THE EFFECTIVENESS OF GENDER QUOTAS IN POLITICS IN THE NEW EU MEMBER STATES AND ACCESSION COUNTRIES – THE CASE OF MACEDONIA

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Abstract

In the post-socialist countries the introducing quotas in order to increase the presence of women in decision-making structures has a very important meaning. Even they are used as positive measures to increase the political presence of women, still, they don’t have a power to solve the issue of women under-representation. This research will be focused on a new EU members and accession countries with particular interest on the case of Macedonia as a part of the Western Balkans, because of the transition process, the influence of the war’s, EU integration and their influence as an external pressure. As a factor influencing women’s political presence, we will consider political strategies – electoral and voluntary quotas; electoral systems, the influence of political parties, the key players at national, international and non-governmental level. The key point of this research is the effectiveness of the gender quotas in Macedonia, especially regarding the election results before and after introducing quotas, trends and interpretations.

Key words: gender quotas, the effectiveness of gender quotas, women’s political presence
1. INTRODUCTION

The democratic development of countries implies respecting the principle of equality, as well as presence and representation of all citizens in society, including the marginalized groups regarding social, gender or ethnical divisions (Hughes 2011). A lot of researchers have investigations based on the causes for under-representation of women in politics, indicating the institutional, socioeconomic and cultural factors of (Kunovich 2012; Hannagan et al. 2012; Burnet 2011; Hughes 2011; Hayes 2011; Beckwith 2011; Kann 2011; Cowell-Meyers 2011). The main subject of this academic paper is identification, influence and effectiveness of legal quotas for encouraging bigger political presence of women in the post-socialist (i.e. transition) countries from the Western Balkan.¹ Exactly the research is focused on the case of Macedonia in the period 1990-2009, using the quantitative data and relevant empirical research (Nacevska 2013) which relate to the political presence of women. Starting from the theoretical concepts of the constructivist approach (Towns 2010), the concept of culture (Hannagan et al. 2012; Hansen et al. 2011) and gender equality (Lombardo and Verloo 2009) the present paper will be directed towards discovering the reasons for women political exclusion. According to the categorization by Ann Phillips (1995, 1998) we use the term “presence” as the most adequate solution for the numerical representation of women in the authorities, as opposed to the research of descriptive and substantive representation (Mansbridge 2011; Pearson 2011). In order to conduct the research regarding the women political presence in decision-making governmental bodies in the period from 1990 to 2009, we apply the dynamic approach of changes² in social and political context, in developmental policies and institutional changes as a result of the processes of Europeanization and external pressure, as well as economic and cultural differentiations.

In the post-socialist countries, except the processes of transition, poverty, the factor of war influence was also of crucial meaning. This contributed for returning to the closed society and division of male and female roles in the spirit of traditional values (Kašić 2006; Đurić-

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¹The Balkan includes the region from west towards east: Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Albania, and Macedonia. All of these countries were part of the Former Yugoslav Federation (SFRY) with the exception of Albania (Antić Gaber in Lokar 2006). The term Western Balkans, is used by the European Union to define the countries from SFRY, minus Slovenia, plus Albania, in a political sense from Southeastern Europe, i.e. the countries which are not members of the Union (Western Balkans: Enhancing the European Perspective, Communication from the Commission to the European Parliament and the Council, 2008-03-05. Retrieved 2008-04-08). These countries all have different status regarding membership in the EU. Croatia got the status a candidate member in EU in 2004, accession negotiation 2005, accession contract 2011. It is expected that in January 2013 it will receive the status of a full-fledged member of EU (Ministarstvo vanskih i europskih poslova 2013). Macedonia received the status of a candidate member in 2005 (Секретаријат за Европски прашања на РМ 2013) but there is still no date for negotiations (due to the name dispute of RM with Greece; European Commission, Bilateral relations - The Former Yugoslav Republic of Macedonia, 4 June 2008).

²This approach analyses change, oscillations of the transformation and modification of current forms, changes in the social and political context, which depending on the qualitative and quantitative approach provide analyses of either individual or social perception. Social dynamics, in accordance with the structural and functional differentiation lead to the adaptability of the newly established system (Parsons 1955)
Kuzmanović 2002; Galligan and Clavero 2007). During the difficult conditions and processes of the disintegration of SFRY, accompanied by numerous conflicts and war actions, gender equality and gender rights remained in the shadow for almost one decade. The influence of this was especially remarkable through the traditional division of gender roles and cultural stereotypes (Đurić-Kuzmanović 2002). Bearing in mind the transition level of Macedonia, the EU integration processes and its influence as an external factor of pressure on the national policies and institutional changes within the candidate countries for membership is also very important part. Overcoming these conditions is also part of the EU strategies through hard law (McCrudden and Prechal 2009) and soft law (Walby 2004). Within the soft instruments, the concept, `gender mainstreaming’, is of high importance. It implies encouraging bigger presence of women in political life, and also regarding the distinction of woman’s role in the private and public sphere (Gohrisch et al. 2001). The EU integration process and the influence of EU as an external factor for implementing and harmonization of EU candidate members’ legislation with EU legislation, lead to institutional changes within the countries.

2. RESEARCH QUESTIONS AND THEORETICAL OVERVIEW - THE EFFECTIVENESS OF GENDER QUOTA’S

On the basis of the current analyses, the following paper is in direction of answering questions as:

How do institutional factors (electoral system, quotas, parties) influence the political presence?

What are the reasons for the lower level of political presence of women? Are these conditions of marginalization due to the value matrix of the societies, of the inappropriate legislative frame or

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1 The status ‘candidate member state’ belongs to the countries which have previously applied for membership in the Union and received the candidate membership status. In order for a country to join the EU, it is necessary to fulfil certain economic and political criteria called the Copenhagen criteria (established at the Copenhagen summit 1993). These criteria refer to the democratic rule of the Eastern Bloc countries and include respecting the principles of rule of law, respecting human rights, protecting minorities, free market economy, all criteria in accordance with the political, economic and monetary union. According to the Maastricht Agreement 1992, each member state and the European Parliament needs to give their consent for the acceptance of new members, and according to Article 2, to respect criteria such as civil dignity, freedom, equality, democracy, rule of law, and the rights of minorities. At the European Council in Madrid, 1995, upon the revision of the membership criteria, it is also established that each candidate country must prepare the administrative structure and adjust the national legislative with the legislative of the European Community called acquis communautaire. Upon the enlargement of the EU to 27 members, together with Bulgaria and Romania, in 2007, and Croatia has joined the Union in 2013 (EU enlargement policy 2013). The criteria for EU integration of the Western Balkans were established at the EU summit in Thessaloniki 2003, as a priority for the expansion of EU. The relationships of EU with the countries from the Western Balkan were transferred from external policies to expansion policies and processes (2005). In accordance to the process of Stabilization and association and the speed of integration as well, some of countries from the Western Balkan are already candidate members (Macedonia and Serbia), while some are still potential candidate members (eg. Bosnia and Herzegovina and Albania) (EU enlargement policy 2013)

2 The concept “soft law” is most often used to describe the communication on intergovernmental level, policies and good practices, as opposed to “hard law” which come from the binding force of the contracts, directives and provisions within the EU. Although the hard law illuminates important aspects in the levels of obligation and sanctioning, the soft law still tends to achieve better practical effects. The soft law is opposed to the hard law as a legally binding force and has a special role in the EU integration (Trubek and Trubek 2005)

3 The Fourth World Conference on Women (Beijing 1995) introduces the strategy, `gender mainstreaming’ as a key point in diminishing the inequality between man and women. ‘Gender mainstreaming’- relationship between the genders, or gender balance and perspectives represents a process of acceptance and implementation of planned activities including legislation, policies and programs for each level and area, as a conceptual frame, methodology and presentation of good practices (Council of Europe 1998, 2001). In EU according to the definition of the Council of Europe “gender mainstreaming” means: “The reorganization, improvement, development and evaluation of policy processes in order for a gender equality perspective to be incorporated in all policies and by the actors involved in policy-making. It is established by Articles 2 and 3 from the EU Agreement on including gender equality in the overall policy of the Union” (EE 2004)
the process of its implementation? How much and in what way do the external pressure (EU and
global actors) influence on the political presence of women?

Democracy regimes throughout the world gradually include legal measures for overcoming gender
barriers and increasing political presence of women. Quotas are most often defined as affirmative
measures for achieving certain percentage of political presence of specific groups within a society
(Dahlerup 2006). Application of quotas for increasing the representation of female population
derives from the political theory of representation. Using Pitkin`s model on political
representation, Schwindt-Bayer et all. (2005) suggest that increase in the formal and descriptive
representation of women also increases legal tools for achieving gender equality. On the other
hand, quotas are a loose and unpredictable form of representation, whose primary goal is to
increase the number of women in national representative bodies, which does not mean that they
will really represent women`s electorate (Phillips 2004). Most often, quotas are used to increase
political presence of women, and to solve the issue of under-representation in the decision-making
structures (Antić Gaber 1998; Dahlerup 2006; Squires 2007; Phillips 1995). In order to eliminate
unequal distribution of genders in the political life, states on an international level, introduce
legally incorporated quotas or conditions for the creation of candidate lists in the representative
bodies (Dahlerup 2006; Htun 2004; Krook 2009). Quotas differ according to variations of the
level they are incorporated on, constitutional, legal or party level (Hughes 2012). The American
theoretician Melani Hughes (2011) names the model of combination of quotas for these categories
of marginalized groups `tandem quota systems`, while the combination of national quotas `mixed
quota systems`. Generally speaking, quota policies are designed for descriptive representation
`numeric equation of legislative bodies and the electorate it represents regarding different genders,
races, ethnic groups (Paxton, Kunovich, Huges 2007). Some researchers point to several types of
gender quotas depending on their adoption, obligatory role and sanctions (Norris 2004;
Lovenduski 2005; Dahlerup 2006; Krook et al. 2006). More than a third of the world`s countries
regulate political representation on a national level with legislative quotas (Hughes 2012). Some
countries use legislative quotas to ensure certain number of seats in the parliament. They use
specific electoral regulations, specific party lists or special mechanisms for direct appointment.
They also demand that political parties apply gender representation in their candidate lists (Htun
2004). Quotas can be designed as gender or as neutral, but they have to ensure a certain percent of
political presence most often not more than 60% or not less than 40% for both genders. Neutral
quotas usually determine the maximum percent for both genders in order to achieve equality in the countries (Dahlerup 2005, 142; Freidenvall 2003). Dahlerup (2006) makes the distinction between two dimensions of the quotas system: according to the level on which they are assigned (constitution, electoral law or party statute). Legal (legislative) quotas in different countries are determined by the constitution or the electoral law which determines gender composition on the candidate lists. Voluntary party quotas are adopted within political parties. The second dimension refers to the level of selection and nomination. The system of quotas intends to alter gender composition regarding the potential candidates, candidate lists and elected candidates (Dahlerup 2006, 19). Krook (2009) analyzed the concept of gender quotas and indicated several key points: voluntary party (the new criteria for selection of party candidates; influence on the composition of the party lists; internal party sanctions due to failure to fulfill the criteria); legislative quotas for selection of candidates in national parliaments and soft quotas within political parties on voluntary basis (informal targeting and recommendations in the selection of candidates; new criteria for membership in party bodies; rare sanctioning due to failure to fulfill). Depending on the electoral systems, quotas have different module of application in the nomination process. In proportional electoral systems candidate quotas are most often used to create party lists, though a predicted percent of presence by marginalized groups (gender quotas). In majority electoral systems or mixed systems, quotas are mainly very poorly accepted, due to the complexity of proportional candidature in the electoral districts where only one candidate can be (only a third the countries in the world with a majority electoral system apply some kind of quotas, while proportional systems this measure is more than usual) (Dahlerup and Freidenvall 2005; Dahlerup 2007; Norris 2004; Krook et. al 2006). In the countries with a mixed model (majority and proportional) quotas are usually applied only on the proportional candidate lists. National gender quotas which regulate representation on a national level also vary depending on the needs of the political parties. It happens very often that women candidates are placed very low on candidate lists or on lists in less important electoral regions. Some quotas include rules for allocating places on the electoral candidate lists (Ballington 2004). The type of the quota that will be incorporated in the electoral law depends on the country itself, the political system, the geographic region, parties’ ideologies, electoral models (Dahlerup 2006; 2007; Htun 2004). The ideological matrix is a prerequisite for the acceptance of the quotas, which showed that left-oriented parties apply quotas a lot more than the right-oriented (Caul 1999; Dubrow 2010). New democracies and less developed democracies
usually incorporate national quotas of proportional representation on the candidate lists or the number of seats in parliaments, but also proportional representation in the electoral models (Dahlerup 2006; Htun 2004). In post-socialist countries and East-European countries introducing quotas in order to increase the presence of women in decision-making structures has a very important meaning. The introduction of quotas in these countries was imposed due to the need to harmonize national laws with European legislation. Although, quotas were initially introduced within parties in Western Europe, in 1970s they grew to become legislative quotas incorporated in a large number of democratic societies around the world (Dahlerup and Freidenvall 2005). Research shows that introducing quotas raised the attention above traditional gender roles (Krook and O’Brien 2010). Today, western democracies display a model of voluntary or willing introduction of party quotas, while the transition countries still identify quotas as constitutional (incorporated in the constitution amendments), legal (in the laws), and even more often party (within party acts) (Krook 2004, 2005; Dahlerup and Freidenvall, 2005; Dahlerup 1998, 2005, 2006). Matland (2005) suggests that semi-democratic societies tend to incorporate even more measures for raising the level of democracy within these countries. International influences are very important in the application of quotas in order to increase in the number of women in political structures, in the introduction of gender equality policies and the establishment of national bodies, agencies or the so-called national machineries for encouragement of gender equality (Chappell 2002; Baldez 2002, Mazur 2012). Legislative quotas regarding women refer to the legally determined exact percent of female candidates on the party lists, or even more – predetermined place (rang) on that list. Due to a large disproportionality or ‘exclusion of women from politics’, post-socialist countries introduce quotas more often, as legal solutions for encouraging women’s presence. Aside the legal solutions for introduction of quotas regarding marginalized groups, within the political parties themselves there are internal regulations and procedures - such as voluntary quotas, in the creation of electoral (candidate) lists or within the party organization (Matland 1993; Caul 1999). Despite the positive influence of the quotas, theoreticians still criticize the connection between the descriptive and substantive representation, pointing out that the presence of the under-represented gender in parliaments, is not necessarily a predetermination for the representation of women’s interests (Young 1994). Dahlerup and Freidenvall (2005) offer a list of positive and negative arguments for or against the introduction of quotas.
Table 2.1 Positive and negative arguments for the introduction of quotas

<table>
<thead>
<tr>
<th>Arguments against the introduction of quotas</th>
<th>Arguments for the introduction of quotas</th>
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<tbody>
<tr>
<td>• Political representation marks the representation of ideas not social groups</td>
<td>• Representation of groups in national parliaments</td>
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<tr>
<td>• Political presence only for the most capable/the best</td>
<td>• Equal political presence</td>
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<td>• Disrespect for principle of equal opportunities</td>
<td>• Women’s right to equal political presence</td>
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<tr>
<td>• Quotas lead to discrimination</td>
<td>• Gender quotas are not discriminating, on the contrary they have a positive influence on overcoming political exclusion of women as population</td>
</tr>
<tr>
<td>• Facing the autonomous selection of candidates by parties</td>
<td>• Encouraging political parties to include women in candidate lists</td>
</tr>
<tr>
<td>• Opposite of democratic values</td>
<td>• Domination of male candidates and exclusion of female population is opposition to democratic values</td>
</tr>
<tr>
<td>• Electing female candidates for their abilities, not for their gender</td>
<td>• The need of female presence and equal presence in political life</td>
</tr>
<tr>
<td>• Refuting other groups</td>
<td>• Women’s interests are represented best by women</td>
</tr>
<tr>
<td>• Irrelevance</td>
<td>• Quotas provide a numeric balance</td>
</tr>
<tr>
<td>• Symbol of communist, imposed emancipation</td>
<td>• Equal status of men and women in political life</td>
</tr>
</tbody>
</table>

Source: Dahlerup and Freidenvall (2005)

Women participating in politics articulate different political priorities, they have different needs (Bratton and Haynie 1999; Schwindt-Bayer 2009) and they vote differently (Swers 2002) from men. Despite this fact, the countries’ policies put more and more efforts to overcome the problem of low political presence of women in the decision-making structures (Squires 1996). Since 2008, more than 100 countries have incorporated quotas (Krook 2009). It can be concluded that in general, quotas encourage women’s presence in politics (Krook 2009). However, beside this fact the substantially lower representation of women in higher political positions of power is still evident (Bird et al. 2011; Cederman et al. 2009; Paxton and Hughes 2009; Hughes 2012).

3. THE POSITION OF WOMEN IN THE PERIOD OF TRANSITION (SOCIALISM/POST-SOCIALISM)

Haggard and Kaufman (2012) define three types of transition: transition encouraged by international pressure - the example of Macedonia. According to PCG Polity Macedonia belongs to the non-distributive conflict transitions. After Yugoslavia’s dissolution, Macedonia had its first phase of transition (1991) regarding the reforms, multiparty elections, economic changes (because it was impossible to form a coalition majority by the biggest right-oriented party VMRO-DPMNE (Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity) formed expert government, which was later replaced by the victory of the left-oriented SDSM (Social Democratic Union of Macedonia, former communist party). The second phase was

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after the war conflict 2001. Mobilization was present, but as a result of the presence of international forces (UN) Macedonia was not directly involved in the Balkan wars (UN) (Haggard, Kaufman and Terence 2012; Woodward 1995). The democracy deficit of transition in these post-social countries, definitely reflected on women’s position in this society. Cultural variables, religion, nationalism, ethnicities and traditional stereotypes for the division of gender roles (which were believed to become marginalized with the development of civil society) developed into a new expansion after the fall of communism (Naisbitt and Aburdene 1990). The political presence of women during the communist regime was called “state feminism” or “top-down feminism” (Jalušić 1999). As a post-conflict region, the Western Balkan countries in general, faced a lot of new political problems, on the one hand7 and tendency towards EU integrations as a key guiding political element (especially as a necessity for overcoming the nationalistic spirit in the governing of the countries) on the other hand (Back and Giddens 2005). Hence, Jogan (2011; 2000) emphasizes the need of dehistoricization of transition societies, repatriarchalization of women’s role and strategies for overcoming androcentrism through external pressure for gender balance and equality.

4. THE NEW DEVELOPMENT POLICIES IN MACEDONIA (1990/2012)

The analysis and dynamics of development policies for encouraging bigger political presence of women in Macedonia, indicate five points of convergence and differences in the development in the period of transition, independence and democratization. Firstly, the political system and designing the electoral system. Secondly, the introduction of quotas in election law in order to encourage bigger presence of women in representative bodies; Third, passing the Law on Gender Equality and forming institutional mechanisms. Fourth, legal solutions and regulations for encouraging political presence of women in political parties. Fifth, dynamics of adopting international regulations and developing the normative framework and the Stabilization and Association Process for accession in EU.

- **The proportional electoral system** for allocation of mandates, with closed election lists are used with a previously determined order of candidates, D’Hondt method of counting votes. This manner of allocating mandates that has proved to quite positive, not only regarding the political presence of women, but also regarding marginalized groups (ethnic, religious) (Bieber 2004).

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7 Such as the Kosovo status, ethnic conflicts in Macedonia, the war between Croatia and Serbia and the border issue between Croatia and Slovenia;
• **The introduction of quotas** (Burnet 2011; Krook 2006) was imposed as a result of the intention to increase the number of women in representative bodies and in political life in general. According to Antić Gaber and Lokar (2006), the introduction of quotas has three phases of ideological background in almost all Balkan countries: from 1990 to the Beijing conference 1995 – open rejection; from 1995-1999–partial acceptance of the provisions from the Beijing platform and quotas but within certain political parties, from 1999-2004 – period within the Stabilization and Association Agreement for Southeastern Europe and a phase of gradual acceptance of the quotas, although under pressure (on the one hand in some countries by OSCE, and on the other by SP Gender Task Force GTF)\(^8\) with a special attention to the Western Balkans (Antić Gaber and Lokar 2006). In Macedonia, with the Stabilization Agreement, GTF and Macedonian Women`s Lobby MWL, also helped to form the initiation for the ‘Gentlemen’s Agreement’ in 2000, which was realized as a successful action and a reason for incorporating quotas in election legislation as the only way to increase the number of women in representative bodies (Antić Gaber and Lokar 2006). In this direction, several laws were passed – Law on Members of Parliament in 2002 which envisages a 30% quota for the under-represented sex (Сл. Весник на РМ 42/2002), Law on local elections 2004 – 30% quota for the under-represented sex and their position in the lower or higher half of the lists (Сл. Весник на РМ 35/2004, Article 15a), Election Code 2006 (Сл. Весник на РМ 40/2006) (for each third place on the list, at least one belongs to the under-represented sex (Article 64, paragraph 5).

• **According to the Laws on Political Parties** there are exact definitions, Statute and a Program as founding documents, a certain manner of financing, necessary census for the formation… Regarding the measures for encouraging political presence of women and anti-discrimination provisions, in Macedonia the Law envisages prohibition of gender discrimination.

• According to the Copenhagen and Madrid criteria, directives, recommendations and resolutions\(^9\)

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\(^8\) SP GTF is a regional Southeastern initiative coming from the members of the Stabilization Agreement for Southeastern Europe on the Sarajevo Summit in 1999. Over 150 reknown women, NGOs, governmental actors and political activities from Southeastern Europe as well as numerous supporters outside the region, all expressed their concern for the position of women in the region. On EU’s initiative, on 10 June 1999 the Stabilization Agreement was adopted in Cologne. In the founding document more than 40 countries – partners and organizations were committed to put efforts to encourage peace, democracy, respecting human rights and economic prosperity in order to achieve stability in the region of Southeastern Europe.

\(^9\) Directives transferred in domestic legislation
- 75/117/EEC – Directive regarding the principle of equal payment for men and women;
- 76/207/EEC – Directive for equal treatment in employment and vocation;
- 2000/78/EC – Directive regarding the establishment of a general framework for equal treatment in employment and vocation;
- 97/80/EC – Directive regarding the burden of proof in case of gender discrimination;
- 92/85/EEC-Directive regarding the protection of pregnant women;
- 2004/113/EC-Directive regarding the implementation on the principle of equal treatment of men and women in the approach to and providing goods and services;
- 2000/43/EC Directive regarding the implementation of the principle of equal treatment of people regardless of their race or ethnic background;
- 2002/73/EC Directive regarding the changes and amendments of Directives;
- 78/207/EUC Directive regarding the Council for the implementation of the principle of equal treatment of men and women in relation to employment, educational training, promotion and working conditions.
by EU for equal opportunities for men and women which are transpositioning in the domestic legislation passed **Law on Gender Equality.** In Macedonia, the Law on Equal Opportunities was passed in 2006, amendments were made in 2008 (Сл. Весник на РМ 117/2008) due to harmonization with EU Directives (2002/73/EC), and in 2012 a new Law on Equal Opportunities was passed which envisages specific measures for promotion of equal opportunities for men and women (Сл. Весник на РМ 6/2012).

- **The Stabilization and Association Process to EU** was reflected in activities for integration of the Western Balkans within the Union and the need to harmonize the legislation with the European legislation. The new and freshly established democracies in these countries face the problem of no rule of law (Ruminska -Zimny 2002). This constellation of the developments led to unfavorable conditions for citizens, especially for the position of women (Ruminska-Zimny 2002; Barković and Vinković 2006). The Stabilization and Association Agreement to EU was signed in Macedonia in 2000. This meant formal obligations for harmonization of national legislation with European legislation. Macedonia has received the status of a candidate member in 2005, but not a negotiation date (bearing in mind the name dispute with Greece, Mirčev, 2006) regarding the name of the Republic of Macedonia. The EU agenda for East European countries imposes conditions for adaptation and fulfillment of the criteria (first the Copenhagen criteria 1993) as obligatory for the candidate members through *acquis communautaire.* Given that the researched country is not member of the Union, the coercive process took place in relatively different phases. Legal transposition *acquis* and harmonization of the national with EU legislation are necessary processes for the candidate members, which are conducted through horizontal and vertical harmonization (Radaelli 2003; Knill and Lehmkuhl 1999). In the researched country the concept of Europeanization is very important, especially regarding the legal changes, institutional and public political models (changes imposed by transposition – hard law), recommendations or new models of so-called soft laws such as (OMC) which work in order to exchange and share good practices for promotion of gender balance, as opposed to the dominant political culture (Nordlund 2003; Krook 2004). The harmonization and incorporation of European legislation regarding

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1 Recommendation 96/694/EC for balanced participation of men and women in the decision-making process; - Recommendation 84/635/EEC for promotion of the implantation of measures for affirmative action by women; - Recommendation 92/131/EEC for protecting the dignity of men and women at work; - Recommendation 87/567/EEC for professional education of women

2 Resolution (85/C 296/06) from 05/10/1985 for the appearance and depiction of men and women in advertisements and media; - Resolution (85/C 166/1) from 1985 which includes Action program for the implantation of the principle of equal opportunities for men and women in education.

**Declarations:** Declaration from 19/12/1991 for the implementation of the recommendation by the Commission for protection of the dignity of men and women at work, including the rules for preventing sexual harassment;

10 More on the Macedonian-Greek issue, Maleska M, New Balkan Politics, Skopje 2007

Table 4.1: Influence by international and supranational actors – the case of Macedonia

<table>
<thead>
<tr>
<th>INTERNATIONAL ACTORS</th>
<th>Facultative protocol COE – ECHR - 1997</th>
</tr>
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<tbody>
<tr>
<td>CEDAW</td>
<td>CEDAW - 2003</td>
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<tr>
<td>Adopted 1991</td>
<td>Beejing – 1995</td>
</tr>
<tr>
<td>Reports after the Convention (YES)</td>
<td></td>
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<tr>
<td>NPGE – 1999</td>
<td></td>
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<tr>
<td>Unit for the Promotion of Gender Equality (MTSP MKД 1997)</td>
<td></td>
</tr>
<tr>
<td>Positive influence: YES</td>
<td></td>
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<tr>
<td>Implementation: Not complete</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>EU – POSITIVE INTEGRATION/ COGNITIVE EUROPEANIZATION – OMC</th>
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</thead>
<tbody>
<tr>
<td>EU hard law</td>
</tr>
<tr>
<td>(CCA MK) 2000</td>
</tr>
<tr>
<td>Influence: YES</td>
</tr>
<tr>
<td>Transposition: YES, current</td>
</tr>
<tr>
<td>75/117/EEC</td>
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<tr>
<td>76/207/EC; 2000/78/EC</td>
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<td>97/80/EC</td>
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<tr>
<td>92/85/EEC</td>
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<tr>
<td>2004/113/EC</td>
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<tr>
<td>2000/43/EC 2002/73/EC 76/207/EEC</td>
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<tr>
<td>2006 IEO (Сл. Весник на РМ 66/2006)</td>
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<tr>
<td>LEO Сл. Весник на РМ 6/2012</td>
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<tr>
<td>Commission on Equal Opportunities within the Assembly – 2006 (Сл. Весник на РМ 66/2006)</td>
</tr>
<tr>
<td>Equal Opportunities Coordinators within all ministries (Сл. Весник на РМ 6/2012)</td>
</tr>
<tr>
<td>96/694/EC 84/635/EEC 92/131/EEC 87/567/EEC 95/C 296/06 1995</td>
</tr>
<tr>
<td>85/C 166/1 1985</td>
</tr>
<tr>
<td>2004 (Сл. Весник на РМ 35/2004) 30% quota and opportunities to be nominated in the upper and lower part of the list</td>
</tr>
<tr>
<td>Electoral code – 2006 (Сл. Весник на РМ 40/2006) (for each three places on the list at least one is reserved for the under-represented sex) 30% quota is envisaged in the electoral organs (Сл. Весник на РМ 40/2006 Ar. 21, par. 3)</td>
</tr>
</tbody>
</table>

*It is evident that there is no influence from cognitive Europeanization due to the fact that the country is not member states in the Union. The basic form of pressure is directed towards hard laws, while in the creation of national public policies due to the pressure from the hard law there is reliance on the soft law – OMC with gender perspectives in the creation of policies for balanced presence of men and women in national parliament, as well as regarding the employment policy.*

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11 Directives and recommendations by EU (2000/43/EC Directive regarding the implementation of the principle of equal treatment of people regardless of their race or ethnic background; Recommendation 96/694/EC for balanced participation of men and women in the decision-making process; - 84/635/EEC for promotion and implementation of measures for affirmative action for women).
5. INTRODUCING POLITICAL STRATEGIES – ELECTORAL QUOTAS

As a result of the influence of external factors (CEDAW, COE, EU), legislation changes are made especially due to the harmonization of the legislation during EU integration. In order to establish gender balance in the decision-making structures in Macedonia, positive strategies in the form of legal quotas were introduced within the electoral laws. Due to the fact that regarding the political presence of women the situation is alarming worldwide, the introduction of quotas is especially important, despite the fact that the goal is not entirely fulfilled in relation to the numerical representation on the lists without any power (Paxton, Kunovich and Hughes 2007). Also, there is the issue of women belonging to minorities (ethnicities) and what kind of quotas are most suitable for these categories which are on the one hand marginalized as women, but on the other hand marginalized as minorities? For instance, the Roma and Albanian women in Macedonia are in this position. Most researchers (Kymlicka 1995; Mansbridge and Tate 1992) believe that not all quotas have a positive influence on the political presence of women. For example, party quotas are less influential in the increase of the number of women in parliaments, as opposed to national legal quotas (Htun, 2004). Dahlerup (2008) give the most concise definition of quotas in two dimensions: quotas model defined according to the level of the electoral process and according to the mandates. The first dimension includes: a list of positional candidates, election candidates and elected candidates (reserved seats), while according to the mandate the second dimension includes: legal quotas (established by Law or the Constitution) and voluntary quotas (within political parties). In Macedonia have been incorporated legal quotas which refer to the parties’ obligations to nominate a certain percent of women on the candidate lists. These quotas had a positive effect, especially in the post-conflict period in direction of increasing the political presence of women.
After the introduction of the legal (positive) measures for the under-represented gender changes were seen in relation to increase in the political presence of women in national parliaments. The Law on Election on Members of Parliament in Macedonia (Сл. Весник на РМ 42/2002) introduced 30% quotas in 2002, and this led to changes in the political presence of women in the Assembly of RM from 6.7% in 2000 to 18% in 2002. The Electoral Code from 2006 (Сл. Весник на РМ 07-1395) except the 30% quota also envisaged a ranking level for every three places on the list, at least one should belong to the under-represented gender.

Table 5.1: Positive strategies – quotas for the under-represented gender on the national elections/effects of the implementation of quotas

<table>
<thead>
<tr>
<th>Institutiona l factors/electoral system</th>
<th>Year of adoption of the quota</th>
<th>%</th>
<th>Ranking terms for the party list</th>
<th>Sanctions for non-compliance</th>
<th>% of elected women in national parliaments before the introduction of legal quotas</th>
<th>% of elected women in national parliaments after the introduction of legal quotas</th>
<th>Difference/Change in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportional system, party lists</td>
<td>2002 (Сл. Весник на РМ 42/2002)</td>
<td>Legal quota 30%</td>
<td>YES: One for every three positions on the candidate lists is reserved for the under-represented sex (Electoral code, Article 64, pg.5).</td>
<td>Unregistered If the political party does not fulfill the quotas, the list shall be rejected (Electoral Code, Article 67 pg. 1-4).</td>
<td>2000 / 6.7</td>
<td>2002 / 18</td>
<td>2010 / 32.5</td>
</tr>
</tbody>
</table>

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Figure 5.1: Changes in the percent of women presence in the national parliaments, after the introduction the proportional system and legal quotas – the case of Macedonia (MKD) - candidate for membership in comparison with Croatia(HRV) – the new member state

Cross sections of the changes of presence

% of women in national parliaments


Note: Vertical arrows mark the year of introduction of legal quotas
Even Croatia is already a member state of the EU and has the fastest progress of the harmonization and legislation development in comparison to other Western Balkan countries, still did not have respect quotas of 40% for candidates from the under-represented gender (GEA 2008) due to the prolonged adaptation period given to the parties in order to implement legal changes during the following three successive elections. On the other hand, in Macedonia the distribution of female candidates and their positioning on the lists varied from 4.53% between the first five candidates, 7.81% from the sixth to the tenth place, and 19.84% from the eleventh to the twelfth place on the list. Unlike the previous elections in the implementation of the majority electoral system (1990, 1994 and 1998 combined system), the percent of elected women varied between 4.1%, 3.3%, 6.6%, while after the introduction of the 30% quotas within the proportional electoral system the percent of elected women increased to 18% and after introducing the ranking roles the percent increase to 26%. The positive influence of the quotas was reflected in the Albanian ethnic community in Macedonia when an Albanian woman was elected for the first time. The political parties in Macedonia were forced to nominate women on the lists according to the predicted percent, due to the fact that the quotas in these countries were incorporated within Electoral laws on a national and local level, i.e. there are also sanctions for non-compliance. In a way this is forced emancipation regarding the numerical effect of increase in the number of women in parliament. However, quotas did have a positive influence on the political presence of women, although it is not only a matter of figures, but rather and even bigger need of improving the presence of women in decision-making structures and representation of women’s interests. Political leadership in the parties is still a domain of male power (Matland and Montgomery 2003) and the nomination of female candidates is still seen simply from the pragmatic point of view of the parties.

5.1. Influence from the political parties

A lot of researchers (Matland 1993, Rule 1996, Lovenduski and Norris 1993) show that the level of women’s political presence is preconditioned by the possibilities to enter current political developments offered by political parties. Some analyses show that the political presence of women depends on the interaction between political systems and the party policy (Jalušić and Antić Gaber 2001). Norris and Lovenduski (1993) define political parties as ‘Gatekeepers’ due to their very important role regarding the political representation of men and women. During the nomination of election candidates for representative bodies, political parties are especially...
important when it comes to the nomination of female candidates on the lists (Kasapović 2001). According to Ilonzski (2000) political parties have an even bigger influence on the political presence of women than the electoral system itself. As ‘gate keepers’, political parties are creators of the candidate lists and determine the level of male/female presence in the electoral process (Siemieńska 2002). In different states, political parties differ in women’s proportion in the party organs, the manner of nomination, the manner of creation of the candidate lists and ranking of female candidates, women’s proportion in representative bodies, as well as in the internal rules for selection of female candidates, the existence of voluntary quotas within parties and ranking according to the rules (Dahlerup 2006, Norris 2004). This is also influenced by the ideological division to left, right and centrist political parties. So far, left-oriented parties have shown a bigger tendency and openness to promote women’s interests (Caul 1999). Special measures (quotas, strategies etc) for promotion of political presence of women (gender or soft quotas) have their influence on right, left and centrist parties in the ideological spectrum (Norris 2004; Caul 1999).

Party quotas were introduced for the first time in Western Europe in socialist and social-democratic parties. In Macedonia, different factors influence the organizational development of political parties as organizations in the electoral arena, in their intern and public action. Especially important factors of influence in this direction are the parties’ organizational development (bureaucratic, centralized, professionalized, internally hierarchal, and oligarchic) as well as the relation of the parties to the environment (setting). The transition from a solidarity system to a system of interests was reflected through the pragmatic approach towards the position of women in political parties, only to satisfy the personnel needs (Fink-Hafner, Krašovec, Deželan and Topolinjak 2011). In Macedonia, although party (voluntary) quotas do exist in certain political parties still the unsatisfactory percent of political presence of women in the governing organs of the party reduces them only to formal-declarative measures. So far in Macedonia politics has been accepted as a mainly male sphere. Dominant perceptions include the patriarchal rules and prejudices for women’s function and role within society. This undoubtedly leads towards patriarchal value matrix of behavior by political leaders in the selections, nomination and choice of female candidates for the elections. Before the introduction of legal electoral quotas in Macedonia, certain political parties had already introduced voluntary party quotas (SDSM, SDU, LDP, LP). In 1994 within SDSM, out of total 79 members in the Central Board only 10 were women. However, after the introduction of the 30% quota for women’s presence in management.
bodies, the number of women increased for 30%. It is very characteristic that in Macedonia, in the biggest right-oriented party VMRO-DPMNE there are a highest number of women within the party – 51%. This is due to the party interests during the period when it existed as an opposition for almost eight years, although women did not have any specific engagements in the higher positions of the party.

The reasons of the ineffectiveness of the voluntary party quotas are a result of the discretionary, optional manner of implementation, as opposed to the legal electoral quotas. However, although the party quotas did not have any noticeable impact in the increase of the political presence of women in the higher decision-making party positions, they still helped to strengthen organized women’s bodies within political parties. Nevertheless, the positioning of women in lower party structures influences the nomination of candidates by political parties and election of female candidates. The situation has changed in Macedonia after the implementation of legal quotas.

Regarding the nomination and selection of female candidates for the national elections the parties’ role as ‘gatekeepers’ is extreamly important in the selection process. This process was positively influenced by legal quoaits. However, the process of women’s positioning on higher decision-making posts is conditioned by the parties’ ideological matrix and thier pragmatic goals and interests. „......Although there are formal strategies for encouragement of women’s presence and anti-discrimination in the party programs, still women are ranged only in lower positions on the parties’ list of priorities. Very few efforts have been made to promote female candidates on high state functions. The nomination process is largely dependent on the position of female members with the party itself. Party programs deal with the role of women and female issues only formally and operationalization and realization of policies are still lacking. The only positive steps were the legal regulations introducing quotas for the under-represented gender. As a result of these measures there was an increase in the percent of elected women which is still only a numeric position (Nacevska 2013).

According to Pajvančić (2007) the basic criteria of ideological division of political parties are not always related to the gender equality approaches, i.e. vary often they depend on specific social circumstances, practical and current activities by the parties, electoral activities etc. Very often political parties find their level in relation to solving equability issues in conditions and developments of specific political needs. In the present case-study, parties do not recognize women’s electorate as a separate population, i.e. they direct their activities to suit their needs.
Women’s presence in parties’ membership and management is still relatively low (the highest number of female members within political parties is noted in Macedonia with 50% in VMRO-DPMNE). The percent in the other Balkan countries moves to 30%. The number of women in management position within the political parties from the left wing, the right wing or the central parties is extremely low. Although generally there are intentions to increase the activities towards accepting policies for encouragement and promotion of political presence of women in the organs of the party, there are still no explicit activities in this direction. The organizational structures of the parties are still not directed towards continuous collaboration with the nongovernmental organizations, trade unions, and governmental bodies for equality beside the existence of organization of women members in forums and associations which are most often concentrated on charity causes, family care, domestic violence etc (Pajvančić 2007). It is characteristic that regarding gender equality issues certain parties, most often left-oriented or center –left have special program documents (NSDP, DA, and DOM).

Based on the review of the movement and changes in the governing elites in Macedonia, as well as the simulation of the political presence of women in accordance with the time frame, it can be noticed that despite the bigger inclination of left-oriented coalitions and political parties, the numerical increase of elected women is still due to the positive institutional and legal changes.
(proportional electoral system, quotas) and also the developments in the selected time periods. The positive changes happened after the introduction of normative solutions and institutional changes, firstly with the electoral system (combined) 1998, and then with the introduction of legal quotas 2002 when a centre-left government was elected. Although the ideological matrix in Macedonia is not drastically different along the division line of left and right parties, still right parties prove to be more adaptable to gender measures. However, the real political presence was increased was a result of the positive integration and incorporation of the legal measures. It can be concluded that the needs of political parties as ‘gatekeepers’ in relation to women’s political presence are more from a pragmatic point of view as opposed to the secondary meaning of the ideological and value matrix and the real political activism of women (Fink-Hafner et al. 2011).

6. CONCLUSION

During the testing of the model and the influence and effectiveness of gender quotas in Macedonia (electoral and voluntary – party quotas), the present article uses analyses of variables indicating significant positive/negative influences, focused on institutional changes encouraged by the EU and positive integration on the one hand and negative influence from the dominant culture, tradition, religion, perceptions on the other hand. The effect from legal gender quotas, as well as from the electoral systems, in the empirical analyses (Nacevska 2013) show a significant influence in positive direction regarding the political presence of women at least in a certain percent (legally predetermined). However, the presence of women in political decision-making position, especially in executive government is either non-existent or in certain cases is a result of the pragmatic need of the political parties (personal connections), which does not allow representation of women’s voting body. Political parties have the key role due to their function of recruiters of women nominations on the one hand, ideological value matrix on the other hand and implementation of practices regarding the gender concept on the other hand, as well as program orientation and party quotas for promotion of women’s political presence in party bodies and positions. As a result of positive strategies, political parties nominated a certain number of female candidates on the electoral lists. However, in conditions of economic problems and cultural stereotypes a certain number of gender equality was partly achieved mainly as a result of international obligations and pressure “from the top - to the bottom”, as well as the pressure in societies especially form the non-governmental sector and female organizations. Hereby, main determinants for women’s
position in post-socialist countries is their constant struggle with difficulties in the incorporation and especially in the fulfillment of the positive European standards, on the one hand and the inheritance form the old system on the other hand (Cowles, Caporaso and Risse 2001). EU’s policies are directed to influence on the tradition with introducing good practices, regarding gender balance and equality in all areas of the social life. Although in Macedonia the integration processes towards the EU resulted in legislative and institutional changes which have positive influence in relation to the increase in the number of women in national parliaments, the analyses still show that this percent does not satisfy the criteria of presence, i.e. it comes down to more numeric increase. Despite the general positive effect from the institutional changes and the very positive effect of the legal quotas, still they are in the shadow of the dominant culture in the researched case study. The development and success of the positive influence from the factors of institutional engineering, depends on the real pressure on party elite regarding the incorporation of their internal and external politics as well as intraparty and extraparty activists in relation to gender equality (Antić Gaber 2011). For instance, in Macedonia despite the introduction of quotas in 2002, women were still ranked on lower positions on candidate lists, until changes were made in the EC 2006 which introduced the rules for ranking. However, this is indicative of forced emancipation. The real inclusion of women’s interests in decision-making processes is still determined by existing dogmas and dominant perceptions for the success of men in politics as opposed to women. The state needs to undertake special measures for changing the negative attitude of women working in politics (Nacevska 2013). The public opinion surveys (WVS, EVS 2008) show the dominant value matrix of patriarchy, collectivism and family-orientation. On the other hand, this is reflected in the distrust interpreted by political leaders in relation to the selection and nomination of female candidates on higher positions of power and decision-making, but also in the citizens’ trust in female candidates. Despite the legislation changes and the introduction of quotas, the existing political culture of male domination in the political life is still curtail in relation to political parties as actors in the political equilibrium. The Balkan must be seen though the global comparative perspective in order to understand the structural patterns of discriminating women. Generally, it can be concluded that efforts to raise people’s awareness are necessary in order to incorporate equal opportunities in all spheres of the social life which will lead to increase of the political presence of women. EU Directives are delegated from the top and often do not take into account the specific context of individual policies, which could cause
problems in post-communist environments, such as in the case study, because it seems that even this policies are becoming present, the links between them are still weak (Jalušić and Antić Gaber 2001). These processes of raising awareness must be focused not only on the man perceptions, but more over on the women. This constatation comes also from the recommendations of the Committee for eliminating discrimination within the UN, which point on empowering the work of the Equal Opportunities Sector within the Ministry of Labor and Social Policy in cooperation with the non-governmental sector, through educational trainings and campaigns for raising the awareness regarding gender equality.

7 LITERATURE


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