely, weaker constituency relations and stronger party discipline lead to greater intra-party cooperation, which allows for political party policy platforms that are more inclusive of narrow interest issues. The passing of legislation pertaining to such issues is more likely because the combination of including as many narrow interests into the policy platform and strong intra-party politics provide less space for negative campaigning and, thus, for mobilization of the general public against socially egalitarian legislation. In order to illustrate the arguments, the analysis will examine

a number of difference case studies with a special emphasis on the different experiences of initiating, passing, and implementation of Namibia’s 2003 Combating Domestic Violence Act and Kenya’s 2006 Sexual Offences Act.

<b>Table 3: Comparing the initiation, passing, and implementation of Namibia’s 2003 Combating Domestic Violence Act and Kenya’s 2006 Sexual Offences Act</b>		
	<b>Combating Domestic Violence 2003 (Namibia)</b>	<b>Sexual Offences Act 2006 (Kenya)</b>
<i>Initiation of bill</i>	Law Reform and Development Commission commissioned research reports, conducted hearings in 19 localities, sent official research missions to other countries over the course of seven years	Private member bill written by appointed female MP  Tabled by male MP in 2004
<i>Parliamentary opposition to bill</i>	Opposition was widespread based on cultural claims	Opposition was widespread based on cultural claims
<i>Overcoming parliamentary opposition</i>	Support of the president for the bill  No major clauses were removed; amendments were of a mostly technical nature	Several clauses were removed: <ul style="list-style-type: none"> <li>• FGM</li> <li>• Marital rape</li> <li>• Sale of drugs</li> </ul> Section 38 provides for the possible punishment of a survivor found to have falsely testified in a case
<i>Implementation</i>	On the whole, protection orders are being used as intended, and are proving to be useful interventions in many cases.  Complainants tend to approach the court for	National budget does not allocate enough for necessary services, including a lack of a budget line within the national budget that provides for consistent supply of post-rape care supplies.

	<p>serious domestic violence of multiple types, and not for small or trivial matters or single incidents of domestic violence. Most complainants who seek protection orders are successful in obtaining at least an interim order containing many of the terms which they requested.</p> <p>Courts apparently scrutinize the requested terms and in most cases add or subtract provisions before issuing the order, indicating that magistrates are recognizing instances where a complainant at risk needs more protection than he or she may realize, or asks for protection that is not justified by the evidence presented.</p>	<p>Gross disparity in resources and services provided by major referral hospitals in urban centers and smaller clinics in rural areas.</p> <p>Inconsistent and uncoordinated data collection about SGBV-related cases.</p> <p>Low public awareness of the SOA, which can impede the reporting of violations and can inadvertently lead to the destruction of evidence.</p>
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*Strong constituency relations and weak party discipline prevent or weaken socially egalitarian legislation*

Strong constituency relations in SMDV electoral systems lead to low intra-party cooperation. As previously established, the more an individual MP's political career depends on building a relationship with a particular constituency, the less likely MPs will be to side with their party policy in case it is at odds with the views of their constituents. More importantly, systems that are based on strong relationships between constituencies and their respective parliamentary representatives are inherently competitive, as individual MPs will be evaluated based on what share of the overall resources they can secure for their particular district. Competition for resources is not limited to inter-party competition, but includes competition among MPs affiliated with the same political party. An excerpt of an interview

with a Kenyan MP (5/25/2011) illustrates that MPs that focus on work outside of constituency service may be harmed politically:

A member of parliament is everything – you are the development consultant, you are the one who builds, you mentor, you are the one who takes care of medical bills, you are the one who takes care of funerals, you host weddings. They don't see you just as a legislator. In fact, many times [it is] the MPs who are very active on the floor in terms of legislation; if you go down on the ground, you will find the people don't think you're a good MP. You are only good depending on if you can do all those things I've mentioned down there.

Where intra-party cooperation is low, there is little counterbalance to pressures from constituents, who tend to be opposed to socially egalitarian legislation. It should be noted that constituents are more likely to be aware of legislative debates, and feel more empowered to influence debates, in systems with strong constituency relations. Robert Mattes, Joel D. Barkan, and Shaheen Mozaffar (2009) establish that, in systems that offer the relatively uneducated voters an easier way to make frequent contact with their representative, constituents are more likely to learn more about politics and to hold their representative accountable (email exchange with Mattes 7/29/2009). Given that, as shown above, the general population tends to be opposed to the more socially egalitarian policies discussed here, MPs are likely to be under pressure to oppose legislation. This may explain why legislation is less likely to be passed in SMDV electoral systems, in which constituency relations are strongest. While parliaments in PR electoral systems have passed nearly all bills between 2005 and 2010, only about one-half to two-thirds of proposed legislation was passed in parliaments of countries with SMDV electoral systems during the same period (Barkan, Mattes, Mozaffar, and Smiddy 2010). The interviews conducted in Kenya and Uganda, both of which have SMDV electoral systems, provided a number of examples that illustrate how opposition of constituents to more socially egalitarian policies has prevented legislation from being passed or from being initiated in the first place. The Ugandan parliament only passed a

law outlawing FGM in 2012, despite pressure from President Yoweri Museveni, who had already asked the parliament to outlaw the practice in 2009, and despite long-term pressure from national and international lobby groups. According to Ugandan MPs, the delay was a result of influence from constituencies in regions where the practice is still common (interview 5/30/2011; Wambi 2012). Similarly, Kenyan legislators stated that such issues as gay rights and abortion remain taboo on the parliamentary level for political reasons. One female MP talked about the dilemma she is facing over reconciling her personal beliefs and support for women's rights with her role as the representative of a constituency (interview 5/25/11): "I know [abortion] is happening, I know people are dying. But if I talked [*sic*] about it, I'm done politically [...] So you have to be very careful, because down there, there are sensitivities you have to be aligned to."

Low levels of intra-party cooperation may also explain why socially egalitarian legislation in SMDV systems is usually initiated through a Private Member bill. Where intra-party cooperation is low, political parties are unlikely to pursue socially egalitarian legislation that enjoys little public support. Without incentives for party members to toe the party line, individual MPs may be inclined to argue against such legislation for their own political gain. After all, it is easier for individual MPs to gain support on issues for which there is already widespread support than it is to educate their constituents about the merits of socially egalitarian legislation. Thus, Kenya's Sexual Offences Bill was initiated by an appointed female MP and the more recent anti-FGM Bill was initiated by the Kenya Women Parliamentary Association, KEWOPA (interviews 5/25/2011).<sup>55</sup>

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<sup>55</sup> The Act redefined the concept of rape to include such provisions as revised age of consent, sexual harassment, statutory rape, and child trafficking. The penalties attached to sexual offenses under the Act are much harsher than under previous provisions.

Without strong intra-party cooperation, legislative cooperation is limited to logrolling.<sup>56</sup> This is the case because, with weak party discipline in place, political parties are less able to establish coherent political party policy platforms. Without coherent political party policy platforms, issue-based inter-party coalitions are unlikely to be forged. At the same time, individual MPs who support a particular type of legislation cannot expect automatic support from other representatives in their political party. Instead, individual MPs, who support a particular type of legislation, have to lobby for support from other individual MPs irrespective of their political party affiliation. Given the strong relationship individual MPs have with their constituents, gaining enough support for legislation to pass requires a large number of MPs to convince their constituents of the merits of the legislation that they are likely to be opposed to. Interviews conducted with members of the Kenya Women Parliamentary Association (KEWOPA) provided examples of the form of legislative cooperation required to pursue socially egalitarian legislation. Most telling is the case of Kenya's 2011 FGM Act, which was only passed, after 18 years of lobbying by female MPs, after a male MP was convinced to table the bill. In return for the male MP's support, KEWOPA members visit his district to help him increase the number of his female voters. The writer of the Sexual Offences Bill, Njioki Ndungu, first applied that strategy when she asked a male MP to table the bill in a parliament where, at the time, over 90 percent of Members were male (interviews 5/25/2011).

Legislative cooperation that is based on logrolling leads to compromises that weaken the national focus of legislation pertaining to socially-egalitarian policies, making them less socially egalitarian in nature. In order to secure enough support from individual MPs, clauses are likely to be added or removed in a way that will make it easier for individual MPs to

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<sup>56</sup> As a reminder, logrolling is a form of legislative cooperation that is based on individual MPs trading support for legislation.

justify the legislation to their constituents. Without political party policy platforms, which can give specific guidelines on policies, there are no institutional barriers against reducing the impact of legislation until it is weak enough to convince constituents that the impact of the legislation will not be overwhelming. Again, the interviews conducted in Kenya and Uganda provide cases that illustrate the difficulty of passing socially egalitarian legislation for these reasons. In Kenya, a number of clauses of the 2006 Sexual Offences Bill had to be removed in order for the bill to be passed. Among other compromises, clauses regarding marital rape, criminalizing seduction, female circumcision, and criminalizing the sale of any substance that would stupefy another person to engage in sexual activity were removed. According to KEWOPA members, the clause on marital rape was not even included in the Domestic Violence Bill that was introduced in 2011 in order to prevent inevitable opposition to the clause and to increase the chances that the Domestic Violence Bill would be passed (interviews 5/25/2011; 6/2/2011; 6/3/2011). The case of Uganda's Domestic Relations Bill, which was first introduced in 1965 and then re-introduced to Uganda's parliament in 2003, illuminates how strong input from constituents can weaken the egalitarian aspect of what should be socially-egalitarian legislation by weakening the national character of the legislation. The Domestic Relations Bill was strongly opposed by the Muslim community, which constitutes 12 percent of the total population, mostly due to issues pertaining to polygamy and inheritance. The Muslim community received support from the parliamentary Islamic caucus and individual MPs from both the NRM and opposition parties. In order to increase the chances of passing the bill, the bill was split into two separate bills: the Marriage and Divorce Bill established a law for the majority of Ugandans and the Administration of Muslim Personal Law Bill did the same for the Muslim population (interview 5/30/2011).

*Strong party discipline and weak constituency relations make socially-egalitarian legislation more likely*

Strong party discipline ensures intra-party cooperation, which is the basis for coherent political party policy platform. Party discipline allows for a national policy strategy that might be at odds with the personal views of individual party members. Containing individual party members' opposing views is particularly important in countries with smaller district magnitudes, where representatives have stronger ties to their constituencies, and where national policy strategies might be at odds with their constituents' interests. At the same time, individual MPs in PR electoral systems are not necessarily personally more supportive of more socially egalitarian legislation, which they are asked to vote for by the political parties. This is best illustrated by statements made by Namibian MPs who declared that they did not personally condone the legislation that they officially supported. One female MP questioned whether Namibia's Christian values were in line with Namibia's law that makes marital rape a criminal offense (interview 6/17/2011). Another female MP questioned the relevance of the 2011 Cohabitation Bill, which would strengthen the rights of women in common law marriage (interview 6/15/2011). Pursuing a national strategy for political parties then requires that the party leadership has the ability to prevent individual party members from openly opposing the policy. Parliamentary debates revolving around Namibia's 2003 Combating Domestic Violence Act may be the most telling in that regard.<sup>57</sup> According to a 2012 report by a not-for-profit organization, the Legal Assistance Center (LAC), no other bill has caused such heated parliamentary debates. Yet, in the end, the bill was passed with only a few technical amendments to the original text.

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<sup>57</sup> The law covers a range of forms of "domestic violence", including sexual violence, harassment, intimidation, trespass, economic violence and psychological violence. Although no new crimes are created by the law, the crimes that are classified as "domestic violence offences" are subject to special provisions which encourage victims to come forward (LAC 2012).

With strong intra-party cooperation in place, political parties are able to expand voter support by adopting policies that are relevant to many different narrow interest groups. If it is ensured that individual MPs will not use parliamentary debates on socially egalitarian legislation for their own political gain, political parties can adopt a strategy that is focused on getting as many voters' groups as possible by adopting policy issues with a narrow rather than a majority focus. This is a strategy that becomes more relevant as the district magnitude increases, and where both small and large political parties do not campaign to win individual districts but rather to increase the percentage of votes. Political success is then a result of offering benefits to as many narrow interest groups as possible in order to continuously increase the voter base. This, in turn, makes political party policy platforms more inclusive of narrow interests. A case that illustrates this more inclusive campaigning strategy is the rhetoric on same-sex relations that political parties in Namibia, with its nationwide district magnitude, have adopted. Based on Martin Boer's (2005) analysis of political party policy platforms for the 2004 election campaigns in Namibia, the Congress of Democracy (COD) was among the first political parties to argue for the protection of the rights of homosexuals. By 2009, support for gay rights among political parties appears to have been the norm, given that six out of the eight political parties present at a political round table that discussed, among other issues, gay rights, declared that human rights applied to homosexuals as well (Shejavali 2009).

When the campaigning strategy is based on including as many voter groups with narrow interests as possible, the incentive to use negative campaigning decreases. Negative campaigning – a campaign strategy that entails emphasizing the negative impact of the opponents' proposed policies – tends to be more prevalent in SMDV electoral systems, in which winning a parliamentary seat requires winning the votes of the plurality or majority, which, in turn, leads to campaigns that identify voter groups by majority interests such as

ethnicity. In systems where political parties benefit from continuously expanding their voter groups based on narrow interests, negative campaigning may alienate future voter groups. Notably, during the aforementioned debate, the other two parties that did not openly express support for gay rights – the National Democratic Party (NDP) and the United Democratic Front of Namibia (UDF) – nevertheless did not speak out against gay rights but instead simply refrained from commenting on the issue. Thus, unlike in SMDV electoral systems where negative campaigning makes the general public more aware of parliamentary debates on socially egalitarian policies, more inclusive systems are less likely to do so. As a consequence, public mobilization against socially egalitarian legislation should be less pronounced.

A less competitive political environment, based on more inclusive political party policy platforms rather than on pitting groups against each other, allows for greater inter-party cooperation and minimizes the risk of partisan opposition to socially egalitarian legislation.<sup>58</sup> Stronger inter-party cooperation is evident in parliamentary committee work and in the form of constituency service found in PR electoral systems. Not surprisingly, committee work in SMDV electoral systems is based on so-called pork-barrel activities, which means that committee work is driven by individual MPs' desires to secure funds and

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<sup>58</sup> It should be noted that inter-party cooperation is obviously less important in one-party dominant states in order to pass legislation, whereas multiparty systems depend on cooperation to gain the necessary number of votes to do so. However, as the discussion above showed, there is no strong correlation between party systems and socially egalitarian legislation. The discussion above meant to establish whether one-party dominant systems are better equipped to pass legislation that is in the interest of the executive branch. The data showed that that was not the case. Here, the focus is on whether multiparty systems – in which political parties depend on each other in order to pass legislation on the one hand, and, as Bawn and Rosenbluth (2003) argued, in which political parties do not have to carry the full responsibility for the negative consequences, on the other hand – are more likely to pass socially egalitarian systems. That is clearly not the case, since one-party dominant systems are just as likely to pass socially egalitarian legislation. A causal explanation for this may be that dominant parties in PR electoral systems are not only concerned with winning the majority of votes but also with keeping and continuously increasing their voter base. Thus, dominant parties are likely to absorb narrow interests in order to minimize the chances of smaller political parties gaining support from the dominant party's voter base.

other benefits for the districts they represent. Kenyan MPs interviewed for this research confirmed that the most desired committee was the one dealing with the Community Development Fund (CDF), which is responsible for determining how a small share of the otherwise pre-determined Fund is distributed (interview 5/25/2011). In PR electoral systems, in which an increase in district magnitude means a decrease in constituency relations, committee work is more likely to be set up as an oversight activity with a weaker geographic focus.<sup>59</sup> In Namibia, for example, members of individual committees travel to different regions of the country in order to hold public hearings on issues relevant to the different localities. These committee missions are inter-party activities in nature, since each committee has members from opposition parties. These inter-party outreach projects, as part of the work that Standing Committees undertake, are a way to create a relationship between parliament and the general population by visiting and examining the special needs of the individual regions. The focus of these outreach projects is ensuring greater equality between the regions, which is a necessary step to take in a country that has regional inequalities but in which the political system, with its nationwide district magnitude, is inherently national in character (interviews 12/2/2010; 12/3/2010; 6/15/2011).

It can be assumed that the types of constituency work found in PR electoral systems, the success of which is subject to effective inter-party cooperation, are less likely to antagonize inter-party relationships and, thus, more likely to aid legislative cooperation. In fact, Beninese and Namibian MPs from both majority and opposition coalitions and parties stated that partisanship did not play a role in committee work. The reports issued by the Standing Committees of the Namibian parliament as part of their outreach work indicate that

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<sup>59</sup> Similar findings were established for Western democracies. Stratman and Baur (2002) examined the MPs' committee work in Germany's mixed system, where a share of MPs is voted in through a first-past-the-post system and another share is voted in based on a proportional electoral system. They found that MPs voted in through the former system were more likely to engage in pork-barrel activities attempting to secure services for their districts, while the latter were more likely to focus on issues unrelated to geography.

inter-party cooperation can indeed be strong. Although Namibia has a one-party dominant system, in which the dominant party, SWAPO, can exert great pressure on its party representatives to toe the party line, the committee reports issued are surprisingly critical of government policies. Thus, for example, a report by the Standing Committee on Constitutional and Legal Affairs of the National Assembly on regional consultations in the Caprivi, Kavango, and Otjozondjupa regions points out the weaknesses of the legal aid system. Specifically, the report criticizes the policy that legal aid can only be approved and granted by the director of legal aid based in Windhoek, which delays the approval process (interview 7/3/2011; email exchange with senior parliamentary staff member 8/20/2012).<sup>60</sup>

More important to this research is the fact that these reports examine and scrutinize policies that are rooted in traditional practices, showing that committee work on a more national level minimizes the risk of individual MPs – whether they are members of the dominant SWAPO party or from smaller opposition parties – using traditional or local practices for personal political gain. Thus, for example, the aforementioned report also questions a provision in the Constitution of Namibia which provides for the recognition of customary laws and hence customary law marriages. The report points out that customary law marriages are not recognized by statute, and as a result, it is unclear whether polygamous marriages are legally allowed and how to deal with property in the case of divorce. The report recommends that the Ministry of Justice enact a statute dealing with divorce proceedings and provide for a no-fault-divorce grounds system (email exchange with senior parliamentary staff member 8/20/2012).

Finally, stronger intra-party and inter-party cooperation allows parliaments to initiate bills in a way that minimizes the risk of opposition to the bill. As shown above, socially

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<sup>60</sup> While the committee is dominated by SWAPO members, it nevertheless has members from the two opposition parties: the United Democratic Front (UDF) and the Democratic Turnhalle Alliance (DTA).

egalitarian legislation in electoral SMDV systems is more likely to be introduced through a Private Member bill, leaving individual MPs to lobby for support for the bill. In PR electoral systems, bills are more likely to be initiated by inter-party committees. A most telling case was the initiation of Namibia's Combating Domestic Violence bill. According to LAC (2012), the Law Reform and Development Commission (LRDC) began research on the issue of violence against women and children in 1996, seven years before the Combating of Domestic Violence Act became law in 2003. The Commission consulted materials on domestic violence and existing legislation on domestic violence from all over the world. Furthermore, the Commission sent government officials to other countries to explore how they handled the issue of domestic violence, held regional hearings on domestic violence in 19 locations, and commissioned a series of research papers on domestic violence. In 1999, the Commission established a subcommittee on domestic violence, which was charged with writing the draft bill. Thus, the writing of the Combating of Domestic Violence bill included members of a number of political parties, which, in turn, gave opposition parties a level of ownership and minimized the risks of negative campaigning. It is also of interest to note that the writing of the bill spanned a time period that included national parliamentary elections in 1999, and that the content of the bill was not weakened as a result of the election campaign.

It should be remembered, however, that increasing district magnitude – as the mechanism behind MPs' relations to both their constituents and political parties – is correlated with more socially egalitarian legislative output only up to a certain point and it appears that small district magnitudes are more likely to produce such legislation than larger district magnitudes are, as was established in chapter 3 of this research (p.69-71). The level of relationships between individual MPs and a specific group of constituents is conducive to more socially egalitarian legislation. An explanation for this may be that a closer connection to the people on the ground opens up opportunities for civil society organizations to work

more closely with MPs or that MPs are more aware of the impact that socially unequal policies have on the ground. It may also be that sharing a district with other MPs can forge coalitions among individual MPs, which then translates into a more cooperative environment on the parliamentary level. An illustration of cooperation among MPs is illustrated by a statement from a Beninese MP, who shares his district with two other MPs from different political parties. The MP explained in the interview (5/7/2011) that he cooperated closely with the other two MPs in an attempt to secure that a new university campus would be built in their district.<sup>61</sup>

Figure 14: Correlation between party discipline and socially egalitarian legislation

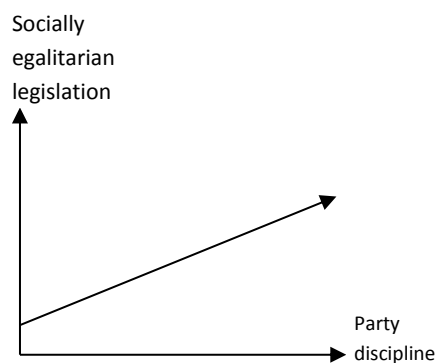
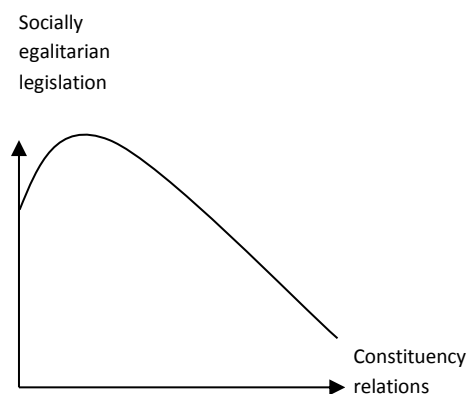


Figure 15: Correlation between party discipline and socially egalitarian legislation




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<sup>61</sup> It should be noted that the efforts were unsuccessful, largely because parliament rejected the efforts of the three MPs as locally concentrated rather than nationally concerned.

### *Implementation of legislation*

As discussed in chapter 1, parliaments often play a limited role in the implementation of legislation. Parliaments' role is usually limited to the passing or rejecting of the annual appropriations bill, which rarely involve itemizing how funds are allocated. Additionally, few parliaments have the legal authority to request amendments to budget, but are instead limited to deciding whether the proposed budget as a whole should be passed or rejected (IPU, World Bank, IMF, forthcoming). There are a number of reasons why laws are not effectively implemented, many of which are out of the hands of parliamentarians.

Nevertheless, some experiences in implementing Namibia's 2003 Combating Domestic Violence Act and Kenya's 2006 Sexual Offences Act illustrate the impact of electoral systems on the implementation of socially egalitarian legislation. According to a 2012 report by Namibia's Legal Assistance Center (LAC), both women and men are using the services under the 2003 Combating Domestic Violence Act effectively, and magistrate courts respond appropriately to the level of threat to the victim. These basic findings indicate that the basic funds necessary for the implementations are allocated and that the officials, such as court and police officials, have received adequate training.

In comparison, the experience with the implementation of Kenya's 2006 Sexual Offences Act indicates that the relationship between parliamentarians and the constituents that the SMDV electoral system creates continues to pose a challenge to the implementation of socially egalitarian legislation. A workshop on the implementation of the Act, organized by a number of international organizations and held in 2011, found a number of weaknesses that can be, at least partially, explained by Kenya's electoral system, in line with the argument I put forward in this chapter. The workshop found that not enough funding is allocated for the services that the Act provides, such as a consistent supply of post-rape care

supplies. The fact that the budget does not allocate enough for the implementation of the Act may be explained by the fact that the Act was passed through logrolling efforts and a number of significant compromises to the text of the bill, indicating a lesser political will to pursue the implementation of the Act. Furthermore, the workshop found that there were gross disparities between resources and services provided by major referral hospitals in urban centers and smaller clinics in rural areas. Robert H. Bates (1981) argues that unequal distribution between urban and rural areas are common in the sub-Saharan African region, because politicians want to accommodate the urban population, which is more likely to organize politically in an effective way. However, the unequal distribution is also a sign of a lack of national strategy by which individual MPs are able to secure more funds for their electoral district than others. Finally, the workshop found that there was low public awareness of the Sexual Offences Act, which, in turn, can prevent the reporting of violations and inadvertently lead to the destruction of evidence. This finding is particularly telling given that the ability of individual MPs to educate their constituents about legislation is included among the advantages of SMDV systems (Barkan, Ademolekun, and Zhou 2004). Thus, the low public awareness of the Act is yet another indicator that legislation passed as a result of logrolling is less likely to lead to the implementation of legislation.

### **Chapter conclusion**

MPs throughout the sub-Saharan African region are faced with the same dilemma of having to reconcile the interests of the executive and the opposing views of the majority of constituents. The variation in legislative outputs, as shown in the previous chapter, cannot be explained by the relative strength of the executive branch, which benefits on the international level by international norms that are implemented on the national level. In fact, the data indicate that parliaments that are more autonomous from the executive branch are more likely to pass socially egalitarian legislation. Instead, the explanation for the variation of legislative

outputs has to be found in the types of relationships that individual MPs have with their constituents and with their affiliated political parties.

The analysis of the mechanisms behind the correlation between electoral systems and types of legislation in regard to the four policy areas discussed in this research shows that the basic hypotheses of this research are correct: electoral systems produce a different type of legislative cooperation, which, in turn, leads to different types of legislative outputs. District magnitude determines the strength of the relationships that MPs have with their constituents, on the one hand, and with their political party, on the other. The analysis shows that stronger relations with constituents undermine intra-party cooperation, which, in turn, makes it harder for parties to develop political party policy platforms. Without political party policy platforms, issue-based party coalitions are difficult to forge. Without an institutional basis for cooperation, MPs are most likely to side with their constituents' views for the sake of political gain. If socially egalitarian legislation is moved forward, it is done so through logrolling and a number of compromises, which are likely to weaken the national character and, thus, the impact of the legislation on a potentially more egalitarian society. Conversely, political parties' policy positions tend to be more inclusive of narrow interests in systems with greater district magnitude because the prospect of continually increasing the percentage of votes provides an incentive to gain support from as many narrow interest groups as possible rather than attempting to gain support from a majority group under a single political identity. The passing of such legislation is more likely, because the strategy of including as many narrow interests in the political party policy as possible coupled with strong intra-party cooperation weakens incentives for negative campaigning. Less negative campaigning decreases the likelihood of public mobilization against such legislation, which makes the passing of such legislation more likely.

The underlying finding of this analysis is that legislative cooperation is more difficult to achieve when constituents are well aware of the parliamentary debates and when constituents have access to their representatives. Legislative cooperation, which generates more socially egalitarian legislation, is more likely to occur when parliamentary work is more institutionalized through political parties with stronger political party policy platforms. PR electoral systems are better equipped to achieve such a system.

## **CHAPTER 5: EXAMINING THE LIKELIHOOD FOR ELECTORAL REFORM IN SUB-SAHARAN AFRICAN COUNTRIES**

### **Introduction**

I have established that PR electoral systems produce more socially egalitarian legislation in the sub-Saharan African region. This section will address whether this issue of the impact of electoral systems is likely to remain a purely theoretical debate or whether electoral reform is foreseeable in countries in the sub-Saharan African region. To that end, I will first examine the conditions and causes that led to the introduction of PR electoral systems in Western democracies during the turn of the twentieth century. This will be followed by a section that explains why few sub-Saharan African countries have undergone electoral reform. Finally, I will discuss the indicators that electoral reform will become more likely as sub-Saharan African countries undergo social, economic, and political changes similar to those that Western democracies experienced during the turn of the twentieth century.

### **5.1 Causes of electoral reforms in Western democracies**

Electoral reforms in Western democracies were an organic development in that they were electoral reforms built on existing political, economic, and social institutions. Industrialization, urbanization, and the growing industrial labor force were the triggers for electoral reform in Western democracies during the late nineteenth and early twentieth centuries. Explanations for the adoption of PR electoral systems in Western democracies during that time period encompass sociological, rational-choice, structural, and institutional aspects. These approaches differ in their analyses of who the key actors are, and they

examine different temporal dimensions. While scholars vary in their focus on political, economic, and social institutions, they all agree that electoral reform in Western democracies built on existing institutions.

Andrew McLaren Carstairs (1980) examines how the general movement towards more democratic institutions in Western countries led to demands for extended franchise and a strengthened role of the legislature. He argues that it was only natural for democracies to shift to PR electoral systems under such a political environment, as PR electoral systems seemed to ensure a more inclusive reflection of the different societal views that would be incorporated into the political sphere as more societal groups gained the ability to vote. Carstairs points out that, maybe not surprisingly, the last hurdle to change was posed by the legislators themselves, who felt threatened by the prospect of greater competition among political parties.

Carstairs' analysis raises the question of why most democratic systems chose to shift to a PR system at the time while a few others –specifically, the United States, the United Kingdom, and Canada – maintained a majority-based SMDV system. Charles Boix (1999, 2010) explains this discrepancy through a rational-choice-approach argument which points out that ruling political parties pursued a shift to PR electoral systems in the case when a continuation of the previous system would have hurt them in the future. The emergence of socialist political parties, on the one hand, and the fragmentation of conservative political parties, on the other, would have threatened the survival of many conservative political parties, had the SMDV system been kept in place. Thus, implementing PR electoral systems was a preemptive measure by conservative ruling political parties that attempted to retain the power of the fragmented political right.

Building on this argument, Charles Boix (2010) adds that the ruling political parties' decision to implement PR electoral systems was a function of the type of electoral markets prevalent at the time, as well as of the extent to which old political parties shared voters with new political parties as a result of an extension of the franchise. Boix (2010) differentiates between segmented electoral arenas in which political parties are highly concentrated in a particular region or societal sector, and competitive electoral arenas, in which vote flows across political parties are more common. According to Boix, in segmented electoral arenas, an established political party would favor PR if the new political parties threaten that political party's hegemony in its electoral segment. In competitive electoral arenas, dominant old political parties that were likely to become the focal point around which non-socialist voters would coordinate would have a strong incentive to block PR, as maintaining the old system promised to increase a dominant political party's voter base. In turn, non-dominant old political parties would have preferred a PR system.

Ernesto Calvo (2009) argues that scholars who explain the adoption of PR electoral systems by emphasizing the risk that emerging social-democratic political parties posed to ruling political parties fail to explain why countries without strong social-democratic political parties nevertheless introduced PR and why PR countries did not switch back to majoritarian systems after the socialist movement had faded. Using a dynamic Bayesian model for seats and votes, Calvo shows that, in multiparty majoritarian systems, territorially concentrated minority political parties received more seats in parliament than territorially dispersed political parties with the same number of votes did. Calvo suggests that, in countries where socialist political parties posed a revolutionary threat, such as Austria or Germany, PR was introduced to ensure extra seats for social-democratic political parties in order to undermine the possibility of an actual revolution.

A different set of explanations for the adoption of PR electoral systems was put forward by scholars from the structural school of thought. Stein Rokkan (1970), Peter J. Katzenstein (1985), and Ronald Rogowski (1987) all suggest that smaller countries had greater incentives to implement PR electoral systems. Both Rokkan and Katzenstein maintain that small countries were more prone to adopt PR because economic survival in small states depended more on cooperation between different class structures and PR facilitated such cooperation. Thus, Rokkan points out that ethnically divided smaller countries were the first to introduce PR. The other smaller countries introduced PR when the growth of the labor class in conjunction with the extension of the franchise threatened to crowd out at least one of the major political parties. Katzenstein builds on Rokkan's argument, maintaining that PR electoral systems are not only a cause for the compromise- and negotiation-based democratic corporatist systems of smaller European countries, but that the same preconditions that led to such corporatist systems also led to the implementation of PR at the turn of the twentieth century. The legacy of weakened aristocracies and strong urban interests coupled with strong incentives for open-market economies to focus on export-driven specialization led to a system that required cooperation between the political left and right, as well as between the business sector and labor. Thus, PR became the natural choice for those small European countries in which political and economic strength were dependent on cooperation between farmers and workers, workers and Catholics, and blue- and white-collar workers. Similarly, Rogowski (1987) argues that countries that depend heavily on trade for their economic well-being require strong political parties and stability in order to implement the policies necessary for effective trade relations. He maintains that strong political parties are best achieved through party-list systems – a system in which party leaders predetermine and rank the party members that are to receive seats – which is an inherent feature of PR electoral systems. Local and sectoral pressures, he argues, are weakened in

systems with large district magnitudes in which parliamentary representatives are not politically tied to a particular district.

André Blais, Agnieszka Dobrzynska, and Indrihi H. Indridason (2004) provide a historical-institutional explanation for why some countries implemented PR electoral systems while others did not, and why the shift occurred at the time that it did. They point out that earlier analyses failed to differentiate among the original electoral systems, and they maintain that the adoption of PR electoral systems was more attractive in absolute majority systems, while it was less so under plurality systems. Their argument is based on the assumption that the likelihood of second-round run-off elections in an absolute majority system increases the likelihood of more political parties putting up candidates.

Thomas Cusack, Torben Iversen, and David Soskice (2010) provide a long-run political economic argument for the adoption of PR electoral systems in Western European democracies. They maintain that the adoption of PR electoral systems was a reflection of traditional political decision-making structures. Most Western European countries were marked by densely institutionalized local economies that were based on local decision-making and consensus-building among different group interests. They argue that industrialization, urbanization, and the growth of the working class made some groups less dependent on the local economy for their economic well-being. For example, as a result of industrialization, important regulations regarding vocational training, education, and handwork rules were moved from the local to the national level. This meant that consensus-building could not be achieved on the local level anymore, and instead had to be moved to the national level. Adopting a PR electoral system appeared to be the natural choice in such cases, in order to allow for different interest groups to organize on a national level and, with that, for them to achieve a somewhat proportional voice in parliament.

## **5.2 Challenges to electoral reform in the sub-Saharan African region: Have African countries reached a crossroads to electoral reform?**

In the African context, there are a number of specific challenges that make reform of electoral institutions difficult. First, unlike their counterparts in Western democracies where political parties were the main drivers for reform, colonial legacies have instituted political systems throughout the African continent that are built on dominant executive power and undermine the significance of opposition political parties throughout the sub-Saharan African region. Richard Joseph bluntly summarizes the African countries' democratic predicament by stating that "[d]emocratization was not supposed to happen in Africa. It had too little of what seemed necessary for constitutional democratic polities" (1999, p. 237). Without strong democratic institutions, such as an institutionalized balance of power between the executive and parliament or a strong rule of law, African leaders were able to respond to external pressures to democratize by implementing elections without giving up their political and economic dominance (Joseph 1999; Bates 1991). Michael Bratton and Nicholas van de Walle's (1997) examination of African regimes in the 1990s shows that the logic of patrimonial systems, namely, systems that are based on personalized power and the extension of privileges to specific clientele in return for support of the existing leadership, have simply been incorporated into the bureaucratic institutions that have been established in the name of democratization. The patronage system makes change from within the system unlikely, because insiders are chosen for their support of the existing system and they will lose their privileges when they oppose the system. At the same time, opposition parties remain fragmented (Mathisen and Svasand 2002) and parliamentarians changing party affiliation in the middle of a term remains a common phenomenon (Konrad Adenauer Stiftung 2007), which means that organized demand for electoral change from within parliament will remain unlikely.

Second, while electoral institutions are a remembrance of the colonial past (Nohlen 1999), they nevertheless were a reflection of existing political, economic, and social institutions (Golder and Wantchekon 2004; Mozaffar 1998). The fact that electoral systems are not entirely imposed from the outside but are a reflection of existing institutions explains, at least partially, why African countries, on the whole, have retained the electoral institutions they inherited at independence. Golder and Wantchekon (2004) argue that electoral institutions are usually the product of negotiated settlements among conflicting parties. The impact of negotiated settlements on the choice of electoral systems is particularly apparent in Namibia and South Africa, where multiparty democracies emerged following civil war or unrest. Similarly, Shaheen Mozaffar (1998) suggests that the differences between electoral systems were a result of the relationship between the state and the people that was established by the colonial powers. He maintains that the British had been relatively tolerant about the formation of autonomous associations compared to other colonial powers, which led to the creation of localized associations dealing with agriculture, welfare, and industry. Localized associations combined with plurality electoral systems, based on the British electoral system, allowed parliamentarians to create strong links with their constituents based on patronage and constituency-focused legislative politics. Mozaffar claims that these electoral institutions were maintained because incumbent politicians expected to retain their respective local power bases. Conversely, the state-sponsored associations in the French colonies failed to produce similar localized structures, and political elites were not given any incentives to create strong relations with constituents. Mozaffar suggests that the inclusion of these associations in the debate over new electoral institutions in the 1990s led to the choice of PR electoral systems, with the Central African Republic, Comoros, Mali, and Congo being the only former French colonies in the region to retain PM electoral systems. Given that

electoral institutions are, in fact, a reflection of existing institutions, electoral reform will only become likely when the social, political, or economic conditions change.

A third challenge to electoral reform is the apparent lack of strong class-based ideological influences over the political party system. The social cleavages in the sub-Saharan African region are quite different to the social cleavages that result from industrialization, urbanization, and the growth of the industrial working class, which Western democracies experienced during times of widespread electoral reform. Interests in the sub-Saharan African region are largely locally concentrated, and, as Joel D. Barkan (1998) argues, majoritarian systems are no less inclusive or proportional in representation than PR electoral systems are in African societies, in which 50 to 90 percent of the population are peasants. At the same time, previously established trade unions in the sub-Saharan African region are not commonly involved in political party politics in the way that they are in other regions of the world (Beckman, Buhlungu, and Sachikonye 2010). Thus, social pressures to reform the electoral system to allow for a more nationally based political organization of interests is not likely.

*Have sub-Saharan African reached a crossroads toward reform?*

The challenges discussed above may explain why electoral systems in the sub-Saharan African region have been remarkably stable, despite the fact that the electoral systems are largely legacies of the countries' colonial pasts (Nohlen, 1999; Golder and Wantchekon 2004). In fact, Matt Golder and Leonard Wantchekon (2004) point out that, at the time of their writing, electoral system reform had been discussed only in Mali, Benin, and South Africa. A number of scholars argue that electoral reform is not likely to occur anywhere (Nohlen 1984; Grumm 1958; Eckstein 1963; Bogdanor 1983). In a similar vein, John Grumm (1958), Harry Eckstein (1963), and Vernon Bogdanor (1983) all maintain that

electoral systems are a reflection of a society's historical development and that PR is a *result*, not a cause, of a particular political and social system. Dieter Nohlen (1984) maintains that electoral systems cannot be constructed deliberately or changed easily, and that discussions about changing electoral systems “feign a freedom of choice that really does not exist” (217).

There is plenty of evidence that indicates that these negative perceptions are misguided and that electoral reform is more likely to occur than these scholars that are discussed above suggest. Giovanni Sartori (1994) counters arguments that electoral reform is generally not likely to occur by pointing out that the dismemberment of the Soviet Union and Yugoslavia, and the subsequent large-scale, albeit reluctant, democratic transitions within African countries means that many countries sometimes have no choice but to write constitutions from scratch. Furthermore, contrary to Seymour Lipset's and Stein Rokkan's (1967) position that electoral systems are frozen in Europe, Italy's decision in 1993 to take an unprecedented step towards reversing the PR system to a plurality single-ballot system serves as evidence that changes can indeed occur. Even in the United Kingdom, a referendum – albeit an unsuccessful one – was held in 2011 on whether the electoral systems should be changed to a single-transferable vote (STV) electoral system (Stratton 2010).<sup>62</sup> In fact, Richard Soudriette and Andrew Ellis (2006) show that, between 1993 and 2004, out of a total of 213 countries and territories, 27 changed their type of electoral system. Most countries changed from PM to PR electoral systems (21).

Countries in the sub-Saharan African region may be at a democratic crossroads where electoral reforms become more likely. In fact, since Matt Golder and Leonard Wantchekon's

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<sup>62</sup> STV electoral systems seek to minimize lost votes and achieve a level of proportionality by allowing voters to rank their preferences. Once the voter's first choice is either elected or eliminated, any surplus votes are transferred according to the voter's stated preferences. Thus, the system allows voters to have a direct impact on the choice of candidates compared to in closed-list PR electoral systems, where the party leaders rank candidates and thus determine which party members are most likely to receive a seat in parliament.

writing (2004), debates about electoral systems have emerged in a number of sub-Saharan African countries. Burkina Faso has undergone marginal electoral reforms. Under the new electoral system, the number of seats allocated for representatives of the provinces increased from 90 to 96, while the remainder (15 seats) is determined through the list system (IPU 2012). According to a 2009 article in *The Economist* (May 6), a number of these provinces are represented by a single member, and opposition leaders argue that the reforms were a strategy by the main political party to gain more of a stronghold. Nigeria's parliament is, at the time of this writing, discussing electoral reforms that would allow for more proportional representation (Onuah 2010; Godfrey 2010). After the 2011 parliamentary elections in the Seychelles, President James Michel announced that electoral reforms would soon be on the agenda (Ramasawmy 2011). It is clear that electoral reform is already on the agenda in some sub-Saharan African countries.

A number of reasons may explain the emergence of these debates over electoral reforms. First, after two decades of experience with multiparty democracies, parliaments in the sub-Saharan African region should become more politically significant now that most countries in the region have experienced a number of consecutive elections. Joel D. Barkan (2009) emphasizes that an institutionalized legislature is a defining attribute of all established democracies. While the expansion of the legislative power is a driver of democratic consolidation, the legislature rarely matters in the democratization process until the first few multiparty elections have occurred.<sup>63</sup> As parliaments acquire a more significant role in African politics, demands for electoral reform from within may become more likely.

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<sup>63</sup> Barkan does not specify a number of consecutive elections in which he would expect legislatures to take on a more significant role. However, one may deduce from Barkan's work with the African Legislatures Project – an ongoing research project with the objective of understanding the operations of legislatures in the sub-Saharan African region – that he and his colleagues assume in this project that he may expect parliaments to take on a more significant role after four to five consecutive elections, given the choice of early case studies: Benin,

Furthermore, a stronger focus on the role of parliaments in the region will continue to produce data, which may generate stronger demand for electoral reforms. SMDV systems benefit incumbents in sub-Saharan African countries in the same way they do in Western democracies. In Uganda, for example, the National Resistance Movement (NRM) won 70 percent of parliamentary seats with a mere 49 percent of the votes (unpublished data on the 2011 parliamentary and presidential elections in Uganda, DANIDA Human Rights and Good Governance Office, 2011). Notably, none of the Ugandan parliamentarians interviewed for this research were aware of the fact that the electoral system benefitted the ruling NRM. As more such data becomes available, pressure for electoral reform should increase.

Finally, some signs of changing social conditions have emerged, which could lead to the emergence of more political party policy platforms focused on narrow issues. If such a shift occurs, demands for electoral reforms with a stronger national focus both by political parties and other interest groups may become more likely. Notably, African societies are more urbanized than is commonly assumed, with 40 percent of the population living in urban areas and an average annual urbanization rate of 3.5 percent (United Nations, 2004). Such demographic changes are likely to lead to similar changes in the sub-Saharan African region as those in Western democracies, where demographic changes meant that people's economic well-being, and therefore political identities, were less affiliated with the local economies and less dependent on local consensus building (Cusack, Iversen, and David Soskice 2010). As political identities are less based on specific localities, demands for electoral systems that allow for political parties that focus on policies that are not particularistic in nature will become more likely. A number of Afrobarometer studies, which examine, *inter alia*, the changing democratic attitudes among the sub-Saharan African population, show that political

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Burkina Faso, Ghana, Kenya, Lesotho, Malawi, Mali, Mozambique, Namibia, Nigeria, South Africa, Tanzania, Uganda, and Zambia.

identities are often times not tied to localities but rather on narrow issues, such as gender and class (see, for example, Mattes 2004; Robinson 2009).

### **Chapter conclusion**

This chapter asked the question of whether the findings of this research, namely, that PR electoral systems can contribute to more socially egalitarian societies, is likely to resonate in the sub-Saharan African region. Electoral systems in the region have been stable for a number of reasons. First, as I have shown, the political, social, and economic factors that led to electoral reform are still not given in the sub-Saharan African countries. Unlike the situation in Western democracies during the turn of the twentieth century, African countries still lack political parties with strong policy platforms, and trade unions exist, but are rarely tied to a particular political party. While electoral systems are generally assumed to be a legacy of the colonial period, they are, in fact, a reflection of existing institutions, which, in turn, makes reform more challenging.

However, I have shown that electoral reform is becoming more likely. This is shown by the fact that many more countries in the region are now openly discussing electoral reform. The emergence of these debates may be tied to the fact that parliaments tend to become more important political institutions only after a few rounds of elections, and many African countries have experienced a number of consecutive elections. As more focus is paid to parliaments in the region, more data will emerge, which may, in turn, raise national debates over the merits of electoral reform. Finally, some changes within African societies, such as urbanization, create opportunities for political parties to gain voters by changing their political strategies. One can therefore expect that more political parties will, with time, create stronger political policy platforms and seek innovative ways to ensure that their voices are heard.

## **CHAPTER 6: CONCLUSION**

### **Introduction**

The aim of this dissertation has been to examine whether proportional representation (PR) electoral systems create more egalitarian societies in sub-Saharan African countries as they do in Western democracies. The literature on electoral systems in Western democracies has long established a strong correlation between PR electoral systems and more socio-economically egalitarian societies (Linz, 1990a and b; Horowitz, 1990; Stepan and Skatch, 1993; Lijphart, 1999; Persson and Tabellini, 1998, 2000, 2003; Austen-Smith, 2000; Austin-Smith 2000; Lizzeri and Persico 2001; Milesi-Ferretti et al. 2001). Causal explanations rest on the assumption that PR electoral systems allow for more political parties to gain seats in parliament, which, in turn, allows political parties to represent narrow political interests as compared to political parties in plurality and majoritarian systems, which tend to represent interests of the majority. At the same time, the larger number of political parties provides incentives for inter-party coalition building. Theories that explain the correlation between PR electoral systems and more socio-economic egalitarian societies argue that inter-party coalitions allow political parties that represent the interest of the industrial labor class to effectively influence policymaking by aligning with the middle class against the upper classes (Iversen and Soskice 2006). They further maintain that inter-party coalitions allow political parties to share the political burden of unpopular legislation and policies, which makes the passing of legislation that does not enjoy the support of the majority of voters more likely (Bawn and Rosenbluth 2002). Finally, political systems that are built on inter-party coalitions may lead to policies that build on existing policy structures and thus are more likely to allow for long-term policy development (Amenta and Skocpol 1989).

My approach to testing the impact of PR electoral systems in the sub-Saharan African region built on the assumptions that the *electoral systems produce different types of legislative cooperation*, that *different types of legislative cooperation explain different types of legislative outputs*, and that *inclusive legislative cooperation should lead to more nationally focused legislation that does not enjoy the support of the majority*. I assumed that the type of legislative cooperation that PR electoral systems produce should be conducive to any type of legislation that does not enjoy the support of the majority of voters. Arend Lijphart (1996, 1999) already established a correlation between PR electoral systems and not only socio-economically fairer societies but also what he termed “kinder, gentler” societies. Such societies, he maintained, not only offer greater socio-economic equality, but are also more likely to have socially fairer policies, such as greater gender equality. Thus, rather than focusing on the impact of PR electoral systems on socio-economic equality, I tested the impact of PR electoral systems on socially egalitarian legislation. Specifically, I examined whether PR electoral systems are more likely to generate legislation that makes marital rape a criminal offense, legislation that outlaws female genital mutilation (FGM), and legislation that protects the populations most at risk of protracting HIV/AIDS (MARPs). I further examined whether PR electoral systems are less likely than plurality or majoritarian electoral systems to produce legislation that stands in the way of protecting MARPs and that outlaws same-sex relations.

There are a number of reasons why I chose to focus on the impact on more socially egalitarian legislation. First, inequalities in sub-Saharan African countries are not based on class *per se* (van de Walle 2008; Milanovic 2003; Okojie and Shimeles 2006). Therefore, the types of redistributive policies found in welfare states that PR electoral systems help to produce in Western democracies are unlikely to successfully ameliorate inequalities in the sub-Saharan African region. Instead, as I discussed in chapter 2, inequalities are

characterized by the lack of access to resources based on such factors as localities and gender. I argued that addressing social inequality is the basis for more socio-economically egalitarian societies in the long run. Second, electoral systems do not have the expected impact on party systems in the sub-Saharan African region, where both PR electoral systems and single-member district (SMDV) systems – plurality and majoritarian – produce large numbers of political parties. This is the case because the local concentration of interests, based on local economic, cultural or ethnic, or religious interests, allows small political parties to win seats by focusing on a small but locally concentrated group of voters (Taagerpera and Grofman, 1985; Kim and Ohn, 1992; Ordershook and Shvetsova 1994). Third political parties have generally not yet adopted policy platforms that provide alternative solutions to solving socio-economic problems (Teshome 2009; Gentili 2005; van de Walle and Butler 1999). Therefore, inter-party cooperation in sub-Saharan countries would be unlikely to lead to a significant shift in policy approaches in the way it has in Western democracies, where PR electoral systems allowed for the parliamentary representation of different ideological policy platforms (Iversen and Soskice 2006). In addition, one-party dominant states are still common throughout the region, while opposition parties remain fragmented (Mathisen and Svasand 2002). Thus, inter-party cooperation is less likely even in countries with many political parties, since one-party dominant states have no incentives for coalition-building, especially in light of the opposition's inability to forge stronger cooperation among them.

Realizing that inter-party cooperation is uncommon in the sub-Saharan African region but that the impact of PR electoral systems on more socially egalitarian societies is not as easily explained by political coalitions of political parties with class-based ideological platforms, the underlying question that this research has sought to answer was whether PR electoral systems produce a political environment that is more likely to produce more egalitarian societies. The literature on Western democracies suggests that PR electoral

systems provide a platform for political parties to represent interests of the weaker sectors of society, and it assumes that these political parties have an opportunity to align with other political parties that represent possibly competing interests of other societal groups (Iversen and Soskice 2006; Bawn and Rosenbluth 2002; Amenta and Skocpol 1989). The question I asked here was whether PR electoral systems create a political environment in which individual parliamentarians and political parties are given incentives to pursue more socially egalitarian legislation.

Socially egalitarian legislation, that is, legislation that establishes the equal rights and opportunities for vulnerable sectors of society, often times lack the support of the general population. I examined the extent of the opposition to socially egalitarian legislation pertaining to the four policy areas discussed here in chapter 4. Thus, the assumption of my research was that PR electoral systems provide incentives for individual parliamentarians and political parties to adopt policies and pursue legislation pertaining to such policies despite the fact that such legislation does not enjoy the support of the majority of voters. I argued that the larger district magnitudes (number of representatives per district) of PR electoral systems, in which the number of votes for a political party can theoretically always be increased, should provide incentives for political parties to build political party policy platforms that include as many narrow issues as possible. I defined narrow interests as those interests that do not enjoy the support of the majority of the electorate but that are, at the same time, not tied to a particular group of voters. I assumed that the strategy of political parties in PR electoral systems would be to focus on narrow issues with a national rather than particularistic focus. I defined particularistic interests as those that exclusively adhere to a particular group and that would ensure the privileges of a group whose political identity is based on local, cultural or ethnic, or religious factors. The policy areas discussed in this research are narrow for two reasons. First, they do not represent interests of the majority of

voters within a given constituency. Second, they are national in character, as the type of legislation that I examined here should establish equal rights and opportunities for vulnerable groups. Furthermore, I argued that comparatively stronger party discipline, defined as control of party leadership over party representatives, should make a coherent approach to the pursuit of such legislation more likely, because it should prevent individual party representatives from opposing such policies for their own political gain and increase intra-party cooperation (cooperation among peers) on policy issues. In addition, I assumed that negative campaigning pertaining to such policy issues should be limited since it should be in all political parties' interests to avoid alienating voter groups and to keep the possibility of gaining their support in the future. The lack of negative campaigning, in turn, I argued, should increase the likelihood of such legislation being passed.

This concluding chapter will first summarize the main findings of this research. The research established a strong correlation between PR electoral systems and socially egalitarian legislation and, at the same time, a strong correlation between single-member-district-voting (SMDV) systems and legislation that undermines the rights and protection of vulnerable groups. This will be followed by a section in which I establish the contributions that this research makes to the existing literature. In the final section, I will discuss questions that might be addressed in future research.

## **6.1 Main findings and conclusions**

This research established that electoral institutions influence the type of legislation parliaments produce. I found that PR electoral systems are significantly more likely to generate legislation that establishes equal rights and opportunities for women and other vulnerable groups. Specifically, parliaments in countries with PR electoral systems are significantly more likely than parliaments in countries with SMDV electoral systems to have

passed legislation that makes marital rape a criminal offense, that outlaws FGM, and that protects MARPs. I further established that SMDV electoral systems are significantly more likely to have legislation in place that undermines the protection and rights of vulnerable groups. Specifically, I have shown that parliaments in countries with SMDV electoral systems are significantly more likely to have legislation in place that weakens the ability to protect and provide equal rights for MARPs and legislation outlawing same-sex relations.

This research also established that the correlation between PR electoral systems and more socially egalitarian legislation is not explained by the impact of PR on party systems. I showed that multiparty systems are no more likely than one-party dominant states to pass more socially egalitarian legislation. With that, this research showed that inter-party coalition building is not a necessary condition for more socially egalitarian legislation as it is assumed to be for the generation of more socio-economically egalitarian policies.

Similarly, I established that overly dominant executives do not make socially egalitarian legislation more likely. First, I provided evidence that one-party dominant states were also not more likely to generate more socially egalitarian legislation. The notion that one-party dominant states might be more likely to produce such legislation may be counter-intuitive to those familiar with the literature on Western democracies that has specifically established that a larger number of political parties and the resulting political party coalitions explain more socio-economically egalitarian legislation. However, in the African context, testing the impact of one-party states was required. One may assume that the executive branches in the sub-Saharan African region have a strong interest in passing laws pertaining to the policy areas discussed in this research, because such laws can strengthen the executive's credibility on the international stage. After all, African executives have signed international instruments pertaining to these policy areas, committing themselves to pursuing such policies on the national level. However, the data clearly showed that one-party

dominant states are no more likely to pass legislation pertaining to the policy areas discussed in this research than two-party or multi-party systems are. Similarly, I showed that political systems in which the parliamentarians can hold executive positions are less likely to have socially egalitarian legislation in place. The logic for testing for a possible correlation was similar to that for testing the impact of one-party dominant states, as the prospect of receiving a ministerial position can be used to co-opt parliamentarians. Incidentally, the finding that systems that do not allow parliamentarians to hold ministerial positions are more likely to have socially egalitarian legislation in place was the only finding in this research that indicated a growing independence of some parliaments in the region.

The research also found that the percentage of female legislators in parliament was a weak alternative explanation for more legislation pertaining to women's rights and protection. It is a common assumption that a larger percentage of female legislators should generate such legislation (Bauer 2004; United Nations Division for the Advancement of Women 2005). However, this research established that, at least in regard to legislation making marital rape a criminal offense and legislation outlawing FGM, the percentage of female legislators *per se* is not a significant explanatory factor. Instead, the percentage of female legislators became a significant explanatory factor for such legislation only in conjunction with PR electoral systems. This finding showed that PR electoral systems not only provide a platform for narrow political interests such as women's rights and protection to be heard, but that PR electoral systems also produce an environment for such issues to be addressed by legislation.

Furthermore, this research showed that prevalence rates for FGM and HIV/AIDS are also weak alternative explanations for legislation pertaining to FGM and the protection and rights of people that are most vulnerable in regard to being infected with HIV. In regard to FGM, the impact of prevalence rates on legislative outputs was tested because, on the one

hand, high prevalence rates may increase the pressure by the international community and local interest groups on the government and parliament to initiate and pass legislation. On the other hand, one may assume that low prevalence rates may make passing legislation easier since there should be less popular opposition to it. Similarly, high HIV prevalence rates should increase the pressure on government and parliament to take effective action against the spread of the disease. On the other hand, low HIV prevalence rates make effective action less costly and, thus, passing legislation should be easier as it comes with less financial implications. However, the data clearly showed that prevalence rates do not explain the likelihood of legislation that outlaws FGM or protecting MARPs.

Finally, the research showed that economic strength does not explain socially egalitarian legislation. Again, the logic for testing the impact of economic strength was two-fold. On the one hand, a stronger economy may increase the likelihood of the implementation of legislation, which, in turn, should increase the likelihood of legislation being passed. On the other hand, a weaker economy should make countries more dependent on foreign assistance, which, in turn, should make the passing of socially egalitarian legislation based on international norms more likely. In fact, neither strong nor weak economies explain the likelihood of socially egalitarian legislation being passed.

The research established that the only factor that is clearly correlated with more socially egalitarian legislation is district magnitude. Specifically, I established that district magnitudes larger than one representative per district increase the chances of more socially egalitarian legislation and decrease the chances of legislation that undermines the protection and rights of vulnerable groups. However, the research also established that smaller district magnitudes in PR electoral systems (larger than one representative per district but smaller than 10 representatives per district) are most likely to produce socially egalitarian legislation. Once district magnitudes become larger than 10 representatives per district, the likelihood of

socially egalitarian legislation being passed decreases again, but does not become as low as in SMDV electoral systems.

I concluded that the correlation between electoral systems and the type of legislative outputs pertaining to the four policy areas has to be explained by the strength of the relationship between individual parliamentarians and their constituents. I explained that parliamentarians in all countries in the region face pressure from the executive branch to pass legislation to implement policies that the executives have signed on to on the international level. I established that socially egalitarian legislation pertaining to the four policy areas discussed in this research do not enjoy widespread support. Thus, I argued that adopting such policies and passing such legislation requires parliamentarians to take political risks.

I argued that passing such legislation requires strong party discipline in order for political parties to adopt narrow interests onto their political party policy platforms and to develop strategies for pursuing legislation that does not enjoy widespread support in a coherent manner. At the same time, I argued that strong party discipline prevents individual party members from arguing against the legislation for their own political gain. Stronger party discipline thus minimizes the chances that the debates on such legislation are brought to the attention of the general public and thus minimizes the risk of popular opposition to the legislation. The discussion established that socially egalitarian legislation is more likely to be weakened through compromises in SMDV systems, in which individual parliamentarians tend to side with their constituents when their constituents' views are at odds with their affiliated political party's policy line.

I provided empirical evidence that party discipline is stronger in PR electoral systems than it is in SMDV electoral systems. I explained stronger party discipline in PR electoral systems through three factors that provide incentives to individual party members to toe the

party line. First, I argued that larger district magnitudes allow for weaker relations with constituents and therefore require a more coherent campaign strategy by the party leadership to win elections. I found that party block voting (PBV) systems – systems with district magnitudes larger than one but based on a plurality principle, as the political party that wins the most votes gains all the seats of the district – are likely to have socially egalitarian legislation in place. This finding was evidence that party discipline is an important explanatory factor for socially egalitarian legislation. Second, I suggested that closed-list PR electoral systems, in which party leaders rank party members and thus determine who will be likely to get a seat in parliament, allow party leaders to ensure party discipline. Third, I showed that public party financing strengthens party discipline, since it makes individual parliamentarians less dependent on their own funding. I further showed that public party financing is significantly more common in PR electoral systems than it is in plurality or majoritarian electoral systems.

## **6.2 Contribution to the existing literature**

This research attempted to shift the discussion from the relationship between electoral institutions and parliaments to what parliaments actually produce for the people that they represent. There is an abundance of research on the impact of electoral institutions on cooperation among parties, mostly during election campaigns (Reynold and Sisk 1998; Barkan 1995, 2006; Blais, Massicotte, and Yoshinaka 2004; Lardeyret 1996; Horowitz 1985, 1990; Lijphart, 1999; Reynolds 1995). This set of literature examines cooperation as a means of minimizing the risk for violent conflict during the election cycle. In comparison, this research showed that electoral institutions can influence what type of cooperation is produced on the *legislative* level.

By showing that electoral institutions produce different types of legislative cooperation, which, in turn produces different types of legislative outputs, this research also contributes to the emerging literature on the role of parliaments in the sub-Saharan African region. In general, research on sub-Saharan African legislatures is scarce and, until recently, has been limited to case studies that examined the several key variables, such as the executive's control over resources and the executive's ability to dismiss parliament, in order to examine parliaments' strength *vis-à-vis* the strong executives and their limited role in policy- and lawmaking (Nijzink, Mozaffar, and Azevedo 2006). Only in recent years, scholars have examining variations across the region in parliamentary strength (Barkan, Ademolekun, and Zhou 2004), parliamentary operations (Barkan 2009; African Legislatures Project, ongoing), and relationships between parliaments and constituents (Mattes, Barkan, Mozaffar, and Smiddy 2009; IPU and UNDP 2012). This research provides new parameters for cross-national comparisons, namely, legislative cooperation and legislative outputs.

Finally, this research contributes to the literature on the impact of electoral institutions on more egalitarian societies in Western democracies. I showed that the impact of electoral systems on party systems only partially explains the impact of electoral systems on more egalitarian societies. Instead, I showed that PR electoral systems are more likely to generate legislation that protects minorities, irrespective of the type of party systems in place. Specifically, I added that the impact electoral institutions have on the relationship between individual Members of Parliament (MP) and their constituents is a necessary factor for considering what type of risks MPs are willing to take when pursuing legislation.

### **6.3 Limitations of research and suggestions for future research**

Largely as a result of the lack of data on inequality in the sub-Saharan African region (van de Walle 2008) and the operations of parliaments in the region (Barkan 2009), some of the questions that this research has raised can only be answered through future research.

First, this research provides no insight or statement on the actual outcome of socially egalitarian legislation. The assumption of this research was that legislation is one important step towards achieving more egalitarian societies. I have used the fact that FGM legislation in Burkina Faso has dramatically changed the attitudes towards the practice among women in order to show the impact that legislation can have on creating more egalitarian societies.<sup>64</sup> On the other hand, legislation can have a reverse impact from what it set out to achieve. For example, the Legal Assistance Center (2012), a not-for-profit organization, found that Namibia's 2003 Combating Domestic Violence Act may have increased the likelihood that abusers make death threats against their victims in order to keep them from reporting domestic abuse. There are a number of reasons which made it impossible to establish that socially egalitarian legislation has the expected impact on a more socially egalitarian society. First, a number of factors can prevent the effective implementation of legislation, especially when the implementation involves financial costs and requires the support of local leaders. Thus, for example, legislation protecting women against domestic violence can only be effectively implemented if, at the same time, legal aid for the poor is guaranteed. It should be noted that this research makes no strong statement as to whether either type of electoral system is more likely to lead to the effective implementation of legislation. I showed a possible correlation between PR electoral systems and a greater likelihood that funding to implement laws, which is relevant to this research since budgetary oversight is a role of most parliaments. Second, even when legislation is implemented, a number of factors can prevent its effectiveness, such as the lack of education of the general population regarding the law and its implications. To stick to the above example, even where legal aid is guaranteed,

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<sup>64</sup> Burkina Faso introduced a law banning FGM in 1996, which included harsh punishment for people actively involved in the practice. UNICEF (2010) data shows that support for FGM among women throughout the continent is positively correlated with the prevalence of the practice, and the percentage of women supporting the practice tends to be about as high as the prevalence of FGM. The only exception to that finding was Burkina Faso, where the FGM prevalence rate is assumed to be 77 percent but only 17 percent of women support the practice.

people have first to be made aware of its availability. More importantly, it usually takes a long time before the impact of legislation on more egalitarian societies will become evident. In the long run, observing the impact of legislation on actual outcome will be important towards validating the underlying assumption of this research that socially egalitarian legislation produces more egalitarian societies.

More generally, future research should establish whether socially egalitarian legislation is the basis for more socio-economically egalitarian societies in the long run. The focus on socially egalitarian legislation rather than on socio-economically egalitarian legislation was justified by the assumption that societies that are more socially egalitarian are also more likely to be or to become more socio-economically egalitarian. Indeed, I provided some empirical evidence that showed that there is a correlation between these two (pp. 21-26). However, establishing whether there is a causal explanation for the correlation between socially egalitarian legislation and more socio-economically egalitarian societies is outside the scope of this research. Among the more important questions regarding this correlation is the sequence of the relationship, that is, whether socially egalitarian legislation preceded more socio-economically egalitarian societies or *vice versa*.

In regard to the mechanisms explaining the correlation between electoral institutions and legislative outputs, the findings of this research raised some new questions. First, the finding that Party Block Voting (PBV) systems are consistently more likely than other types of electoral systems to have passed socially-egalitarian legislation requires more in-depth examination. I suggested that PBV systems provide incentives for political parties to maintain strong party discipline and for individual candidates to cooperate closely with their affiliated political parties in order to achieve a coherent campaigning platform. I argued that strong party discipline is a condition for adopting more socially egalitarian legislation pertaining to the four policy areas discussed here and to prevent negative campaigning by

individual party representatives in the name of personal political gain. It would be worthwhile to further examine these cases, of which there are too few to prove a strong correlation, through in-depth case studies, in order to establish the causal mechanisms.

## Bibliography

- ACE Electoral Knowledge Network. (n.d). Retrieved from <http://aceproject.org/>
- African Development Bank. (2011, April 20). The middle of the pyramid: Dynamics of the middle class in Africa. *Market Brief*. Retrieved from [http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/The%20Middle%20of%20the%20Pyramid\\_The%20Middle%20of%20the%20Pyramid.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/The%20Middle%20of%20the%20Pyramid_The%20Middle%20of%20the%20Pyramid.pdf)
- Ake, C. (1991). Rethinking African democracy. *Journal of Democracy*, 2(1), 32–44.
- Akwetey, E.O. (2001). Democratic transition and post-colonial labour regimes in Zambia and Ghana. In B. Beckman & L.M. Sachikonye (Eds.), *Labour regimes and liberalization: The restructuring of state-society in Africa*. Harare, Zimbabwe: University of Zimbabwe Publications.
- Alesina, A. & Dollar, D. (2000). Who gives foreign aid to whom and why? *Journal of Economic Growth*, 5(1), 33–63.
- AllAfrica Global Media. (2007, August 23). Nigeria: Uwais, Akinyemi, Agbakoba to reform electoral process. Retrieved from <http://allafrica.com/stories/200708230350.html>
- AllAfrica Global Media. (2010, February 18). Mozambique: Consensus on need to change electoral legislation. Retrieved from <http://allafrica.com/stories/201002180955.html>
- Althaus F.A. (1997). Female circumcision: Rite of passage or violation of rights? *International Family Planning Perspectives*, 23(3), 130–133.
- Amenta, E. & Skocpol, T. (1989). Taking exception: Explaining the distinctiveness of American public policies in the last century. In F.G. Castles (Ed.), *The Comparative History of Public Policy* (pp. 292–333). New York, NY: Oxford University Press.
- Amupadhi, T. (2004, October 13). SWAPO to spend \$6m on polls. *The Namibian*. Retrieved from [http://www.namibian.com.na/index.php?id=28&tx\\_ttnews\[tt\\_news\]=10254&no\\_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=10254&no_cache=1)
- Anti Homosexuality Bill, 2009. (2009, September 25). *Uganda Gazette*, 102(47). Retrieved from <http://nationalpress.typepad.com/files/bill-no-18-anti-homosexuality-bill-2009.pdf>
- Armstrong, S. (2011, June 11). Marital rape Africa: The right to say no. *Globe and Mail*. Retrieved from <http://www.cla-ace.ca/documents/CLA-ACEACWHRP Project-MaritalRapeinAfrica.pdf>
- Asiimwe-Mwesige, J. (2007). Universalism versus cultural relativism: Family law reform in Uganda. *Agenda: Empowering Women for Gender Equity*, 17(54), 75–84.

- Association for Women's Rights in Development. (2007, May). Legislating against sexual violence in Kenya: An interview with the Hon. Njoki Ndungu. *Reproductive Health Matters*, 15(29), 149–154.
- Austen-Smith, D. (2000). Redistributing income under proportional representation. *Journal of Political Economy*, 108(6), 1235–1269.
- Austin, R. & Tjernström, M. (2003). *Funding of political parties and election campaigns*. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, Handbook Series.
- Barkan, J. & Chege M. (1989). Decentralising the state: District focus and the politics of reallocation in Kenya. *The Journal of Modern African Studies*, 27(3), 431–453.
- Barkan, J.D. (1995). Elections in agrarian societies. *Journal of Democracy*, 6(4), 106–116.
- Barkan, J.D. (1997). African elections in comparative perspective. In J.D. Barkan (Ed.), *Elections: Perspectives on establishing democratic practices*. New York, NY: United Nations.
- Barkan, J. D. (1998). Rethinking the applicability of proportional representation for Africa. In T.D. Sisk & A. Reynolds (Eds.), *Elections and Conflict Management in Africa* (pp. 55–70). Washington, DC: United States Institute of Peace Press.
- Barkan, J.D., Ademolekun, L., & Zhou, Y. (2004). Emerging legislatures: Institutions of horizontal accountability. In B. Levy & S. Kpundeh (Eds.), *Building state capacity in Africa* (pp.211–56). Washington, DC: World Bank Institute.
- Barkan, J.D. (2006). Comment: Elections in agrarian societies. In L. Diamond & M.F. Plattner (Eds.), *Electoral Systems and Democracy* (pp. 135–145). Baltimore, MD: Johns Hopkins University.
- Barkan, J.D., Densham, P., & Rushton, G. (2006). Space matters: Designing better electoral systems for emerging democracies. *American Journal of Political Science*, 50(4), 926–939.
- Barkan, J.D. (2009). *Legislative power in emerging African democracies*. Boulder, CO: Lynne Rienner Publishers.
- Barkan, J.D. & Matiangi, F. (2009). Kenya's tortuous path to successful legislative development. In J.D. Barkan (Ed.), *Legislative power in emerging African democracies* (33–72). Boulder, CO: Lynne Rienner Publishers.
- Barkan, J.D., Mattes, R., Mozaffar, S., & Smiddy, K. (2010). The African legislatures project: first findings (Working Paper No. 277). Retrieved from <http://www.cssr.uct.ac.za/sites/cssr.uct.ac.za/files/pubs/WP277.pdf>
- Bates, R.H. (1981). *Markets and states in tropical Africa: The political basis of agricultural policies*. Berkeley: University of California Press.
- Bates, R.H. (1983). Modernization, ethnic competition, and the rationality of politics

- in contemporary Africa. In D. Rothchild & V.A. Olunsorola (Eds.), *State versus ethnic claims: African policy dilemmas* (pp. 152–71). Boulder, CO: Westview Press.
- Bates, R.H. (1991). The economics of transitions to democracy. *PS: Political Science & Politics*, 24(1), 24–27.
- Bates, R., & Collier, P. (1993). The case of Zambia. In R. Bates & A.O. Krueger (Eds.), *Political and economic interactions in economic policy reform: Evidence from eight countries* (pp. 382–443). Oxford, United Kingdom: Blackwell.
- Bates, R. (2008). *When things fell apart: State failure in late-century Africa*. Cambridge, United Kingdom: Cambridge University Press.
- Bauer, G. (2001). Namibia in the first decade of independence: How democratic? *Journal of Southern African Studies*, 27(1), 33–55.
- Bauer, G. (2004). The hand that stirs the pot can also run the country: Electing women to parliament in Namibia. *The Journal of Modern African Studies*, 42(4), 579–509.
- Bawn, K. & Rosenbluth, F. (2003). *Coalition parties versus coalitions of parties: How electoral agency shapes the political logic of costs and benefits*. Retrieved from Yale University, Political Science Department: <http://www.yale.net/polisci/rosenbluth/BawnRosenbluth2003.pdf>
- Becker, K.F. (2004). *The Informal Economy*. Stockholm, Sweden: Swedish International Development Corporation Agency.
- Beckman, B., Buhlungu, S., & Sachikonye, L. (Eds.). (2010). *Trade unions and party politics: Labour movements in Africa*. Pretoria, South Africa: Human Sciences Research Council.
- Blais, A., Massicotte, L., & Yoshinaka, A. (2004). *Establishing the rules of the game: Election laws in democracies*. Toronto, Canada: University of Toronto Press.
- Blais, A., Dobrzynska, A., & Indridason, I.H. (2005). To adopt or not to adopt proportional representation: The politics of institutional choice. *British Journal of Political Science*, 35(1), 182–190.
- Blandy, F. (2010, January 11). Homosexual Africans face prison, intolerance and the death penalty. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/expat/expatnews/6951539/Homosexual-Africans-face-intolerance-prison-and-the-death-penalty.html>
- Boer, M. (2005, December). Taking a stand: Comparing Namibia's political party platforms. In Hunter, J. (Ed.), *Spot the difference: Namibia's political parties compared*. Windhoek, Namibia: Namibia Institute for Democracy.
- Bogaardsapages, M. (2000). One-party dominant systems: Crafting competitive party systems, Electoral laws and the opposition in Africa. *Democratization*, 7(4), 163–190.

- Bogdanor, V. (1983). *Multiparty politics and the constitution*. Cambridge, United Kingdom: Cambridge University Press.
- Boix, C. (1999). Setting the rules of the game: The choice of electoral systems in advanced democracies. *American Political Science Review*, 93(3), 609–624.
- Boix, C. (2010). Electoral markets, party strategies, and proportional representation. *American Political Science Review*, 104(2), 404–412.
- Branch, D. & Cheeseman, N. (2008). Democratization, sequencing, and state failure in Africa: Lessons from Kenya. *African Affairs*, 108(430), 1–26.
- Bratton, M. (1997). Deciphering Africa's divergent transitions. *Political Science Quarterly*, 112(1), 67–93.
- Bratton, M. & van de Walle, N. (1997). *Democratic experiments in Africa: Regime transitions in comparative perspective*. Cambridge, United Kingdom: Cambridge University Press.
- Bratton, M. (1998). Second elections in Africa. *Journal of Democracy*, 9(3), 51–66.
- Bratton, M. (2008). Do free elections foster capable governments? The democracy governance connection in Africa (Working Paper No. 104). *Afrobarometer*. Retrieved from [http://www.afrobarometer.org/files/documents/working\\_papers/AfropaperNo104.pdf](http://www.afrobarometer.org/files/documents/working_papers/AfropaperNo104.pdf)
- British Broadcasting Corporation. (2010, January 13). *Uganda President Museveni wary of anti-gay bill*. Retrieved from <http://news.bbc.co.uk/2/hi/8456624.stm>
- Burnell, P. (2002). Committees in Zambia's Third Republic: Partial reforms; unfinished agenda. *Journal of Southern African Studies*, 28(2), 291–313.
- Burnell, P. (2003). Legislative executive relations in Zambia: Parliamentary reform on the agenda. *Journal of Contemporary African Studies*, 21(1), 47–68.
- Calvo, E. (2009). The competitive road to proportional representation: Partisan biases and electoral regime change under increasing party competition. *World Politics*, 61(2), 254–295.
- Capellán, J.A. & Gomez, S. (2007). Foreign aid and human rights: The Latin American experience. *Revista de Ciencia Política*, 27(1), 67–87.
- Carbone, G.M. (2007). Political parties and party systems in Africa: Themes and research perspectives. *World Political Science Review*, 3(3), article 1.
- Carstairs, A.M. (1980). *Short history of electoral systems in Western Europe*. London, United Kingdom: George Allen and Unwin.
- Central Intelligence Agency. (n.d.). *The World Factbook*. Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/index.html>

- Chen, D.H.C. (2004). *Gender equality and economic development: the role for information and communication technologies*. Washington, DC: The World Bank Knowledge for Development Program.
- Chhibber, P. & Kollman, K. (1998). Party aggregation and the number of parties in India and the United States. *American Political Science Review*, 92(2), 329–342.
- Collier, D. & Mahon, J.E. (1993). Conceptual ‘stretching’ revisited: Adapting categories in comparative analysis. *The American Political Science Review*, 87(4), 845–855.
- Cowell, F. (2010, July 14). Colonial sodomy: Homophobic threat within common law. *Consultancy Africa Intelligence*. Retrieved from [http://www.consultancyafrica.com/index.php?option=com\\_content&view=article&id=472:colonial-sodomy-homophobic-threat-within-common-law&catid=91:rights-in-focus&Itemid=296](http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=472:colonial-sodomy-homophobic-threat-within-common-law&catid=91:rights-in-focus&Itemid=296)
- Cowen, M. & Laakso, L. (1997). An overview of election studies in Africa. *The Journal of Modern African Studies*, 35(4), 717–744.
- Cox, G. (1997). *Making votes count: Strategic coordination in the world’s electoral systems*. Cambridge, United Kingdom: Cambridge University Press.
- Cusack, T., Iversen, T., & Soskice, D. (2010). Coevolution of capitalism and political representation: The choice of electoral systems. *American Political Science Review*, 104(2), 393–403.
- Dalton, R.J. & Wattenberg, M.P. (2002). *Parties without partisans: Political change in advanced industrial democracies*. New York, NY: Oxford University Press.
- De Ville, J. & Steytler, N. (Eds). (1996). *Voting in 1999: Choosing an electoral system*. Durban, South Africa: Buttersworth.
- Diamond, L.J. (1999). *Developing democracy: Toward consolidation*. Baltimore, MD: Johns Hopkins University Press.
- Dixon, S., McDonald S., & Roberts J. (2002). The impact of HIV and AIDS on Africa’s economic development. *British Medical Journal*, 324(1), 232–234.
- Dollar, D. & Gatti R. (1999, May). Gender inequality, income, and growth: Are good times good for women? Policy Research Report on Gender and Development (Working Paper Series No. 1). Washington, DC: The World Bank Development Research Group / Poverty Reduction and Economic Management Network.
- Duverger, M. (1954). *Political parties, their organization and activity in the modern state*. London, United Kingdom: Methuen.
- Eckstein, H. & Apter, D.E. (1963). *Comparative politics: A reader*. New York, NY: Free Press of Glencoe.

- Erdman, G. (2005). *Do political parties in Africa differ from parties in other regions?* Presented at the Conference on Survival and Growth of Political Parties in Africa: Challenges and Solutions Towards the Consolidation of African Political Parties in Power and Opposition, February 27 to March 1, 2005, in Accra, Ghana.
- Farrell, D. (2001). *Electoral systems: A comparative introduction*. New York: Palgrave.
- Fearon, J.D. (1999, June 16). *Why ethnic politics and 'pork' tend to go together*. Presented at conference on Ethnic Politics and Democratic Stability held at Wilder House, University of Chicago, May 21-23, 1999. Retrieved from <http://www.seminario2005.unal.edu.co/Trabajos/Fearon/Why%20ethnic%20politics%20and%20pork%20tend%20to%20go%20together.pdf>
- The Future of South Africa's Constituency System. (2000, July 5). Presented at Saint George Hotel, in Rietvleidam, South Africa. Retrieved from [http://www.kas.de/wf/doc/kas\\_4860-1522-2-30.pdf?040618122343](http://www.kas.de/wf/doc/kas_4860-1522-2-30.pdf?040618122343)
- Gallagher, M. & Mitchell, P. (Eds.). (2005). *The politics of electoral systems*. Oxford, United Kingdom: Oxford University Press.
- Gay, J. (2006, June). Changing attitudes towards democracy in Lesotho (Briefing Paper No. 37). *Afrobarometer*. Retrieved from [http://www.afrobarometer.org/files/documents/briefing\\_papers/AfrobriefNo37.pdf](http://www.afrobarometer.org/files/documents/briefing_papers/AfrobriefNo37.pdf)
- Gentili, A.M. (2005). *Party, party systems and democratization in Sub-Saharan Africa*. Paper presented at the Sixth Global Forum on Reinventing Government, in Seoul, Republic of Korea, from 24-27 May 2005. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance.
- Giovanni, S. (1970). Concept misformation in comparative politics. *American Political Science Review*, 64(4), 1033–1053.
- Global Nonviolent Action Database. (2010, November 27). *Ugandan Muslims block marriage bill, 2004-2005*. Retrieved from <http://nvdatabase.swarthmore.edu/content/ugandan-muslims-block-marriage-bill-2004-2005>
- Godfrey, I. (2010, July 26). Electoral reform and intra party democracy. *The Nigerian Observer*. Retrieved from <http://nigerianobservernews.com/26072010/features/features1a.html>
- Goldery, M. & Wantchekon, L. (2004, August 17). *Africa: Dictatorial and democratic electoral systems since 1946*. Retrieved from New York University, Department of Political Science: <https://files.nyu.edu/mrg217/public/africa.pdf>
- Grumm, J. (1958). Theories of electoral systems. *Midwest Journal of Political Science*, 2(4), 357–376.
- Gurr, T.R. (1970). *Why Men Rebel*. Princeton, NJ: Princeton University Press.

- Gutiérrez-Romero, R. (2009, May). *Decentralization, accountability and the MPs elections: The case of the constituency development fund in Kenya*. Oxford, United Kingdom: Improving Institutions for Pro-Poor Growth. Retrieved from <http://www.iig.ox.ac.uk/output/briefingpapers/pdfs/iiG-briefingpaper-02-kenya-cdf.pdf>
- Hakes, J., & Helgerson, J. (1973). Bargaining and parliamentary behavior in Africa: A comparative study of Zambia and Kenya. In A. Kornberg (Ed.), *Legislatures in comparative perspective* (pp.335–62). New York, NY: David McKay Company.
- Hamilton, A., Madison, J., & Jay, J. (1961). *The Federalist Papers*. New York, NY: New American Library.
- Hansen, K.M. & Pedersen, R.T. (2007, October 10). *Negative campaigning in a multiparty system*. Retrieved from University of Copenhagen, Department of Political Science: <http://www.kaspermhansen.eu/Work/Entire%20article%20-%20Negative%20Camp%20after%20accept.pdf>
- Hayward, F.M. (1971). *Elections in independent Africa*. Boulder, CO: Westview Press.
- Helmke, G. & Levitsky, S. (2004). Informal institutions and comparative politics: A research agenda. *Perspectives on Politics*, 2(4), 725–740.
- Herbst, J. (2000). *States and power in Africa: Comparative lessons in authority and control*. Princeton, NJ: Princeton University Press.
- Hicken, A. (2011). Clientelism. *Annual Review of Political Science*, 14(1), 289–310.
- Hill, M.A. & King, E.M. (1993). Women's education in developing countries: An overview. In Hill, M.A. & King, E.M. (Eds.), *Women's education in developing countries: Barriers, benefits and policies* (pp. 1–50). Washington, DC: The World Bank.
- Hogg, J. (2011, January 15). DR Congo parliament backs Kabila vote reform. *Reuters*. Retrieved from <http://af.reuters.com/article/worldNews/idAFTRE70E1S820110115>
- Hopkins, R.F. (1970). The role of the MP in Tanzania. *American Political Science Review*, 64(3), 754–771.
- Horowitz, D.L. (1985). *Ethnic groups in conflict*. Berkeley, CA: University of California Press.
- Horowitz, D.L. (1990). Comparing democratic systems. *Journal of Democracy*, 1(4), 73–79.
- Horowitz, D.L. (1993). Democracy in divided societies. *Journal of Democracy*, 4(4), 18–38.
- Huber, E., Nielsen, F., Pribble, J., & Stephens, J.D. (2006). Politics and inequality in Latin America and the Caribbean. *American Sociological Review*, 71(6), 943–963.
- Human Rights Center, University of California Berkeley School of Law. (2012). Sexual

- Offenses Act: Implementation workshop: Summary report. Retrieved from [http://www.law.berkeley.edu/HRCweb/pdfs/SOA\\_Summary\\_Report\\_April-2012.pdf](http://www.law.berkeley.edu/HRCweb/pdfs/SOA_Summary_Report_April-2012.pdf)
- Human Rights Watch. (2005, June 1). *Uganda: Domestic relations bill would save lives*. Retrieved from <http://www.hrw.org/news/2005/05/30/uganda-domestic-relations-bill-would-save-lives>
- Human Rights Watch. (2008, December). *This alien legacy: The origins of 'sodomy' laws in British colonialism*. New York, NY: Human Rights Watch. Retrieved from [http://www.hrw.org/sites/default/files/reports/lgbt1208\\_webwcover.pdf](http://www.hrw.org/sites/default/files/reports/lgbt1208_webwcover.pdf)
- International Institute for Democracy and Electoral Assistance. (n.d.). *Political finance data for Namibia*. Retrieved from <http://www.idea.int/politicalfinance/country.cfm?id=160#Public%20funding>
- International Labour Organization, Eastern Africa Multidisciplinary Advisory Team. (2002). *Profile of employment and poverty in Africa: Ethiopia, Ghana, Kenya, Nigeria, Tanzania, Uganda*. Geneva, Switzerland: International Labour Organization.
- Inter-Parliamentary Union. (n.d.) *PARLINE database on national parliaments*. Retrieved from <http://www.ipu.org/parline-e/parlinesearch.asp>
- Inter-Parliamentary Union. (2010). *Namibia National Assembly: Last elections*. Retrieved from [http://www.ipu.org/parline-e/reports/2225\\_E.htm](http://www.ipu.org/parline-e/reports/2225_E.htm)
- Isakpa, P. (2008, 14 September). Opposition must offer credible, alternative policy options. *BusinessDay: the voice of business*.
- Iversen, T. & Soskice, D. (2006). Electoral institutions, parties and the politics of class: Why some democracies distribute more than others. *American Political Science Review*, 100(2), 165–181.
- Joint United Nations Programme on HIV/AIDS. (2010). Global report: UNAIDS report on the global AIDS epidemic 2010. Retrieved from [http://www.unaids.org/documents/20101123\\_GlobalReport\\_em.pdf](http://www.unaids.org/documents/20101123_GlobalReport_em.pdf)
- Joint United Nations Programme on HIV/AIDS, Regional Support Team for Eastern and Southern Africa. (2011). *Removing punitive laws, policies, practices, stigma and discrimination* (UNAIDS Priorities, 7). Retrieved from <http://www.unaidsrsta.org/unaids-priority/7-removing-punitive-laws-policies-practices-stigma-and-discrimination>
- Joseph, R. (1998). Africa: From abertura to closure. *Journal of Democracy*, 9(2), 3–17.
- Joseph, R. (1999). Democratization in Africa after 1989: Comparative and theoretical perspectives. In L. Anderson (Ed.), *Transitions to democracy* (pp. 237–260). New York, NY: Columbia University Press.
- Kam, C.J. (2009). *Party discipline and parliamentary politics*. Cambridge, United Kingdom: Cambridge University Press.

- Katz, R.S. & Mair, R. (1995). Changing models of party organization and party democracy: The emergence of the Cartel Party. *Party Politics*, 1(1), 5–28.
- Katzenstein, P.J. (1985). *Small states in the world markets: Industrial policy in Europe*. Ithaca, NY: Cornell University Press.
- Kaufmann, C. (1996). Possible and impossible solutions to ethnic civil wars. In M. Brown, O.R. Coté, S.M. Lynn-Jones, & S.E. Miller (Eds.), *Nationalism and Ethnic Conflict* (pp. 265–304). Cambridge, MA: The MIT Press.
- Kim, J.O. & Ohn, M.G. (1992). A theory of minor-party persistence: Election rules, social cleavage, and the number of political parties. *Social Forces*, 70(3), 575–599.
- Kimani, M. (2007). Taking on violence against women in Africa: International norms, local activism start to alter laws, attitudes. *Africa Renewal*, 21(2), 4.
- Klasen, S. (1999, November). Does gender inequality reduce growth and development? Evidence from cross-country regressions. *Policy Research Report on Gender and Development* (Working Paper Series, No. 7). Washington, DC: The World Bank Development Research Group / Poverty Reduction and Economic Management Network.
- Koep, M.M.C. (2009, January). *Namibia country report*. Capetown, South Africa: Center for Social Science Research, Democracy in Africa Research Unit.
- Kron, J. (2012, February 28). Resentment toward the West bolsters Uganda's new anti-gay bill. *The New York Times*. Retrieved from [http://www.nytimes.com/2012/02/29/world/africa/ugandan-lawmakers-push-anti-homosexuality-bill-again.html?\\_r=1&pagewanted=all](http://www.nytimes.com/2012/02/29/world/africa/ugandan-lawmakers-push-anti-homosexuality-bill-again.html?_r=1&pagewanted=all)
- Kuenzi, M. & Lambright, G. (2001). Party system institutionalization in 30 African countries. *Party Politics*, 7(4), 437–468.
- Kuenzi, M. & Lambright, G. (2005). Party systems and democratic consolidation in Africa's electoral regimes. *Party Politics*, 11(4), 423–446.
- LaFont, S., & Hubbard, D. (Eds.). (2007). *Unravelling taboos: Gender and sexuality in Namibia* Windhoek, Namibia: Legal Assistance Centre, Gender Research & Advocacy Project. Retrieved from <http://www.lac.org.na/projects/grap/Pdf/unravellingt.pdf>
- Lake, D.A. & Rothchild, D.S. (1996). Containing fear: The origins and management of ethnic conflict. *International Security*, 21(2), 41–75.
- Lardeyret, G. (1996). The problem with PR. In L. Diamond & M.F. Plattner (Eds.), *The Global Resurgence of Democracy* (2<sup>nd</sup> ed.) (pp. 175–180). Baltimore, MD: The Johns Hopkins University Press.
- Lau, R. R. & Pomper, G. M. (2001). Negative campaigning by US senate Candidates. *Party Politics*, 7(1), 69–87.

- Legal Assistance Centre. (2010). *Index to the laws of Namibia: Legal practitioners*. Retrieved from <http://www.lac.org.na/namlex/Legalp.pdf>
- Lijphart, A. & Grofman, B. (1984). *Choosing an electoral system: Issues and alternatives*. New York, NY: Praeger.
- Lijphart, A. (1985). *Power sharing in South Africa*. Berkeley, CA: Institute of International Studies.
- Lijphart, A. (1991). Constitutional choices for new democracies. *Journal of Democracy*, 2(1), 72–84.
- Lijphart, A. (1994). *Electoral systems and party systems: A study of twenty-seven democracies, 1945–1990*. Oxford, United Kingdom: Oxford University Press.
- Lijphart, A. (1999). *Patterns of democracy: Government forms and performance in thirty-six countries*. New Haven: Yale University Press.
- Lijphart, A. (2004). Constitutional design for divided societies. *Journal of Democracy*, 15(2), 96–109.
- Linz, J.J. (1990a). The perils of presidentialism. *Journal of Democracy*, 1(1), 51–69.
- Linz, J.J. (1990b). The virtues of parliamentarism. *Journal of Democracy*, 1(4), 84–91.
- Lipset, S.M. & Rokkan, S. (1967). *Party systems and voter alignments: Cross-national perspectives*. Toronto, Canada: The Free Press.
- Lizzeri, A. & Persico, N. (2001). The provision of public goods under alternative electoral incentives. *American Economic Review*, 91(1), 225–239.
- Malinga, J. & Ford, L. (2010, March 18). Ugandan domestic violence bill stalls. *Guardian News and Media Limited*. Retrieved from <http://www.guardian.co.uk/katine/2010/mar/18/uganda-domestic-violence-bill>
- Mainwaring, S. (1998). Party systems in the third wave. *Journal of Democracy*, 9(3), 67–81.
- Mainwaring, S. & Scully, T.R., (Eds.) (1995). *Building democratic institutions: Party systems in Latin America*. Stanford, CA: Stanford University Press.
- Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton, NJ: Princeton University Press.
- Mansfield, E.D. & Snyder, J. (2005). *Electing to fight: Why emerging democracies go to war*. Cambridge, MA: The MIT Press.
- Martin, C.J. & Swank, D. (2009). *Gonna party like it's 1899: Party systems and the origins of varieties of coordination*. Presented at the 2009 Annual Meetings of the American Political Science Association, Toronto, Canada, and of the 2009 International Meeting

- of the Society of Socio-Economics, Paris, France. Retrieved from <http://www.marquette.edu/polisci/documents/GonnaPartyLike1899.pdf>
- Mathisen, H. & Svasand, L. (2002). *Funding political parties in emerging African democracies: What role for Norway?* (Report R 2002: 6). Bergen, Norway: Chr. Michelsen Institute, Development Studies and Human Rights.
- Mattes, R. (2004). Understanding identity in Africa: A First Cut (Working Paper No. 38). *Afrobarometer*. Retrieved from [http://www.afrobarometer.org/files/documents/working\\_papers/AfropaperNo38.pdf](http://www.afrobarometer.org/files/documents/working_papers/AfropaperNo38.pdf)
- Mattes, R., Barkan, J., Mozaffar S., & Smiddy K. (2007). *The consequences of electoral system design for democratic citizenship in Africa*. Paper presented at the Konrad-Adenauer-Stiftung Conference on Electoral Systems and Accountability: Options for Electoral Reforms in South Africa, in Cape Town, on 28 August 2007.
- Michael, M. (2009, October 19). Female circumcision still a vote winner. *Inter Press Service News Agency*. Retrieved from <http://ipsnews.net/africa/nota.asp?idnews=48915>
- Migdal, J. (2001). *State in society: Studying how states and societies transform and constitute each other*. Cambridge, United Kingdom: Cambridge University Press.
- Milesi-Ferretti, G.M., Perotti, R., & Rostagno, M. (2001). *Electoral Rules and Public Spending* (Discussion Papers 2742). London, United Kingdom: Centre for Economic Policy Research. Retrieved from <http://ideas.repec.org/p/cpr/ceprdp/2742.html>
- Moestrup, S. (2011). *Semi-presidentialism and power sharing: Does it work? Examples from Anglophone Africa*. Washington, DC: National Democratic Institute.
- Morrison, M.K.C. & Hong, J.W. (2006). Ghana's political parties: How ethno/regional variations sustain the national two-party system. *Journal of Modern African Studies*, 44(4), 623–647.
- Mozaffar, S., Scarritt, J.R., & Galaich, G. (2003). Electoral institutions, ethnopolitical cleavages, and party systems in Africa's emerging democracies. *American Political Science Review*, 97(3), 379–390.
- Mpagi, C.M., & Bareebe, G. (2009). Uganda opposition demands electoral reforms. *Daily Monitor*. Retrieved from ACE Electoral Knowledge Network <http://aceproject.org/regions-en/countries-and-territories/UG/news/uganda-opposition-demands-electoral-reforms/?searchterm=electoralreform>
- Nalugo, M. (2012, March 25). Women activists want marriage bills speeded up. *Daily Monitor*. Retrieved from <http://www.monitor.co.ug/News/National/-/688334/1373010/-/awqum9z/-/index.html>
- Nakaweesi-Kimbugwe, S. & Mugisha, F. (2009, October 16). Uganda: Bahati's bill - A convenient distraction for country's government. *All Africa*. Retrieved from <http://allafrica.com/stories/200910161126.html>
- Nakaya, S. (2003). Women and gender equality in peace processes: From women at the

negotiating table to postwar structural reforms in Guatemala and Somalia. *Global Governance*, 9(4), 459–476.

- Ndungu, N. S. (2006). *Lobbying the Sexual Offences Act 2006* [Microsoft PowerPoint slides]. Retrieved from [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CCIQFjAA&url=http%3A%2F%2Fwww.un.org%2Fwomenwatch%2Fdaw%2Fegm%2Fvaw\\_legislation\\_2008%2Fpresentations%2FEGMGPLVAW%2520powerpoint%2520%2528Njoki%2520Ndungu%2529.ppt&ei=VM5sUL37D-iq0AHt1oGQA&usg=AFQjCNFEiHKVf8s0xxXq2QN0aa06goswYA](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CCIQFjAA&url=http%3A%2F%2Fwww.un.org%2Fwomenwatch%2Fdaw%2Fegm%2Fvaw_legislation_2008%2Fpresentations%2FEGMGPLVAW%2520powerpoint%2520%2528Njoki%2520Ndungu%2529.ppt&ei=VM5sUL37D-iq0AHt1oGQA&usg=AFQjCNFEiHKVf8s0xxXq2QN0aa06goswYA)
- Ndungu, N. S. (2008). *Legislation for sexual violence in Africa: Preparing and delivering evidentiary requirements* [Microsoft PowerPoint slides as PDF]. Retrieved from <http://www.svri.org/legislation.pdf>
- Neumayer, E. (2003a). Do human rights matter in bilateral aid allocation? A quantitative analysis of 21 donor countries. *Social Science Quarterly*, 84(3), 650–666.
- Neumayer, E. (2003b). Is respect for human rights rewarded? An analysis of total bilateral and multilateral aid flows. *Human Rights Quarterly*, 25(2), 510–527.
- Nijzink, L., Mozaffar S., & Azevedo E. (2006). Parliaments and the enhancement of democracy on the African continent: An analysis of institutional capacity and public perceptions. *The Journal of Legislative Studies*, 12(3–4), 311–335.
- Nohlen, D. (1984). Changes and choices in electoral systems. In A. Lijphart & B. Grofman (Eds.), *Choosing and electoral system* (pp. 217–229). New York, NY: Praeger.
- Nohlen, D. (1993). *Elecciones y sistemas de partidos en América Latina*. San José, Costa Rica: Instituto Interamericano de Derechos Humanos, Centro de Asesoría y Promoción Electoral.
- Nohlen, D., Krennerich, M., & Thibaud, B. (1999). *Elections in Africa: A Data Handbook*. Oxford, United Kingdom: Oxford University Press.
- Nordlinger, E. (1972). *Conflict regulation in divided societies*. Cambridge, MA: Harvard University, Center for International Affairs.
- Nordlund, P. & Salih, M.A.M. (2007). *Political parties in Africa: Challenges for sustained multiparty democracy*. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance.
- Olsen, W. (2004). *Triangulation in social research: Qualitative and quantitative methods can really be mixed*. Retrieved from <http://research.apc.org/images/5/54/Triangulation.pdf>
- One-sided: Burkina Faso's electoral reforms worry the opposition. (2006, May 6). *The Economist*. Retrieved from <http://www.economist.com/node/13605534?zid=304&ah=e5690753dc78ce91909083042ad12e30>
- Onuah, F. (2010, May 29). Nigeria president urges electoral reform by year-end. *Reuters*.

Retrieved from <http://www.reuters.com/article/idUSTRE64S0JR20100529>

- Onyango-Ouma W., Ndungu, N.S., Baraza N., & Birungi H. (2009). The making of the Kenya Sexual Offenses Act, 2006: Behind the scenes. Nairobi, Kenya: Kwani Trust.
- Ordershook, P.C., & Shvetstova, O. (1994). Ethnic heterogeneity, district magnitude, and the number of parties. *American Journal of Political Science*, 38(1), 100–123.
- Ottosson, D. (2010). State-sponsored homophobia: A world survey of laws prohibiting same sex activity between consenting adults. *The International Lesbian, Gay, Bisexual, Trans and Intersex Association*. Retrieved from [http://www.gaylawnet.com/ezone/crime/ilga\\_2010.pdf](http://www.gaylawnet.com/ezone/crime/ilga_2010.pdf)
- Palmieri, Sonia (2011). *Gender-sensitive parliaments: a global review of good practice*. Geneva: Inter-Parliamentary Union. Retrieved from <http://www.ipu.org/pdf/publications/gsp11-e.pdf>
- Pedersen, M. (2006). Changing patterns of electoral volatility in European party systems, 1948-1977: Exploration in explanation. *European Journal of Political Research*, 7(1), 1–26.
- Persson, T. & Tabellini, G. (1999). The size and scope of government: Comparative politics with rational politicians, 1998 Alfred Marshall Lecture. *European Economic Review*, 43(4–6), 699–735.
- Persson, T. & Tabellini, G. (2000). *Political Economics*. Cambridge, MA: The MIT Press.
- Persson, T. & Tabellini, G. (2003). *The economic effects of constitutions: What do the data say?* Cambridge, MA: The MIT Press.
- Posner, D.N. (2004). The political salience of cultural difference: Why Chewas and Tumbukas are allies in Zambia and adversaries in Malawi. *The American Political Science Review*, 98(4), 529–545.
- Power, G. & Shoot, R.A. (2012, April). Global parliamentary report: The changing nature of parliamentary representation. Geneva: Inter-Parliamentary Union. Retrieved from <http://www.ipu.org/pdf/publications/gpr2012-full-e.pdf>
- Prempeh, H.K. (2006). Marbury in Africa: Judicial review and the challenge of constitutionalism in contemporary Africa (Seton Hall Public Law Research Paper No. 1018752). *Tulane Law Review*, 80(4), 1239–1324.
- Provost, C. (2011, July 6). UN Women justice report: get the data. *The Guardian* [Poverty Matters Blog]. Retrieved from <http://www.guardian.co.uk/global-development/poverty-matters/2011/jul/06/un-women-legal-rights-data>
- Rae, D.W. (1971). *The political consequences of electoral laws*. New Haven, CT: Yale University Press.
- Rafter, N.H. & Natalizia, E.M. (1981). Marxist feminism: Implications for criminal justice.

*Crime & Delinquency*, 27(1), 81-98.

Ramasawmy, R. (2011, October 02). Seychelles president to schedule electoral reforms after victory. *Bloomberg Businessweek*. Retrieved from <http://www.businessweek.com/news/2011-10-02/seychelles-president-to-schedule-electoral-reforms-after-victory.html>

Rapoo, T. (2004). *Constituency service at provincial level in South Africa: What role for provincial legislatures?* Johannesburg, South Africa: Center for Policy Studies.

Republic of Namibia. (2010, March 02). *Remarks by Mrs. Penepupifo Pohamba, First Lady of the Republic of Namibia, on the occasion of the 54th session of the Commission on the Status of Women: Review and appraisal of the implementation of the Beijing Declaration and Platform of Action and the outcome of the 23rd Special Session of the United States General Assembly*. Speech presented at the Commission on the Status of Women, New York City, NY. Retrieved from [http://www.un.org/womenwatch/daw/beijing15/general\\_discussion/Namibia2.pdf](http://www.un.org/womenwatch/daw/beijing15/general_discussion/Namibia2.pdf)

Reilly, B. & Reynolds, A. (1999). *Electoral systems and conflict in divided societies: Electoral engineering for conflict management*. Washington, DC: National Academy Press.

Reilly, B. (2006). Political engineering and party politics in conflict-prone societies. *Democratization*, 13(5), 811–827.

Reynolds, A. (1995). Constitutional engineering in Southern Africa. *Journal of Democracy*, 6(2), 86–99.

Reynolds, A. (1999). *Electoral Systems and democratization in Southern Africa*. Oxford, United Kingdom: Oxford University Press.

Riker, W.H. (1976). The number of political parties: A reexamination of Duverger's Law. *Comparative Politics*, 9(1), 93–106.

Riker, W.H. (1982). The two-party system and Duverger's Law: An essay on the history of political science. *American Political Science Review*, 76(4), 753–766.

Roberts, K.M. & Wibbels, E. (1999). Party system and electoral volatility in Latin America: A test of economic, institutional and structural explanations. *The American Political Science Review*, 99(3), 575–590.

Robinson, A.L. (2009). National versus ethnic identity in Africa: State, group, and individual level correlates of national identification (Working Paper No. 112). *Afrobarometer*. Retrieved from [http://www.afrobarometer.org/files/documents/working\\_papers/AfropaperNo112.pdf](http://www.afrobarometer.org/files/documents/working_papers/AfropaperNo112.pdf)

Rogowski, R. (1987). Trade and the variety of democratic institutions. *International Organization*, 41(2), 203–223.

Rokkan, S. (1970). *Citizens, elections, parties: Approaches to the comparative study of the*

- processes of development*. New York, NY: McKay.
- Sartori, G. (1968). Political development and political engineering. *Public Policy*, 17, 261–298.
- Sartori, G. (1994). *Comparative constitutional engineering*. New York, NY: New York University Press.
- Schetel, L. & Armah-Attoh, D. (2009, October). Popular opinions on democracy in Liberia, 2008 (Briefing Paper No. 73). *Afrobarometer*. Retrieved from [http://www.afrobarometer.org/files/documents/briefing\\_papers/AfrobriefNo73.pdf](http://www.afrobarometer.org/files/documents/briefing_papers/AfrobriefNo73.pdf)
- Shejavali, N. (2009, February 11). Political parties ponder homosexuality. *The Namibian*. Retrieved from <http://www.namibian.com.na/news/full-story/archive/2009/november/article/political-parties-ponder-homosexuality/>
- Shugart, M. (1988). Duverger's Rule, district magnitude, and presidentialism [Doctoral Dissertation, University of California, Irvine].
- Shugart, M. & Carey, J. (1992). *Presidents and assemblies: Constitutional design and electoral dynamics*. Cambridge, United Kingdom: Cambridge University Press.
- Shugart, M. & Wattenberg, M.P. (Eds.) (2003). *Mixed-member electoral systems: The best of both worlds?* Oxford, United Kingdom: Oxford University Press.
- Simutanyi, N. (2005, September). Parties in parliament: The relationship between members of parliament and their parties in Zambia (Occasional Paper No. 36). Johannesburg, South Africa: *Electoral Institute for Sustainable Democracy in Africa*.
- Singhateh, S.C. (2011, January 31). Gambia: Approximately 51 percent live below the absolute poverty line as 30-35 million people receive emergency food aid. *Foroyaa Newspaper*. Retrieved from <http://allafrica.com/stories/201102010608.html>
- Sisk, T.D. & Reynolds, A. (Eds.) (1998). *Elections and conflict management in Africa*. Washington, DC: United States Institute of Peace Press.
- Skaperdas, S. & Grofman, B. (1995). Modeling negative campaigning. *American Political Science Review*, 89(1), 49–61.
- Soudriette, R. & Ellis, A. (2006). A global snapshot. *Journal of Democracy*, 17(2), 78–88.
- Stepan, A. & Skatch, C. (1993). Constitutional frameworks and democratic consolidation: The rule of law: Parliamentarism versus presidentialism. *World Politics*, 46(1), 1–22.
- Stiftung, K.A. (2007, March). *The impact of floor crossing on party systems and representative democracy* (Seminar Report No. 19). Johannesburg, South Africa: Konrad-Adenauer-Stiftung. Retrieved from [http://www.kas.de/db\\_files/dokumente/7\\_dokument\\_dok\\_pdf\\_11847\\_2.pdf](http://www.kas.de/db_files/dokumente/7_dokument_dok_pdf_11847_2.pdf)
- Stratton, A. (2010, July 22). Voting reform question for May referendum unveiled. *The*

*Guardian*. Retrieved from <http://www.guardian.co.uk/politics/2010/jul/22/voting-reform-coalition>

- Stultz, N. (1970). The National Assembly in the politics of Kenya., In A Kornberg & L.D. Musolf (Eds.), *Legislatures in developmental perspective* (pp. 303–33). Durham, NC: Duke University Press.
- Taagepera, R. & Grofman, B. (1985). Rethinking Duverger's Law: Predicting the effective number of parties in plurality and PR Systems – parties minus issues equals one. *European Journal of Political Research*, 13(4), 341–352.
- Taagepera, R. & Shugart, M.S. (1993). Predicting the number of parties: A quantitative model of Duverger's Mechanical Effect. *American Political Science Review*, 87(2), 455–464.
- Teshome, W. (2009). Opposition parties and the politics of opposition in Africa: A critical analysis. *International Journal of Human and Social Sciences*, 4(5), 287–301.
- Thomas, M.A., & Sissokho, O. (2005). Liaison legislature: The role of the national assembly in Senegal. *Journal of Modern African Studies*, 43(1), 97–117.
- Tripp, A.M. & Kang A. (2008). The global impact of quotas: on the fast track to increased female legislative representation. *Comparative Political Studies*, 41(3), 338–361.
- Tripp, A.M. (2001). The politics of autonomy and cooptation in Africa: The case of the Ugandan Women's Movement. *The Journal of Modern African Studies*, 39(1), 101–128.
- Tumushabe, J. (2006, August). *The politics of HIV/AIDS in Uganda* (Social Policy and Development Programme Paper Number 28). Geneva, Switzerland: United Nations Research Institute for Social Development Programme.
- United Nations. (1979). *Convention on the elimination of all forms of discrimination against women, 1979*. Retrieved from <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
- The United Nations Children's Fund. (2005). *Female genital mutilation/cutting: A statistical exploration 2005*. New York: The United Nations Children's Fund.
- United Nations Committee on the Elimination of Discrimination Against Women . (1999). *CEDAW general recommendation No. 24: Article 12 of the convention, women and health*. Retrieved from <http://www.unhcr.org/refworld/docid/453882a73.html>
- United Nations Department of Economic and Social Affairs, Population Division. (2008, February). *World urbanization prospects, the 2007 revisions: Highlights*. Retrieved from [http://www.un.org/esa/population/publications/wup2007/2007WUP\\_Highlights\\_web.pdf](http://www.un.org/esa/population/publications/wup2007/2007WUP_Highlights_web.pdf)

- United Nations Development Programme, Human Development Reports. (n.d.). *Human development index*. Retrieved from <http://hdr.undp.org/en/statistics/hdi/>
- United Nations Division for the Advancement of Women. (2005, October). *Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership*. New York, NY: United Nations Department of Economic and Social Affairs. Retrieved from <http://www.un.org/womenwatch/daw/egm/eql-men/FinalReport.pdf>
- United Nations Economic Commission for Africa. (2005). *Economic report on Africa: Meeting the challenges of unemployment and poverty in Africa*. Addis Ababa, Ethiopia: Economic Commission for Africa.
- United Nations General Assembly. (1966, December 16). International covenant on economic, social and cultural rights. *United Nations, Treaty Series*, 993, 3.
- United Nations General Assembly. (1966, December 16). International covenant on civil and political rights. *United Nations, Treaty Series*, 999, 171.
- United Nations General Assembly. (1979, December 18). Convention on the elimination of all forms of discrimination against women. *United Nations, Treaty Series*, 1249, 13.
- United Nations General Assembly. (1989, November 20). Convention on the rights of the child. *United Nations, Treaty Series*, 1577, 3.
- United Nations General Assembly. (1993, June 25). *Vienna declaration and the programme of action*. Retrieved from <http://www.unhchr.ch/huridocda/huridoca.nsf/%28symbol%29/a.conf.157.23.en>
- United Nations Joint Programme on HIV/AIDS. (2001, June). *Declaration of commitment on HIV/AIDS: United Nations General Assembly special session on HIV/AIDS*. Geneva, Switzerland: United Nations Joint Programme on HIV/AIDS.
- United Nations Population Fund: Female Genital Mutilation/Cutting Joint Programme. (n.d.). *Legislative reform in Kenya to speed up abandonment of FGM/C: Strong government policy to support new law*. Retrieved from [http://www.unfpa.org/gender/docs/fgmc\\_kit/Kenya-1.pdf](http://www.unfpa.org/gender/docs/fgmc_kit/Kenya-1.pdf)
- United Nations Population Fund: Female Genital Mutilation/Cutting Joint Programme. (n.d.). *Promoting gender equality: Frequently asked questions on female genital mutilation/cutting*. Retrieved from <http://www.unfpa.org/gender/practices2.htm#21>
- United Nations Population Fund. (2005). Gender equality factsheet. In *United Nations Population Fund, state of world population 2005, journalists' press kit*. Retrieved from [http://www.unfpa.org/swp/2005/presskit/factsheets/facts\\_gender.htm](http://www.unfpa.org/swp/2005/presskit/factsheets/facts_gender.htm)
- United Nations Women. (2011). *Factsheet: Sub-Saharan Africa, 2011-12 progress of the world's women*. Retrieved from <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>
- van den Walle, N. & Butler, K.S. (1999). Political parties and party systems in Africa's

- illiberal democracies. *Cambridge Review of International Affairs*, 13(1), 14–28.
- van de Walle, N. (2003). Presidentialism and clientelism in Africa's emerging party systems. *Journal of Modern African Studies*, 41(2), 297–321.
- van de Walle, N. (2007). Meet the new boss, same as the old boss? The evolution of political clientelism in Africa. In H. Kitschelt & S.I. Wilkinson (Eds.), *Patrons, clients and policies: Patterns of democratic accountability and political competition* (pp. 50–67). Cambridge, United Kingdom: Cambridge University Press.
- van de Walle, N. (2009). The institutional origins of inequality in Sub-Saharan Africa. *Annual Review of Political Science*, 12, 307–327.
- Vénard, J.L. (1995). *Urban planning and environment in sub-Saharan Africa* (Paper No. 5). Presented at the United Nations Conference on Environment and Development: Building Blocks for Environmentally Sustainable Development in Sub-Saharan Africa. Washington, DC: The World Bank, Environmentally Sustainable Development Division, Technical Department, African Region.
- Von Struensee, V.M.G. (2004, July). *The domestic relations bill in Uganda: Potentially addressing polygamy, bride price, cohabitation, marital rape, widow inheritance and female genital mutilation*. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=623501&](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=623501&)
- Walecki, M. (2009). Public funding opportunities: Conditions, constraints, and possible outcomes. In *Public funding for political parties in Muslim-majority societies* (pp. 93–103). Washington, DC: The International Foundation for Electoral Systems. Retrieved from <http://www.ifes.org/files/PublicFundingSolutionsforPoliticalPartiesinMuslim-MajoritySocieties.pdf>
- Weaver, K.R., & Rockman, B.A. (1993). *Do institutions matter? Government capabilities in the United States and abroad*. Washington, DC: The Brookings Institution.
- The World Bank. (n.d.). *Data: country & lending groups*. Retrieved from <http://data.worldbank.org/about/country-classifications/country-and-lending-groups>
- World Health Organization, Department of Reproductive Health and Research. (2008). *Eliminating female genital mutilation: An interagency statement UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCHR, UNHCR, UNICEF, UNIFEM, WHO*. Geneva, Switzerland: World Health Organization, Department of Reproductive Health and Research.
- World Health Organization, Media Centre. (2010, February). *Factsheet number 241: Female genital mutilation*. Retrieved from <http://www.who.int/mediacentre/factsheets/fs241/en/>