THE USE OF QUOTAS FOR WOMEN'S POLITICAL REPRESENTATION IN THE EUROPEAN PARLIAMENT

Ioana Antoaneta DODI, PhD Student
National University of Political Studies and Public Administration
Bucharest, Romania
ioana_d357@yahoo.com

Abstract: In this article I try to anticipate what would be the impact of introducing a quota system for women's political representation in the European Union. The perspective I use is that of the EU as a federal model that develops according to a neofunctionalist dynamic. In the analysis, I shall refer to the proposal of introducing a single electoral law for the European elections.

Key-words: women’s political representation, electoral quotas, European electoral law, proportional representation, legitimacy.

1 This article is based on a chapter of the author's master's thesis, The influence of introducing a European system of quotas for women's political representation on the European integration process, in July 2012 in the National University of Political Studies and Public Administration- Department of International Relations and European Integration.
1. INTRODUCTION

In this paper I intend to investigate the implications it would have to introduce a quota system at European level in relation with the process of European integration. For this endeavour I shall use the theoretical framework consisting of federalism, neo-functionalism and feminist theories of political representation, examining in particular the ways to increase women's representation through quotas.

The theme is particularly relevant in the context of the democratization of the European Union, which seeks to increase the transparency and legitimacy of the European institutions, to enhance their interactions and European citizens, to encourage the participation of the latter in European politics.

In this paper I take into account option of introducing a quota system to ensure a balanced representation for members of the European Parliament (MEP); although the number of women MEPs has increased since the introduction of direct elections to the European Parliament and to date, this trend is not a guarantee of a constant presence of a particular percentage of women in European Parliament as long as electoral rules will continue to be established at the national level, by each individual state, because this means a dependence on political parties in power at the national level, their ideology, and their willingness and opening regarding the inclusion of women on candidate lists.

2. THEORETICAL FRAMEWORK

The theoretical framework of the article consists of the neofunctionalist theory, the federalist one and the feminist theories of political representation. The federalism suggests the principles and the form of institutional organization that European Union aspires to, while the neofunctionalism outlines the method used to extend and strengthen this institutional structure, whereas feminist theories of political representation highlight the role of the women citizens in this dynamic.

The federalism is a system of government that unites different countries, while allowing them to have a significant degree of autonomy, which has a written constitution and emphasizes the importance of decentralization of power and
Neofunctionalist theory is characterized by three basic elements: spillover, the transfer of loyalties and role of the elite. The spillover denotes a process by which the actors of the integration model (which reach an agreement on certain collective goals, but are not satisfied with achievements) attempt to resolve the complaints by enhancing the commitments on a certain sector of activity (leading to an increasing level of mutual understanding) through the use of collaboration in another sector partner (expanding the range of open collaboration areas) or both (Schmitter 1969, p. 162).

The transfer of loyalty of interest groups and political parties occurs because they see in European integration a way to solve the problems they are facing (Jensen 2007, p. 87), and the role of elites also refers to changes on preferences and loyalties, but this time it is about the people constantly involved in the supranational political process, who would develop European loyalties and preferences standards and who would assume European ideas and standards (Jensen 2007, p. 91-92).

By the phrase political representation is understood the ensuring the presence of an entity without its physical presence (Pitkin 1972, p. 8). Gendering representation consists of “describing, analyzing and explaining the gender component of the subject and object of political representation” (Celis 2008, p. 73). The descriptive representation focuses on the members that make up the representative structures, the degree to which the representation is reflected in their composition (Celis 2008, p. 75). The substantive representation refers to what the elected representatives do, namely “the action in the interests of the individual” (Pitkin, Hanna. 1972. The concept of representation. University of California Press apud Celis 2008, p. 76).

The system of quotas is a measure designed to increase the representation of women in politics and can be implemented in the respective structure (by reserving a number of seats) in the party (by regulating the process of selecting candidates nominated or by determination of the percentage of women on the lists of candidates) or the legislative (through electoral law or the Constitution), depending on the characteristics of each country or region to which it applies to (Krook 2009, p. 6).
3. POLITICAL REPRESENTATION IN THE EUROPEAN PARLIAMENT

The European Parliament is the institution composed of members directly elected by European citizens, but the electoral rules for these elections vary for each Member State, given the fact that the European Union doesn’t have a common electoral law: 14 countries (Austria, Belgium, Bulgaria, Czech Republic, Finland, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Slovakia, Slovenia, Sweden) have an electoral system based on preferential voting, unlike the other 13 states (Cyprus, Denmark, Estonia, France, Germany, Greece Hungary, Latvia, Poland, Portugal, Romania, Spain, United Kingdom). In addition, 11 countries (Austria, Czech Republic, France, Germany, Greece, Hungary, Lithuania, Poland, Slovakia, Slovenia, Sweden) of the 27 require thresholds of 3% - 5% (Duff 2011)\(^1\), which are political obstacles to women’s political participation because they depend on a party affiliation and thus, on the will of its leaders.

4. THE FEDERALIST PERSPECTIVE ON THE INTRODUCTION OF QUOTAS

Various elements of the European Union resemble it to a federal state and I shall use them to determine what would be the effects of the introduction of a system of quotas for women's political representation in the European Parliament. This section is divided into four sections corresponding to categories related to the items from above.

4.1. The Lisbon Treaty (LT)

The Lisbon Treaty provides that the European Parliament and the Council of the European Union determine the necessary provisions for the election of the

\(^1\) See Annex V to the “Explanatory Statement: European Parliament: Elections Current Practice in Member States”. 
members of the European Parliament (MEPs) by direct universal suffrage in accordance with a uniform procedure in all Member States and in accordance with principles common to all Member States (LT – TFEU, art. 223). Given this and the fact that the functioning of the Union is founded on representative democracy (LT – TEU, art. 10), the introduction of quotas for women's political representation is in line with the EU's political model.

On the other hand, to ensure political representation of women through a quota system is a measure which seeks to achieve the equal opportunities objective assumed by the European Union through the Lisbon Treaty (LT – TEU, art. 18-19), which states that the European Parliament and the Council may take necessary measures to "combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

Through the Lisbon Treaty, the European Union adopted the Convention method as a way to change the format of its treaties. Therefore, the European Parliament will be one of the actors involved in this process, but this is not enough to give legitimacy to the procedure given that Parliament is composed predominantly of men, which means that women participate in this process in a small extent. Introducing a quota system for representation of a constant percentage of women in Parliament would ensure their participation in the Convention and, consequently, in decisions relating to treaties, primary documents regulating the activity of the European Union. Thus, through the contributions of a significant group of women, there is a higher probability that the questions of interest for European female citizens can be found throughout the texts of the Treaties.

4.2. The federal European Union

Arendt Lijphart (2006) applies the consensual model of democracy for EU, a model that is preferred more by federal states. The criteria considered by the author are: executive power-sharing in coalition governments, a balance of power between the executive and legislative, a multiparty system, proportional representation, the corporatism of interest groups, federal and decentralized government, strong bicameralism, constitutional rigidity, constitutional control, central bank independence. Of these elements, I turn my attention towards the multiparty system, the proportional representation and
strong bicameralism in order to update this analysis and see if there are significant changes.

First, the multiparty system (Lijphart 2006, p 58) is characterized by a high political fragmentation and the presence of several parties in the legislature. This feature of the European Union persists, given that there are 8 European Parliament political groups (European People's Party Group, the Progressive Alliance of Socialists and Democrats in the European Parliament, Group of the Alliance of Liberals and Democrats for Europe, the European Conservatives and Reformists Group, the Group Greens / European Free Alliance, Confederal Group of the European United Left / Nordic Green Left, Europe of Freedom and Democracy), from which the EPP has 271 seats, the S&D 188 of the seats, meanwhile the other groups have between 85 (ALDE) and 34 seats (Nordic Green Left), while 30 seats are held by unaffiliated1. Second, the proportional representation (Lijphart 2006) is still the trend method for choosing the MEPs, even if some states have a majority vote for their national elections (as Britain, which elects MEPs by a system of proportional representation since 1999). For the European elections, Member States still use models like D'Hondt (17 states), Hare (4 states), Sainte-Lagüe (3 states) or single transferable vote (3 states)2.

Third, bicameralism (Lijphart 2006, p) is found in the European Union, if we consider that the co-decision procedure has two main players: the European Parliament and the Council of the European Union. Also, if the Parliament represents the people and the Council represents the Member States, we can talk about a lower chamber and an upper one. Lijphart stated that the Council had greater power compared to the Parliament, but it is no longer the case after the entry into force of the Lisbon Treaty, which provides equal power of decision of the two institutions and expands the areas in which the co-decision procedure (which is now automatically applicable in decision making) applies. Therefore, regarding these three identified issues, Lijphart’s consensual democracy model for European Union is still valid.


4.3. A European electoral law

Creating an election law at European level represents a federal element and obtaining a consensus on its formula and its introduction into European law is a matter of time, given that in 2011, the European Parliament was on the verge of submit a proposal to the European Council and European Commission. In April 2011, the Constitutional Affairs Committee of the European Parliament submitted a report on the proposal for amending the Act of 20 September 1976 concerning the election of the European Parliament by direct universal suffrage\textsuperscript{1}.

Among the proposed provisions there was one regarding the election of 25 candidates in a European constituency, in addition to the 751 already established by the Treaty, the possibility of finding a mathematical formula from the proportional representation type ballots on which to make selection of all MEPs, moving the date for holding the European elections from June in May. The proposal also calls for the political parties for their adherence to democratic principles in the selection process of candidates and towards Member State and political parties for promoting a better representation of women or minority candidates (Duff 2011, 6-9).

Gender balance in representation issue is passed as a condition for validation of voter lists in the 3\textsuperscript{rd} Amendment that the Council brought to article 2b of the text proposed by Parliament, but no specific upper or lower limits for any gender (Duff 2011, 21), even if it would have been possible to establish a minimum threshold for women or a gender-neutral rate that does not allow representatives of either gender to be below the threshold. An explanation for this variation may be that the 25 members of the Constitutional Affairs Committee are 20 men and 5 women. However, in its report on electoral reform European Parliament, rapporteur Andrew Duff highlights the need to reach a threshold of 40\% for women in the European Parliament, threshold that even the Council of Europe recommended for the 2014 elections (Duff 2011, 48).

In the debate that took place on July 7, 2011, of the 45 MPs who had interventions, 29 were men and 16 women, representing 64% to 35%. Since no clear outline of the simple majority needed for the report to be adopted, the rapporteur Andrew Duff asked the plenary to send the report back to the Committee.

Although the positions of MEPs were exposed after accepting the need for a European electoral law, some of them expressed doubts about when to make this decision, the final form that would have had to have such a document and the need for a broad consensus in this regard; therefore the MEPs in Strasbourg decided to postpone the vote on the report.

Of the written reasons it can be seen that the criterion for the formulating positions was moving to a higher step in the federation of the European Union and we can distinguish three kinds of attitudes: in favour of adopting the report (in a number of three, two of which belong to women and one a man), in favour of postponing the vote in order to achieve a greater consensus (in a number of four, three men and one woman) and against the adoption of the report (two views, a man’s and a woman’s).

Those who were against such decision argue that this measure would not be imposed from the bottom-up, by citizens, as it should be, but top-down, by the Euro-federalist group seeking a united political and electoral system (Jan Březina, EPP, Czech Republic), the advantage that large states would have from creating a list for a constituency in Europe (Ilda Figueiredo, GUE / NGL, Portugal). Jan Březina (EPP, Czech Republic) believes that this step is too advanced compared to the social and political reality. This argument is not valid because it is just the time to introduce reform measures that would enhance the legitimacy of the European institutions so that they can act politically in order to face economic pressures coming from outside the EU (e.g. from rating agencies or investors).

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The report was not been adopted until now, even if the arguments in favour cast by MEPs have not lost power, but rather are increasingly present, referring to the EU constitutional elements. For example, for Monika Flašíková Beňova (S & D, Slovakia), the increased powers of the European Parliament that came with the entry into force of the Lisbon Treaty created the need for internal and electoral organization that could benefit in terms of cohesion, legitimacy, efficiency and pluralism. Also, Luís Paulo Alves (S & D, Portugal) pointed out that the European Parliament should reflect the diversity of populations in Europe, because it is a vital condition for legitimacy.

Turnout for European elections has steadily declined from 1979 to 2009, decreasing from 62% to 43%; the strongest decrease occurred in 1999 compared to previous elections, in 1994 (about 7 percent). As can be seen from the data in the table below, this trend manifests itself for most Member States individually, even in the first held elections in new entered the Union states, such as in 2007: Romania and Bulgaria (the presence to vote did not exceed the 30% threshold) and the 2004: Czech Republic, Estonia, Poland, Slovenia and Slovakia (below 30%), Lithuania and Latvia (below 40%), except Cyprus and Malta (which Voter turnout of 72% and 82%, compared to the lowest of the EU’s population).

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Continuity and Change in European Governance

Figure 1. Turnout at the European elections (1979-2009)
From this point of view, it is important the argument that Edite Estrela (S & D, PT) uses to justify her vote in favour of adopting the Duff report, namely that this would strengthen the provision introduced by the Lisbon Treaty, according to which MEPs are representatives of the Union’s citizens, including through the positive effect the introduction of a pan-European constituency would have on turnout\(^1\). Introduction of a European electoral law that would use a quota system to guarantee a minimum presence of women in Parliament would result in a significant increase in turnout, given that women represent 51.2% of the European population\(^2\).

At present, MEPs are elected according to the election law of the State of origin, which means that there are different electoral systems, which influence women's political representation. Specifically, the number of women who earn a seat in the legislature is lower if the electoral system is a majoritarian one (e.g. the alternative vote, Parliamentary elections in a round or two, the "winner takes it all") than if it is one of proportional representation type (e.g. single transferable vote or party lists) or even a combination of the two types of exempt, such as the combination of lists and independent candidates (Norris, 2004, p 187).

5. THE NEOFUNCTIONALIST PERSPECTIVE ON THE INTRODUCTION OF QUOTAS

5.1. The spillover effect

First, the introduction of quotas for women's political representation can be seen as a consequence of pressure from "neighbouring" measures taken to the legitimacy of the European Parliament to reduce the democratic deficit of the European Union. The first such measure was the introduction of direct elections for MEPs in 1979, thereafter the recognition of the families of

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\(^1\) Debates, 7 July 2011 - Strasbourg, Report Andrew Duff, A7-0176/2011.

European parties\(^1\) and the adjustments to the Treaties of the European Union allowing the gradual democratization - the Maastricht Treaty, which recognized in Article 8 the right of European citizens to vote and to be elected in the country of residence, regardless of nationality held (Bărbulescu 2008, p 194), increasing the powers of the European Parliament - by providing that the European Parliament would elect the President of the Commission (LT – TEU, art. 14), increasing the Parliament's power to control the body of the European Commission - the possibility of its removal from the adoption of a motion of censure\(^2\) (Sauron 2010, p 273) and its fields of competence - by extending the application of the co-decision (Bărbulescu 2008, p 221) until its transformation into the ordinary legislative procedure of the European decision making process through the Treaty of Lisbon (LT – TFEU, art.289, 294). Furthermore, based on Article 10 of the Treaty of Lisbon, Francisco Luzarraga and Mercedes Llorente (2011, p 115) believe that the Union assumes the principles of the liberal constitutionalism and bases its legitimacy on the political principle of representation, but this legitimacy will only be partial as long as there is a significant gap between women and men that hold roles of representation in Parliament.

Second, the introduction of quotas for representation can be seen as a result of pressure from "neighbouring" measures made in gender mainstreaming at EU level, such as algorithm for appointing presidents of four strong European institutions: the European Commission, the European Council, the European Parliament and the European External Action Service, which includes a reserved seat for women, the other three groups ensuring the ideological representation of left, right and small states. Catherine Ashton is the President of the Council of Foreign Relations and the European External Action Service (which has the same duties and the same type of organization as a ministry for foreign affairs) and Vice-President of the European Commission.


\(^2\) None of the six censure motion has been adopted, all made in the period 1990-2004 (Sauron 2010, p 273), which may be an argument that Parliament's participation in the political game was consolidated only after the changes Maastricht Treaty has brought to the European political system.
These three functions that Ashton holds in two major decision-making European institutions, the Council of the European Union (representing half of the legislative power of the Union) and the Commission (which has the right of legislative initiative), indicate the importance of the presence of women in decision-making in areas in which were involved mostly men, such as that of foreign affairs and the defence policy. Therefore, from a neofunctionalist perspective, taking into consideration a spillover dynamic, this measure aimed at including women in male mainstreamed areas can be seen as one preceding a measure that would facilitate higher access of women in the European Parliament.

5.2. Transfer of loyalties

A critical mass of women MEPs will lead to a better representation of women, which will increase their interest in European politics and their sense of European identity, leading to deepening European integration. Although it has increased, women’s presence in Parliament is still low compared to that of men, as can be seen from the following graph¹:

Azza Karam and Joni Lovenduski (2005) identify three steps that need to take in order to produce certain changes in the political system, in order to stimulate participation and representation of women: to know the rules of the system, to use them and to change them. Next I present these three phases, following the analysis of Karam and Lovenduski, who take into consideration four aspects: institutional change, the representation, the results of policies and the discourse.

First of all, women should be aware of the parliamentary functions, the rules (written and unwritten codes), procedures and its mechanisms. Regarding the institutional dimension, the objectives can be achieved through training, orientation programs, creating a network in which women MEPs may provide mentoring to the representation by identifying key positions and ways for women (e.g. Equal Opportunities Committees). Results can be influenced by the introduction of women's perspectives in debates, while speeches denouncing sexist discourses, learning techniques for speech and debate lead to greater confidence of women who want political participation.

Second, if known, the rules can be used, which could mean the nomination of women for various functions (in terms of institutional), the constraint for the political parties to have women in eligible candidate positions (in terms of representation), placing on the public agenda issues of women’s interests (in...
terms of influencing the results) or attending sessions, international conferences to highlight the potential of women (in terms of discourse). Third, these rules can be changed, either by placing thresholds (at an institutional level), by changing the selection system to facilitate access for women candidates in public (at a representation level), by reshaping funding for areas of women’s interests or programs that are targeting women (the results) and moving from the private to the public (at the level of the speech) of the problems faced by women, such as domestic violence, harassment, rape, forced marriages, female genital mutilation.

5.3. The role of elites

The European Commission supports the institutional gender balance; a concrete measure taken in this regard is the strategy to increase the number of women occupying management positions within the European Union, but at the European level it cannot be identified an institutional lobby for women's political representation. Therefore, this element of the neofunctionalist theory is not found still strong enough in terms of political representation in the European Union.

6. CONCLUSIONS

European political integration increasingly includes several policies affecting the lives of European citizens highlighting the need for them to be able to express their will through the mechanisms of representative democracy, whose symbol is the parliamentary institution. If the European Parliament made progress in reducing the democratic deficit by introducing direct elections, by increasing its powers and balancing its powers in relation with the Council (which would represent the other chamber of a bicameral Legislative), the

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The underrepresentation of European women citizens remains a component of this deficiency. The European Parliament can not claim to be a legitimate representative institution if it does not include a significant proportion of those who are supposed to be represented by them, namely women. A presence around the threshold of 30%, as the present one, may be a sign of improving women's underrepresentation problem, but it is not the ultimate goal. Moreover, since a higher presence of women MEPs in Parliament is a condition of representing the interests of European women citizens, it must be ensured through a quota system set in a European electoral law, which does not allow election differences caused by the various types of voting systems used by Member States, by the leaders of political parties in power or that have national parliamentary majority, by the degree of economic, social and political development of that certain society.

The democratisation of the European Parliament leads to a deepening of the European integration, because a significant part of people's expectations will be translated to the European institutions rather than to national ones, whose legitimacy decreases. This transfer of loyalties causes political claims which, if satisfied, will lead to a further increase in European identity and cause, in turn, new expectations that can address issues of already integrated areas (the deepening of integration) or other areas (the extension of integration through the functional spillover effect).

There is a connection between the role of the political actors involved in European political processes and the political spillover, so it is important that women and men should be involved in politics somehow proportionally, in order to avoid the situation in which the areas covered by those policies do not involve women’s interest or expertise. Therefore, these arguments support the hypothesis of the paper, according to which the introduction of a quota system in the EU would lead to a deepening of the European integration process.
LIST OF REFERENCES


Documents


