

Abstract

Chapter 2: Positioning local government gender quotas within local democracy

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My thesis theorises how public law on local government legislative and executive competencies are relevant for women and how election law facilitates women's local government representation in India and Sri Lanka. My aim is to develop feminist constitutional theory taking into account the underrepresented experiences of women within these countries. I use five methods in my thesis: comparative, historical, doctrinal, feminist, and theoretical. I argue that there are two components to a feminist constitutional theory of local government. The first relates to the legislative and executive competences of local government and the second deals with the question of democratic representation. Accordingly, I focus on local self-government and local democracy as the main principles of constitutional and public law relating to local governance.

In this chapter, I analyse the second component of a feminist constitutional theory of local government: democratic representation. I argue that women's representation enhances the legitimacy of local government by ensuring that women are involved in decision-making processes that affect them. I also argue that the contributions that women make through their distinct life experiences and disadvantaged positionalities have the potential to improve the functioning of decision-making processes. I call this promoting the functional efficiency of local governance. I formulate local government gender quotas as a legal measure to provide political access to women subject to multiple marginalisation and ensure that local legislative assemblies more closely resemble the electorate. Based on these functions of the local government gender quotas, I theorise these quotas as one aspect of the constitutional structure facilitating local democracy. I argue local democracy to consist of four aspects: local knowledge, local agency, local solidarity, and localised services.