

BRINGING WOMEN IN: GLOBAL STRATEGIES FOR GENDER PARITY IN POLITICAL REPRESENTATION

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ABSTRACT

This article discusses some of the strategies used globally to increase women's political representation. It initially examines legislative quota provisions, pointing to their multi-faceted interaction with the electoral and political systems in which they are embedded. It distinguishes between quotas at the point of candidate selection and reserved parliamentary seats, while referring to the delegitimising of women's representative role associated with reserved seats. The article then considers voluntary party quotas as a method of supporting women's political opportunities and gives some instances of successful practices in this regard. Then, it examines the role that organized women in civil society play in promoting gender parity. The article concludes that the optimal conditions for increasing women's political presence occur when political women, feminists within governing institutions and civil society activists coalesce to pursue this goal.

I. INTRODUCTION

Women worldwide gradually gained the right to vote throughout the Twentieth Century, and today, with some notable exceptions,¹ all women over the age of eighteen years in democratic states are enfranchised. The right to vote was generally accompanied

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1. In 2005, these exceptions were Saudi Arabia and the United Arab Emirates. INTER-PARLIAMENTARY UNION, WOMEN IN POLITICS: 60 YEARS IN RETROSPECT 5, Data Sheet No. 6 (2005), available at http://www.ipu.org/PDF/publications/wmninfokit06_en.pdf (background paper prepared for the United Nations Expert Group Meeting on "Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership," Addis Ababa, 24-27 Oct. 2005) [hereinafter WOMEN IN POLITICS]. The Kuwaiti parliament granted women the right to vote in May 2005. *Id.*

by women's right to stand for parliament, and for many of the early suffragists, winning the vote was deemed to secure women's equal political presence with men. But, over time, electoral results did not bear out this optimistic expectation of gender equality in political life, and throughout the Twentieth Century and into the Twenty-First Century, parliamentary representation has been male-dominated. In 2005, over a century after New Zealand led the way in women's enfranchisement, women's worldwide political representation stood at 15.9 percent.² This global figure, however, masks considerable variations between regions and countries. Rwanda and Sweden are world leaders with forty-nine percent and forty-five percent women Members of Parliament (MPs),³ while three countries that have granted voting rights to women — Bahrain, Micronesia, and Palau — have yet to elect a woman to parliament.⁴

Many of the advances in the parliamentary presence of women have been made since the 1970s when equal political representation was an element of campaigns for gender equality in many countries. From this point in time, women's political representation has demonstrated upward progress. In the last decade, some countries have made considerable advances. Specifically, Rwanda, Belgium, Costa Rica and Spain have improved women's representation in their parliaments by up to one-third, bringing women's parliamentary seat-holding above thirty-three percent in each instance, and close to gender parity in the case of Rwanda.⁵ Yet, for all of the progress in these particular countries in making political life, and parliament in particular, more gender-balanced, the global picture indicates that much remains to be done to achieve gender parity in politics.

2. This figure takes account of women parliamentarians in upper as well as lower houses of parliament. *Id.* at 2, Data Sheet No. 5.

3. *Id.* at 4, Data Sheet No. 6. See also Elizabeth Powley, *Rwanda: Women Hold Up Half the Parliament*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 154, 154-163 (Elizabeth Powley ed., 2005), available at <http://www.idea.int/publications/wip2/upload/Rwanda.pdf> (discussing Rwanda's success in reaching gender parity in the parliament).

4. *WOMEN IN POLITICS*, *supra* note 1, at 5, Data Sheet No. 6. Although no women have been elected to the lower house of parliament in Bahrain, six women have been appointed to the upper house. *Id.* The King of Bahrain appoints all members of the upper house of parliament in Bahrain. See, e.g., Wikipedia, *Politics of Bahrain*, http://en.wikipedia.org/wiki/Politics_of_Bahrain#Legislative_branch (as of Dec. 3, 2006, 02:28 GMT).

5. See INTER-PARLIAMENTARY UNION, *WOMEN IN PARLIAMENTS 1945-1995: A WORLD STATISTICAL SURVEY*, at 72, 99, 214, 231 (1995); see also *WOMEN IN POLITICS*, *supra* note 1, at 1, Data Sheet No. 2 (citing figures for Belgium, Costa Rica, and Rwanda at the start of 1995 and the start of 2006).

The glacial pace of progress in women's parliamentary seat-holding since women were enfranchised can give a discouraging view of the sharing of power between women and men. Yet, these stark facts conceal various conditions that help secure improvements in women's political representation in many countries and regions of the globe. Research indicates that some conditions in the political system are more conducive to gender equality in parliament than others. For example, a combination of high district magnitudes (i.e., constituencies or districts having seven seats or more) and a closed list electoral system are optimum conditions for increasing women's representations.⁶ However, even when political systems meet these conditions (such as Greece and the Netherlands), gender parity in political representation is not automatically assured. In almost all instances, other interventions need to occur. The most typical point of intervention is at the stage of candidate selection. While the form of intervention may vary, it can be broadly grouped under three headings: legislative, party and civil society initiatives.

This article examines the strategies for reforms that improve women's share of political power and increase their access to political decision-making. Although many of these initiatives are unique to individual countries, taken together, they constitute a varied and imaginative collective response to women's ongoing parliamentary exclusion. It concludes by suggesting that the optimum opportunity for women's electoral representation rests in a combination of all three strategies.

II. LEGISLATIVE INITIATIVE

In countries where decision-making is largely concentrated in a strong central state with a powerful executive and bureaucracy, change is lasting when brought about through legal reform. In 2005, there were about forty instances worldwide in which constitutional or legislative change has resulted in a radical and effective gender rebalancing of political life.⁷ However, legislative initiatives are

6. Mark P. Jones and Patricio Navia, *Assessing the Effectiveness of Gender Quotas in Open-List Proportional Representation Electoral Systems*, 80 Soc. Sci. Q. 342, 342-55 (1999); Mala N. Htun, *Women, Political Parties and Electoral Systems in Latin America*, in WOMEN IN PARLIAMENT: BEYOND NUMBERS, *supra* note 3, at 112-20, available at http://www.idea.int/publications/wip2/upload/Latin_America.pdf.

7. See Drude Dahlerup, *Increasing Women's Political Representation: New Trends in Gender Quotas*, in WOMEN IN PARLIAMENT: BEYOND NUMBERS, *supra* note 3, at 145-46,

complex mechanisms for advancing women's political representation, and require quite specific conditions to be fully effective.

France is one of the most cited examples of a legislative quota derived from a constitutional amendment that provided equal access for women and men to electoral office.⁸ An achievement of political women, feminist activists and intellectuals, this amendment also provides that the principle of equal opportunity in political life be provided for in general law.⁹ In addition, political parties shall be given a role in implementing this principle.¹⁰ This principle was given effect in the 'parity law' of June 6, 2000, and requires all parties to field fifty percent of the candidates of each sex in legislative, European, regional, municipal and upper house elections.¹¹ Under this law, a variation of only one percent for either sex is allowed. The party lists of candidates must alternate between women and men (or men and women) from top to bottom, thereby ensuring that women get an equal share of the more favorable upper positions. The only exception to this rule is allowed in municipal and regional elections where parity must be achieved within each grouping of six candidates.

This rigorous application of the parity law provisions is enforced by means of penalties. In the first instance, if a party does not conform to the gender balance requirements, its candidate list is deemed invalid and that party cannot compete in the election without submitting a revised list conforming to the requirements of the parity law. In the case of elections to the French parliament, the law is more flexible. Instead of having gender unequal lists invalidated, fines are

available at http://www.idea.int/publications/wip2/upload/4._Increasing_Women's_Political_Representation.pdf; see also Global Database of Quotas for Women, Int'l Inst. for Democracy and Electoral Assistance & Stockholm Univ., www.quotaproject.org (last visited Oct. 20, 2006).

8. See Claudie Baudino, *Gendering the Republican System: Debates on Women's Political Representation in France*, in STATE FEMINISM AND POLITICAL REPRESENTATION 85, 94-101 (Joni Lovenduski ed., 2005) (discussing the parity reform of 1999-2000 and its outcomes).

9. The relevant section of Article 3 reads as follows: "All French citizens of either sex who have reached their majority and are in possession of their civil and political rights may vote as provided by statute." 1958 CONST. art. 3 (Fr.), available at <http://www.assemblee-nationale.fr/english/8ab.asp#TITLE%20III>.

10. The relevant section of Article 4 reads as follows: "Political parties and groups shall contribute to the exercise of suffrage. They shall be formed and carry on their activities freely. They must respect the principles of national sovereignty and democracy." 1958 CONST. art. 4 (Fr.), available at <http://www.assemblee-nationale.fr/english/8ab.asp#TITLE%20III>.

11. See, e.g., Jill Lovecy, *Citoyennes à part entière? The Constitutionalization of Gendered Citizenship in France and the Parity Reforms of 1999-2000*, 35 GOV'T & OPPOSITION 439-62 (2000).

imposed based on the variation from gender equality. Thus, the penalty increases as women are excluded from a party's candidate list.

The operation of the parity law has had mixed results. At the local level, it has been very successful, with women's representation reaching 47.5 per percent in the March 2001 municipal elections from a previous 25.7 percent.¹² However, the outcome of the 2002 Assembly elections has not seen women break into parliamentary office to any significant extent.¹³ In fact, the parity law had only a marginal effect, with women holding 12.3 percent of legislative seats in 2002, a small increase on the 1997 result of 10.9 percent.¹⁴ Where the parity law made a difference was in rebalancing the gender composition of candidate lists, with women overall constituting 38.5 percent of candidates, a significant increase on the twenty-three percent female candidates in 1997.

A number of factors, however, inhibited women's hoped-for parliamentary breakthrough. One factor was the willingness of parties to pay the financial penalties associated with fielding gender-unequal candidate lists rather than retired male incumbents.¹⁵ The second factor was the parties' selection of women in districts in which the parties were not likely to win a seat. Thus, women were put forward in the "no hope" districts.¹⁶ Third, an important consideration by party leaders in choosing women candidates, especially for the municipal elections — the first entry point to national politics — was their political inexperience.¹⁷ It is suggested that party leaders purposely overlooked experienced political women in favor of less experienced female candidates, thereby avoiding gender parity within parties. In terms of the electoral system, the parity law has supported a continued feminisation of assemblies governed by proportional electoral rules — local and regional councils, Senate and the European Parliament — while not significantly impacting the male-dominated offices elected under uninominal rules — the National Assembly, General Council and Mayor.¹⁸ Thus, the parity law that first appeared to promise a comprehensive gender parity result has been shown to have loopholes that make its purpose difficult to fully realise.

12. Mariette Sineau, *The French Experience: Institutionalizing Parity*, in WOMEN IN PARLIAMENT: BEYOND NUMBERS, *supra* note 3, at 126, available at <http://www.idea.int/publications/wip2/upload/France.pdf>.

13. *Id.* at 128.

14. *Id.* at 129.

15. *Id.* at 128.

16. Baudino, *supra* note 8, at 100.

17. *Id.* at 101.

18. Sineau, *supra* note 12, at 129.

Other countries have also adopted quota legislation for parliamentary elections. Beginning in 1991, when Argentina¹⁹ adopted a thirty percent quota law, many other Latin American countries followed suit in the mid-to-late 1990s. These cases are interesting as they provide examples of feminists mobilising for women's political representation at a time of change or transition in the political system, unlike in France where change occurred in the context of a stable democracy. The case of Peru offers an illustration of how women's access to electoral politics was supported through a coincidence of interests between the women's movement and the desire of the authoritarian leader, Alberto Fujimori, to be considered a modern head of state. Although this unlikely alliance would suggest that women collaborated in the repressive politics of Fujimori, public opinion was strongly in favor of women politicians.²⁰ As Rousseau observes, "[i]n a context where politicians in general were perceived to be corrupt, authoritarian, lazy and self-centred, electing women became perceived as a worthy alternative."²¹ This was the case in Peru, even though some leading women were deeply implicated in the corruption that characterized the Fujimori regime.²²

The move from social demand for a greater presence of women in political life to the adoption of quota laws in Peru was not a one-step process. On the back of extensive leadership experience in civil society, support by international aid agencies and in the context of a global human rights discourse highlighting women's rights, six women's organisations created a forum in 1990 to address the gender imbalance in political participation and representation in Peru. In 1994, this new group, Foro-Mujer, proposed a quota law of thirty percent female candidates for internal party elections, along with general and municipal elections.²³ Although the forum dissolved a year later, the idea of a gender quota remained. It was placed on the parliamentary agenda by an opposition politician, Congresswoman Lourdes Flores Nano, on her return from the U.N. World Conference on Women held in Beijing.²⁴

19. Elisa Maria Carrio, *Argentina: A New Look at the Challenges of Women's Participation in the Legislature*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS*, *supra* note 3, at 165-70, available at <http://www.idea.int/publications/wip2/upload/Argentina.pdf>; see also Dahlerup, *supra* note 7, at 151.

20. *Id.* at 96.

21. *Id.*

22. *Id.* at 97.

23. *Id.* at 99-100.

24. *Id.* at 100.

Other pressures were at work in the Peruvian political system that lent support to gender equality in politics. In an effort to improve the image of his regime and create new bases of electoral support, Fujimori began to initiate a range of social reforms directed at women's rights.²⁵ The president also supported the gender quota amendment to the electoral laws.²⁶ However, civil society feminists increasingly criticized the authoritarianism of Fujimori's rule while continuing to seek greater political representation. Working with the parliamentary Commission on Women, set up in 1995, four quota proposals were debated in Congress among many other electoral reforms during 1995 and 1996.²⁷ The outcome was the adoption of a twenty-five percent quota on party lists for parliamentary and local elections in 1997, short of the thirty percent favored by the opposition parties.²⁸

The outcome of the 2000 elections showed the positive effect of the quota on women's access to political office. Women constituted twenty-six percent of candidates in the 2000 elections, more than doubling their 12.4 percent presence on party lists in 1995.²⁹ In electoral gains, women also made strides, winning 21.6 percent of seats in Congress as compared with their previous representation of 10.8 percent.³⁰ At the local level, the quota improved women's presence as well. The municipal elections of 1998 returned women to twenty-five percent of seats from a previous return of 9.7 percent.³¹ On the collapse of the Fujimori regime and the subsequent parliamentary elections in 2001, the quota law assisted women's candidacies in increasing representation to thirty-six percent.³² Nevertheless, districting reforms, abolishing the single national district and reintroducing multiple districts, contributed to a decline in women's Congressional presence to 18.3 percent.³³ Once again, although the quota laws assisted in increasing women's political representation, the manner in which these measures interacted with the electoral system was of vital importance in determining the outcome of quota laws. Quota laws framed to have a gender impact in one context often do not

25. *Id.* at 101-02.

26. Stephanie Rousseau, *Peru*, in *SHARING POWER: WOMEN, PARLIAMENT, DEMOCRACY* 101 (Yvonne Galligan & Manon Tremblay eds., 2005).

27. *Id.* at 103.

28. *Id.* at 103-04.

29. *Id.* at 95.

30. *Id.*

31. *Id.*

32. *Id.* at 99.

33. *Id.* at 98.

have a corresponding effect when an electoral system is modified or changed.

A third case of legislating for gender equality in parliament comes from the United Kingdom, presenting an interesting example of a law that does not provide for a declared "quota" in percentage terms, yet is intended to improve women's political representation. The Sex Discrimination (Election Candidates) Act of 2002 was placed on the statute books in order to legalise party selection practices that sought to address the gender imbalance in candidates.³⁴ This law was the culmination of a decade-long campaign by women in the Labour Party for greater inclusion of women as part of Labour's modernising strategy.³⁵ The background is as follows: in the run-up to the 1997 general election, Labour introduced a policy of compulsory all-women shortlists (from which a suitable candidate would be selected) in half of the party's seats with retiring incumbents and in half of the seats it believed it could win from other parties.

This strategy was intended to redress the well-documented bias of party selectors against women political hopefuls. The policy was only partially implemented, however, as it was subject to challenge in an industrial tribunal by two men from the Labour Party to the effect that it violated the Sex Discrimination Act of 1975 because it discriminated against men's employment opportunities. The challenge was upheld in January 1996, and although the ruling was controversial, the Labour Party did not appeal.³⁶ The results of the 1997 election showed that the policy, though not fully implemented, brought more women into parliament. Labour women's share of seats grew from fourteen percent to twenty-four percent. In contrast, women's seat-holding for the Conservative party, which had not favored supportive measures, increased from six percent to eight percent.³⁷

Furthermore, while there was no certainty that Labour's female MPs would be re-elected, or that the number of women chosen as

34. Sex Discrimination (Election Candidates) Act 2002, c. 2 (U.K.), available at <http://www.opsi.gov.uk/acts/acts2002/20020002.htm>.

35. Joni Lovenduski, *Party Government and Women's Representation Debates: the UK*, in STATE FEMINISM AND POLITICAL REPRESENTATION, *supra* note 8, at 226-30; Fiona Mackay, *United Kingdom*, in SHARING POWER: WOMEN, PARLIAMENT, DEMOCRACY, *supra* note 26, at 107, 111-13.

36. *Jepson & Dyas-Elliot v. The Labour Party*, [1996] IRLR 116 ET; See also Meg Russell, *Women's Representation in UK Politics: What can be Done Within the Law?*, 2000 CONST. UNIT. 24, 24-27.

37. Center for Advancement of Women in Politics, Former Women Members of the House of Commons by Party, <http://www.qub.ac.uk/cawp/UKhtmls/MP2party.htm> (last visited Oct. 29, 2006).

party candidates would increase in subsequent elections, female members of the Labour Party continued to pressure the leadership to address the legal ruling prohibiting all women shortlists. It was important to void the ruling because it cast doubt over exactly what forms of positive action were legally permissible. In 2002, the Labour government introduced provisions that effectively nullified the ruling on unlawful gender discrimination.³⁸ It permitted parties to take positive measures at the candidate stage to reduce inequalities in the numbers of elected women and men. The law was designed to be non-binding, in contrast to typical quota legislation, and to have an expiry date of 2015 if gender inequalities in office-holding are eliminated by that date. The law can be extended by ministerial order should gender parity not be in effect. At the 2005 elections, Labour women MPs gained thirty percent of party seats, while women's office-holding in the Conservative Party remained fixed at eight percent.³⁹

The UK case gives a clear illustration of the close connection between legislative provisions and candidate selection strategies. It indicates that in a uninominal or majoritarian electoral system, where only one candidate represents a party in any district, there is a need for an alternative method to the conventional quota legislation if gender parity in political representation is to be supported.⁴⁰ For example, in 1997, the women chosen to contest Labour's "target" seats — seats they hoped to win primarily from the governing Conservative Party — were not expected by party officials to win. The electoral swing towards Labour ensured that these marginal seats were captured by the party, returning many women MPs.

The other major form of legislated quota is that of reserved parliamentary seats for women. The concept of reserving seats for certain under-represented social groups is a familiar one in Asian political cultures.⁴¹ It has also found its way into the electoral laws of a number of African countries, notably Rwanda where thirty percent of parliamentary seats are reserved for women, Tanzania which holds twenty percent of seats for women, and Uganda where fifty-six seats

38. The Sex Discrimination (Election Candidates) Bill, 2002, Bill [28] (U.K.), available at <http://www.parliament.uk/commons/lib/research/rp2001/rp01-075.pdf>.

39. Center for Advancement of Women in Politics, *supra* note 37.

40. See generally Dahlerup, *supra* note 7, at 142; Shirin M. Rai, *Reserved Seats in South Asia: A Regional Perspective*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS*, *supra* note 3, at 174-82, available at http://www.idea.int/publications/wip2/upload/South_Asia.pdf.

41. Dahlerup, *supra* note 7, at 141-53.

are reserved for women.⁴² This strategy has enabled Rwanda to unseat Sweden as the top country for women's political representation.

It appears that there is a pattern of reserving seats in the legislature for women in countries that are coming out of conflict, or are in the process of democratising, as both Afghanistan and Iraq have provisions in their constitutions that reserve twenty-five percent of the parliamentary seats for women.⁴³ While these initiatives require further analysis to uncover their driving forces, it is evident that the international and donor community along with transnational women's non-governmental organizations have had a role in encouraging women's political representation in these states.⁴⁴

The experience of South Asia, however, suggests that while reserved seats have assisted women into politics, especially local politics, their progress and effectiveness is impeded by constraints not typically found in more developed regions of the world. In Bangladesh, women commissioners are inhibited from carrying out the breadth of duties assigned to their office, including being prohibited from registering births and deaths and monitoring law and order. In Pakistan, women representatives complain about not receiving notifications of council meetings, and are frequently requested to sign planning documentation without being consulted on the contents. In India, there is "continuing concern regarding the influence of male relatives" on women's decision-making.⁴⁵

One of the concerns regarding reserved seats is that they may not seem to be conferred with the same political legitimacy as those seats that are won through electoral contests. Mindful of this drawback, many of the reserved seats are filled through a competition between women candidates in the districts. For instance, in Afghanistan, two reserved seats are allocated to each district in a competitive election, and in both Uganda and Rwanda, women political hopefuls compete for a share of the reserved seats.⁴⁶ Appointed seats and seats allocated to parties according to their overall

42. *Id.* at 142.

43. Pippa Norris, *A Seat at the Table? How to Elect Women to Iraq's New Government*, COMPASS (Magazine), Spring 2004, at 7.

44. *Id.* at 6-7.

45. Rai, *supra* note 40, at 180.

46. Inter-parliamentary Union, *Women: Elections in Rwanda, Seminar in Sri Lanka*, WORLD OF PARLIAMENTS Q. REV., Dec. 2003, available at <http://www.ipu.org/news-e/12-7.htm>; Sylvia Tamale, *Introducing Quotas in Africa: Discourse and Legal Reform in Uganda* (2003), in THE IMPLEMENTATION OF QUOTAS: AFRICAN EXPERIENCES 38, 38-44 (Julie Ballington ed., 2004), available at http://www.idea.int/publications/quotas_africa/upload/IDEA_no3.qxd.pdf.

vote share (as in Tanzania, Bangladesh, Pakistan and Bahrain) undermine women's political legitimacy in public consciousness and bind women to party power-brokers. These forms of reserved seats treat women as token political actors rather than as legislative power-holders in their own right.⁴⁷

This is not the only obstacle to women playing an effective role as political representatives. Many women who come through the reserved seat process are not seen as legitimate representatives for all of society. The scope of their legitimacy is often limited to women and children's affairs.⁴⁸ As a result, women are excluded from considerable sectors of economic and social decision-making. Male party leaders dominate the political debate, and women are expected to conform and assent to party leader pronouncements, making it more difficult for them to assert an individual political identity. In addition, it is quite common to find that women holding reserved seats are not paid, unlike their male colleagues who enjoy a salary. Thus, many political, structural and personal challenges confront women occupying reserved seats.⁴⁹

In general, however, the legislative provisions that set out to secure an enhanced representation of women in parliament appear to work. It is clear that there is no single quota model that can be applied to all circumstances. Instead, a wide range of quota provisions have found their way onto statute books around the world. The light these laws shine on other aspects of the electoral process, the wider political system, and the status accorded to women in society is very instructive.⁵⁰ In supporting women's political presence, these laws also reveal or accentuate other gender imbalances in the political structure. Foremost among these are biases in party selection practices.

47. DR. ANDREA FLESCHENBERG, *ENGENDERING ELECTORAL POLITICS: QUOTA REGULATION AS A MEANS OF INCREASING FEMALE REPRESENTATION?* 1, 13 (2005) (presented at Int'l Conference: Gender Mainstreaming and the Millennium Goals, Mar. 2005), *available at* http://www.quotaproject.org/other/Engendering_electoral_politics_FV.pdf.

48. Caroline Szyber, *Giving Voice to the Voiceless: A Field Study from India about Capacity Building Towards Women in Panchayats as an Instrument for Empowerment* 1, 20-21 (2005) (unpublished bachelor thesis, Stockholm University), *available at* http://www.quotaproject.org/other/Giving_voice_to_the_voiceless.pdf.

49. See Rai, *supra* note 40, at 174-82 (elaborating on political, structural and personal challenges which prevent women from occupying reserved seats).

50. See U.N. DIV. FOR THE ADVANCEMENT OF WOMEN, *EQUAL PARTICIPATION OF WOMEN AND MEN IN DECISION-MAKING PROCESSES, WITH PARTICULAR EMPHASIS ON POLITICAL PARTICIPATION AND LEADERSHIP* 1-34 (2005) (final report of Expert Group Meeting organized by the U.N. Dep't of Econ. and Soc. Affairs (DESA), Div. for the Advancement of Women, held in Addis Ababa, Eth., Oct. 24-27, 2005), [hereinafter U.N. DIV. FOR THE ADVANCEMENT OF WOMEN] *available at* <http://www.un.org/womenwatch/daw/egm/eq1-men/FinalReport.pdf>.

III. PARTY INITIATIVES

Voluntary party quotas have attracted considerable attention from activists, academics and party officials as a means of boosting women's political representation. Eliciting responses varying from complete support to total opposition, the strategy has proved a controversial one since its 1970's introduction in Scandinavian social democratic parties. Today, approximately 160 parties in sixty-eight countries have adopted some form of party quota.⁵¹ Many more have adopted the softer measure of "target" numbers for gender representation, with African and Latin American countries in the lead in this regard.⁵² Although initially a measure favored by social democratic parties, quotas are also in place in many center and center-right parties. Today, sixteen of the twenty countries that have reached thirty percent female representation have quotas in place.⁵³

Parties have long been recognized as "gatekeepers" to political office, and party selection strategies have been crucial in either perpetuating or breaking traditional gender representation in parliament. When it comes to party gender quotas, these initiatives mix in complex fashion with the electoral system, cultural norms regarding gender roles, internal party faction tensions, leadership aspirations and grassroots intentions to shape and deliver outcomes reflecting gender parity among political candidates. Thus, adopting and implementing a party quota is not a simple matter. Fleschenberg's⁵⁴ exploration of the relationship between the electoral system and quota provisions starkly shows that having quotas is not enough to address gender imbalances in representation, nor do party quotas necessarily indicate an empowered and actively engaged civil society, as the Asian experience shows.

Yet in Europe, the picture is a different one. In 1977, a coalition of women from all political parties, women's associations and new feminist groups, agreed to campaign for fifty percent female representation in all of Norway's top public positions. This broad societal feminist coalition placed pressure on political parties to

51. See Global Database of Quotas for Women, *supra* note 7.

52. See *id.*

53. See *id.*

54. FLESCHENBERG, *supra* note 47, at 10-11.

nominate more women and to place them high on party lists.⁵⁵ Parallel to this effort, women party members worked within their parties to establish a candidate gender quota of forty percent. This concerted campaign resulted in an increase of women MPs from sixteen percent to twenty-four percent. In 1983, the Norwegian Labour party officially adopted a forty percent gender quota for all party candidates and offices. The 1977 campaign continued in other forms throughout the following two decades, and by 1995, women's parliamentary representation reached a high of thirty-nine percent before stabilizing at thirty-six percent during the 2000s.⁵⁶

Quotas in plurality or majoritarian electoral systems have been relatively ineffective in increasing women's representation. This is because plurality systems encourage the selection of one or a minimal number of party candidates for each electoral district. This obstacle can be overcome, as shown in the case of the elections to the first Scottish parliament in 1999.⁵⁷ In that case, women in the Scottish Labour Party convinced the party leadership to adopt a strategy known as "twinning." The opportunity for bringing this novel idea onto the agenda arose from the establishment of a parliament for Scotland, in itself part of a wider process of institutional reform where power devolved from Westminster to the UK regions of Scotland, Wales and Northern Ireland. Active Labour women seized the moment of institutional change to launch a parity campaign and a radical candidate selection plan. Constituencies were paired based on a number of indicators, including the potential to win a seat. Selection to any pair of constituencies was open to both women and men, with the stipulation that each pair had to select one man and one woman.⁵⁸ The women and men with the highest number of votes were selected for the twinned districts. As a result of this action, women won one-half of the Labour Party's seats in the new parliament, and increased that proportion to fifty-six percent in 2003.⁵⁹ Given the dominance of the Labour party in Scottish politics, the party's success in gaining representation for women was reflected in the proportions of women in

55. Jill M. Bystydzienski, *Scandinavia*, in *SHARING POWER: WOMEN, PARLIAMENT, DEMOCRACY*, *supra* note 20, at 205, 211-13.

56. *Id.*

57. Alice Brown, Tahyna Barnett Donaghy, Fiona Mackay & Elizabeth Meehan, *Women and Constitutional Change in Scotland and Northern Ireland*, in *WOMEN, POLITICS AND CHANGE* 71, 74-76 (Karen Ross ed., 2002).

58. *Id.* at 74.

59. Mackay, *supra* note 35, at 113-15.

the parliament overall: thirty-seven percent in 1999 and forty-two percent in 2003.⁶⁰

Voluntary party quotas often offer a realistic and less socially divisive strategy for securing gender parity. However, their record is mixed. Krook points out that party quotas can become “paper tigers,” with parties benefiting from positive image-making, while omitting to honor the quota commitment.⁶¹ This was the case with the reform of the Italian Communist Party (PCI) during its re-emergence between 1989 and 1991 as the Democratic Party of the Left.⁶² The new party’s stated values of freedom, equality and equal opportunities provided a space for the expression of women’s representational demands — all the more so since women from the old PCI voted overwhelmingly for its creation in the first place. Taking advantage of the new circumstances, women members, officials, and MPs campaigned for quotas for women in the new party’s decision-making structures and on candidate lists. They also sought to have women’s views incorporated in the party program.⁶³ These requests were accepted without undue difficulty, and a forty percent gender quota in all aspects of party affairs, including candidate lists, was created.⁶⁴ While recognized in formal rules, implementation has left much to be desired in the intervening fifteen years. Women deputies from the party constituted only twenty-four percent of the party’s MPs in 2003 — some distance away from the gender parity sought, and hoped for, in earlier years.⁶⁵

While formal quotas expose the complexities of their interaction with other aspects of the political system, voluntary party quotas can be seen as a window into internal party dynamics. Indeed, these organizational insights into gender power relations are all the more significant given the rare glimpses one is afforded of these processes at work. Candidate selection is aptly described as the “secret garden” of politics, and this garden is highly male-dominated. In such

60. *Id.*

61. MONA LENA KROOK, NOT ALL QUOTAS ARE CREATED EQUAL: TRAJECTORIES OF REFORM TO INCREASE WOMEN’S POLITICAL REPRESENTATION 1-42 (2003) (paper presented at the European Consortium for Political Research, Joint Sessions of Workshops, Edinburgh, Scot., Mar. 28 through Apr. 2, 2003), *available at* http://www.quotaproject.org/Conference_papers/Krook_2003.pdf.

62. Marila Guadagnini, *Gendering the Debate on Political Representation in Italy: a Difficult Challenge*, in STATE FEMINISM AND POLITICAL REPRESENTATION, *supra* note 8, at 133-38.

63. *Id.*

64. *Id.*

65. *Id.*

an environment, party gender quotas usually succeed when: rules are clear and transparent to all members; there is a genuine leadership commitment to gender parity; the party culture is supportive of the value of gender equality; party representatives are accountable for their actions; and women party members are sufficiently resourced to take advantage of the opportunities on offer.

The African National Congress (ANC) party, as part of the South African political system, comes close to this model with a closed-list proportional electoral system, an informal ANC candidate gender quota of thirty percent, and a commitment to gender equality.⁶⁶ But, the more customary pattern is for parties to be either clientelistic or patronage-oriented, as in the case of many Central and Eastern European and Asian parties, making it almost impossible for women to pursue claims for gender parity in political representation.⁶⁷

IV. CIVIL SOCIETY INITIATIVES

Organized feminism is often found participating in campaigns to increase women's political representation, as the case of Norway demonstrates. Indeed, in established democracies at a time of crisis or change, and in democratising countries at a time of transition, organized and politicized feminism is often found working towards raising general awareness of the need for more women in parliament and campaigning to that end. These critical junctures open the decision-making processes to non-party participants while the monopoly of party control on the political agenda is relaxed. Civil society mobilization around gender parity is a crucial support for women within parties and for feminists within the governing structure, both parliament and bureaucracy. Women's civic mobilization around the issue of gender parity assists in the creation of a climate of social acceptance of this agenda which party activists on their own could not achieve.

For example, the peace process in El Salvador brought women together to campaign for gender equal representation as part of a

66. Sheila Meintjes, *South Africa: Beyond Numbers*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS*, *supra* note 3, at 230-37, available at http://www.idea.int/publications/wip2/upload/South_Africa.pdf.

67. Milica Anti Gaber, *Overview of Quota Systems in the Region of Central and Eastern Europe*, in *THE IMPLEMENTATION OF QUOTAS: EUROPEAN EXPERIENCES* 24, 28 (Julie Ballington & Francesca Binda eds., 2002), available at http://www.idea.int/publications/quotas_europe/upload/Quotas_Europe_Chapter_1.pdf; FLESCHEBERG, *supra* note 47, at 7.

gender equality reform program.⁶⁸ In the mid-1990s Northern Ireland's peace process risked excluding women and women's perspectives until the feminist movement produced a women's party which went on to play a significant role in shaping the 1998 Good Friday Agreement. The effect of the women's party on other parties was to increase women's representation to the new Northern Ireland Assembly.⁶⁹

Women's organizing in South Africa during the constitution-building phase of 1992-94 was critical in having women's interests and the need for gender parity accepted by the ANC. A Women's National Coalition, crossing racial, party, and ideological boundaries, conducted a two-year campaign for gender equality in which two million women took part.⁷⁰ The process built a consensus among diverse women on a gender agenda, which became known as the Charter for Women's Effective Equality. The goal of the Charter was to achieve women's full and equal representation in politics. It also created bonds between women politicians active in the Coalition who would later work together in parliament for the common goal of gender equality.⁷¹

One of the most popular campaigns to increase women's legislative seat-holding is found in the Balkans, spearheaded by the women's organisation BaBe (Be Active: Be Emancipated). Located in Croatia, BaBe has organized training programs for women candidates and has run highly visible and innovative media campaigns on increasing women's political presence.⁷²

Also, in 1993 the Central and East European Network for Women's Issues — a transnational lobby group — allied itself with the European Forum for Democracy and Solidarity to leverage support and resources for region-wide campaigns for women's political representation. Since 1995, the Network has actively promoted awareness-raising campaigns, training for women candidates and lobbying for candidate quotas across the Central and East European region.⁷³ Its program, "Women can do it," came from the Norwegian

68. U.N. DIV. FOR THE ADVANCEMENT OF WOMEN, *supra* note 50, at 22.

69. Yvonne Galligan, *Women in Northern Ireland Politics: Feminising an 'Armed Patriarchy'*, in REPRESENTING WOMEN IN PARLIAMENT: A COMPARATIVE STUDY 204, 204-20 (Marian Sawyer, Manon Tremblay & Linda Trimble, eds. 2006).

70. Meintjes, *supra* note 66, at 230-37.

71. *Id.*

72. BUDI AKTIVNA, BUDI EMANCIPIRANA (B.A.B.E.), THE STATUS OF WOMEN'S HUMAN RIGHTS IN CROATIA (2000), <http://www.enawa.org/NGO/Croatia1.htm> (on file with the University of Maryland Law Journal of Race, Religion, Gender and Class).

73. DAŠA ŠAŠIĆ ŠILOVIĆ, CEE NETWORK FOR GENDER ISSUES, LOBBYING FOR QUOTAS: THE EXPERIENCE OF THE CEE NETWORK FOR GENDER ISSUES 2, 7 (2004) (paper presented at the

Labour Party campaign for women's political empowerment of the same name. To date, "Women can do it" training has been carried out in over 12 countries, the materials translated into all regional languages and an active advocacy campaign for 50:50 gender representation has been pursued.⁷⁴ While progress in achieving this goal is slow, and outcomes modest, there is evidence of women being more politically empowered and integrated into political office across the region.⁷⁵

Thus, civil society activism plays a significant role in securing gender parity in electoral representation. As active political agents, civil society women shape the definition of women's political and social citizenship. It is now understood that the role women's movements and activist women play is vital to the furtherance of gender equality and for the support of women within the political and governing institutions. Together, they form the "velvet triangle" of women's political empowerment, creating the optimum conditions for achieving gender parity in political representation.⁷⁶

V. CONCLUSION

Political representation decided by popular mandate is the cornerstone of democratic politics. The level of women's inclusion in parliamentary assemblies is often taken as a test of legitimate governance. Although this aspect of representation focuses mainly on the "descriptive" form, as identified by Pitkin,⁷⁷ it presupposes that in order for women's interests to be represented adequately in a political system, there must be an adequate number of female MPs in order to do so effectively.⁷⁸ The last decade has ushered in a period of renewed

Int'l Inst. for Democracy and Electoral Assistance (IDEA)/CEE Network for Gender Issues Conference, at Budapest, Hung., Oct. 22-23, 2004), available at http://www.quotaproject.org/CS/CS_CEE-Dasa.pdf.

74. *Id.* at 7-8.

75. *Id.* at 2, 8.

76. See Alison E. Woodward, *Building Velvet Triangles: Gender and Informal Governance*, in *INFORMAL GOVERNANCE IN THE EUROPEAN UNION* 76, 76-93 (Thomas Christiansen & Simona Piattoni eds., 2003) (coining the term 'velvet triangle'); See also Virginia Vargas & Saskia Wieringa, *The Triangle of Empowerment: Processes and Actors in the Making of Public Policy for Women*, in *WOMEN'S MOVEMENTS AND PUBLIC POLICY IN EUROPE, LATIN AMERICA, AND THE CARIBBEAN* 3, 3-23 (Geertje Lycklama A Nijeholt, Virginia Vargas & Saskia Wieringa eds., 1998) (employing a concept similar to that of A. Woodward by analogizing gender rights to the structure of triangles).

77. HANNA FENICHEL PITKIN, *THE CONCEPT OF REPRESENTATION* 60-91 (1967).

78. The notion of "critical mass" adopted from organizational theory, and specifically from the influential work of Rosabeth Moss Kanter, has had a major impact on feminist

interest in democratic legitimacy and brought a critical eye to bear on the composition of parliaments.

The exponential increase in quota provisions either through legislative measures or voluntary party commitments is a testament to the global push for women's inclusion in elected assemblies. Yet, quotas come in many forms, have complex connections with political systems and electoral processes, and influence candidate selection decisions. Voluntary, party-based quotas may be more easily adopted than their legislative equivalents. These measures, however, run the additional risk of being set aside as party leaders shift electoral strategies to address other concerns, or simply return to customary patriarchal patterns of behavior. Civil society plays a vital role in keeping pressure on the political system for gender parity in representation. Coalition building to press for political parity has yielded particularly positive results — sensitising society to gender equality, creating a climate accepting of gender equality norms, and providing political women with an important source of leverage in pursuit of parity claims. The most effective and enduring strategies stem from a coalition of female politicians, women leaders and feminist activists. While positive-action measures can be effective in the absence of this “velvet triangle,” as shown in South-East Asian societies, the participation of all three groups is generally required in order to move political will towards a more gender-equal view of democracy.

scholarship in the area of political representation. More recently, this duality in political representation has been complemented by focus on a third aspect – the contribution of gender equality institutions within the administrative structure to promoting gender equal representation. Joni Lovenduski's recent collection, *State Feminism and Political Representation*, makes a major European contribution to this discussion. STATE FEMINISM AND POLITICAL REPRESENTATION, *supra* note 8, at 94-101.