

The Implementation of a Women's Quota System in Lebanese Legislation

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Lebanon was among the first Arab countries to grant women suffrage rights in 1953. Its Constitution clearly stipulates that all its citizens have equal rights (Article 7)¹ and enjoy equal opportunities in all spheres of life (Article 12).² Yet after half a century of alleged political rights, it is surprising to find that female representation in the Lebanese parliament is still at a minimum. In the 2005 legislative elections, only six women out of the 128 members made it to parliament (4.7 percent), thus ranking Lebanon 125th (out of 138) on the IPU list.³ For a country that prides itself on being among the pioneer Middle Eastern countries in the high proportion of women college graduates the above grading is quite 'degrading.' The late women's rights activist, Laure Moghaizel,⁴ once exclaimed that all Lebanese women who enter parliament do so wearing black since they always run for a seat vacated by a deceased father or spouse.

Why has women's participation in Lebanese politics been so slow? Although analysis of its causes is beyond the scope of this article, suffice it to mention here that some attribute this lack of participation to the country's confessional system of representation, while others believe that in spite of its avant-garde profile, Lebanon is still cocooned in an extremely parochial and patriarchal system. Furthermore, a

recent study on post-conflict societies has noted that since men are usually the warmongers, peace negotiations consequently further exclude women in post-war parliaments.⁵ However, poor female representation in decision-making positions is not restricted to the Lebanese scene and is quite an international phenomenon since the actual global rate of female representation in national parliaments stands at an average of nearly 17.7 percent to date.⁶

Given this 'under-representation' of women in legislative circles, various international positive action measures have been proposed or implemented to address the present gender issue. To cite a few: The International Bill of Human Rights (1948) followed by the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, 1979), culminating with Beijing 1995, all advocate equal political rights for women and the development of a mechanism that will ensure that women's voices are heard on decision-making platforms. One of the most powerful vehicles to ensure this is the 'quota system.'⁷

This article analyzes whether a quota system should be implemented in the Lebanese electoral law and whether such a step would be viewed as unconstitutional and undemocratic or as enforced 'positive discrimination.'⁸

What is the Quota System?

The core idea behind quota systems is to recruit women into political positions and to ensure that women are not isolated from political life. They usually set a target or minimum threshold for women and aim at ensuring that women constitute at least a 'critical minority' of 30 or 40 per cent in decision-making positions.

There are several types of quota systems⁹ that may be enforced either through a constitutional quota for national parliaments, as election law quotas, or in the internal structures of political parties. To date 92 countries have implemented the quota system constitutionally, in legislative mandates or through voluntary political party quotas.¹⁰

When the Lebanese cabinet created a commission to propose a new electoral law in August 2005,¹¹ one of the commission's primary tasks included the study of the possibility of introducing the women's quota system. To get an objective viewpoint about all aspects of the electoral system, political parties, organizations, NGOs, and individuals were invited to present their proposals and to fill in a questionnaire with 18 points. Point 6 specifically asked: 'Are you in favor of introducing a women's quota system: a) as reserved seats in parliament (10-30 percent), b) on electoral lists c) against d) no opinion?' Of the 121 proposals presented, only 6 were by female organizations¹² or individual females. The results were as follows:

- 16.3 percent were in favor of implementing a 30 percent quota system in parliament as stipulated by Beijing and signed by Lebanon.
- 5.4 percent were in favor of a quota of 10-20 percent of seats in parliament.
- 23.9 percent were in favor of introducing a quota system on the electoral lists.
- 35.9 percent were categorically against any form of quota.
- 5.8 percent had no opinion on the matter.

In short, 46.5 percent were in favor of insuring some form of female representation either at the candidacy level or at the parliament level, for a temporary transitional period.

To further clarify the proposal with the questionnaire's multiple questions, the commission was invited to an open two-day discussion to debate all the proposals. One of the items on the agenda was specifically the issue of a women's quota. After a general introduction on the history, pros and cons of the quota system,¹³ the discussion that ensued raised some of the following concerns:

The majority of those opposing any system of a women's quota argued that the Lebanese Constitution very clearly

grants equal rights to all its citizens and hence the introduction of 'special favors' is highly unconstitutional and undemocratic.

Others argued that while the law grants women political rights, any substantial progress is hampered by the patriarchal confessional system, in addition to the financial constraints that make it impossible for women to pay the registration, campaigning and advertisement costs. In short, unless a quota system was imposed, women would never have a say in decision-making and Lebanon would never be able to honor its being a signatory of Beijing and CEDAW.

Would Introduction of a Quota System be Viewed as Unconstitutional and Undemocratic?

At the outset, it is important to revisit the concept of democracy and its modes of application in the twenty-first century. Although the ancient traditional Greek word defines democracy as the rule of the demos or the people, i.e. the majority, women in Athens were excluded from the right to vote. To Athenians, the principle of equality was only applicable in the public sphere of the polis and women formed part of the private sector (oikos).¹⁴ During its work on a new electoral law for France, the Vedel Commission¹⁵ stated that it is imperative to find a system that ensures parliamentary seats to groups that normally would not be capable of securing a majority. In systems like Lebanon where democracy is consensual, the rights and aspirations of permanent structural minorities,¹⁶ including 'women,' have to be insured. It may, however, be argued that the female population of Lebanon constitutes 52 per cent of Lebanese population, and hence cannot be classified as a minority. Moreover, the Constitution does not bar women from their civil rights. While the Constitution in theory clearly grants women 'civil rights' and the right to political representation, in practice their civic status remains far from what is desired. Furthermore, it is simply not enough to have the right to vote. A mechanism should also be defined to designate the potential candidates and to facilitate the procedure by which they may be elected.¹⁷ Why is it important that women participate in politics? Why should nations artificially accelerate the process and not wait for the natural course of time?

In the course of half a century of Lebanese parliamentary history, the number of women deputies has not exceeded six, with one exception at the ministerial level¹⁸ and an almost total absence in the polit bureaux of political parties. This implies that the wait for a natural process and selection may be quite a long and frustrating experience. Thus there is a dire need for artificial intervention and acceleration, a step that will simply launch the process for a limited period, namely the enforcement of a quota sys-

tem, “for gender quotas are not the end, but the beginning of a process.”¹⁹

Quota systems, a priori presume the existence of an imbalance in the legislative political structure. They are, therefore, an ‘expression of impatience’ for gender equity in the political sphere and a tool that provides a jumpstart to begin correcting these imbalances. Furthermore, no country can claim to be truly democratic when 52 per cent of its population is marginalized. The UN report, *Women and Elections*,²⁰ clearly states: “Only when institutions are democratic and representative of all groups in society – women as well as men, minorities as well as majorities, the dispossessed as well as the affluent – are stable peace and national prosperity likely to be achieved.”²¹

Furthermore, as previously mentioned, electoral rights mean much more than simply the right to vote. They also include freedom of expression, of assembly and associa-

tion, freedom to take part in the conduct of public affairs, to hold office at all levels of government, etc... ‘United Nations international human rights instruments affirm that women are entitled to enjoy all these rights and freedoms on the same level as men. Women’s equal participation is therefore essential to the conduct of democratic elections.’²²

Because of all the above and because: “One of the most effective ways to ensure that women are elected to office is to require that party candidate lists be gender balanced or include a certain proportion of women,”²³ the Lebanese Commission proposed imposing a 30 per cent quota on all electoral lists for a temporary period of three electoral rounds (12 years). In other words, no electoral list will be registered unless it includes a minimum of one woman’s name out of each three candidates. Furthermore, being aware that “more women tend to be elected under the proportional representation system,”²⁴ the Commission introduced a partial proportional system of voting along-

Women in National Parliaments World Classification

Rank	Country	Elections	Lower or single House		
			Seats*	Women	% W
1	Rwanda	09 2003	80	39	48.8
2	Sweden	09 2002	349	158	45.3
3	Norway	09 2005	169	64	37.9
4	Finland	03 2003	200	75	37.5
5	Denmark	02 2005	179	66	36.9
10	Belgium	05 2003	150	52	34.7
16	Iraq	01 2005	273	86	31.5
34	Tunisia	10 2004	189	43	22.8
63	Cyprus	05 2001	56	9	16.1
66	USA	11 2004	435	66	15.2
67	Israel	01 2003	120	18	15
81	France	06 2002	574	70	12.2
83	Syria	03 2003	250	30	12
90	Morocco	09 2002	325	35	10.8
98	Sudan	12 2000	360	35	9.7
118	Algeria	05 2002	389	24	6.2
121	Jordan	06 2003	110	6	5.5
125	Lebanon	05 2005	128	6	4.7
"	Libya	03 1997	760	36	4.7
126	Turkey	11 2002	550	24	4.4
127	Iran	02 2004	290	12	4.1
133	Egypt	11 2000	454	13	2.9
134	Oman	10 2003	83	2	2.4
135	Kuwait	07 2003	65	1	1.5
137	Yemen	04 2003	301	1	0.3
138	Bahrain	10 2002	40	0	0
"	Saudi Arabia	04 2005	150	0	0
"	UAE	02 2003	40	0	0

* Figures correspond to the number of seats currently filled in Parliament
Source: <http://www.ipu.org/wmn-e/classif.htm>

side the conventional majority system that has so far been proven to be unfair to women's representation.

Could the Adoption of a Quota System be Dismissed by Parliament as Unconstitutional?

It is true that the Lebanese law stipulates in theory that all its citizens are equal, but in practice this equality has never been implemented. It may be argued, therefore, that any election that does not provide the opportunity for full and equal participation by women fails to comply with international obligations and standards²⁵ and any step that artificially and temporarily accelerates this process and realizes the Constitution should, therefore, be viewed as right and democratic.

Furthermore, Lebanon has ratified the CEDAW and Beijing conventions and these clearly state:²⁶

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the

objectives of equality of opportunity and treatment have been achieved.

The question to be asked here is: "If parliament ratifies the quota system, will this ratification and its implementation lead to the desired goals?" And is the Lebanese public ready for the change that ensues? A recent study conducted by the Lebanese Women's Association²⁷ on the role of women in Lebanese elections clearly showed that 81 percent of respondents encouraged a women's quota system in parliament and 76 percent favored the nomination of women deputies to office.

Finally, although the quota system provides an official tool to facilitate women's participation in politics, the main responsibility for making use of it and using it efficiently remains the responsibility of women themselves. Unless full advantage is taken of these 'temporary measures,' and unless Lebanese women assume their active role in the political arena, Lebanon may soon lose its 125th position to get pushed further towards the bottom of the list alongside nations with the smallest number of women parliamentarians in the world.

Endnotes

* Arda A. Ekmekji is the only female member of the recently appointed Commission for a New Lebanese Electoral Law.

1. Article 7: All the Lebanese are equal before the law. They enjoy equal civil and political rights and are equally subjected to public charges and duties, without any distinction whatever.

2. Article 12: All Lebanese citizens are equally admitted to all public functions without any other cause for preference except their merit and competence and according to the conditions set by law. A special statute shall govern civil servants according to the administrations to which they belong.

3. International List of Women in Parliament (IPU, November 2005).

4. Laure Moghaizel, 1929-1997, lawyer and activist, author of *Women in the Lebanese Legislative System*, [Arabic], IWSAW, LAU, Beirut, 1985.

5. United Nations. March 2005. *Women & Elections. Guide to Promoting the Participation of Women in Elections*. p.8.

6. Inter-Parliamentary Union (www.ipu.org).

7. IDEA - International Institute for Democracy and Electoral Assistance (www.idea.int/).

8. See also Bunagan, Melanie Reyes, Ma. Dashell Yancha, "The Quota System: Women's Boon or Bane?", in *Women Around the World*, (Editor: Sheila Espine-Villaluz) A quarterly Publication of the Center for Legislative Development, April 2000, Vol. 1, No. 3.

9. Dahlerup, D. 1988. "From a small to a large minority: Women in Scandinavian politics," *Scandinavian Political Studies*, 11, pp. 275-98.

10. Global Database of Quotas for Women, A joint project of

International IDEA and Stockholm University (www.idea.int/)

11. Cabinet Decision No 58 dated August 8, 2005.

12. It is important to note that two of these proposals were made by women's organizations that include at least 166 other organizations.

13. Session chaired by author of this article.

14. Marques-Pereira, B. 2003. *La Citoyenneté Politique des Femmes*. Armand Colin : Paris, p.15.

15. Extract from *Rapport sur le Problème de la réforme du mode de scrutin pour l'élection des députes*. (Report of the George Vedel Commission) February 1993.

16. Gérard, P. 1995. *Droit et Démocratie*, Publications des facultés universitaires Saint-Louis, Bruxelles, p. 212.

17. Martin, P. 1994. *Les Systèmes électoraux et les modes de Scrutin*. Montchrestien, Paris, p. 9.

18. The cabinet of Omar Karame in September 2004 included for the first time two women ministers.

19. See Women's Quotas in IDEA - International Institute for Democracy and Electoral Assistance (www.idea.int/)

20. Op. cit. United Nations.

21. *ibid.* p. 5.

22. *ibid.* p.10.

23. *ibid.* p. 36.

24. *ibid.* p. 24.

25. *ibid.* p. 10.

26. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article4> clause 1

27. Maa Data (www.maadata.org) Report, January 2006.