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Gender Quotas: Towards Parity Governance?

Eléonore Lépinard and Ruth Rubio-Marín¹

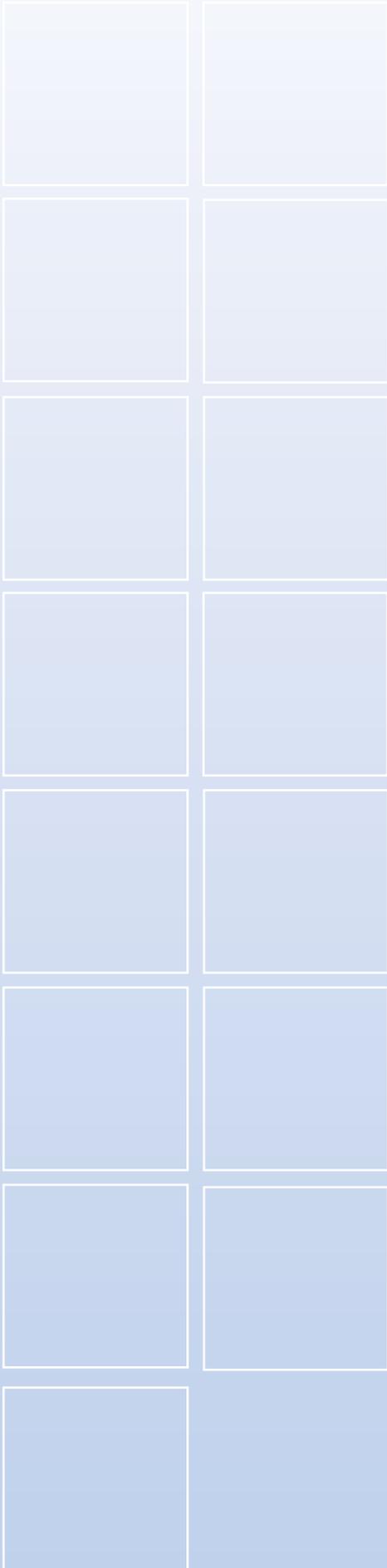
Highlights

Largely part of a worldwide trend to enhance women's empowerment, gender quotas, a policy requiring the inclusion of a certain number of women candidates or legislators, have become the new preferred tool to promote women's equal participation in decision-making bodies in the political as well as the economic spheres. This suggests that the absence of women from all traditionally male domains of power, and not just politics, is increasingly seen as being in tension with modern notions of gender equality, democracy and good governance. Often perceived as a « fast track »² way to achieve gender equality and as a potent instrument to tackle structural roots of gender inequalities, political gender quotas have been largely adopted in various regions of the world - initially in Latin America at the beginning of the 1990s, then in Europe and Africa - as well as in various political contexts (consolidated democracies, authoritarian regimes, post-conflict transitions and more recently post-Arab Spring reforms). Gender quotas in corporate boards are a more recent trend, initiated by Norway and France at the turn of the millennium and now discussed in several European countries under the impetus of the European Commission. Despite their rapid expansion, gender quotas are complex and often contested measures. Whereas quotas have for the most part proved successful in increasing women's political representation - although very rarely to the extent of reaching parity- they have also been disappointing, both in terms of the still insufficient numbers of women they

1. Eléonore Lépinard is Associate Professor and Director of the Center for Gender Studies at the University of Lausanne. Ruth Rubio-Marín is Professor of Constitutional and Public Comparative Law at the European University Institute.
2. Dahlerup, Drude and Lenita Freidenvall, 2005 'Quotas as a "Fast Track" to Equal Representation for Women'. *International Feminist Journal of Politics*. Vol. 7, no. 1.

POLICY

BRIEF



have brought to decision-making bodies and the insufficient ways in which such numbers have translated into policy outcomes or governance modalities. The question that remains unanswered is whether women's presence can also bring a more gendered understanding of citizenship and democracy.

This policy brief reviews the obstacles and windows of opportunity for the successful implementation of gender quotas, drawing lessons and identifying best practices from a comparative analysis of regional and national experiences in quota reforms in the political as well as the corporate sphere. Particular attention is paid to recent innovations in quota reforms and to diffusion mechanisms between regions and countries, as well as to the role played by international organisations within these dynamics; not to mention learning processes across time, which enable to refine quota schemes and make them more efficient both at a national and international level.



Background

In 2012, Michele Bachelet, at the time Executive Director of UN Women, placed women's political participation and economic empowerment as a 'top priority' for the organisation. However, the target of 30 percent women in decision-making bodies by 1995 - according to the UN Economic and Social Council in 1990 - is yet far from being met. The same applies to the target of 50-50 percent access and effective representation of both men and women, as understood from the call made in the 1995 Beijing Conference on Women for governments to "ensure equal representation of women at all decision-making levels in national and international institutions"³

In looking at the actual global distribution of political power, an uneven picture is revealed. The number of elected women Heads of State and Government in the world has increased from 8 in 2005 to 17 in 2012. Global statistics indicate that the Nordic countries have the highest percentage of women ministers at (48.4%), followed by the Americas (21.4%, up 3 points from 2005). The region with the third highest percentage of women ministers is sub-Saharan Africa at 20.4%, up 3% since 2005. In Europe the percentage of women ministers is 15.3%. In the Pacific, the percentage of women ministers is 11.5%, followed by Asia at 10.5%, and the Arab States at 7%.⁴

With respect to legislatures, the most noticeable trend is the growing implementation of gender quotas to overcome women's political under representation. Today, more than 80 countries from all regions of the world

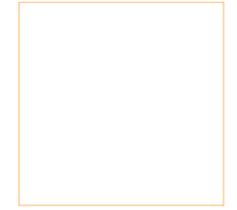
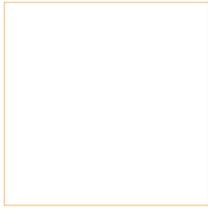
implement forms of gender quotas. The pace of adoption of these policy measures is accelerating: over the last 15 years, more than 50 countries have adopted electoral reforms to implement gender quotas.⁵ First experimented with in Latin America at the beginning of the 1990s, starting with Argentina and then spilling over to neighbouring countries, gender quotas were then introduced in Europe (North, West and South) and Sub-Saharan Africa (with 31 countries out of 48 displaying some quota scheme). Today, they are discussed or adopted in Northern Africa and Middle Eastern countries as well. Gender quota reform is often an ongoing process: in many countries such as Mexico, France or Argentina, quotas are being redesigned to increase their efficiency – most often, though not always, targeting higher numbers. However, despite this successful international diffusion, gender quotas have not always been the "fast track to equality" (Dahlerup and Freidenvall 2005) that one might have hoped for. Discrepancies in the results achieved by these policies raise the question of the enabling factors that are necessary for quotas to reach their objectives of substantially improving the political representation of women and their participation in decision-making bodies.

The growing interest and policy-making to increase women's political representation has been complemented in recent years with the emergence of the issue of women's participation in corporate decision-making instances. Indeed, gender quotas are now also considered as potential mechanisms to enhance the representation of women in corporate boards. This suggests that the absence of women from all traditionally male domains of power, and not just politics, is increasingly seen as being in tension with modern notions of gender equality, democracy and good governance.

Women's leadership in the economy has been actively promoted in recent years within the wider institutional realm, including through gender quotas in the business sector and in trade unions, by the UN Economic

3. Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, 15 September 1995, <http://www1.umn.edu/humanrts/instree/e5dplw.htm>
4. UN Women, "Michelle Bachelet Highlights Quotas to Accelerate Women's Political Participation", Remarks of Michelle Bachelet, Executive Director of UN Women at the Press Conference on Women in Politics, 2 February 2012, <http://www.unwomen.org/2012/03/michelle-bachelet-highlights-quotas-to-accelerate-womens-political-participation/> See also Map Women in Politics: 2012 by UN Women and Inter-Parliamentary Union, http://www.ipu.org/pdf/publications/wmnmmap12_en.pdf

5. *Quota Project, Global Database of Quotas for Women*, International Institute for Democracy and Electoral Assistance (IDEA), Stockholm University and Inter-Parliamentary Union, <http://www.quotaproject.org/aboutQuotas.cfm>



Commission for Latin America, UN Women, the International Labour Organization, the United Nations Development Programme, the World Economic Forum⁶ and the World Bank. However, the fact remains that in OECD countries, for example, only one in ten board members of top companies are women, with great variation across countries.⁷

Pioneering this trend at the global level, different European countries have adopted laws to promote gender equality on corporate boards. Indeed, Norway, Italy, Spain and Iceland all have imposed quotas in the boardrooms of publicly traded companies, and after Norway ruled corporate boards be 40 percent female in 2004, female presence on boards rose from 25 percent to 42 percent.⁸ France also introduced legislation in January 2011 establishing that the boards of its large publicly traded companies include 40 percent female by 2017. Despite claims by the business sector in other EU countries that companies would promote women on boards on a voluntary basis, numbers have not matched the promises. Taking note of this stalemate, in 2011, Commissioner Viviane Reding gave public companies 12 months to commit voluntarily to filling 30 percent of board positions with women by 2015 - going up to 40 percent by 2020 - to avoid legislative action from being taken. The advancement of threats by public bodies seems to have had effect on gender quotas initiatives in the business sector. Voluntary initiatives are springing up. For example, the UK's 30% Club has brought together chairs of top corporations to proselytise about the value of women on boards, with a goal of 30 percent by 2015.

Against this background, of a global trend in favour of gender quotas as the preferred mechanism to correct power imbalances between the sexes, it seems timely to

assess the factors that enable quota adoption and efficient implementation, the likely limits of such measures, and the burning issues that quota reform is triggering.

Key Issues

Still a contested measure

Whether referring to women in politics or on corporate boards, critical forces of quota schemes are numerous and are often responsible for the inefficient enforcement and watered down approaches, as well as for a delayed implementation of quota reforms. The main argument against quota reforms is that they are unfair, in fact, discriminatory, and will often bring undeserving and insufficiently qualified women to decision-making bodies. This key question must be addressed if quota reforms are to be passed and efficiently implemented. Although research shows, for example in Uganda, that “quota women” may actually be more qualified than “non-quota women”, everywhere criticism abounds regarding the quality and legitimacy of the women selected to be on boards or run for office. Although, both for politics and corporate boards, access to decision-making bodies is rarely (if at all) based on merit, interestingly, the moment quotas are discussed the issue is raised, and women benefiting from quotas are perceived as undeserving and unqualified. In this vein, quota reform might be an opportunity to discuss and redefine more clearly the traditional definitions of qualifications and merit, which may be quite simplistic (taking formal education, or professional years of experience in paid employment as the only relevant criteria). Similarly, in spite of merit talk, any careful assessment of merit criteria of men in positions of power, however narrowly defined, is likely to show that reasons other than merit (such as informal networking, or simply the accumulation of power) often account for their presence.

Several arguments can be used to counter the merit-based criticisms. However, they should be carefully assessed because they might backfire. For example, although the argument that “women make a difference somehow” (often referred to as *substantive representation*) is very commonly voiced and effective in convincing power

6. Saadia Zahidi, Senior Director, Head of the World Economic Forum's Women Leaders and Gender Parity Programme and co-author of the WEF's *Global Gender Gap Report 2011*, <http://www.weforum.org/issues/global-gender-gap>
7. OECD *Gender Browser*, http://www.oecd.org/document/20/0,3746,en_21571361_44315115_49820628_1_1_1_1,00.html
8. Kingston, Anne, “Thirty is the new fifty”, in *Maclean's*; 4/11/2011, Vol. 124 Issue 13, pp. 48-50.



holders to implement quota schemes, there is no valid research to show that women, as a collective, systematically have a different approach to that of men when performing as politicians, leaders or managers. In fact, what that difference may be varies. Also, this argument may raise the expectation that elected women will change politics or the corporate world, making them more democratic, transparent, less corrupt, less competitive, more deliberative etc.; an expectation that can hardly be met as the mere presence of women does not automatically lead to radical change in political and economic structures. In sub-Saharan Africa, where legislatures are often weak and regimes authoritarian, quotas have obviously not automatically brought with them more democracy.

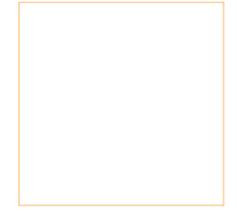
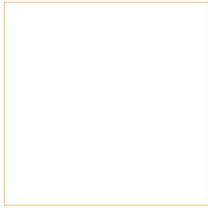
This suggests that, when defending quotas, a shift towards a more institutionalised approach is called for. Instead of looking at which kind of women benefit from quotas, in order to assess their individual merits or lack thereof, we should be examining institutions and the rules, policies and practices that underlie their systemic lack of inclusiveness. Presumably, it will often emerge that women's absence from politics or corporate boards is related to the existence of discriminatory practices, institutional sexism and cultural stereotypes, which may have a negative impact on recruitment policies and candidate selection. In this sense, quotas may be important in producing a discursive shift away from women's lack of interest and lack of preparation and skills, placing the burden of proof on institutions.

It has been found that another argument (sometimes referred to as *symbolic representation*) can be useful to counter quota criticism. This argument states that when women are included in decision-making bodies, and are therefore visible in the public sphere, a change in education follows, affecting girls in particular, who may grow up with more self-esteem and different perceptions of men and women's capabilities. Within these dynamics, quotas can be understood as part of a cultural transformation project, especially when they take the form of parity, i.e. 50-50. Indeed, equal representation of men and women in decision-making bodies challenges traditional conceptions of authority, citizenship and norm creation,

and, in the long run, could contribute to redefining attributes of femininity (such as care) and masculinity (such as authority) in a way that will foster more equal gender roles in society. There is a need to create a public image of what feminine leadership looks like and to develop indicators that allow for a better assessment of this symbolic impact. The recently observed phenomenon of gender quotas' spillover to domains, such as the judiciary, electoral commissions or unions, has the potential to greatly contribute to such cultural transformation linked to new conceptions of citizenship and democracy.

Virtuous circle and institutional design

Despite their global diffusion, gender quotas do not necessarily lead to similar results in diverse contexts. While they prove to be very effective in several Latin American countries and also in Rwanda, for example, their impact can be disappointing like in France. The differences in implementation suggest that gender quota design and the larger institutional design are key factors in determining the quotas' ability to actually bring more women into decision-making bodies. For example, some of the Latin American successful cases of implementation of gender quotas can be linked to the establishment of special monitoring bodies, such as in the case of Mexico with the electoral commissions and tribunals. Monitoring bodies are important because they apply sanctions if quotas do not meet their supposed target (for example for the number of female candidates allowing women's movements to force parties to commit to the legislated gender quotas). The judicialisation of gender quotas explains how initially weak quotas can become strong over time through successive waves of mobilisation from civil society to redesign gender quota schemes, making them each time more demanding, using electoral tribunals as their allies to ensure efficiency. In other contexts, such as France, monitoring bodies for quota laws can act as allies as well, but they might lack the enforcement power that electoral tribunals have in Latin America. They are therefore more dependent on the good will of the political party in power and their lobbying efforts might take much more time to yield similar results.



Accompanying measures

Quotas are only part of the solution to women's exclusion from decision-making bodies in politics and in the corporate world. Indeed, women's exclusion is the result of systemic discrimination inside political institution and economic organisation. To make women's inclusion meaningful and sustainable it is important that quota measures be accompanied by other schemes.

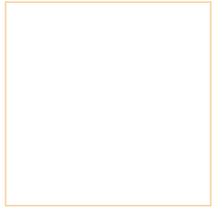
Other measures should always be put on the table when discussing gender quota reforms. These range from reforming political and economic institutions (open recruitment process, clear rules for selection to avoid nepotism and "old boys club" practices, and work/family balance organisational measures), to enlarging the pool of potential female candidates by providing them with training and/or encouraging them to follow professional paths that may lead to high positions of power. For example, since 2008, in Latin America political parties have started to have internal rules for investing money in the training of women and have adopted different other capacity-building measures to enable women to compete for office. Last but not least, measures to tackle structural inequalities in the division of paid and unpaid labour between men and women, such as family and paternal leave policies are key. Women still do most of the unpaid work worldwide. There is a need for policies to get the men to do more of the unpaid care work, through incentives and positive enforcement mechanisms, for as long as women are assigned unpaid care work in the private sphere they will continue to be perceived as an economic drain by employers and power holders. Interestingly, some Nordic countries, such as Sweden, have not had legislated quotas, but have a higher number of women in the public life because they have succeeded in giving incentives to men to be involved in the household tasks and childcare, something which has contributed to a shift in societal culture with respect to the gendered roles of men and women. Hence, when discussing quota reforms attention should be paid to reforms, other than quotas, that actors can adopt in order to create a framework for women to take leadership positions.

The role of international organisations

The diffusion of gender quota policies across the globe was likely made possible by the lobbying efforts of international organisations such as the UN and the EU. Today, the UN appears to be a key player in quota adoption thanks to the electoral assistance programme and the technical assistance it provides, especially to countries in transition to democracy. For example, in the last three years in newly emerging democracies such as Tunisia and Libya, elections had to be organised at short notice and the technical assistance of the international community proved critical. In Libya, the first electoral law after the conflict did not contain any provisions for women's participation; then, UN Secretary-General Ban Ki-moon urged the head of the electoral commission to consider women's inclusion with the outcome of a revised law with a quota scheme. Furthermore, the connection between domestic law and international conventions appears to be important as well. The Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) has been extensively used by activists – for example recently in Egypt – to push the quota agenda during electoral reforms. This role is often undocumented, but crucial, and points to the need for international organisations working in countries in transition and/or monitoring electoral processes to include a gender perspective in their programmes. Moreover, international pressure can be effective in encouraging countries to implement more efficient quota schemes both in politics and corporate boards.

Gender equality in the corporate world: from 'what for' to 'how'?

Whereas half a decade ago companies still questioned the opportunity of bringing more women into management positions and boards, today they instead ask how they can achieve this. There is a shift from a discourse of "zero supply", meaning a supposed lack of interested or qualified women to fill in the positions, to a discourse on demand, stressing what companies ought to do to recruit more women for top positions. In other words, the absence of women in leading positions has been



de-naturalized and many multinational companies are trying to reform their corporate culture accordingly. Nevertheless, numerous obstacles remain. Whereas in the public domain, lobbying and the use of media or the threat of legislation might encourage political parties to recruit more women, the corporate world is immune from traditional lobbying strategies and women's movement rarely target corporations. There, media attention through social networks might prove more efficient to get women onto the managing board because corporations are very concerned about their image (e.g. the case of the composition of a board that became more gender equal after a social media protest via Twitter, or a recent viral video of a Google female employee questioning Larry Page on women's underrepresentation in Google managing positions).

Managing boards are not democracies, and arguments about justice or equality are difficult to discuss, except when government decide to legislate on board composition. In the rest (and vast majority) of the cases, other arguments need to be brought in to encourage quota adoption. Consequentialist arguments targeting outcomes and objectives are the key. Arguments such as diversity, bringing in new ideas and new approaches are the most likely to resonate with boards' concerns. Hence, quotas could be embedded in a broader discussion on innovation and longer-term sustainability, underlining the fact that access to talent is restricted when women are excluded. Interestingly, Europe is witnessing regional migration of women who are moving from countries with a patriarchal corporate culture, such as Spain, towards countries where there is a perception of more opportunities, such as the Nordic countries.

Quotas backlash

A key issue for the future of quota reforms is sustainability. Often designed and legally enshrined as temporary measures, gender quotas might not survive dramatic political shifts. Although in most cases, rhetoric aside, quotas appear to be a new permanent feature of the electoral system, they are not immune to backlash. For instance, in Arab countries, such as Egypt following the

Arab Spring, quota schemes have been watered down or cancelled and women's presence in parliament has plummeted despite their active involvement in the political uprising. Here, the role of the international community in putting forth the need to maintain or improve quota schemes appears crucial, yet lacks clearly spelled-out and universally applicable thresholds.

Policy Recommendations

- Political gender quotas should always be accompanied by complementary measures to ensure women's participation in the public sphere (including outreach and capacity-building measures, as well as adequate pensions schemes, family/parental/sickness leaves, daycare facilities and adequate protocols to combat sexual harassment)
- Political gender quotas should be expanded and applied across the different domains and *loci* of authority (e.g. parliamentary commissions; party leadership; labour unions; university authorities; the judiciary; high executive office; etc.).
- Specific monitoring bodies with enforcement powers and procedures should be put into place to ensure that quotas are duly implemented (such as electoral commissions and courts).
- In order to tackle intersectional discrimination, "nested quotas" (seeking gender quotas within ethnic quotas) should be explored.
- Systematic sex-desegregated data, for local and regional governmental levels across the globe, should be collected, to make it possible to assess the diffusion of quotas, but also their effectiveness within various contexts.
- Attention should be paid to the rationales displayed in the support of gender quotas to avoid that they backfire, by either stigmatising or further burdening women.
- Indicators measuring the impact of gender quotas at the level of symbolic representation (i.e. cultural redefinition of gender roles) should be developed.



- Media should direct their attention to companies that do not sufficiently include women in their governance structure to inform the public and generate public debate on the issue.
- Specific and market-friendly arguments should be developed to back the legislative adoption of quotas in the corporate sector, without placing exclusive emphasis on the financial benefits for shareholders that more women would bring. Rather, values such as innovation, creativity, adaptability, equality and diversity should be stressed.
- International actors should aspire to live up to the ideal of women's equal representation in their governance structures and ensure, when assisting in peace-making, transitional, electoral and constituent processes that women's empowerment is retained as a priority.

Global Governance Programme
Robert Schuman Centre
for Advanced Studies

European University Institute
Villa Schifanoia
Via Boccaccio 121
50133 Firenze - Italy

Contact GGP Outreach Coordinator:
Eleonora.Carcascio@eui.eu

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