

The 'Female Quota' in Lebanon: A Temporary Solution to a Chronic Political Problem

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Women have long been subjected to political and social marginalization in the Land of the Cedars. Ever since 1952, the year in which women obtained the right to vote in Lebanon, the proportion of women occupying parliamentary seats has remained exceptionally low.^[i] Despite frequent assertions by Lebanon's male politicians that women constitute half of society and therefore are entitled to have a say in the way the country is run, at present their political representation falls far below acceptable limits.

To spare ourselves a trip into the past let us look at the current parliament where we find that women occupy less than four per cent of the total number of seats; four out of 128.^[ii] In the 2005 parliament, women held six seats out of the same total number.^[iii] While there has been a decline in female representation from 2005 to 2009 in the national parliament, female representation in local assemblies rose noticeably after the 2010 local government elections, with an almost 100 per cent increase on figures from the 2004 elections. Nevertheless, the increase was still below desirable levels, with only 526 women winning places on local assemblies out of a national total of 11,424 seats which were up for contestation (i.e. less than five per cent).^[iv]

As for female representation in government itself, since 2004 - the first year a woman served in any Lebanese government - there has never been more than one or two women holding a

position. Similar levels of representation are seen in the senior elected bodies of Lebanese political parties.[v] Far from granting women additional responsibility, men continue to dominate decision-making processes within the apparatus of state. This is a reflection not only of a male-dominated society, but of the lack of laws which protect women's status and ensure they stand on an equal footing with other members of society. Lebanon's failure to abide by international treaties and agreements that deal with gender discrimination is a further problem, particularly when it comes to ratifying the principle of a 'female quota' for women's representation in decision-making positions, which would certainly contribute to boosting their political participation and reduce marginalization.

Types of Quota

The quota system is based on the idea of granting minorities - be these religious, ethnic, or linguistic - seats in centres of governance. It is thus different to systems that use 'proportionality' in apportioning seats to these minorities, as it operates independently of the electoral process. Multicultural states use such systems to secure both political stability and fair representation for all society's constituent communities within the institutions of state. It also ensures that minorities are involved in public policy making, particularly on policies which will affect them. Furthermore, they make the political system more democratic by reflecting the principles of consensus and participation, as opposed to the binary of majority/minority.

The female quota system differs both in principle and in terms of its application from the minority quota system however. Its international support is based on a principle of equal representation for the two sexes, not to mention the fact that women in no way constitute a minority within society. Historically in Lebanon there has been absolutely no representation for women in decision-making positions, fair or not; and in the majority of countries throughout the world, women's representation remains largely inadequate. The female quota system therefore involves setting aside seats for women in centres of governance. It is thus a 'positive measure' designed to enable women to occupy decision-making positions in the state.

A quota system can promote women's representation via three basic mechanisms:

- The first is the reservation in advance of seats for women. The constitution stipulates that a given number of seats are to be set aside for women in the legislative, local, and executive assemblies, and that this happens independently of the electoral system. In keeping with the constitution's articles, women thus obtain their own specially reserved seats in the legislative and local assemblies. However, the implementation of this type of system can be argued to run counter to the principle of 'free competition' between candidates of both sexes.
- The second, then, is the reservation of seats on lists. This model is based on the freedom of political blocs and parties to nominate female candidates on their lists. This has the effect however of making women dependent on the readiness of any given party or bloc to accept women onto their lists in the first place. Furthermore, this model offers women a generally low chance of winning electoral seats; not only for the reasons mentioned above, but because their success also relies on the order their names appear in the list, and their own individual political strength.
- The third option is the reservation of seats on lists in a way which is actually legislated. This model is similar to the previous one but with one essential difference: the political parties and blocs are legally obliged to nominate a given number of women on their lists. Usually speaking, electoral law stipulates a minimum and/or maximum number of female candidates per list. There are many positives to this model - not least that it does not directly impinge of the principle of free competition between candidates of both sexes, and women are not reliant for representation on individual parties' idiosyncratic attitudes towards women candidates. Furthermore, the fact that seats on the lists are reserved by law considerably increases women's chances of winning.

That being said, there are problems with this approach. Raising the odds of female candidates winning seats requires a number of measures to be put in place, especially determining the position and order of female candidates on party lists. Currently, the preferred method of ensuring female candidates win seats is to order the names consecutively; in the case of a 30 per cent quota, for example, a woman would be placed on the list after every two men. Last but not least, the 'minimum quota' is the system that allows women to win more than the legally determined minimum number of seats, while the 'maximum quota' system does not, as it sets from the beginning the maximum of seats women can be attributed.

The Legal Framework

Thirty-seven years have passed since the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by the United Nations, and some 17 years have passed since Lebanon signed up to the convention in 1997. Its implementation under Lebanese law has not been without pitfalls; Lebanon entertained some reservations about certain articles, specifically 9 and 16, which deal with personal status law. Despite this, successive Lebanese governments have failed to take a single step forward to implement a female quota and thereby enable women to reach decision-making positions.

Article 4 of CEDAW states, 'Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination...' while Article 7 requires that,

'States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms

with men, the right: a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; c. To participate in non-governmental organizations and associations concerned with the public and political life of the country'.[vi]

This was followed by General Recommendation No. 5, 1988, by the Committee for the Elimination of All Forms of Discrimination Against Women, which sought to clarify the meaning of 'temporary special measures', calling on States Parties to take special measures such as 'preferential treatment or quota systems' to advance women's integration into political life.[vii]

The Fourth World Conference on Women that was held in Beijing in 1995 further developed the concept of 'temporary special measures' and called in its Platform for Action for 'the equal mobilization of men and women on the level of decision- and policy-making ... and setting aside quotas to ensure a minimum female representation of 30 per cent.'[viii] The Beijing Report effected positive change in a number of countries which went on to adopt genuine measures to set aside positions for women within the institutions of state.[ix] However, gender equality globally has still fallen short of parity between men and women.

In Lebanon, international conventions and treaties have produced nothing but promises deferred, awaiting the outcome of an endless debate between political forces for and against the principle of creating quotas for women in institutions of governance. Even as academic studies indicate that female representation below 30 per cent means women cannot form a decisive or influential decision-making bloc and that just representation means equal representation, Lebanon still acts as though women's political rights do not exist.

Whilst the text of the draft law that the government placed before parliament in 2010 stipulated that 20 per cent of seats in municipal assemblies should be reserved for women, the draft electoral law that the government subsequently forwarded to parliament in 2012 backtracked and treated women's right to representation in such a way as to deny it any influence on the decision-making process.[x] Article 52, for instance, stipulated only that 'Every party list must include at least one candidate from each gender.' In contrast, the draft law drawn up by Marwan Charbel for the 2013 parliamentary elections contains a quota for a minimum of 30 per cent representation by either gender.[xi]

Of course, none of these draft laws have seen the light to date. The branch committee of parliament's Administration and Justice Committee, which is responsible for looking into electoral reform, has become paralysed. In this way it is no different to the legislative assembly itself, which has been dissolved for more than a year and a half.

Currently Proposed Laws

Perhaps the most notable and longest-standing proposals are those which seek to grant Lebanese women genuinely meaningful political rights. A number of suggestions have been made by the National Commission for Electoral Law, which was founded in 2005 and subsequently known as the Boutros Commission as it was chaired by the late minister, Fouad

Boutros. The Commission has advocated that creating a women's quota on 'electoral lists' was preferable to one based on reserving parliamentary seats for them in advance of the elections so that, 'the electoral system is not burdened with new reserved quotas in addition to those already set aside for sects and regions.' Article 64 of the draft electoral law that the Commission presented to the cabinet in 2006 stipulated that 'all lists drawn up in districts that follow the proportional representation system must include no less than 30 per cent women.'^[xii]

The commission's suggestions caused a radical change in the structure of electoral reforms in Lebanon, not least in the move it makes towards expanding women's access to influential positions in government. But for all that the commission's proposals stemmed from the urgent need for reform - long called-for by Lebanese society, alongside the need for Lebanon to abide by international human rights treaties and agreements to which it is signatory - through the 30 per cent target, the commission also set a ceiling on such reform. This has become difficult to shift. Many proposals put forward since, including former minister Ziyad Baroud's draft law for municipal elections in 2010, contain the same 30 per cent minimum quota for either sex as recommended by the Boutros Commission.

The draft electoral law proposed by the Civil Campaign for Electoral Reform in 2011 altered the calculus for the female quota, with Article 2 of this proposed law stating 'the list must contain a proportion of no less than 33.33 per cent women.' It also contained the innovative suggestion that 'lists must ensure that in the order of candidates there is a minimum of one woman for every three men.' These proposals show that the CCER was extremely keen to ensure that female candidates would have every chance of success, first by including a section on the ordering of female names on party lists, and secondly by insisting on the principle of a 'minimum quota'. To safeguard the principle of free competition between candidates of both genders, the same article also stipulated that the quota system described be implemented 'for only four electoral cycles' on the grounds that 'the female quota is a 'temporary positive measure' designed to enable and effect political participation among women.'

Comparisons with Other Arab States

Unlike Lebanon, the majority of Arab states have already implemented the female quota system. They have pursued this either by reserving seats on legislative and local assemblies or by ensuring that electoral laws contain articles requiring party lists to include a specified proportion of women candidates. For example, Jordan has a quota system based on allocating parliamentary seats to women in advance, with Article 8 of its 2012 electoral law reserving 15 seats for women to which other seats linked to the division of electoral districts may be added.

Iraq has a system based on a minimum quota on party lists, with Article 13 of its 2013 electoral law stipulating that 'the proportion of female candidates on any list may be no less than 25 per cent, while the proportion of female representation in parliament must also be 25 per cent or above'. It also requires that 'when lists are drawn up and candidates placed in order there must be at least one woman every three men.'^[xiii] The Iraqi legislature thus shows itself to be keen on not only political representation for women but also to preserve an absolute minimum of 25 per cent female representation.

A quick comparison of these two countries with Lebanon thus gives us a sense of the indifference of the Lebanese political class to women's issues and the right of women to participate in the decision-making process.

Conclusion

Lebanese women continue to be marginalised by the authorities. They are denied their role in the decision-making process and the political rights guaranteed for them in various international treaties. Whilst Lebanese politicians sing the virtues of the democracy and freedoms which supposedly set it apart from other countries in the Arab world, they still take a back seat when it comes to recognising political rights for women by adopting 'positive measures' which would empower women in the institutions of governance.

Globally, women may be in a better position politically than they were a century ago, but women's political representation in Lebanon has actually witnessed a decline since the last parliamentary elections in 2009. While it is certainly the case that political representation of women has increased in local elections, both in terms of the numbers of female candidates and the number of women winning seats in assemblies, this improvement has not been the result of positive measures taken by the Lebanese authorities. Indeed, this has happened despite the fact that the authorities have managed to completely ignore the international treaties to which they are a signatory.

The current electoral law which dates from 2008 makes no reference to the principle of a gender quota, and the 2012 law that the government forwarded to parliament was a scandalous instance of the ruling political powers' complete indifference to women's issues and the importance of them being represented politically. The only paragraph that references gender quotas in the 2012 law describes it as a matter of 'raising the threshold'. The stipulation that lists must contain at least one candidate of each gender cannot be seen as a positive measure in any sense of the term. Not only because it does not set out any specific, clearly defined percentage, but the text's very unambiguity ensures that the issue remains shrouded in uncertainty. It also fails to include any requirement for the lists to order their candidates in such a way as to ensure female candidates have a chance to win.

Last but not least, it is worth reiterating that it is not enough to issue laws forcing lists to incorporate a fixed gender quota, however generous such a quote might be. At the minimum, lists must also place candidates in a gender-sensitive order, to ensure that female candidates are able to win. In addition, the law must contain articles which make it incumbent on political parties and blocs to ensure clearly defined proportions of female representation in legislative and local assemblies.

The question remains: with the promulgation of the new and long-awaited electoral law, will Lebanon see a leap forward on women's representation? With political parties currently working towards consensus over the fine details, we shall not have to wait long for an answer.

Translated from the Arabic by Robin Moger

[i] For more information see statutes No.6 (4/11/1952) and No.7 (12/11/1952) amending the electoral law that was promulgated on August 10, 1950 at the following link:

<https://www.lp.gov.lb/viewpublications.aspx?id=7> <<https://www.lp.gov.lb/viewpublications.aspx?id=7>> .

[ii] <https://www.lp.gov.lb/HouseDetails.aspx?id=1> <<https://www.lp.gov.lb/HouseDetails.aspx?id=1>> .

[iii] <https://www.lp.gov.lb/HouseDetails.aspx?id=2> <<https://www.lp.gov.lb/HouseDetails.aspx?id=2>> .

[iv] <http://www.nclw.org.lb/Statistic> <<http://www.nclw.org.lb/Statistic>>

[v] See the study by the Lebanese Women's Democratic Gathering entitled *Organizational requirements to strengthen women's participation in political parties and syndicates in Lebanon* at the following link:

<http://www.rdfwomen.org/wp-content/uploads/2014/10/final-book.pdf> <<http://www.rdfwomen.org/wp-content/uploads/2014/10/final-book.pdf>> .

[vi] <http://www.un.org/womenwatch/daw/cedaw/text/0360793A.pdf> <<http://www.un.org/womenwatch/daw/cedaw/text/0360793a.pdf>> .

[vii] <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#top> <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#top>> .

[viii] <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20A.pdf> <<http://www.un.org/womenwatch/daw/beijing/pdf/bdpfa%252520a.pdf>> .

[ix] <http://www.un.org/womenwatch/daw/followup/session/presskit/fs7.htm> <<http://www.un.org/womenwatch/daw/followup/session/presskit/fs7.htm>> .

[x] <http://www.moim.gov.lb/DetailsElections.aspx?idn=36> <<http://www.moim.gov.lb/detailselections.aspx?idn=36>> .

[xi] http://www.elections-lebanon.org/docs_2_1_1.aspx?lg=ar <http://www.elections-lebanon.org/docs_2_1_1.aspx?lg=ar> .

[xii] http://www.elections-lebanon.org/docs_2_1_1.aspx?lg=ar <http://www.elections-lebanon.org/docs_2_1_1.aspx?lg=ar> .

[xiii] <http://www.parliament.iq/details.aspx?LawIDF=575> <<http://www.parliament.iq/details.aspx?lawidf=575>> .