

The Quota and its Different Forms

The issue of women's lack of participation in political processes and decision-making positions is considered one of the greatest problems facing women's presence in the public sphere; as well as the ratification of her rights. Women's rate of participation differs from one country to the other, depending on the social and cultural realities, and laws of each country. Women's presence in decision-making positions is a way to support women's participation in the public and political life of their countries, taking into account the variety of women's political, social, and cultural backgrounds. The quota system was suggested as one of the mechanisms during the fourth international women's conference in Beijing in 1995, and as an interim solution to the issue of women's weak political participation and in decision-making positions. This is in light of women's marginalization and exclusion; which has led to lack of representation, or poor representation, and their abstaining in most cases of participating in decision-making positions.

The quota system was introduced to provide solutions to increase women's political participation in elected councils; and as an interim solution to problems relating to women's political participation. This system is highly controversial, as it raises the question of the extent of positive discrimination's ability to create real political participation for women who are excluded from political participation and decision-making processes.

There are three forms of quota: Legal quota or constitutionally representative quota, which dictates that a certain percentage of seats in legislative councils must be held by women. For example, the Iraqi constitution dictates that 25% of parliamentary seats must be held by women. This is similar to Jordan, where the law dictates that 10% of parliamentary seats must be held by women. Another form of quota is the candidacy quota which might be legalized, thus obligating parties to nominate a specific percentage of women on their lists. This is the case in Palestine as the electoral law stated in 2005 that "Every electoral candidate proportional lists must include minimum representation of women no less than woman in the each of the following: 1-The first three

names in the list, 2. The four following names, 3. The five following names¹. The third form of quota is voluntary quota. This is adopted by parties in their internal bylaws without the presence of a legally binding clause, which is the case in several Scandinavian countries like Sweden and Norway.

Quota has been applied with its different forms, including representative quota in some Arab countries such as Jordan, Palestine, Iraq, and Egypt, and in a few African countries such as South Africa, Mozambique, and Senegal. European countries have always set an example in applying quota, particularly on party lists, whether legally or voluntarily, as is the case in Sweden, Denmark, Norway, and Belgium.

Quota is an interim solution to women's minimal participation in political life. However, the quota system has been criticized. Some of its opponents consider it to be a form of discrimination against women's representation. Moreover, it might not express the true will of the voters, or it limits the choices of voters, especially when seats are assigned for women in legislative councils. Quota remains an interim solution to be effective until obstacles which face women in political life are abolished, and until they are effectively empowered and it is no longer a discriminatory practice. Reality confirms that women have fewer chances to run for elections due to a number of social and cultural factors in societies which are ruled by domineering masculine forces. This is evident in percentages of women's representation in the Arab world.

Representational quota is a double-edged weapon. A number of women join elected councils, but this is interloped with the size of constituencies that women run in to win quota seats. Furthermore, women handle many of the burdens related to elections such as campaigns and propaganda, particularly if she is running for a seat designated for women. Experience has proven that women who attain these seats have power and influence, and they express the interest of the ruling power, and not women's interests. This was the case of the Egyptian experience in 2010, when the ruling part commandeered the majority of seats dedicated to women, as will be shown later when we discuss Egypt's case.

¹ Palestine's Election Law of 2005 <http://www.elections.ps/LinkClick.aspx?fileticket=yno9LwXnbW8%3d&tabid=536&mid=1232>

On the contrary, candidacy quota as a form of positive discrimination gives political parties a motive to place women in better positions within their interior structures. It also empowers women more effectively, and prepares female cadres to work in elected councils. Political will of parties is one of the key factors for empowering women politically. Women usually abstain from joining political parties as their roles are marginalized inside the parties, and work is divided according to gender. An example of this is forming a women's committee where women can join, but they do not get involved in other committees and decision-making positions within the organizational structure of parties. Therefore, political parties are responsible for empowering women in the political field through effective participation within the party, and providing them political support during the election process.

However, one of the remaining problems of quota is that it limits women's participation. The percentage of women involved usually does not extend beyond the allocated percentage, either in laws or constitutions. Voluntary quota might be the only form of quota that avoids this trap, as the percentage is determined by parties themselves, and it might increase or decrease depending on what parties want.

This paper will showcase a few examples of the quota system across the world.

Quota in Asian Systems

India:

India does not apply quota except in local government councils. This quota is mandated by the constitution at 33%. Nevertheless, women have an 8.3% representation in Parliament; and 9.1% representation in the Senate in the absence of quota². In India, quota is constitutional. In spite pressures by Indian groups who work on women's issues to apply the same quota in local legislative councils, the constitutional amendment that was passed in 1993 mentions quota in local councils across villages for women and other marginalized groups. This was considered a major step towards decentralization and democracy that allows marginalized groups to be represented and to self-govern. This system is based on representational quota, as two-thirds of local council members must be

² Abdallah Madany "Asian Women Quota Systems," Civilized Conversation
<http://www.ahewar.org/debat/show.art.asp?aid=34467>

women; and two-thirds of the heads of these councils must be women as well.

Indonesia:

In Indonesia, women hold 61 seats out of 550 at an 11% rate. This percentage follows a recent constitutional provision that was introduced in 2004; and it was applied in the elections of the same year. This provision, which is only applied to general rather than local elections, states that political party candidates of each region must be 30% women³.

Pakistan:

Successive constitutions starting from 1954 up until 1985 in Pakistan have allotted quota in local and national councils. However, the percentages are few, as they are only between 5-10% through indirect election by council members themselves⁴. In 2000, the government mandated women quota at 33% in local councils. However, this percentage drops to 17% in the Senate. These percentages are through proportional lists of Pakistani parties, which empower women in parties to a large extent. Nevertheless, extremism remains an issue that plagues Pakistani society, as women are prevented from voting and running in elections by extremist religious groups.

Quota in African Systems

South Africa:

Voluntary party quota was adopted during the ruling African National Congress. This quota mandates that one third of women candidates must be on the party's list. This experience was successful, as women attained 25% of the seats in the first democratically-elected parliament in 1994, after they had only held 2.7% of the seats during the apartheid era. There has been a representational increase of women that reached 27% in 1999, and 32.8% in 2004⁵.

3 Previous source

4 Report on Applying the Quota System. Asian Experiences-25 September 2002. Series of workshops on quota by the International Institute for Democracy and Electoral Assistance, p.42. Available at http://www.idea.int/publications/quotas_asian/upload/Full%20report.

5 Report on Applying the Quota System. African Experiences. This report was issued through the outputs and case studies of the workshop which was held from 11-12 November 2004 in Pretoria, South Africa. Series of workshops on quota by the International Institute for Democracy and Electoral Assistance, p.63-64. Available at http://www.idea.int/publications/quotas_africa/upload/IDEA_no3.qxd.pdf

Despite the success of this experience that was the fruit of women's struggle in national liberation movements; affirming their political roles, afterwards voices were raised that called for the importance of refining the voluntary quota to protect the percentage of women's representation. Other parties did not have significant female representation, with the exception of the African Nation Congress. The remaining parties did not adopt the voluntary quota.

Mozambique:

In 1992, Mozambique's ruling party FRELIMO adopted women's quota. They decided that the percentage of women must be 30% at least during elections on parties' lists, as well as inside parties' organizational structures at the same percentage of 30%. Women held 28% of the seats in parliament in 1994 as a result of applying voluntary quota within parties. Most of the women members of parliament were members of the ruling party FRELIMO. There was less representation of women from other parties who did not apply the quota at the same percentage. There are no women in leadership positions within these parties, as opposed to the ruling party that has supported the presence of women in government and parliament equally, and within the organizational structures of parties.

A Few European Models of Applying the Quota System

Sweden:

In 2002, the percentage of women in the Swedish parliament reached 45.3% as a result of adopting voluntary quota within parties. The Swedish Liberal Party led this initiative when it passed a 40% quota for women on its lists since 1972. Other parties represented in parliament followed their lead during the eighties and nineties of the twentieth century⁶. The Social Democratic Party decreed parity on its party's lists. The remaining parties did not apply this percentage; instead they depended on objectives and recommendations related to women's representation without subscribing to a particular quota. It is noteworthy that some Northern countries such as Norway and Denmark apply voluntary quota in parties; and in this part of the world women's representation averages 40%. This proves that

⁶ The Paper on Sweden: Women Representation in Parliament. By the International Institute for Democracy and Electoral Assistance http://www.idea.int/news/upload/sweden_women.pdf

voluntary quota is effective in the presence of true political will of the parties, particularly when women have effective roles within the parties.

Belgium:

Belgium passed the quota system on electoral lists to prevent one gender from superseding the other in electoral lists, meaning that lists must be based on parity as dictated by the law. If the list is hierarchical, then the first and second candidates on the list can not be of the same gender. The system has led women representation to reach 39% in 2010's parliament. However, this was not always the case. Quota was passed for the first time in 1994. The law dictated that neither gender can outnumber each other on the lists of parties. This led women representation to reach 25% in local council municipalities. The quota system did not assume its present form except in 2002 when the law was amended mandating that both genders must have equal numbers in lists. This was applied in 2007 during federal elections, and in the European Council⁷.

Quota in Arab Countries

Iraq

Women representation in the Iraqi Parliament reached 25%. 69 women members of parliament attained seats through the law that was passed in 2005 that mandated that at least one woman must be included among the three candidates on the list; and among the first six candidates, there must be at least two women, and the same applies till the end of the list. The constitution mandates the importance of women representation at a rate of no less than 25% of members of parliament and members of Iraq's National Assembly. The experience has proven to be successful, as elections have led to 51 women members of parliament, without however fulfilling the constitutional quorum of 25% of all seats. The Electoral Commission has resorted to adding 18 seats for women candidates to fulfill the quorum⁸. The percentage of women that won seats through running in the elections remains at a reasonable number.

Jordan:

⁷The International Database of the Quota System for Women
<http://www.quotaproject.org/uid/countryview.cfm?country=21>

⁸ Dr. Idris Lekreny "The Quota System and Women's Representation in Parliament: An Analysis of Arab Modules." http://www.alqudscenter.org/arabic/pages.php?local_type=128&local_details=2&id1=696&menu_id=7&program_id=10&cat_id=2

In 2003, Jordan applied the women quota system. A law was issued which amended elections. Through this law, six seats were designated for women, while retaining their right to compete for the remaining seats. Women who have won the extra seats designated for women are decided according to the percentage of votes each candidate obtained from among the total number of votes. Candidates who have obtained the highest number of votes in their constituencies are chosen. The number of seats allocated for women have increased in 2010 to 12 seats out of 120 seats at a rate of 10% among parliamentary seats.

Palestine:

In Palestine in 2005 legislation and presidential elections law no. 9 was issued; which mandated an electoral quota for women. The quota mandated that electoral lists must represent women at a rate of one woman among the first three names, and the four names after that, and the five names after that. As a result of this quota, 17 women attained seats in the legislative council in 2006 out of 132 members at a rate of 12.8%, compared to 1996 when the rate was 5.6%. It also enhanced women representation in local councils⁹. The Palestinian experience of applying the elective legal quota in the lists of parties is one of the most successful experiences of the Arab region. This is in comparison with representation (allocated seats) quota that has been applied in many countries across the Arab region. Mauritania is an example of this, as the country added seats to the already allocated ones in parliament to be solely designated for women.

Morocco:

In 2002, after exhaustive efforts by the Moroccan feminist movement, the Moroccan government designated an elective quota for women through national bylaws that were tailored for women. The bylaws state that each party selects a group of women in their own list. This list is then subjected to a vote throughout the constituencies, and depending on the number of votes each party wins; they count the percentage they've earned from the seats on the list¹⁰.

9Dr. Idris Lekreny "The Quota System and Women's Representation in Parliament: An Analysis of Arab Modules." http://www.alqudscenter.org/arabic/pages.php?local_type=128&local_details=2&id1=696&menu_id=7&program_id=10&cat_id=2

10 See the previous reference.

This has led women to obtain thirty seats in the parliamentary elections of 2002, in addition to five more winners through local charters. This raised the percentage of women to 10.8% in parliament.

Egypt:

In Egypt, the quota system was applied for the first time in 1979 through allocating thirty seats for women. This led their representation to rise to 9%, as there were thirty five women in parliament as a result of applying this measure. The parliament of 1984 witnessed an increase in the number of women that reached thirty six women in the Egyptian Parliament. The rate of women participating in local councils also increased to between 10-20% through the quota. However, because the quota was legally mandated, it was repealed in 1986 after it was ruled to be unconstitutional as it compromised the principle of equality.

Representational quota was applied once more in 2010. Sixty four seats out of 518 seats in parliament were allocated for women, keeping in mind that these were supplementary seats. Some people interpreted this motion as a ploy by the ruling party to gain more seats in parliament. The Egyptian experience with the quota in 2010 was not successful, nor did it empower women politically in parties. Women who were associated with the ruling party were the only beneficiaries of seats allocated for women in 2010; as they won 100% of the allocated seats during the first round¹¹. This is in light of the large size of the constituencies which were allocated for the quota seats; and the negative election aspects such as electoral violence and forgery for the women candidates of the ruling party. This proves that this form of the quota was not a success in the Egyptian experience, as it was mandated to fulfill the interests of the ruling elite, who wanted to appear that they were supporting women's rights and involvement in the political sphere.

Following the January 25th revolution of 2011, a candidacy quota for women was passed which was mandated by the election law of 2011's parliament, which stated that at least one woman must run on

11 Nazra for Feminist Studies' Report on Monitoring the Legislative Election in 2010- 2nd December 2010
<http://nazra.org/sites/nazra/files/attachments/statementonqoutaresultsofelections2december2010round1.pdf>

each party's list¹². A few people perceived this as a setback in the percentage of women representation because the law only mandated one woman on each list, and did not assign an obligatory order for her on these lists.

Closing Recommendations

After the outbreak of the January 25th revolution, several parties were founded from the heart of the revolution. Women's participation in the revolution was very high; and they still participate in the political sphere. Women became involved with parties as the revolution opened the door for active political participation by all Egyptians.

The greatest challenge facing women is the rise of conservative forces after political Islamists have become the ruling party. This represents a great setback for women's participation across different fields. Therefore, democratic civic parties must adopt women's issues; and dedicate more effort towards them. Parties need to start lobbying that the parliamentary elections law mandates a women's quota in the lists of parties, particularly since 2011 seats were divided into one third under single-member election, and two thirds under closed proportional lists. Therefore, the majority of parliamentary seats will be awarded through party lists, which is why women's presence must be clear in these lists, and in advanced positions to ensure they win. The Shoura Council can be pressured, as it is currently handling legislation, to mandate that lists be designed to ensure that there is one woman among the first three names, and the four names after that, and the five names that following the Palestinian example. It is of vital importance that women be placed in advanced order in lists to ensure their presence in elected councils and in local councils to ensure their presence in decision-making positions to oppose legislations that would treat them unfairly, and for them to defend social or economic rights, or any rights that are still denied to Egyptians. They can assist in the eradication of corruption that permeates Egyptian society.

12 Article three, Section Two of the Election Law which was issued in November 2011
<http://www.youm7.com/News.asp?NewsID=501131> .