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# Elite patriarchal bargaining in post-genocide Rwanda and post-apartheid South Africa: women political elites and post-transition African parliaments

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# ELITE PATRIARCHAL BARGAINING IN POST-GENOCIDE RWANDA AND POST-APARTHEID SOUTH AFRICA: WOMEN POLITICAL ELITES AND POST-TRANSITION AFRICAN PARLIAMENTS

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**Thesis submitted in fulfilment of the requirements for the**

**Degree of Doctor of Philosophy in Political Studies**

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**AUGUST 2015**

**DECLARATION**

I declare that this thesis, titled ***Elite Patriarchal Bargains in Post-Genocide Rwanda and Post-Apartheid South Africa: Women Political Elites and Post-Transition African Parliaments***, is my original research. It has never been submitted by anyone for the award of any other Degree or Diploma in any College or University. Furthermore, to the best of my knowledge, it contains no material written by another person except where due reference is made in the text of the thesis. It is submitted for the degree of Doctor of Philosophy (Political Studies) in the University of the Witwatersrand, Johannesburg. It has not been submitted for any other degree or examination in any other university.

_____ _____

Lindiwe D. Makhunga (Signature) Date (DD/MM/YYYY)

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**DEDICATION**

***Because a woman extends backwards through her mother and forwards through her daughter, this work is dedicated to my mother, Monica Harrison, who taught me to love God and never made me forget that I come from a long line of women who run with the wolves…***

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There are far too many people that have made the completion of this PHD possible and if anyone is omitted, I guarantee that it was not intentional. I did not know it then but my PHD started when I landed in Rwanda in 2008 for the first time. It was my first time outside of South Africa and my other adopted childhood home of Swaziland in another African country, and would be the beginning of a deep relationship with the rest of the continent that would be particularly defined by Rwanda.

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***Research Question***

*Has the increased representation of women in parliament in post-genocide Rwanda and post-apartheid South Africa resulted in parliamentary outcomes that address key aspects of gender inequality in each country's respective societies?*

**ABSTRACT**

*This study comparatively interrogates the representative parliamentary politics of women political elites in the sub-Saharan African states of post-transition Rwanda and South Africa. It analyses the relationship between women political elites and gender equality outcomes through the theoretical framework of the pre-supposed positive relationship that is said to exist between high levels of women's descriptive representation and women's substantive representation. It specifically explores this relationship through the lens of legislative outcomes passed in each state. In South Africa, this legislation takes the form of the 1998 Recognition of Customary Marriages Act and in Rwanda, the 2008 Gender-based Violence Act. This study locates the outcomes of women's parliamentary politics in these states to the different articulation of elite patriarchal bargains negotiated by women political elites within the opportunities and constraints of parliamentary institutional contexts and the political parties represented in these regimes. I show that the higher the degree to which a ruling political party needs to privilege and emphasise women's interests in the reproduction of political power and legitimisation of its own authority, the more favourable the terms of the elite patriarchal bargains that women political elites tacitly negotiate within political parties will be for pursuing gender equality legislative outcomes in patriarchal institutional contexts. I illustrate how political institutions located in the state never present conclusive gains or losses for women and gender equality but are contextually ambiguous and contradictory in the ways that they foster representation and locate gendered political accountability.*

Word Count (excluding footnotes and bibliography) – 99 872 words

**ABBREVIATIONS AND ACRONYMS**

ACDP - African Christian Democratic Party

ANC - African National Congress

ANCWL – African National Congress Women's League

APROSOMA – *Association pour la Promotion Sociale de la Masse* (Association for the Social Promotion of the Masses)

CALS - Centre for Legal Studies (University of the Witwatersrand, Johannesburg)

CDR – *Coalition pour la Defense de la Republique* (Coalition for the Defense of the Republic)

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

CGE - Commission for Gender Equality

CODESA - Convention for a Democratic South Africa

CONTRALESA - Council for Traditional Leaders

COSATU - Congress of South African Trade Unions

DA - Democratic Alliance

DP - Democratic Party

DRW - Descriptive Representation of Women

DWCPD - Women, Children and People living with Disabilities

EISA - Electoral Institute of South Africa

EU - European Union

FF+- Freedom Front Plus

FFRP - *Forum des Femmes Rwandaises Parlementaires* (Rwandan Women's Parliamentary Forum)

FPTP - First-Past-The-Post

GAP - Gender Advocacy Programme

GMO- Gender Monitoring Office

GNU - Government of National Unity

IDASA - Institute for Democracy in South Africa

ID - Independent Democrats

IEC - Independent Electoral Commission

IFP - Inkatha Freedom Party

IPU - Inter-Parliamentary Union

JCQLSW - Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women

JTM - Joint Tagging Mechanism

LCC - Legal and Constitutional Commission

MIGEPROFE - Ministry of Gender and Family Promotion

MP - Member of Parliament

MPL - Member of Provincial Legislature

MRND – Mouvement Républicain National pour la démocratie et le développement (National Republican Movement for Democracy and Development)

NA - National Assembly

NFPO –National Forum of Organisations

NCOP - National Council of Provinces

NEC - National Executive Committee

NGM - National Gender Machinery

NNP - New National Party

NP - National Party

NRA - National Resistance Army

NRM - National Resistance Movement

OAU - Organisation of African Unity

PDC - *Parti Démocratique Chrêtien* (Christian Democratic Party)

PDI - *Party Démocratique Islamique (*Islamic Democratic Party)

PPC - *Parti pour le Progrès et la Concorde* (Party for Progress and Concord)

PSD - *Parti Social Démocrate* (Social Democratic Party)

PSR - *Parti Socialiste Rwandais* (Rwandese Socialist Party)

PL - *Parti Libéral* (Liberal Party)

PFA - Beijing Platform for Action

PMG - Parliamentary Monitoring Group

PPC - Party for Progress and Concord

PR - Proportional Representation

PWG - Parliamentary Women's Group

RANU - Rwandese Alliance for National Unity

RCMA - Recognition of Customary Marriages Act

RADER – Rwandese Democratic Union

RPA - Rwandan Patriotic Army

RPF - Rwandan Patriotic Front

SACP - South African Communist Party

SADC - South African Development Community

SALRC - South African Law Reform Commission

SDP - Social Democratic Party

SRW - Substantive Representation of Women

TRC - Truth and Reconciliation Commission

UDM - United Democratic Movement

UDPR - *Union Démocratique du Peuple Rwandais* (Democratic Union of the Rwandan People)

UN – United Nations

UNAR – Union Nationale Rwandaise (Rwandan National Union)

UNDP - United Nations Development Programme

UNIFEM - United Nations Development Fund for Women

UP - United Party

WEU - Women's Empowerment Unit

WNC – Women's National Coalition

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Map 2: Africa showing the location of the Republic of South Africa

***A Note on Terms and Formatting***

Many of the acronyms and abbreviations used in Rwanda subscribe to their original French and therefore do not correspond with their English equivalents in my thesis. I provide the original French on the first use of the term along with the French abbreviation/acronym and thereafter use the English equivalent with its corresponding French. For example, I refer to the Forum des Femmes Rwandaises Parlementaires (FFRP), thereafter I will refer to it as the Rwandan Women's Parliamentary Forum (FFRP).

In Rwandan culture, surnames are usually listed first and first names last. I have not followed this tradition and use first names and second names last. There is no possessive form of a noun in Kinyarwanda indicated with an apostrophe preceding an s. The English 'Women's Council' would therefore be 'Women Council'. I have opted to use the English form to avoid confusion.

Although both Rwanda and South Africa have bicameral parliaments, my focus in both states is on the Lower Chambers of each respective parliament.
I interchangeably use the terms parliament and National Assembly for South Africa and parliament and Chamber of Deputies for Rwanda.

Citations of under 45 words are not indented.

# CHAPTER ONE – INTRODUCTION, RESEARCH RATIONALE AND SCOPE OF STUDY

*'The state is a fractured and ambiguous terrain for women needing complex negotiation and bargaining by those working within its boundaries as well as those on the outside'.*

Shirin Rai (2008: 74) - ***The Gender Politics of Development: Essays in Hope and Despair***

## *1.1. Introduction*

Historically and globally, political struggles to promote women's presence in the formal political arena have been underlined by the widely held assumption that identity plays a fundamental role in the political practices and outcomes advancing group interests (Mansbridge, 1999, 2006; Phillips, 1991, 1995; Williams, 1998; Young 1990, 2000). Women's increased presence in the political decision-making arena at a certain level, referred to as a 'critical mass', has been theorised as enacting a change in political institutional contexts that lead to the effective articulation of women's collective interests (Dahlerup, 1988, 2006a; Kanter, 1977).[1] In particular, a directly proportional causal relationship has been theorised as existing between the increase of women in the formal political arena and a corresponding rise in the frequency and quality of policy and legislative outcomes favourable to the promotion of gender equality (Grown, et al., 2005; Lovenduski and Karam, 2002; Mansbridge, 1999, 2006; Phillips, 1991, 1995; Williams 1998; Young; 1990, 2000).

At no other time in its history has the presence and participation of women in sub-Saharan Africa's national parliaments been such a pronounced and definitive aspect of the region's political landscape (Inter-Parliamentary Union, 2015). Primarily due to the influence of transnational feminisms on African women's national advocacy movements for the adoption of gender quotas around the continent, women's activism within and outside political parties has successfully campaigned for the increased inclusion of women in formal political arenas

[1] The exact threshold of women in parliament, or 'tipping point', which constitutes a critical mass is contested. Certain scholars posit that it occurs in a range of between 15-20 percent (Saint-Germain, 1989; Thomas, 1991, 1994). It is also widely considered to be 30%, a figure which informs the adoption of electoral gender quotas around the world (Dahlerup, 1988, 2006a). For the purpose of this study, I use the threshold adopted by Georgina Waylen (2010) which stands at 25%.

(Bauer and Britton, 2006; Bauer and Burnet, 2013; Geisler, 2004; Goetz and Hassim, 2003; Ferree and Tripp, 2006; Tamale, 1999; 2000; Tripp, 2006; Tripp and Kang, 2008; Tripp, et al., 2009). At a time when women in national parliaments are internationally and chronically under-represented (International Parliamentary Union, 2015), therefore, Sub-Saharan Africa currently has some of the highest levels of women's legislative representation in the world and almost one third of the countries on the continent have women's parliamentary representation over 25%.[2]

This study interrogates the representative parliamentary politics of women in the sub-Saharan African states of post-conflict Rwanda and South Africa.[3] It does so by comparatively examining the role of women political elites located in national parliaments in relation to parliamentary legislative outcomes that address gender relations in two sub-Saharan African contexts. Rwanda and South Africa currently represent two states with some of the highest proportions of women in parliament in the world with 63.8% and 41.9%, respectively (Inter-Parliamentary Union, 2015). Presently, Rwanda has the highest number of women in parliament in the world with 63.8% and currently exists as one of only two national legislatures with a majority of women.[4] South African parliament has a level of women's descriptive representation of 41.9%. In early 2012 when this research was originally formulated, Rwanda and South Africa represented the two African countries with the highest percentage of women with 56.3% and 44.5%, respectively. Since that time, a 2013 parliamentary election in Rwanda resulted in 63.8% of women's representation in parliament. South Africa's percentage of women in parliament declined to 41.9%, following its 2014 national and provincial elections. These two national legislatures still currently represent the only bicameral sub-Saharan African parliaments with levels of women's descriptive representation over 40% (International Parliamentary Union, 2015).

[2] As of August 2015, nineteen states in Africa have levels of women's descriptive representation over 25%, namely Rwanda, the Seychelles, Senegal, South Africa, Angola, Tanzania, Uganda, Zimbabwe, Cameroon, Burundi, Ethiopia, Lesotho, South Sudan, Namibia, Mozambique, Zimbabwe, Tunisia and Mauritania (International Parliamentary Union, 2015).

[3]The label of 'post-conflict' is not one that has been liberally applied to South Africa in the post-apartheid political discourse but I feel it is relevant given the fact that, although South Africa did not descend into civil war as was widely predicted, apartheid represented a protracted state of civil conflict (Cock and Nathan, 1989).

[4] Women account for 53.1% of the Members of Parliament in Bolivia's bicameral parliament.

Despite the theoretical proposition that high female representation in formal decision-making structures lead to legislative outcomes that improve women's status in their societies, there is still a lack of empirical consensus on the effects of women's increased formal representation in parliament. A decisive paradigm has yet to emerge that conclusively defines the relationship between higher levels of women's presence in parliament, *women's descriptive representation*, and the effects and outcomes of that presence, referred to as *women's substantive representation.* Research on women's representation in the formal political arena has mainly been conducted in economically advanced liberal democracies (Dahlerup 1998, 1994, 2006a, 2006b; Norris and Lovenduski, 1995; Childs, 2004; Childs and Withey, 2004; Cowley and Childs, 2003; Krook, 2010), with the bulk of research conducted in developing world contexts concentrated in the Latin American region (Francheschet, 2005; 2011; Heath et al., 2005; Htun, 2003; 2005; Jones, 2008; Molyneux and Craske, 2001).

While at times relevant to observations of African political realities, the research on women in political representation in advanced democracies and industrialised contexts has limited applicability to developing world contexts (Hughes, 2009; Matland, 1998). The proposed direct relationship between high women's representation and gender equality parliamentary outcomes is particularly complex in sub-Saharan Africa because the African post-colonial state is recognised as being one of the most powerful manifestations of patriarchal power in sub-Saharan Africa, characterised by a strongly entrenched legacy of patrimonialism, clientelism and patriarchy (Mama, 2001; Mies, 1998; Mikell, 1997; Parpart and Staudt, 1989; Tamale, 1999, 2004). The sub-Saharan African post-colonial state is also distinct in its hybridity of tradition and modernity and the ways in which this relationship is expressed in political institutional arrangements, specifically parliament (Mamdani, 1996; Salih, 2005; Werbner, 1998, 2002).

The study of the effect of women's presence in the formal political arena is presently recognised as a 'flourishing international sub-field of scholarly enquiry' (Mackay, 2004: 99). Despite this, according to Bauer and Britton (2006), the lack of understanding of this relationship is particularly stark in sub-Saharan African contexts where empirical studies on women's formal political representation are notably fewer and ironically, where the numbers

of women in national legislatures are amongst the highest in the world. My study generates new and crucial understandings of the institutional constraints and favourable conditions that advance women's legislative outcomes in sub-Saharan Africa and elsewhere in the global South.

Since their respective transitions in the early 1990s, Rwandan and South African women political elites located within political parties in their respective national parliaments, have managed to attain very different legislative outcomes on what are broadly termed 'women and gender equality issues', namely legislation related to gender equality that include legislation addressing domestic violence, reproductive rights and marriage.[5] In Rwanda, legal reform in the post-genocide era resulted in the criminalisation of polygyny, the right for women to legally inherit land and legislation combating gender-based violence. In post-apartheid South Africa, legal reform in the first post-apartheid parliament resulted in the formal recognition of polygamous marriages conducted under customary law, legislation protecting women from domestic violence and unconditional access to the termination of pregnancy.

The differences in these legislative outcomes are complex and why and how these differences came about and the role that women's increased presence in the representative arena played in these outcomes, reveal important dynamics of the forms that women's representation have taken in sub-Saharan African parliamentary contexts. In Rwanda and South Africa particularly, a comparative analysis of the political processes surrounding gender equality outcomes reveal important dynamics regarding women's individual and collective politics within their political parties, parliaments and most importantly, the strategies, negotiation and bargaining resources used to pursue gender-equality legislative outcomes.

Following the aims and objectives of my research explored in the next section, Section Three substantiates my selection of case studies for this comparative study. Section Four provides the rationale for this study and motivates for the significance of my enquiry. Section Five

[5] Representing one of 4 African states to have enacted an unconditional abortion law (including Mozambique, Cape Verde and Tunisia), South Africa's Choice on Termination of Pregnancy Act (Act. 92 of 1996) allows women to unconditionally terminate their pregnancies while until recently, abortion in Rwanda was allowed only if the mother was in danger from the foetus. In early 2012, the Rwandan legislature approved a Bill that conditionally allows abortion in conditions of rape, forced marriage and incest.

provides a contextual background for Rwanda and South Africa and Section Six provides a chapter outline for the remainder of this thesis.

### *1.2. Research Objectives and Questions*

This comparative empirical study examines the relationship between women's political representation and gender equality legislative outcomes in two post-colonial African contexts, namely post-genocide Rwanda and post-apartheid South Africa. In shifting the regional focus of empirical research on women in formal political representation from the global North to the global South, specifically sub-Saharan Africa, this research responds to Paxton et al. (2007: 275) in their call for 'developing new theories for non-Western and less developed countries and regions'.

As a basis of comparing women's post-transition parliamentary politics, I heuristically examine the different ways in which gender-related legislative outcomes concerning marriage and divorce were passed in each context and construct women political elites in parliament as an interest-based group with cohesive political interests and legitimate claims. In South Africa, the gender equality legislative outcome selected is the 1998 Recognition of Customary Marriages Act. In Rwanda, this legislation is encapsulated by the 2008 Gender-based Violence Act. Heuristically analysing parliamentary processes through the lens of pro-gender equality legislation that has already been passed in each context enables a retrospective engagement and post-hoc analysis of the interaction between women Members of Parliament and the political processes that led to the passage of gender equality legislation within each state's parliamentary arena.

In the absence of a closer analysis of women's parliamentary representation in legislative contexts with a critical mass of women, legislative outcomes serve as the clearest indicator and evidence of women's effective articulation of gender equality interests within parliament. They do not however capture the entirety of the process and women's substantive representation cannot be measured by a single indicator. When analysing how women's substantive representation occurs, Childs and Krook (2009: 134) caution against a focus on legislative voting in the passing of gender equality legislative outcomes, stating that the entire legislative process needs to be scrutinised. This informs my focus on *processes* as well as

outcomes. Exploring the processes through which legislation concerning marriage and divorce were passed in both countries instrumentally reveal important dynamics of the forms that women's substantive representation takes within post-conflict African parliamentary contexts, specifically those comparable to South Africa and Rwanda that are defined by former liberation struggle movements turned ruling political parties.

The state's involvement in the regulation of gender relations in the private realm has historically been a contentious issue, reflecting wider political debates on the optimal role of the state in citizen's lives, specifically the lives of women (Glendon, 1987; Htun, 2003). Legislation that aims to transgress the traditional distinctions of the 'private'/'public' domain such as marriage and divorce legislation (Pateman, 1988, 1989), is more difficult to pass than those related to increasing women's numbers in politics or formal employment. The role of the state in guaranteeing women's rights within intimate relationships and the domestic sphere is therefore an implicit manifestation of a government's obligation to address gender equality as a substantive objective, as opposed to rhetorical commitment. Amanda Gouws (2008: 561) emphasises this, arguing that the 'failure to make the private sphere part of political contestation diminishes the power of formal democratic rights and limits solutions to gender inequality'.

***Primary Research Question***

***Does the increased representation of women in parliament in post-genocide Rwanda and post-apartheid South Africa result in parliamentary politics that address key aspects of gender inequality in each country's respective societies?***

The similarities and differences in legislative outcomes governing marriage regimes in South Africa and Rwanda reflect a range of contextual variances that extend beyond the thesis that one country [Rwanda] is more gender progressive than the other [South Africa]. Women political elites operating in the parliamentary arena do not operate independently from the legislative contexts within which they function as political actors. This study argues that there is a need to look beyond simplistic causal relationships between women's critical mass and gender related outcomes in the representative formal arena when interrogating women's high presence in parliament. In interrogating the relationship between women's descriptive

representation and women's substantive representation, I argue for the importance of Fiona Mackay's approach (2008: 125), which stresses that 'a contextualised, inter-relational, whole-system approach is needed, rather than a narrow focus on whether or not women representatives 'act for' women'.

My thesis proposes that the relationship between women within political parties represented in the parliamentary arena and the legislative processes and outcomes that emerge from women's substantive representation are rooted in women's bargaining and negotiating within the political opportunities and constraints embedded in institutions. In their analysis of Argentinian parliament, Franceschet and Piscopo (2008: 394) emphasise the need for research on women's substantive representation to proceed from the premise that 'representation depends on the institutional environment…Institutions and norms simultaneously facilitate and obstruct women's substantive representation'. This approach is equally relevant to parliaments in sub-Saharan Africa and this study illustrates the important role played by legislative contexts in mediating the possibilities of women's substantive representation.

There is a pronounced lack of academic engagement with parliament as a profoundly gendered institution in sub-Saharan African contexts. This is especially disturbing because sub-Saharan Africa parliaments currently have some of the highest levels of female legislative representation in the world. In aiming to address the methodological gap identified by Kittilson (2010: 217), where 'institutional research has often been conducted separately from research on political behaviour', my study adopts a more nuanced gendered examination of legislative contexts in the sub-Saharan African state.

**Secondary Research Questions:**

- **How has the relationship between the respective parliamentary institutional contexts of post-transition Rwanda and South Africa and their women Members of Parliament influenced and affected women's parliamentary politics, specifically regarding pro-gender equality legislative outcomes?**
- **How do representative political parties in the South African and Rwandan parliament mediate women as political actors in parliament, specifically in**

**relation to facilitating the processes and outcomes related to women's substantive representation?**

### *1.3. Research Rationale – Motivation for the Study*

Despite the perceived relationship between women's presence in the state and the enactment of gender equality outcomes explored in this introductory chapter, an uneasy consensus still exists that the pursuit of gender-equality claims and cooperation with the state, whether by women political elites located inside parliament or gender equality activists in civil society, is fundamentally incompatible (Brown, 1995; Ferguson, 1984; Pateman, 1988; 1989). Feminist ambivalence regarding the state as a potential site of transformative and emancipatory activism are echoed by Wendy Brown (1995: ix) who expresses 'concern over the potential dilution of emancipatory political aims entailed in feminism's turn to the state to adjudicate or redress practices of male dominance'. The growing presence of women in the formal political arena was meant to address this fundamental bias, however, and engender the state in ways that would tackle its inherent masculinity. When women began to enter formal representative spaces in large numbers, it became necessary to interrogate and assess the lack of a spontaneous shift in political culture within the state and interrogate the intransigence of the patriarchal state and its constituent political institutions.

Gender inequality, which is the manifestation of the asymmetrical power relations between men and women, is deeply embedded in the political, social, economic and cultural institutions and structures that mediate and order society (Pateman, 1989; Connell, 2002). Gender relations operate complexly in reality where power asymmetries between men and women have visible and invisible dimensions. Accordingly, institutions and structures within a society such as parliament and the state can be understood as fundamentally patriarchal because they reflect the asymmetry of power that exists between men and women, which establish gendered regimes, or systems of power between men and women within which individuals negotiate agency (Acker, 1992; Giddens, 1984; 1986). Women who have accessed parliament as political representatives have faced significant obstacles (Geisler, 2000, 2004; Matland, 1999; Tamale, 1999, 2000) and according to Goetz (2009: 5) 'discovered deeply embedded gender-biased patterns in public decision making and policy implementation that

stop progressive public policy in its tracks'. Sylvia Tamale (2000: 12) emphasises this particular dimension of parliament, asserting that 'gender inequality affects the social interactions of men and women legislators, and remains an integral part of the parliamentary institutional framework'.

Although the political contexts that engender elite turnover have been recognised as conducive to promoting women's entry into formal political institutions (Hughes, 2009; Putnam, 1976), there is also recognition that women's political gains in the aftermath of political transitions are not a guarantee. Rwanda and South Africa's post-transition political guarantees for women's inclusion in the state are therefore considered exceptional cases which both merit closer scholarly attention to the key relationships recognised as influencing the success of gendered outcomes of political transitions and their potential to enhance gender equality. Very few studies of parliamentary politics in the sub-Saharan African context have systematically analysed the effects of post-transition institutional restructuring on parliament (Bauer and Britton, 2006; Britton, 2005; Goetz and Hassim, 2003; Hassim, 2006; Tamale, 1999), specifically following transitions like the Rwanda and South Africa where women's movements have been highly visible and following electoral gains, women have entered parliament in sudden and concentrated numbers.

### *1.4. Comparative Case Study and Context: Rwanda and South Africa*

In the space of three weeks in April 1994, Rwanda's four year long civil war culminated in a period of unprecedented violence that took the form of a tragic and violent genocide that virtually destroyed the country's political, economic and social infrastructure. In the same month further south on the African continent, South Africa experienced its first democratic election, signalling the end of the deeply oppressive and protracted apartheid era. In South Africa, this marked a moment of political triumph and celebration but for Rwanda, it represented an unsurpassed tragedy in the nation's history. The aftermath of the 1994 Rwandan genocide and South Africa's inauguration as a democracy represent two distinct periods during which both countries' political landscapes were irretrievably changed and their political systems and concomitant state institutions, redefined.

These countries intersect and diverge at a number of crucial points that together inform their selection for my comparative case study. Both are relatively new political dispensations (approximately 20 years) by international standards, governed by strong political parties with national liberation struggle histories (Devlin and Elgie, 2008; Giliomee and Simkins, 1999; Longman, 2006; Southall, 1994). Both countries also share a political history defined by congruent experiences of fractured identity politics that include racial and ethnic tensions. Both countries can be seen to represent post-conflict societies that underwent dramatic political transitions in the same year and within the same month.[6]

Despite 1994 representing a politically definitive period for both countries, their respective transition periods were actually initiated in 1990. South Africa's political transition began after apartheid was formally dismantled in 1990 and multi-party negotiations began. The transition is considered to have ended in 1994 with the country's first democratic election, although its constitution was only formalised in 1996. Rwanda's initial period of political transition, which was eventually to fail and culminate in genocide four years later, began in July 1990 with a formal process of political liberalisation and multi-partyism. It was during this period (1990 – 1994) that the Arusha negotiations unfolded. After the genocide in 1994, Rwanda's post-genocide transitional period lasted until 2003 when a new constitution was adopted by a national referendum and the country's first post-genocide elections were held.[7]

The passage of two decades since 1994 represents an appropriate time frame within which to compare the different political, social and economic environments under which gender politics have been forged and developed. It also raises more important questions related to issues of political will and state commitment to addressing women's gains and the allocation of state resources towards this end. Although Rwanda's economic infrastructure was virtually destroyed, it has managed to achieve what is often referred to as a 'development miracle' in close to two decades and simultaneously entrenched many gains for women. In 1994, South

[6] I adopt the particular use of the word 'post', not because the pre-, during and post-conflict dimensions of the South African and Rwandan history are easily distinguishable from each other, but because it is easier for the analytical purposes of my dissertation and also serves to facilitate certain comparisons.

[7] While the transition period was supposed to end in 1999, in 1998 the government announced its extension for an additional five years before elections would finalise the transition process. The reasons cited by the RPF-led transition government for the need to extend the transition period was the need 'to ensure the country's security and a peaceful democratisation process' (Burnet, 2008: 365).

Africa was, and continues to be, the most developed economy on the continent. Although the nature of their transitions was different, it is interesting to see how an under-resourced country like Rwanda has compared to addressing the needs of its women to the continent's 'economic powerhouse', South Africa. Rwanda is under-developed, population dense and donor dependent with a predominantly rural population. South Africa has the second largest economy on the African continent, is a middle-income country, has an overwhelming urban and peri-urban population and is relatively developed.

In the majority of post-transition contexts, the gains that women made on the battlefield or around the negotiating table in the informal and formal political arena, in advancing women's interests during periods of transitions have been shown to be reversed as transitions move towards consolidation (Enloe, 1993, 2000; Htun, 2003; Franceschet, 2005; Jacquette and Wolchik, 1998; Meintjes, et al. 2001; Matland and Montgomery, 2003; Nelson and Chowdhury, 1999; Waylen, 2004, 2007). In African contexts specifically, although women were prominent participants in anti-colonial and liberation struggles, women and their gender equality demands have been systematically excluded from their respective countries' post-colonialist and post-conflict political dispensations (Chadya, 2003; Geisler, 2004; Hassim, 2006a, 2014).[8]

Post-genocide Rwanda and post-apartheid South Africa constitute exceptions to this trend and this study partly responds to the 'paucity of systematic cross-national comparisons [that] leaves open the question of whether and why some democratic transitions result in more "women-friendly" states than others' (Viterna and Fallon, 2008: 669). A comparison of the two states has not been made based on each country's transition, processes of gendered transition or most importantly, examined as the respective basis of each country's post-transition political system and dispensation. Comparatively exploring the parliamentary gendered institutional consequences of Rwanda and South Africa's differentiated political

[8] The history of women's participation in nationalist struggles across the continent have been fairly well documented. In Algeria (Fanon, 1967; Turshen, 2002), Angola (Ducados, 2004; Zulu, 1999), Eritrea (Connell, 1998; Hale, 2001), Mozambique (Geisler, 2004; Sheldon, 2002; Ranchod-Nilsson, 1994, 2006; Scott, 1994), Zimbabwe (Geisler, 2004), Zambia (Geisler, 2004), women were marginalised from political participation in state politics following their countries' transitions.

transitions and their effect on women MPs' legislative behaviour is crucial in understanding the terms of women's entry into the state following their transitions.

Unlike the history of women's activism within national liberation movements across the continent, very little is known about women's participation in the Rwandan Patriotic Front before it came into power in 1994, specifically in comparison to women's involvement in nationalist movements in South Africa like the Inkatha Women's Brigade and ANC Women's League. In fact, there is no scholarly work focused on this particular gendered experience. This dearth of authoritative sources is particularly notable because women's high presence in formal politics following the end of national liberation struggles is usually preceded by prominent women's lobbying and advocacy within the 'directing' organisation or some degree of women's organizing in women's auxiliary bodies like Women's Leagues or Women's Brigades (Geisler, 2004).

After 1994, Rwanda's post-genocide transition period lasted until 2003 when a new constitution was adopted and national elections were held. After the genocide, parliamentary politics resumed in November 1994 and Rwanda's 'transition' period officially ended in 2003 with the country's first post-genocide national elections and the adoption of its new constitution. Transition periods, however, are not so easily defined and distinguishable from post-transition periods and crucial continuities exist. In order to effectively facilitate the comparative case study method, however, I have chosen legislation passed in each country's first elected post-conflict parliaments. South Africa's first elected post-apartheid parliament sat from 1994 to 1999 and Rwanda's first post-genocide parliament sat from 2003 to 2008.

Both countries have a bicameral parliamentary system and a Lower house of parliament within which representatives are elected every five years. Interestingly, Rwanda and South Africa are the only two countries with bicameral parliaments in sub-Saharan Africa with levels of women's representation above 40%. Rwanda and South Africa are also both currently ruled by strong dominant political parties with large electoral majorities that have consistently aroused debate about the robustness of political competition within each country's political system. Both countries' adherence to a proportional representation system presents a unique opportunity, not only to analyse the impact of high numbers of women in

parliament, but high numbers of women in parliament who are beholden to a single dominant political party. This is important in addressing a contradiction in empirical research where women's increasing presence in formal politics has not changed the fact that 'there is remarkably little theoretical literature on the experience of women in African political parties' (Goetz and Hassim, 2003).

In South Africa, the strength of the ruling political party is particularly pronounced and since 1994 it has attained a significant electoral majority (over 60%). Butler (2007: 35), arguing that the terms of engagement in South Africa's political system are essentially delineated by the African National Congress, asserts that 'its own [the ANC] intellectual frameworks and political processes – rather than the institutions of constitutional democracy – will forge the society's sense of collective purpose and make its key political and policy choices'. In Rwanda, the Rwandan Patriotic Front exerts complete and hegemonic control of Rwanda's political space and its state institutions (Reyntjens, 2010, 2013). In both Rwanda and South Africa, furthermore, the respective ruling parties of the RPF and ANC are frequently credited with not only being gender progressive political parties, but being principally responsible for women's high presence in parliament and facilitating the collective agency that enabled the achievement of transformative legislative outcomes for women (Britton, 2005; Burnet, 2008; Geisler, 2004; Hassim, 2006a, 2014; Kayumba, 2010; Longman, 2006; Walsh, 2010).

Although both the Rwandan and South African national legislature are formally defined by political pluralism and procedural democracy, opposition parties in both political contexts have relatively small electoral bases. Despite the difference in the degree of influence and authority both ruling parties yield in their respective political systems - the RPF's political power is hegemonic and the ANC is a dominant political party - both the ruling regimes of the RPF and ANC enjoy a monopoly of political power and lack any significant electoral challenge (Beswick, 2010; Giliomee and Simkins, 1999; Jordaan, 2006; Reyntjens, 2011, 2013; Southall, 2000, 2001). Even though South Africa's 1994 transition to a majoritarian democracy was widely celebrated and civil freedoms are still very much guaranteed, there have been worrying and conspicuous shifts in a distinctly undemocratic direction (Habib, 2013; Mashele and Qobo, 2014). The case studies selected for my comparative study therefore

inadvertently challenge many existing paradigms regarding the functional relationship that is said to exist between women's political representation and democracy (Norris, 1999; Phillips, 1991; 1995; 1998).

### *1.4.1. Rwanda: Land of a Thousand Hills*

Rwanda was a part of the German colony from 1884 to 1919 after which, following the terms of the Treaty of Versailles which confiscated German colonies following the end of the First World War, it became a Belgian UN-mandated territory and subsequent colony. During its approximately four decade colonial rule, the Belgians institutionalised and entrenched the dominance of the minority Tutsi ethnic group over the Hutu majority population. Historically, traditional authority in Rwanda had taken the form of a Tutsi monarchy whose rule and official recognition by Belgian colonial authorities provoked ethnic divisions in the country (Reyntjens, 1994; Mamdani, 2001; Prunier, 1997). In 1959, in what was later to be known as the 'Hutu revolution', the Tutsi monarchy was overthrown by Hutu forces in a wave of violent pogroms which killed and displaced a significant proportion of the country's Tutsi population. Since 1959, therefore, Rwanda has not had a centralised or decentralised traditional authority structure enforcing tradition or culture within the country.



**Map 1. Africa Map showing the Republic of Rwanda.** ***Source: http://www.nationsonline.org/oneworld/rwanda.htm***

In 1962, Rwanda attained independence under the Hutu-dominated Parmehutu government led by Gregoire Kayibanda. Kayibanda established Rwanda's First Republic that fostered ethnic division and promoted pogroms against the Tutsi, simultaneously exacerbating regional tensions within ethnic groups (Mamdani, 2001; Prunier, 1997). In 1973, Juvenal Habyarimana overthrew the Kayibanda government and established Rwanda's Second Republic. Habyarimana suspended Rwanda's 1962 Constitution and established a one-party presidential government that legally enshrined the National Republican Movement for Democracy and Development (*Mouvement Républicain National pour la démocratie et le développement,* MRND) as the only political party legally allowed to operate in the country. The government then embarked on a structured strategy to manipulate ethnic differences in order to maintain Hutu majority power. The Hutu majority government utilised their control of the state apparatus to manipulate and frame ethnicity in a way that it became politically expedient to create a sense of fear and insecurity among the Hutu population against a 'threatening' Tutsi population. In the Rwandan case, ethnicity was as much an identity as a tool for political mobilisation, echoing Comoroff's assertion (1996: 165) that 'ethnicity arises in the exercise of power'.

The late 1980s and 1990s coincided with a period of economic instability brought on by the collapse in coffee prices and high unemployment. Increasing pressure from displaced regional and international Tutsi communities to return to Rwanda were met with refusal by Habyarimana's MRND government who, fearing a Tutsi take-over, had officially banned Rwandan refugees from returning in 1986. It was against this backdrop that the Rwandan Patriotic Front was formed to demand the repatriation of Rwandan refugees in 1987. The 1990 invasion of the Rwandan Patriotic Front (RPF) launched a civil war in the midst of a severe economic crisis that accompanied the imposition of structural adjustment programmes by donor aid agencies (Storey, 1999; Uvin, 1998). Rwanda's civil war co-existed alongside internal pressure from Rwandan opposition movements which reluctantly saw the expansion of political freedoms and democratic spaces (Des Forges, 1999; Reyntjens, 1994). The social consequences of structural adjustment programmes are widely seen to have actually contributed to the 1994 genocide (Storey, 1999; Uvin, 1998).

Since Rwanda's first large scale ethnic massacre against the Tutsi in the Hutu Revolution of 1959, sporadic ethnic violence committed against the Tutsi population had systematically led to a considerable refugee population of Tutsis living outside of the borders of Rwanda, particularly the neighbouring African states of Tanzania, Burundi, Uganda and the Congo, with the most significant population concentrated in the refugee camps of Southern Uganda (Human Rights Watch, 1999). The offspring of the first generation of mainly Tutsi refugees exiled in 1959 and subsequent waves of ethnic violence from Rwanda exiled to the refugee camps of neighbouring African states and elsewhere around the world (with the largest communities located in Uganda, Burundi, Tanzania, Kenya and the Congo), would constitute the Rwandan Patriotic Front that invaded Rwanda in 1990.

Under significant external and domestic pressure in the late 1980s, the MRND liberalised the political environment and a new Constitution, passed in 1991, diluted the powers of the presidency and allowed the formation of opposition parties. Envisaged as a negotiated pact modelled on consociationalism that would end the civil war between the Rwandan Patriotic Front (RPF-Inkontanyi) and Rwanda's ruling (MRND) party with multi-party elections, the Arusha Accord was supposed to herald the introduction of pluralism to Rwanda. It was in this context that radical Hutu extremist groupings resembling the *Coalition pour la Defense de la Republique* (CDR) and *Parti du Mouvement de l'Emancipation Hutu* emerged and proliferated within the Rwandan context. In 1992, external regional and international actors led by the Organisation of African Unity (OAU) established an interim coalition government composed of six political parties and initiated a negotiated settlement between the RPF and Hutu government called the Arusha Accords. The Arusha Accords, concluded in August 1993, aimed to end Rwanda's civil war and institute political pluralism within the country's political system by establishing a power sharing agreement between the incumbent MRND-led government, the RPF and opposition parties (Kuperman, 1996; Rafti, 2008).

It was in this explosive environment, before the terms of the Arusha agreement could be implemented that the president of Rwanda was assassinated and the resumption of the civil war between the state and the RPF pre-empted the Rwandan genocide. Extremist Hutu forces operating under the banner of Hutu Power seized control of the Rwandan state in a coup d’état

that enabled control over the Rwandan military (Mamdani, 2001; Prunier, 1996; Straus, 2013). Instead, as power shifted from the Hutu MRND-led government and its Hutu extremist political allies who were forced to share power with the RPF and opposition parties, extremist forces responded to the threats to Hutu dominance that democratisation represented, by organising a massacre of the Tutsi which culminated in genocide (Mamdani, 2001).

The Rwandan genocide does not just reflect a conflict that almost led to the extermination of the Tutsi ethnic group. It represents the culmination of the type of ethnic and racial political mobilisation that subsumed other identity interests and overwhelmingly defined Rwanda's development from its inception as a nation-state until that point in its history (Eltringham, 2004; Mamdani, 2001). The 1994 Rwandan genocide was a brutal and meticulously pre-meditated measure of violence by the Rwandan state's Hutu regime and its armed forces against the implementation of the Arusha Accords' perceived threat to Hutu dominance. It is distinct in being the world's fastest known incidence of mass slaughter in history. It lasted 100 days and killed an estimated 800 000 ethnic Tutsis and politically moderate Hutus, eventually ending with the seizure of the Rwandan state and the 'liberation' of the country by the RPF-Inkontanyi's Rwandan Patriotic Army (RPA) on July 17, 1994 which halted the widespread killing (Rwandan Patriotic Front, 1994). When the genocide ended in July 1994, not only had the Rwandan state collapsed and the perpetrators of genocide fled the country, but there was a need to provide social and economic security to hundreds of thousands of internally displaced persons, countless children who had been left orphaned, members of the population who had been left physically handicapped and maimed and the entire population. Food insecurity and lack of shelter presented a persistent problem which was exacerbated by a continuing insurgency and insecurity in the north-west of the country by génocidaires that fuelled an already fragile atmosphere of betrayal, mistrust, anger and mutual suspicion within the country.

### *1.4.2. South Africa: The Rainbow Nation*

Analogous to the political history of the overwhelming majority of the African continent, South Africa's history is defined by the processes of colonialism and domination by a foreign power. Where the country diverges from the rest of the continent with the exception of states

like Zimbabwe, Namibia, Kenya and Algeria, is its experience of deep settler colonialism. In South Africa, the consolidation of settler colonialism eventuated the development of segregation and the Apartheid system, all processes underpinned by a virulent and irrational racism which saw the political, social and economic disenfranchisement of the majority of South Africa's non-white population by a minority White government.

Since the beginning of the colonisation process, the resistance of the indigenous population to the processes of land dispossession and disenfranchisement that accompanied White rule were met with increasingly violent repression. This response initiated the formation of various national liberation movements adhering to a wide spectrum of ideologies and forms of resistance. The most prominent amongst these organisations was the African National Congress and Pan African Congress, an organisation that emerged from an ANC faction that was discontented with the organisation's increasing move towards non-racialism (Barber, 1999; Holland, 2012; Dubow, 2000).



**Map 2. Africa Map showing the Republic of South Africa. Source: http://www.nationsonline.org/oneworld/south_africa.htm**

The ANC however was perpetually torn between those who favoured broader racial cooperation and those who felt that the assertion of a Black African identity was a necessity. The ideological tensions between non-racialism and African nationalism would also reflect collective women's politics and continue to manifest within the movement even after the

change in organisational status from national liberation movement to ruling political party, as the association of feminism began to be framed as 'white', Western and lacking in authenticity.

The legislative institutionalisation of apartheid with the ascension to power of the non-democratic ruling Nationalist Party regime in 1948 provided a new urgency to political resistance. The repressive political environment enforced on South Africa's black population by the Apartheid government was a major factor leading to the politicisation of the masses and the reorientation of the ANC as a popular mass-based movement. The intensification of oppressive, degrading conditions and the increasing restrictions and curtailment of basic freedoms for non-Whites resulted in more urgent forms of protests, increasing political consciousness among the urban population and an environment ripe for structured and coordinated political mobilisation.

Following the Sharpeville Massacre in 1960, the South African government banned national liberation movements in the country. For 50 years, the ANC had pursued a policy of non-violence, but the virulent repression of the state and its banning in 1960 resulted in a shift to armed struggle. The ANC's banning and the discovery of the organization's armed wing, Umkhonto we Sizwe led to the imprisonment or forced exile of prominent members of the ANC leadership. The state repression and the banning of subsequent waves of resistance movements resulted in a political vacuum in organised resistance to apartheid within South Africa that was accompanied by the forced exile of the country's main apartheid movements and a decline in organised political resistance within the country. National liberation movements in exile like the PAC and the ANC embarked on an armed struggle (Ottaway, 1991; Ellis and Sechaba, 1992), and the widening of the anti-apartheid struggle to the rest of the continent which was gripped by proxy Cold War politics (Holland, 2012). The international community also rallied to the anti-apartheid cause and in 1973, apartheid was officially declared a 'crime against humanity' by the United Nations (Klotz, 1999).

The global struggle against apartheid simultaneously gained momentum towards the end of the 1980s with a widely enforced international sanctions and divestment campaign and the ostracism of the Apartheid state from the international community (Nesbitt, 2004). A major

development in resistance during this decade, was the union of some 650 anti-apartheid bodies to form the United Democratic Front (UDF), a broad non-racial grouping with a total membership in excess of 2.5 million (Seekings, 2000; Suttner, 2005). It emphasised mass mobilisation and protest politics and was instrumental in stimulating long periods of civil unrest that eventuated into a 'people's war' against the apartheid state, which evolved somewhat organically in response to domestic circumstances, and was met with unprecedented violent repression and a 'total' onslaught' of the apartheid government to political mobilisation against the state (Swillings and Phillips, 1989).

By the late 1980s, a people's war was effectively being waged against the apartheid government in the form of rolling mass action spurred by the UDF and COSATU. As the apartheid years drew to a close, it was the black urban working class that was at the vanguard of internal anti-apartheid resistance, a position achieved by virtue of its numbers and its unrelenting acts of strike, boycott, demonstration and non-cooperation. By the late 1980s Nelson Mandela, other high profile ANC leadership and the National Party government were cautiously talking about talks. Furthermore, the South African business world was making its own overtures to the ANC, beginning with Frederick van Zyl Slabbert's delegation that met with the party in Dakar, Senegal in 1987 (Sparks, 1996).

In 1989, FW de Klerk succeeded PW Botha as the South African State President. In the same year, the Berlin Wall fell marking the end of the Cold War and nullifying the ideological basis of the support of the Apartheid government and African National Congress by the Western and Soviet governments, respectively. On 2 February 1990, the new State President unbanned a slew of anti-apartheid organisations, including the ANC, the PAC and South African Communist Party (SACP). The ANC responded by declaring a temporary cessation of the armed struggle and the next year, formal negotiations between the ANC and the South African government commenced, which inaugurating a period defined by 'unprecedented inter- and intra-community violence' in South Africa (Hamber, 1998: 3). The violence that occurred between 1990 and 1994 brought the country dangerously close to civil war and involved a murky state run 'third force' (Ellis, 1998). The conflict between the Zulu-nationalist organisation, the IFP, and the ANC also fuelled transition violence.

South Africa's road to democracy was a negotiated (pact) settlement between major political organisations opposing apartheid led by the African National Congress and those upholding white minority rule that were led by the National Party (NP) white minority government. The announcement of Nelson Mandela's release from prison on 2 February 1990 and the simultaneous unbanning of South African anti-apartheid political organisations, heralded the beginning of a negotiation process that would culminate in the country's first democratic elections in 1994.

### *1.5. Chapter Outline*

Following my introductory chapter, Chapter Two outlines my theoretical framework and locates my study in the wider conceptual and theoretical debates and contestations that inform my area of enquiry. My doctoral research has been formulated within an established theoretical framework that has informed a wide body of empirical research that addresses emerging political discourses regarding the processes and consequences of gendered political transitions; women as political actors and representatives in national legislatures; gendered political party ideology; the relationship between women's descriptive and substantive representation and the interaction between gendered power relations in sub-Saharan Africa and the state. Chapter Three serves as my methodology chapter and explains the research methods and process through which the data collection and analysis of my research design was undertaken.

Chapter Four to Chapter Nine comprise my analytical chapters. Chapter Four locates the emergence of the Rwandan Patriotic Front (RPF) and the African National Congress (ANC)'s gender ideology within its political narratives and explores the terms of South Africa and Rwanda's respective transitions including the role played by women's movements in ensuring that crucial guarantees for women were formally included in Rwanda and South Africa's respective post-transition constitutions and legislation. I illustrate the importance of political transitions in determining the location of a political party's gender ideology within its legitimizing project. Lastly, the next five analytical chapters comparatively explore different facets of women's parliamentary politics in the Rwandan Chamber of Deputies and the South African National Assembly locating the success or failure of women's substantive

representation through the lens of elite patriarchal bargains. Most importantly, these chapters identify the particular relationships and features of institutional arenas that incentivize or constrain the negotiation of favourable elite patriarchal bargains and women's substantive representation.

Chapter Five comparatively explores Rwanda and South Africa's electoral systems and the ways in which women's presence in the state is mediated through electoral rules and political party engagement. Chapter Six introduces post-transition Rwanda and South Africa's respective national institutional arrangements, legislative processes and procedures, exploring the kinds of parliamentary contexts and political competition engendered by different parliamentary models. Chapter Seven explores the formulation and passage of gender-equality legislation in Rwanda and South Africa dealing specifically with marriage and divorce law, namely the 2008 Gender-based Violence Act in Rwanda and the 1998 Recognition of Customary Marriages Act in South Africa. I aim to illustrate how the process of law-making for gender-equality forms an integral aspect of the legitimisation of ruling political party narratives and how women MPs emerge as individual and collective actors on behalf of women. Most importantly, however, I make the point that gender equality is a contextually variable concept and the idea of 'gender progression' needs to be situated in its own setting.

Chapter Eight and Chapter Nine are respectively located as a structural analysis of the post-genocide Rwandan and post-apartheid South African parliamentary institution and examines parliament as a gendered state institution and site of political party engagement where the exercise of gendered power and political interests at play are often highly unequal. In looking not only at women MPs but at the institutionalisation of political party narratives and the location of gender ideology reproduced in the state, the parliamentary institution and its ideological influence on legislation, I make a conceptual and empirical connection between the political environments in which women parliamentarians operate and their effectiveness as advocates for women's rights. Chapter Eight and Chapter Nine also locate the individual subjectivities of women parliamentarians as 'political actors' within specific gendered institutional cultures, allowing us to understand women's agency and actions as they are

located within their political parties in the parliament. Chapter Ten forms the conclusion to my doctoral study and summarises my principal argument.

# CHAPTER TWO – WOMEN'S PARLIAMENTARY REPRESENTATION, PATRIARCHAL BARGAINS AND WOMEN POLITICAL ELITES: EMBEDDED DILEMMAS

## *2.1. Introduction*

This research explores the conceptual and empirical relationship between the high presence of women in Rwandan and South African parliament and the effectiveness of women political elites located in the legislative arena in promoting gender equality outcomes. I propose that understanding this relationship requires a more nuanced and complex analysis of the relationship between legislative institutions and women's individual and collective bargaining and negotiation within parliamentary political parties. This chapter engages with the major theoretical concerns of my research question while emphasising their conceptual limitations as they pertain to my own study.

This thesis is located within a matrix of interlinked theoretical concepts that critically engage with the various dimensions of women's political representation, women political elite's individual and collective agency within parliamentary political parties, the legislative arenas in which political parties operate and most importantly, the parliamentary processes and legislative outcomes that form the political outputs of this relationship. Following this introduction, Section Two interrogates the various bases of women's representation in parliament looking specifically at women's interests, strategic essentialism and the different theoretical dimensions of women's political representation. Section Three looks at the relationship between gendered relations and political transitions. I explore what different types of political transitions mean for women's collective politics and the factors that lead to successful women's collective mobilisation during transitions and favourable gender equality institutional contexts following transitions.

Section Four explores the particular mechanisms used in political systems to increase women's presence in the state and briefly highlights some of the ambiguous consequences of these mechanisms for the possibilities of women's substantive representation. Section Five explores the relationship between political parties and women political elites, identifying the various ways in which political parties promote or constrain women's bargaining and

negotiation within the state. Section Six develops a concept I refer to as 'elite patriarchal bargains' that specifically extends Deniz Kandiyoti's (1988) theoretical formulation of 'patriarchal bargains' into the public realm of the state and formal political arena. Section Seven situates the parliamentary institution as a configuration of formal and informal structures that simultaneously present institutional opportunities and constraints for women, their collective mobilisation and favourable negotiation. Lastly, this chapter briefly looks at existing empirical engagement with women's political representation in Rwanda and South Africa and identifies gaps that this research addresses.

### *2.2. Women in formal government: women's interests and political representation*

Political representation is widely acknowledged as being the process by which one thing stands for or denotes another, situating it as synonymous and metonymic with the entity it is designated to represent. Even as the basic definition of representation is largely uncontested, what it entails, who can perform this function and when it is legitimate has been a central preoccupation for political studies for the past four centuries. The conception of representation as a normative political entity is inextricably laden with conceptual contestations about political legitimacy and accountability. The more specific issue of women's political representation in feminist political theory and the wider discipline of Political Science has received widespread theoretical attention for over three centuries.[1] Its shifting thematic debates and contestations have largely mirrored the formal and substantive changes that have occurred in women's political participation around the world.

Traditionally and historically, women have been marginalised and chronically under-represented in the political decision-making structures of almost all societies (Elshtain, 1981; Phillips, 1991, 1995; Lovenduski and Hills, 1981; Chafetz and Dworkin, 1986; Randall, 1987; Rule, 1981). This trend reflects entrenched patterns of gender inequality within societies and the relegation of women to the private sphere through theoretical and discursive constructions of the 'public/private' dichotomy (Coole, 1993; Okin, 1980, Ortner, 1974;

[1] While feminist political scholarship in the West has been concerned with women's equality in the public sphere for over three centuries beginning with Mary Astell and Mary Wollstonecraft, the representation of women in parliament has only begun to be seriously addressed as a feminist concern in African contexts within the last 30 years.

Elshtain, 1981). The historical lack of women in the formal political arena is based on problematic assumptions and deeply embedded biases in the public imagination of what women's roles in society entail as well as simplistic dichotomies about gendered difference that perpetuate the notion that women are not suited to political life, hard politics or war politics.

Hanna Pitkin (1967), whose contribution to the debate on political representation is considered seminal, proposes a theoretical framework that distinguishes between four kinds of political representation, namely formalistic representation, symbolic representation, descriptive representation and substantive representation. Formalistic representation refers to the formal political rules, arrangements and processes that govern the election of a representative to political office. Symbolic representation, according to Pitkin (1967), constitutes the meaning and significance of representation for the represented. According to Francheschet, et al. (2012: 4), symbolic representation constitutes 'the cultural meanings and ramifications of the representative process'. It relies on the premise that the inclusion of certain representatives symbolically broadens and promotes the notion of that representative group's competence and ability to participate and affect decision making in wider society. Descriptive representation refers to the formal composition of parliament and is specifically concerned with the presence of individuals who are *ascriptive* of a particular social, economic or political group, share similar characteristics and stand for that group within a representative body. Substantive representation refers to representation where the actions of representatives have tangible consequences and can potentially lead to favourable policy and legislative outcomes for the represented. Francheschet, et al. (2012: 4) define substantive representation as 'attention to group interests in policymaking', locating the pursuit of political interests as intrinsic to the occurrence of substantive representation.

Currently, emergent feminist political studies on political representation tend to mainly address the last two forms of representation, frequently distinguishing between descriptive and substantive representation and aiming to define the relationship between these two forms of representation. There has been an overwhelming focus on women's descriptive representation in the field and an even cursory overview of the literature will highlight that

feminist literature on women in legislative politics has tended to focus either on explaining the low representation of women in legislative bodies or mechanisms to address increasing the low numbers of women's political representation (Ballington and Karam, 2005; Bauer, 2004; Bauer and Britton, 2006; Childs, 2004; Childs and Krook, 2008, 2009, 2010; Dahlerup, 1988, 2006b; Hassim and Goetz, 2003; Goetz, 2009; Geisler, 2000; Mackay, 2004; Mansbridge, 1999; Ross, 2002; Sawer et al., 2006; Tamale, 1999, 2000; Tremblay, 1998). In cases where women have attained high levels of political representation, literature on descriptive representation has aimed to identify the causal factors behind high levels of descriptive representation. The analytical focus on women's descriptive representation has resulted in a much needed gender analysis of representation and the inclusion of women in the public sphere (Ballington, 2004; Dahlerup 1998, 1994, 2006b; Norris and Lovenduski, 1995; Childs, 2004). It has also, however, detracted attention from the equally relevant issue of what women do when they finally attain leadership positions (Devlin and Elgie, 2008).

In defining descriptive politics as a distinct form of political representation from substantive representation, Pitkin (1967:6) makes a clear distinction between *standing for* and *acting for* a constituency with substantive representation comprising the latter. This distinction is critical in addressing the gaps in knowledge on women's political representation, where women's substantive representation is arguably under theorised and frequently misunderstood. Pitkin's (1967) definition of substantive representation renders it an *active* process as opposed to a *passive* stance. Substantive representation can therefore be seen to be occurring when an active claim on behalf of a coherent constituency is occurring. Highlighting the analogous relationship between the women's movement in wider society and women's parliamentary politics in the legislative arena, Hassim and Goetz (2003: 5) make a similar distinction as Pitkin (1967) between descriptive representation and substantive representation while emphasising the active dimension of the distinction. They equate descriptive representation to a feminine presence in parliament and situate substantive representation as *feminist activism* in the parliamentary arena, arguing that the emphasis on distinguishing between the two kinds of representation is largely the difference between presence and praxis.

Substantive representation has frequently been equated with legislative outcomes (Bratton and Haynie, 1999; Childs and Withey, 2004). A complete emphasis on legislative outcomes, however, can be misleading in gauging the dynamics of women's parliamentary politics. In situating substantive representation as acting for the represented, Pitkin (1967:6) implicitly widens the scope of substantive representation beyond the enactment of legislation. Legislative outcomes, for example, do not reflect the number of gender equality Bills proposed for *consideration* within the legislature but only those Bills passed. The reason why gender equality Bills fail is equally relevant in assessing the relationship between women and their institutional contexts. An exclusive focus on outcomes de-emphasises the political process of sustaining individual and collective feminist activism within parliament beyond the attainment of gender equality legislation. Seeing women's presence and representation as a continued process of negotiating the allocation of political resources to the implementation of these outcomes and the continuation of alliances between women's civil society organisations (women's constituency) and women power brokers within the state allows a more nuanced lens to explore *when* substantive representation is happening.

Addressing the limitations of a sole focus on legislative outcomes in providing a holistic and nuanced view of substantive representation, Francheshet and Piscopo (2008: 393) importantly distinguish between 'substantive representation as process, where women change the legislative agenda and substantive representation as outcome, where women legislators succeed in passing women's rights law'. Francheshet and Piscopo's analysis echoes an earlier theoretical point made by Karen Beckwith (2005: 132) who states that 'gender also functions as a process…as the means by which masculine and feminine actors (often men and women, but not perfectly congruent, and often individuals but also structures) actively work to produce favourable gendered outcomes'. Saward (2006) argues that women's presence and representation in the formal political arena is not the completed outcome of a process or *fait accompli* but comprises a *continued* performance and set of actions that constitute a *process* of claim-making on behalf of women.

### *2.2.1. Women's Interests and Representation*

Political interests are central to any conception of group representation (Pitkin, 1967: 156). A critical dimension of the argument for increasing the presence of women in national legislatures is the pre-supposition that women's issues represent a salient and distinct issue on the policy agenda that can only be effectively articulated by women through a form of group representation (Mansbridge, 1999; Phillips, 1991, 1995; Young, 1990, 2000; Williams, 1998). The concept of 'women's interests', however, is a widely contested one specifically because it is seen to impose a false homogeneity between women that universalises women's experiences and denies the salience of multiple subjectivities.

The notion that women need to represent women's interests is encapsulated by Anne Phillips (1995) whose politics of presence thesis contends that the presence of women in parliament is necessary for introducing ideas into the legislature that encapsulate women's interests. Though Phillips' hypothesis can be considered theoretically sound, its application to the practice of politics in representative institutions has its inherent limitations, the most glaring being that women's interests are not always pursued collectively through collective mobilisation or solely by women. Iris Marion Young (2000), arguing from a socialist feminist perspective, asserts that the commonality of women's perspectives is entrenched in women's structural position within society which does not necessarily lead to common interests shared amongst women but a universal political perspective regarding women's roles in society. This refers to women's subordinate status in relation to men and the political, social and economic manifestations of the asymmetry between the sexes.

Karen Beckwith (2014: 19) establishes the importance of women's interests to representation, stating that women's shared political interests constitute the foundation of women's political representation. Philips (1995: 67), affirming the idea that the shared subjectivities of sex and gender are politically salient, defines women's interests as arising from the common biological experience of being 'female'. Experiences considered 'uniquely female' emerge from childbirth, motherhood and from women's shared experiences of gender inequality and subordination within society as gender-based violence, the gender wage gap and women's exclusion from political representation. Virginia Sapiro (1981) argues that women's interests

stem from the gender division of labour and women's child-bearing capacity, namely women's reproductive labour. Jónasdóttir (1998) reinforces Sapiro's view, positing that the concept of 'women's interests' needs to reflect women's lived realities, which she argues are largely circumscribed by the unequal gendered division of labour in society. Nancy Fraser (1997, 2009) frames women's interests, the interests of marginalized groups, as political struggles that encompass the right to recognition, redistribution or in the case of feminist struggles, the pursuit of both agendas.

Maxine Molyneux's widely cited definition (1985) of women's interests makes a distinction between women's practical gender interests and their gender strategic interests that mirror the definition between feminist and non-feminist definitions of women's issues. Practical gender interests do not challenge women's socially constructed gender roles but are concerned with issues that are related to women's material needs and improvements in the quality of women's life. Strategic gender interests are concerned with challenging socially constructed gender roles and are concerned with challenging the basis of patriarchy within a society and are concerned with the destabilisation of structures. Echoing Molyneux's distinction between women's political mobilisation within traditional gender roles and their mobilisation within transformative gender roles those that seek to disrupt power relations within society, Joni Lovenduski (2005: 29-30) distinguishes between equality-based claims and difference-based claims asserting that 'equality-based claims stress women's entitlements to be in politics on the same terms and in the same numbers as men. Difference-based claims (sometimes termed 'maternal' or 'social' feminism) imply that women have particular characteristics or interests that entitle them to representation'.

According to the distinction made by Molyneux (1985), marriage legislation addresses women's strategic gender interests as opposed to practical gender interests, which challenge women's subordinate positions within the established gender relations within a society as opposed to simply meeting women's material and practical requirements. The conceptual definition of women's interests that best reflects my study's concern with the relationship between substantive representation and legislative outcomes is given by Carroll (1994: 15) who states that women's issues are those concerns whose 'policy consequences are most

likely to have a more immediate and direct impact on significantly large numbers of women than men'.

In the sub-Saharan African context especially, the tendency to universalise women's interests has revealed 'the implications of reading African lives through a Western gender-lenses' (Cornwall, 2005: 1). This establishes a discourse that does not reflect a neutral and objective portrayal of the ways in which African women live, but is steeped in the power dynamics that influence and appropriate knowledge production, discourse and the realities that individuals perceive (Fraser, 1997; Mohanty, 1991).[10] Weldon (2002: 1155) argues that the concept of women's interests is based on an inherent misunderstanding between individual experience, identity and a group perspective which rests on an assumed 'false homogeneity of interests'. Women's interests and claims as a collective group do not automatically exist and can never be presupposed. Reliance on the group category of 'women' when analysing the effects of descriptive representation on substantive representative are similarly refuted by Childs and Krook (2006: 131) who argue that 'contrary to the more static views of critical mass theory, individuals' interest, and a personal sense of identity, may facilitate or undermine cooperation among advocates and potential advocates for women friendly change'.

### *2.2.2. Critical Mass and the Politics of Presence*

Two dominant ideas propose a relationship between women's descriptive representation and substantive representation, namely the critical mass theory and the politics of presence argument. These two paradigms remain the most enduring concepts in feminist political studies proposing a cause and effect relationship between women's descriptive representation and women's substantive representation (Dahlerup, 1988; Kanter, 1977; Studlar and McAllister, 2002; Thomas, 1991, 1994). The relationship between women's presence and ideas envisaged by the 'politics of presence' and 'critical mass' paradigms are referred to by Shireen Hassim (2006) as the 'virtuous circle of representation'. This political model envisages an empirical relationship between the physical presence of women in formal decision-making institutions and the consequential legislative outcomes of this presence.

[10]The implication being that white middle-class women, the principal agents in the construction of feminist political theory, stand as the epitome of female political actors because *theirs* are the experiences articulated.

There are a diverse range of political actors involved in the political processes related to women's substantive representation and contestations exist about *who* can legitimately represent women. Karen Beckwith (2011) argues that autonomy is an important dimension of effective representation and on this basis, women's civil society organisations serve as the most effective vehicle for articulating women's interests. Establishing women as representatives of women constitutes women as a political constituency and interest group to which women political elites are accountable. Women Members of Parliament in different contexts have identified 'women' as their primary constituency and the pursuit of women's interests and a gender equality agenda as their principal mandate (Waring, et al., 2000; Wängnerud, 2000).

Anne Phillips (1995) contends that the presence of women in parliament is necessary for introducing ideas into the legislature that eventually result in favourable parliamentary outcomes for women, arguing that legitimate representative democracy is not possible without the 'politics' of women's 'presence'. According to the critical mass paradigm (Dahlerup, 1988; Staudt, 1996, Thomas, 1991, 1994), women's increased presence in the political decision-making arena at a certain level will automatically lead to a more effective articulation of women's collective interests, manifesting in policy and legislative outcomes favourable to women. It is a widely contested relationship in feminist political studies with many questioning its usefulness as a framework to analyse the effects of women's presence in legislatures (Bratton, 2005; Lovenduski, 2007; Weldon, 1999, 2002). The tendency to essentialise women's identities and disregard other subjectivities forms the most sustained critique of the critical mass argument, group representation theory and the notion of women's unified interests (Chaney, 2006). Kimberlé Crenshaw (1989: 139) argues for an intersectional approach to subjectivity that resists 'thinking about subordination as disadvantage occurring along a single categorical axis'. Studlar and McAllister (2002), whose analysis found it largely negligible, argue for a more rigorous empirical basis for the concept.

Theoretical and empirical studies focused on the comparative substance of men and women's parliamentary representation have shown that women parliamentarians have in certain contexts emphasised different policy priorities to that of men (Celis, 2006; Celis et al., 2008;

Chaney, 2006; Norton, 1999; Phillips, 2000; Saint-German, 1990; Thomas, 1991; Thomas and Welch, 1991; Vega and Firestone, 1995; Welch, 1985). In certain cases, women have also been found more likely than men to pursue policy and legislative proposals that benefit women and address gender equality (Bratton and Dodson, 1991; Mansbridge, 1999; O'Regan, 2000; Rosenthal, 2000; Swers, 2002; Thomas, 1994). Thomas (1991) observed that more women than men in US federal state legislatures were responsible for initiating legislative policy related to the wellbeing of women, children and the family. What these studies have in common besides their focus on national legislatures in advanced industrial democracies is the varied political and institutional contexts in which they take place and the need to take this into account when accounting for women's differentiated political behaviour.

### *2.3. Gendering the post-transition parliamentary institutional context: Political opportunities and women's collective mobilisation*

Although political phenomena are multi-causal, the principal sources of Rwanda and South Africa's high levels of women in their national legislatures are to be found in their countries' respective political transitions (Bauer and Burnet, 2013; Britton, 2005; Burnet, 2008; Geisler, 2004; Hassim, 2006a, 2014; Kayumba, 2010; Longman, 2006; Powley and Pearson, 2007; Walsh, 2010; Waylen, 2000, 2003, 2007, 2010). A political transition refers to a period of time, an interregnum, between the breakdown of a regime that has been rendered illegitimate and its replacement by another political dispensation (Waylen, 2007). Primarily achieved through the creation of new political spaces, opportunities and structures in political systems that facilitate or constrain greater women's collective advocacy; mobilisation and new forms of feminist engagement with the state, political transitions facilitated by regime overthrow or negotiated settlements have been shown to redefine and destabilise power relations within societies (Alvarez, 1990).

The strategic use of the political opportunities created during political transitions are decisive factors influencing women's presence and gains in post-transition representative institutions (Burnet, 2008; Devlin and Eglie, 2008; Hassim, 2003b; 2006b; Kayumba, 2010; Longman, 2006; Powley and Pearson, 2007; Tripp, et al., 2009; Waylen, 2000, 2003, 2007; 2010). An opportunity structure refers to an institutional arrangement and configuration of structures that

represent favourable terms for articulating interests. Opportunity structures are not fixed, but dynamic and immanent institutional arrangement that are mediated by the various coterminous political actors and developments in society. There are various types of political opportunity structures and for this study's purpose, I specifically explore discursive and institutional opportunity structures and constraint structures.

Any gendered analysis of transition and post-transition contexts must address the role that women's movements have played in articulating feminist interests in the informal and formal political arena (Waylen, 2000). In studies of political transitions, this mandate has been well executed and empirical studies of political transitions have crucially examined the role of women's transitional mobilisation. Women's movements, widely considered a specific type of social movement, can be defined as specific configurations of female collective political mobilisation and action; and are distinct in their mobilisation of women as their primary constituency base. They can be local, national, international and trans-national and are usually composed of a diverse group of women's civil society organisations and associational groups politically mobilising to pursue, what are contentiously defined as, women's interests. The distinctiveness of *women's movements* is their articulation of the category of 'women' as their primary constituency of mobilisation and organizing, their pursuit of an agenda that can broadly be defined as 'women's interests' and their relative autonomy from the state and government (Tripp et al., 2009; Ray and Korteweg, 1999).

Mainstream literature on political transitions, processes of democratisation and post-conflict state-building (O'Donnell and Schmitter, 1986; Przerworksi, 1991; Huntington, 1991; Diamond, 1999), has largely omitted women's roles in transition politics and the differentiated gender consequences of political transitions on women (Waylen, 1994, 2007). In response to the gender-blind narrative of political transitions and democratisation, feminist research has actively undertaken interrogating the role of gender in political transitions and is broadly concerned with the political contexts, differentiated circumstances and outcomes of women's collective informal engagement with the state that results in women's post-transition gains or losses (Randall, 1987; 1991; Paxton and Hughes, 2007; Alvarez, 1990; Enloe, 1993;

Goetz, 1995; Tripp et al. 2009; Waylen, 2000, 2003, 2007; Albertyn, 1994, 1999; Meintjes, 2006; Meintjes et al. 2001; Hassim, 2006b; Friedman, 2000).

The gender and political transitions literature has tended toward the simultaneous or separate embodiment of two distinct analytical trends. The first trend reflects a focus on national and local feminist organisations and grassroots women's movement's engagement with the state within democratising political contexts, analyses the mobilisation processes and motivations of women involved in these gendered struggles in democratizing contexts and the strategies used for feminist advancement and the different ways in which women's movements have framed their electoral demand.[11] The second trend reflects a geographical focus that is regionally concentrated on Latin America (Alvarez, 1990; Noonan, 1995; Franceschet, 2005, Htun, 2003, Jones, 1996; Waylen, 1994; Friedman, 2000) and post-Communist Eastern European states (Einhorn, 1993; Gal and Klugman, 2000).

Maxine Molyneux (1998: 222) locates the emergence of women's collective mobilisation firmly in national and international political, social and economic modernising processes that have resulted in 'a redefinition both of the meaning of the public and of the private spheres, and of women's lived relationships to each other'. Lisa Baldez (2003: 255) asserts that 'women's movements emerge as a function of some combination of resources, framing and opportunities'. Molyneux's definition of women's collective mobilisation reflects the transformation of gender relations that are occasionally engendered by political transition, proving that violent conflict can represent the opportunity for women to amass crucial substantive gains within their societies through the destabilisation of patriarchal social, traditional and familial relations reconfigured by conflict (Meintjes, Pillay and Turshen, 2001; Moser and Clark, 2001; Jacobs, Jacobson and Marchbank, 2000). Adopting a distinction between women's movements and feminist movements that echoes the difference between integration and transformative inclusion, Karen Beckwith (2000, 2007) argues that feminist movements are a type of women's movement.

[11] This analytical focus is unsurprising given that women have consistently been under-represented in formal politics and have primarily pursued feminist and women's interests in informal politics.

Unfortunately, this emphasis on women's movements during political transitions has also detracted attention from the pivotal role that women's movement's politics plays on formal institutional parliamentary dynamics, if any, and the role that women's movements have to play in the post-transition period and the effects of this role on women's parliamentary politics. Very few studies of women's parliamentary politics in the sub-Saharan African context have systematically analysed the gendered effects of post-transition *institutional* restructuring on the parliamentary arena (Hassim, 2006a; Waylen, 2000; 2007), specifically following transitions like Rwanda and South Africa's, where women's movements have been highly visible and following electoral gains, women have entered parliament in sudden and concentrated numbers. Although many of these studies encompass the critical engagement with the state that is necessary to truly gauge women's movements and organisation political mobilisation, very few very have the state or one its crucial institutions as its principal unit of analysis. There has been an overwhelming focus on women's movements during transitions and in order 'to explain complex outcomes, wide ranging analyses of transitions to democracy that do more than examine women's movements and their interaction with institutions, are necessary' (Waylen, 2007: 2). My study aims to address this gap.

### *2.3.1. Types of Transition and Women's Organizing*

Huntington's typology (1991) of third wave democratic transitions is constructive in locating the divergences in South Africa and Rwanda's respective transitions, despite its conceptual limitations to various political transitions that have occurred in the sub-Saharan African context. Political transitions in sub-Saharan African states have hardly complied with the 'transition paradigm' that locates democratisation and political pluralism as the inevitable consequence of a political transition (Carothers, 2002). Huntington's theorisation of the modalities of transition however remains useful. Importantly, they allows us to see how different types of transitions allocate political capital and authority differently amongst individual and collective actors, enabling varying degrees of influence on the post-conflict political dispensation.

Huntington (1991) distinguishes between three different types of political transitions and processes of democratisation: transformation, replacement and transplacement.

Transformative transitions occur when political elites in power initiate, lead and circumscribe the process of political transitions. As the Zimbabwean case has illustrated, this usually leads to minor reforms at best.[12] Replacement transitions, like Rwanda's transitions, involve the collapse of former state regimes and the complete overthrow of previous elites by opposition forces. These transitions are usually driven by new state actors that constituted the opposition to the previous regime. Transplacement transitions encompass a negotiation process between the ruling regime and opposition in bringing about a negotiated or pact settlement. The differences in these transitions are the degree to which previous regimes and opposition forces influence the design of post-transition institutions.

Certain types of political transitions affect the state in different ways, determining the allocation of political resources amongst actors and political organisations. Most importantly for this study is the *type of transition* undergone by a state in determining the political and discursive opportunity structures available to different interest groups. In locating the outcomes of representative politics in transition legacies, 'writers have identified two major characteristics that contribute to different transition paths: the speed of the transition and whether it is negotiated or pacted' (Waylen, 2007: 69). Certain dynamics of political transitions are seen to affect the success or failure of mobilised women's organizing during transitional periods for post-transition formal gender equality gains. These factors are recognised as the type of political transition undergone by a state (Viterna and Fallon, 2008); a prior history of women's organizing within the emergence and prominence of democratic and/or nationalist political struggles prior to the breakdown of non-democratic regimes (Britton, 2005; Hassim, 2006b; Viterna and Fallon, 2008; Waylen, 2003, 2010), political parties and international influences, namely transnational feminism. Viterna and Fallon (2008) observed that women's feminist demands for post-transitional gender equality outcomes are perceived more favourably when framed in alignment with the particular aspirations of transitions.

[12] Following Zimbabwe's contested presidential elections in 2008, the Movement for Democratic Change (MDC) concluded a power-sharing deal with the Zanu-PF-led government which saw Morgan Tsvangirai, the MDC leader become Prime Minister. This agreement, unfortunately, has effectively been nullified by Zanu-PF's 2013 election victory.

## *2.4. Women's Descriptive Representation and Electoral Systems: Gender Quotas*

The fact that women's descriptive representation is widely considered a requirement for women's substantive representation merits its continual relevance as a critical area of enquiry, especially when a decline in women's presence is observed (Beckwith, 2002; Phillips, 1995). It is presently acknowledged that electoral systems (Kenworthy and Malami, 1999; Matland and Brown, 1992; Matland, 1998; Rule, 1981, 1987; Rule and Zimmerman, 1994; Studlar and McAllister, 2002; Yoon, 2004), political party structures (Caul, 1999; Norris and Lovenduski, 1993; Goetz and Hassim, 2003; Kunovich and Paxton, 2005; Kittilson, 2006), affirmative action mechanisms (Bauer, 2004; Bauer and Britton, 2006; Dahlerup, 1988, 2004, 2006b; Dahlerup and Friedenvall, 2005) all have a defining effect on the descriptive representation of women in parliament. Electoral systems and their rules constitute the formalistic representation dimension of Pitkin's conception of representation and include the institutional arrangements, processes and rules that govern the selection of legitimate representatives.

South Africa and Rwanda represent interesting case studies within which to explore the interaction between gender quotas, political party systems and national parliamentary politics within a sub-Saharan African context for two reasons. Firstly, both states symbolise the effect of the fast-track quota discourse that has characterised the significant and sudden entry of women into many of sub-Saharan Africa's national legislatures in the past two decades (Bauer, 2008; Hassim, 2010; Krook, 2006; Tamale, 2004; Tripp and Kang, 2008). Secondly, both states represent contexts within which a critical mass of women have achieved substantial legislative outcomes addressing gender equality within their parliaments.

When Dahlerup and Friedenvall (2005) observed that the incremental track to attaining women's critical mass in the formal political arena had been replaced by the fast-track to high women's parliamentary representation, they were describing a global diffusion of gender quotas in the developing world (Krook, 2007, 2009). Formal and informal institutionalised positive discrimination mechanisms, manifested in electoral systems as gender quotas, are one of the most crucial mechanisms facilitating the entry of women into the formal political arena (Dahlerup, 1988, 2004, 2006b; Dahlerup and Friedenvall, 2005; Krook, 2007, 2008; Krook, et al., 2008). Their adoption and implementation in representative institutions and political

organisations is premised on a number of feminist theoretical conceptions that all assume the homogeneity of women's interests.

There are two main types of electoral systems: the majoritarian or First-Past-the-Post (FPTP) system and the proportional representation (PR) system.[13] The majority of states on the African continent adhere to plurality-majoritarian systems.[14] The proportional representation system is an electoral system where voters vote for a political party as opposed to an individual candidate. The number of votes received by a political party in an election are proportional to the number of seats that political parties are then allocated in the legislative assembly of a state. Each political party contesting a national or local election is required to submit a political party list of nominated candidates to their national electoral body, following which seats are allocated to the individuals on that list according to the number of votes received.

Rwanda and South Africa represent two of the 15 countries in Africa that adhere to proportional representation electoral systems. Proportional representation systems, in their various manifestations, are favourable to women's formal representation for two reasons. Firstly in voting for political parties instead of individual candidates, proportional representation systems tend to bypass the embedded gendered voting biases that result in fewer elected women in majoritarian systems (Htun, 2005b; Lijphart 1994; Matland 1998; McAllister and Studlar, 2002; Norris 1985; Rule, 1987; Rule and Zimmerman 1992). The more control a political party exercises on the candidates eligible for election, especially a political party with a commitment to women's political empowerment, the higher the

[13] The FPTP system elects the candidate with the highest number of votes within a defined constituency to office. This essentially means that a candidate with less than an absolute majority of votes can still win as long as no other candidate receives a higher number of votes. The absolute majority is a system where:

> the electorate votes for a single candidate while indicating, in declining order, their preferences for the remaining candidates. If no-one receives an absolute majority in the first count, then the candidate who received the smallest number of votes is eliminated, and the corresponding second choices are counted. This goes on until a candidate obtains an absolute majority as a consequence of transferring votes (European Parliament, 1997).

[14] Of the 54 states on the African continent, 28 adhere to plurality/majoritarian systems (IDEA, nd). Eighteen states are proportional representation systems and 7 countries have mixed electoral system. Somalia is in transition.

likelihood that women will enter representative institutions (Bauer, 2004; Lovenduski and Norris, 1993; Kittilson, 2006). Secondly, proportional representation systems are easier to apply electoral gender quotas to because political parties can institute women's inclusion on a party candidate list.

The attainment of a critical mass of women in national parliaments in sub-Saharan Africa is primarily due to the global diffusion of successful of gender quota campaigns and the adoption of gender quotas. This explains why most gender quotas, whether they be voluntary party quotas, reserved seats or constitutional or legislative quotas mandate a level of 30% which corresponds with the level at which the critical mass threshold is said to occur. The adoption of an electoral gender quota is considered one of the reasons for the high numbers of women in Rwanda and South Africa's respective legislatures. The adoption of gender quotas in both settings is widely seen as attributive to the lobbying efforts of the women's grass-roots movements in their respective national contexts. In Rwanda, the 30% electoral gender quota is a legislative provision enshrined in the 2003 constitution that applies to all public institutions, establishing its adherence as legally binding. In South Africa, the ruling ANC party voluntarily adopted a 50% electoral gender quota that is applicable to its national and provincial electoral candidate lists.

Electoral gender quotas take three forms: legislative quotas (constitutional or electoral law), reserved or special seats and voluntary political party quotas (Dahlerup, 2006b; Dahlerup and Friedenvall, 2005). The existence of one or more of the three types of gender quotas in a country's political system, establishing a minimum level of women's descriptive representation, has been successful in establishing substantial minorities of women in national parliaments around the world, specifically sub-Saharan African states (Rwanda, Uganda, Burundi, Tanzania, South Africa, Mozambique, Senegal). Specific gender quotas are meant to impose different effects at different levels of the electoral process. Dahlerup (2006b) and Matland (2006) distinguish between the effects of different forms of gender quotas in their influence on the electoral process: (1) women's minimum presence in the pool of individuals presenting themselves as political party candidates and eventually elected to political party nomination lists (*aspirant gender quotas*), (2) women's minimum presence for candidates

who stand for election and are presented as candidates on political party lists (*candidate gender quotas*) and lastly, (3) electoral quotas that determine the minimal representation of those elected to representative institutions i.e. the numerical outcome of elections and the gender ratio of appointed representatives. I refer to those positive discriminatory measures that mediate the gendered composition of elected representatives as *electoral gender quotas*.

### *2.5. Political Parties: Formal and Informal Mechanisms*

The political party is one of the most important organisational entities within formal political systems and is effectively, the primary associative unit of parliament engagement (Cox, 2006; Caul, 1999; Goetz and Hassim, 2003; Kittilson, 2006; Sartori, 1976). Political parties are not only responsible for the composition of parliament (Caul, 1999: 80), but also for the ways in which their ideologies are institutionalised within legislative bodies. They are acknowledged as the 'gatekeepers' of the state for women's formal representation and influence women's entry into parliament (Caul, 1999; Norris and Lovenduski, 1993; Goetz and Hassim, 2003; Kunovich and Paxton, 2005, Norris, 1996). Pursuant to that role, political parties simultaneously circumscribe the terms of women's collective politics on behalf of gender-equality within state institutions.

Intra-party candidate selection is an important factor constraining or promoting women's representation in national legislature and the formal and informal politics concerning candidate selection procedures and rules influence women's presence in elected office (Caul, 1999; Shugart, 1994; Kittilson, 2006). Important dynamics concerning a political party's gender political narrative and the centrality of women's political participation in a political party can be gleaned from an analysis of the mechanisms through which candidate selection occurs. A range of mechanism determine how many women from a specific political party will be selected as candidates for the political party list and eventually access parliament and candidate nominations can be decentralised or centralised procedures. Leftist parties are considered more likely to prioritise women's presence in parliament and their collective politics as a reflection of egalitarian political ideologies, such as communism, trade unionism and socialism (Beckwith, 1986, 1992; Caul, 1999; Matland and Studlar, 1996; Rule, 1987). This explanation is more complex when applied to the RPF and ANC and reflects the

analytical dilemma that 'the traditional unidimensional left-right ideological continuum may be too simple to describe how ideology affects women's representation' (Caul, 1999: 82).

Rwanda and South Africa's proportional representation system presents a unique opportunity, not only to analyse the impact of high numbers of women in parliament, but high numbers of women in parliament who are beholden to a *single dominant political party* when 'there is remarkably little theoretical literature on the experience of women in African political parties' (Goetz and Hassim, 2003: 11). The Rwandan Patriotic Front (RPF) and the African National Congress (ANC), the respective ruling political parties of post-1994 Rwanda and South Africa, are largely responsible for setting the parliamentary agenda through which political capital is allocated and interests pursued within their respective parliamentary systems. It is similarly the outcomes of political transitions on political parties, specifically ruling political parties that implicitly set the terms of political engagement with other parties which underpins the form of parliamentary politics embodied by the institution. Sub-Saharan Africa, its historical legacy of colonialism, anti-colonial struggles and the ensuing prominence of patriarchal national liberation movements, represents a particular dilemma in terms of equating women's presence in parliament with women's effectiveness as *autonomous* gender equality advocates (Hassim, 2004; Molyneux, 1998).

The instrumentalisation of women elites and their participation in national representative institutions forms an integral aspect of the ways in which the RPF and the ANC legitimize their political power. A political party's gendered political narrative determines a range of dynamics within a political party. It is largely informed by historical context and the roles that women have played in these contexts, including violent political struggles, political transitions and democratisation processes. It determines the different terms in which political party regimes have co-opted women elites into formal representation and provided political opportunities for women's collective agency to be harnessed for political goals that benefit women; whether it is sympathetic to women's demands for more rights and gender equality and implicitly also testifies to the importance that a ruling party accords the promotion of the status of women in legitimizing its own principal agenda and the location of gender equality within its wider political narrative. The more central role that a party's gendered political

narrative plays in a party's reproduction of political power, the higher the likelihood that gender equality interests will be privileged.

The issue of patronage politics highlights the importance of women's roles and the conception of gender equality interests within political party narratives, specifically the need for political party agendas and ideologies to respond to gender equality mandates in that 'one advantage of strong party discipline…is that once a party includes women's rights in its platform parliamentarians are largely bound to uphold them, regardless of personal views' (Sawer, et al., 2006: 4). In the post-colonial and post-conflict sub-Saharan African state, nationalism largely reproduced by ruling parties becomes the mechanism through which a party's political ideology and subjectivities are manifested in government and its institutional politics through nationalist discourse. Women are critical actors in the propagation of national discourses by ruling party regimes (Mohanty, 1988; Mohanty et al., 1991; Yuval-Davis, 1997), and the forms of nationalism they reproduce within their political party and government regimes invariably reflect their own location within that party. Women advertently or inadvertently participate in the construction of these nationalist discourses, though this process usually excludes them and simultaneously circumscribes the terms under which they can independently and collectively pursue gender equality within the representative arenas of the state (Hassim, 2004; Rai, 2008).

In emphasising South Africa and Rwanda's ruling parties, I am not implicitly arguing that ruling parties are the sole influencing factor in women's parliamentary politics or the parliamentary institutional context. Arguably to varying extents dependent on the post-transition context, however, ruling parties in dominant centralised party regimes largely set the terms of political party engagement within parliament through majoritarian dominance of the institution. Theoretically, government and parliament are supposed to function as two separate political entities, with parliament representing (Salih, 2006). In reality, strong ruling political parties with high internal party discipline usually result in executive dominance of parliament (Sawer et al., 2006).

Certain scholars have argued that in particular political contexts, political party affiliation exercises a more definitive influence on political behaviour than gender in legislative arenas

(Htun and Power, 2006; Reingold, 2000). The existent literature on the relationship between women and political parties has primarily been undertaken in advanced industrialised contexts (Caul, 1999; Lovenduski and Norris, 1993; Matland and Studlar). The application of this research to the sub-Saharan African context generally and the Rwanda and South African cases specifically, produces a range of theoretical and methodological concerns making the ability to extrapolate and broadly apply this research limited.

### *2.6. Elite Patriarchal Bargaining: Faustian Pact or Strategic Compromise?*

In her influential article 'Bargaining with Patriarchy', which coined the phrase 'patriarchal bargains', Deniz Kandiyoti (1988) challenges the widely held belief in the entrapment and complete disempowerment of non-Western women (Sub-Saharan Africa, Latin America, and South Asia) by patriarchy. Kandiyoti (1988: 275) explores masculine domination in the private sphere of society, contending that structural gender inequality does not only manifest in the oppression of women but also 'influence[s] both the potential for and specific forms of women's active or passive resistance in the face of their oppression'. Kandiyoti argues that women's acceptance of patriarchy and masculine domination does not preclude the existence of strategies and coping mechanisms by women to exercise autonomy and agentic power. Kandiyoti (1988: 286, own emphasis) utilizes 'the term ***patriarchal bargain*** [to] represent a difficult compromise. It is intended to indicate the existence of set rules and scripts regulating gender relations, to which both genders accommodate and acquiesce, yet which may nonetheless be contested, redefined, and renegotiated'. Patriarchal bargains are therefore tacit agreements concluded between women and structural patriarchy in which women, using strategic agentic power, negotiate and bargain for outcomes that maximise their individual and/or collective interests.

Kandiyoti's (1988) conception of patriarchal bargaining occurs within the domestic sphere and my study looks at the inclusion of women political elites in the state institution of parliament. Extending Deniz Kandiyoti's model of patriarchal bargaining to the state requires an acknowledgement that the 'personal is political' and the public and private sphere of society are inherently relational and mutually reinforcing spheres of the same patriarchal configurations of power (Habermas, 1989). Patriarchy and its structural perpetuation in

society rely on ‘the separation and opposition of the public and private spheres is an unequal opposition between men and women’ (Pateman, 1989: 120). The dichotomy between the public sphere (economy/state) and the private sphere (domestic, conjugal and intimate life) is one of the political foundations of liberal democracy (Rawls, 1993; Weintraub, 1997). It is also an enduring paradigm that has theoretically and empirically confined women as subordinated subjects in the home and constituted men as political subjects in the public domain, serving as the historical basis of women’s exclusion from the state (Elshtain, 1981; Okin, 1998).

Carole Pateman (1989: 3), arguing against the consideration of the gender power dynamics of the public sphere (economy/state) separately from the private sphere (domestic, conjugal and intimate life), states that the idea of the ‘the meanings of ‘private’ and ‘public’ are mutually interdependent; the ‘public’ cannot be comprehended in isolation’. A disregard of the sexual difference and gender asymmetry within the domestic arena when analysing gendered power relations within the state sanctions a fallacious gender-neutral analysis of the state and public realm that depoliticizes gender as a basis of the state and its reproduction of power.

In questioning the validity of the private/public distinction that forms the basis of the liberal democratic state and patriarchal-liberalism, feminist critiques of the conception of ‘civil society’ informed by this distinction and opposition between the public and private spheres have been critiqued for continuing to acknowledging the existence of these dual spheres (MacKinnon, 1989). Recognition of the public and private sphere however do not necessarily or automatically circumscribe their complete separation and opposition and I argue that theoretically positioning the private and political sphere as fluid and coterminous entities enables us to see how the two spheres mutually reinforce each other (Pateman, 1989).

The dual spheres of ‘civil society’, the private and public sphere, are mirrors of the same overarching patriarchal power and historically women’s absence from this domain reproduced patriarchy in the state in that ‘its [the State’s] legitimacy is partially derived from its ability to conceal the gendered, racial, and class interests represented within the pact of domination’ (Alvarez, 1990: 31). The patriarchal domination of the state, obfuscated as natural and inherent, existent in the private, domestic sphere can be seen as replicated in the formal and

informal constitutive political institutions of the state, including those which are responsible for the organisation and reproduction of gender relations. The entry of women into the state and the symbolic notion that 'women, womanhood and women's bodies represent the private' (Pateman, 1989: 4), means that women's entry into this masculine arena and their encounter with state patriarchy, reproduces the gendered power dynamics of the private domain into the public domain where gender asymmetries already existed.

Elite patriarchal bargains are patriarchal bargains concluded through negotiation by individual or/and collective women political elites in the state that reproduce certain masculine interests in exchange for the allocation of political resources to political interests defined by the women concluding the bargains. They are, therefore, a series of organic and immanent negotiations between women political elites within patriarchal institutions, namely political parties and the state, where women bargain in the pursuit of contextually defined women's interests. Despite the fact that the basis of patriarchal bargains are always unequal for women, they can conclude bargains that resonate favourably for women within society and *can* promote gender equality. In her comparative analysis of gender equality legislative outcomes related to abortion, divorce and family law in Argentina, Brazil and Chile, Mala Htun (2003) concludes that despite the strong influence of the Catholic Church and their opposition to the expansion of women's rights in their national contexts, women in Brazil and Argentina were able to attain progressive legislation on marriage and family through a series of elite pacts concluded with their respective military governments.

The elite patriarchal bargains and gendered pacts negotiated by politically mobilised women political elites are a form of elite bargains that have a uniquely gender asymmetrical and patriarchal structural foundation. Although all political elites reproduce political power and ideological narratives in formal political institutions, women political elites operate in political organisations and the state on very specific, gender unequal terms within gender roles that are instrumental to the reproduction of masculine political power. Elite patriarchal bargains therefore are elite bargains that constitute a continuous series of negotiation between women political elites and senior political elites that inevitably involve an implicit acceptance of the patriarchal rules of the game and a negotiation of political interests on its terms.

Elite patriarchal bargains are concluded in various discursive spaces where political power is produced and reproduced including parliamentary political parties and the national legislature where women, in the presence of co-existing configurations of political constraints and opportunities, negotiate as part of an arrangement of 'mutually supporting constellations of elites' (Jones, et al., 2013: 9). It is within this fluid ambit, which straddles the various political arenas where political parties are informally and formally constituted, that individual and collective women are in a constant state of negotiating a patriarchal bargain within the gendered political opportunities and constraints ambit of their political parties' directed action. It is the nature of this patriarchal bargain, implicitly or explicitly negotiated but always internalised, that ultimately determines women's individual and collective parliamentary politics and its substance within parliament.

Not all women command authority within their political parties and are, in fact, less likely to be present in political party hierarchies. Some women are better placed within intra-party hierarchies to exercise access the elite power networks where political resources are garnered, influence and negotiate women's collective positions within their own party. The gendered hierarchies of political organisations and their allocation of political resources are shaped by clientelism and patronage, all of which require access to the elite networks that determine political agendas. Franceschet and Piscopo (2014: 95), emphasizing the role of access in producing gendered outcomes, posit that 'women's different policy perspectives will not produce political change unless women also access and participate in the elite political networks traditionally dominated by men'. As Stetson and Mazur (1995) recognised close to two decades ago, however, 'influence' is as important as 'access'. Women who lack political influence cannot negotiate elite patriarchal bargains and senior women political elites, located in the top positions of political party hierarchy, are the most likely to *influence* the male leadership of their organisation. This is why they are able to act as power-brokers in demanding gender equality guarantees on their own behalf or as a fulfilment of a representative mandate for that of other women within the party or gender equality interest groups outside of the state.

Women political elites, collectively mobilised within the state, demand and negotiate the allocation of political resources toward the fulfilment of a political outcome (legislative outcome, access to leadership positions, guarantees of women's inclusion to the state through gender quotas) in exchange for the provision of reciprocal political resources (political loyalty, harnessing women's votes, reproducing gendered political narratives), they are bargaining with patriarchy. Most important, a range of factors can mean that the elite patriarchal bargains concluded by women are not uniformly favourable to promoting gender equality or benefitting women. In fact, as this dissertation shows, depending on a range of factors, women can conclude patriarchal bargains that harm women in the society in which they are representatives and protect their own political positions.

The nature and outcomes of elite patriarchal bargains greatly differ and a range of dynamics determine their success and failure, which I evaluate according to the degree to which an elite patriarchal bargain negotiates an outcome that addresses and aims to remedy *structural gender equality* within a society. Most importantly, the success of elite patriarchal bargains depend on the collective ideological position from which women bargain from which is related to the relationship between nationalism, a political organisation's gendered political narrative and its legitimizing narrative. This is mediated by a range of factors, the foremost being the political environment and historical context that ultimately determine political opportunity structures and the available bargaining resources available to politically mobilised women to leverage with and negotiate. Access to bargaining resources are critical to the success of favourable elite patriarchal bargains and exist as a range of opportunity structures that need to be successfully harnessed in order to negotiate and claim reciprocal resources. Bargaining resources include women's symbolic representation framing, mobilizing structures, critical actors with feminist consciousness.

Women's individual and collective political mobilisation within political parties is fundamentally a politics of compromise and strategy, which at times has positive externalities for women and at other times, negative externalities for women. For example, political support can be leveraged to access patronage within the government. Assuming that all the favourable conditions for successful women's feminist activism were present in parliament,

however, women political elites would still need to offer a political resource in exchange for claims on the state amongst a group of competing interests and political constituencies i.e. leverage, many of whom have more favourable bargaining terms. Certain interests groups have the ability to conclude bargains with the state that are completely antithetical and potentially regressive to women because they offer the state more favourable terms than women political elites do or in cases where bargains have been reached that significantly propagate political party agendas.

### *2.6.1. Elite Patriarchal Bargains: Leveraging Collective Agentic Power*

The parliament institution simultaneously serves as an opportunity and constraint structure for women's collective interests. Strategic partnerships have been recognised as particularly important in promoting an agenda (Saint-Germain, 1989). Although the interface between national women's movements and parliament if it exists, is an exceptionally important dimension to women's feminist political participation, it relies on the assumption that parliament provides women MPs if willing with the enabling environment and opportunity structures to engage with women's movements on crucial social issues.

In her comparative study of the respective roles of the state in the regulation of family life and gender relations in Chile, Argentina and Brazil, Mala Htun (2003: 5) emphasises the particular advocacy role played by ' "issue networks" – elite coalitions of lawyers, feminist activists, doctors, legislators, and state officials – in bringing about policy change'. Echoing Htun's (2003) emphasis on strategic partnerships across a range of state and non-state arenas, Anna Maria Holli (2008: 169) highlights a specific form of gendered and strategic collective arrangements defined as 'women's co-operative constellations…[that] designate any kind of actual co-operation initiated or accomplished by one or several groups of women in a policy process to further their aims or achieve goals perceived as important to them'. This definition refers to the various and particular sites and arrangements of cooperative interface between different actors where gender equality proposals are strategised and negotiated between stakeholders in the political process. It essentially refers to any informal or formal networking arrangement that envisages collective action between women for the purpose of advancing gender-equality claims. Holli (2008: 169) recognizes strategic partnerships, triangles of

empowerment and velvet triangles as examples of women's co-operative constellations. Women's co-operative constellations are bargaining resources because they facilitate the leveraging of collective action in political arenas that facilitate substantive representation. Anne Mari Holli (2008: 170) argues that 'co-operative constellations lie in the very nexus of debates concerning women's descriptive and substantive representation, forming a link between the two'.

### *2.7. Parliament: The gendered institution and women's governance*

As my primary site of comparative analysis, I situate parliament simultaneously as a dynamic historically constructed political institution mediated by embedded formal and informal institutions *and* as a gendered political opportunity structure which concurrently acts as the site of engagement within which men and women can participate in the process of claim-making on the state. Historically, the absence of women in national legislatures has meant that very few parliamentary environments or organisational cultures have developed gender-sensitive institutional contexts that allow women full participation (Chafetz and Dworkin, 1986; Elshtain, 1981; Phillips, 1991, 1995; Lovenduski and Hills, 1981; Kronsell, 2005; Randall, 1987; Tamale, 1999). They are also governed by formal and informal processes and rules that tend to mask the exercise of masculine and patriarchal power within the parliamentary institution. The deeply entrenched culture of masculinity embedded in political institutions is one of the foremost obstacles to women's effective parliamentary representation on advancing women's policy and legislative gains (Burnet and Britton, 2006; Duerst-Lahti, 2005; Franceschet and Piscopo 2008; Franceschet and Thomas, 2012; Geisler, 2004; Goetz and Hassim, 2003b; Hawkesworth 2003; Lovenduski, 2005; Mackay, et al., 2010; Schwindt-Bayer, 2010; Tamale, 1999).

Shireen Hassim (2003: 83), discussing women's representation in Sub-Saharan Africa, argues that two factors within the political arena constrain women's political effectiveness, 'the rules and procedures of institutional engagement within which parties operate and over which women have had little influence' and 'the dominance of a single party, albeit one sympathetic to notions of gender equality'. Both of these factors are related to the political organisations within which women political elites operate in representative political party systems. In

expanding on this statement, I argue that there is a relative scarcity of knowledge on the institutionalised contexts within which this presence is articulated and rendered substantive.

Laurel Weldon (2002) emphasises that women's formal representation is not limited to parliament and women's national machinery and policy making agencies in the state extend a range of political arenas for representation. Judith Squires (2008: 187), specifically cautioning against the equation of women's representation with the arena of parliament, points out that the spatial political arenas within which women's interests can be articulated and pursued 'include not only the parliamentary[,] but also the extra-parliamentary arenas of women's policy agencies and feminist NGOs'. Tremblay and Bauer (2011) highlights the role of women in the Executive or Cabinet in facilitating the substantive representation of women in the state. While it is important to recognize that parliament is not the only arena within which women's interests can be pursued, it is equally important to recognize the specificity of parliament as a representative arena underlined by a specific historical set of unequal power relations, which this study does.

Lena Wängnerud (2013: 10) explores the principles of a gender-sensitive parliament, outlining that it will be a parliamentary context that has the 'necessary conditions for women's needs, interests and concerns to be adequately integrated into parliamentary processes'. She recognises internal parliamentary working procedures, room for the agenda-setting of women's needs and interests, and the production of gender-equality outcomes as pivotal factors in the optimal functioning of women's presence in parliament. Certain constraints on national legislatures and the effectiveness of Members of Parliament in representation, oversight and law-making are distinctly gendered. Traditionally, operating cultures within national legislatures have maintained punitive institutional norms and procedures that adversely affect women including long sitting hours, an absence of childcare facilities, lack of parental leave and a lack of measures to address sexual harassment within the institution. The unequal gendered sexual division of labour that exists in most societies imposes a double burden of labour on women who perform paid labour in the workplace and unpaid labour in the domestic sphere (Mies, 1998; Folbre, 1994).

The literature on women in political participation has significantly evolved since initially emerging with the necessary focus of problematizing women's exclusion as autonomous actors from public life and mainstream political theory (Coole, 1993; Okin, 1980), then proceeding to interrogate the underrepresentation of women in formal political representation and recognizing the prevailing structural barriers and resistant political cultures to women's political participation (Shvedova, 1998; Randall, 1987; Lovenduski and Hills, 1981; Kenworthy and Malami, 1999, Matland, 1998). The literature then progressed to a focus on addressing the informal and formal mechanisms required to recruit and promote women's descriptive representation in national legislatures (Rule, 1987; Norris, 1993; Norris and Lovenduski, 1995; Matland and Montgomery, 2003). Following the increase of women in parliament globally, albeit incongruently, the literature shifted to an assessment of how women managed to access the formal political arena (Bauer, 2004).[15] Following this studies have begun to emerge that present an analysis of the effects and consequences of women's descriptive formal representation for women's substantive representation.

Studies on parliaments in Africa have tended to neglect women's parliamentary politics as a distinct form of collective action located within African legislative institutional contexts. The most sustained and nuanced exploration of women's parliamentary politics in African contexts is an edited collection of single case studies of women's parliamentary politics in various national contexts by Gretchen Bauer and Hannah Britton (2006). The few exceptions to this scarcity are a few individual case studies of sub-Saharan African women in parliaments that have been conducted since women gained visibility and prominence as political actors in African formal politics from the early 1990s (Bauer and Britton, 2006; Britton, 2005; Tamale, 1999, 2000). Very few case studies and even fewer comparative studies (Hassim and Goetz, 2003; Tripp, et al. 2009), however, interrogate the complex relationship between women's individual and collective negotiation of political party structures and the institutional context

[15] The levels of women in parliament around the world vary quite dramatically. Some states; for example, Kuwait, Qatar, Solomon Islands, Saudi Arabia; still have no female representation in Parliament (IPU, 2013). By stating that this figure has increased I mean that in certain countries levels of women's representation have reached previously unattained levels. In 1999, the only country in the world with over 30% of women in parliament was Sweden. Today, there are 29 countries which have levels of women's representation in parliament over 30% (IPU, 2013).

of national legislatures. Studies of women in parliaments in the sub-Saharan context have been undertaken to varying extents (Bauer, 2004; Bauer and Britton, 2006; Britton, 2006; Hassim and Goetz, 2003; Geisler, 2000, 2004). Out of these studies, a few exceptions stand out, namely two comparative edited studies (Goetz and Hassim, 2003 and Bauer and Britton, 2006) and three single case studies (Tamale, 1999).

A significant volume of empirical literature has explored the gendered consequences of South Africa's negotiated settlement and its culmination in the entry of high numbers of women into the parliamentary space in 1994 (Ballington, 1998; Britton, 2005; Geisler, 2000, 2004; Gouws, 1996, Hassim, 2006b, 2014; Walsh, 2010). Since then, however, academic engagement with women's formal representation and South Africa's electoral system has been primarily concerned with the inverse relationship between the proportional representation system and its perceived effect on women's accountability and relationship, with gender equality outcomes from the legislative and policy arena. While frequently crediting the ANC with the high numbers of women in parliament, there has been very little rigorous engagement with women's representation in opposition political parties or the effect of political party fragmentation on women's descriptive representation. Positive discrimination mechanisms like gender quotas, whether they take the form of unenforceable voluntary political party quotas or legislative quotas, where the percentage of women is legislated, cannot circumvent the effects of opposition fragmentation.

Goetz and Hassim (2003) present a comparative case study of Uganda and South Africa in a book of edited essays that address a range of range of issues related to gender and politics. Most notable of these studies is Sylvia Tamale's (1999: xiii) *When Hens Begin to Crow* which focuses on Uganda and serves as the 'first detailed examination of the gender dynamics of women's participation in the legislative process in an African country'. The context of Ugandan politics at the time of Tamale's study, however, did not allow an analysis of a multi-party political system or facilitate an analysis of the role that party politics played in mediating women's representation in parliament.[16]

[16] From 1987 to 2003, Uganda had a 'no-party' political system where political parties were banned because of their perceived tendency to politicise ethnic and regional differences and incite conflict in post-colonial Uganda.

Three edited in-depth studies of African parliaments present a range of single-case studies of various aspects of the parliamentary institution in several sub-Saharan African states, 2009; Stapenhurst et al. 2011; Salih, 2006). Mohammed Salih's (2006) edited collection of essays aims to explore the nature of African parliaments as a reflection of sub-Saharan Africa's changing political culture, which although grappling with the tenets of democratisation, is defined by its oscillation between modernity and tradition. Barkan's (2009) edited volume of case studies focuses specifically on the legislative development of the continent and aims to examine the relationship between legislative authority and democratic performance in sub-Saharan African parliaments where the Executive branch of government has dominance over the legislative branch of government. While Salih (2006) and Stapenhurst et al.'s (2011) volumes each include a chapter on women and gender equality in the Ugandan and Tanzanian national legislature, respectively, Barkan's (2009) volume is gender-neutral and therefore implicitly dismissive of women's presence and distinctive in sub-Saharan legislatures. There also seems to be a regional focus on East African parliaments.

Christopher Kayumba's (2010) recent study of the post-genocide Rwandan parliament is the most comprehensive gendered study of women's representation in Rwanda. He makes an explicit connection between what happened to women during the Rwandan genocide and the Rwandan government's post-genocide response to women's empowerment and political participation. This study also interrogates the enabling political and social conditions that allowed women in Rwanda to achieve their majoritarian descriptive representation. Kayumba's analysis (2010) does not engage with the substantive dimension of women's presence in parliament or situate women within their parliament contexts, a gap my study responds to. I hope to extend Kayumba's focus beyond the descriptive dimension of women's representation. Additionally, I respond to Kayumba's own observations about the study of women in the political arena in his argument that the meanings of women's representation in Rwanda and the ways in which the genocide transformed ethnic and gender subjectivity have not been adequately interrogated.

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Uganda's 'no-party system' or 'movement system' was an NRM-instituted system of electoral governance that allowed the existence of political parties in Uganda but prohibited their organising or political activity with the justification that political party competition exacerbated ethnic tension. This effectively deinstitutionalised and banned party competition in Ugandan formal politics from 1986 to 2005 (Carbone, 2003, 2008).

Britton's (2005) single case study of South African women in the first and second post-apartheid parliaments of 1994 and 1999 is an ethnographic analysis of women parliamentarians' personal and professional experiences and consists of a range of personal narratives that account for feminine experiences of South African parliament. The study also provides an insight into the complex relationship that women, who have expressed a feminist consciousness, experience within their political parties, even political parties who have enabled crucial gains for women's political participation. Though Britton's depiction of the material and institutional challenges that women face is necessary in understanding parliament's institutional resistance to women's entry, her analysis is more concentrated on the personal challenges, difficulties and experiences of sexism and male bias experienced by women politicians in parliament (Geisler, 2000; Britton, 2005; Tamale, 1999, 2000). Though the personal experiences of sexism, male bias and the dominant masculine culture experienced by women parliamentarians in parliament is crucial in understanding the *material* constraints experienced by women to being effective gender advocates, an institutional and procedural analysis is necessary in identifying the discourses and institutional practices that mediate women MPs roles in relation to advocating pro-gender equality outcomes.

### *2.8. Post-genocide Rwanda and Post-apartheid South Africa: Some Considerations*

Rwanda represents an analytical dilemma because it defies so many political paradigms associated with post-colonial African states. Conventional wisdom dictates that after the genocide, the country should continue to be a failing state like Sierra Leone, the Democratic Republic of Congo and Burundi, which continue to struggle to recover from the devastation of their conflict (Mills, 2012). It has managed to develop at a startling pace, building a strong and stable state with efficient state institutions and currently represents one of the most successful countries in the African Great Lakes region (Jones, 2012: 232).

South Africa is considered an exceptional case on the African continent for many reasons. Beyond its status as the most economically developed state on the continent its transition to democracy in 1994 is considered a 'miracle', primarily due to the protracted struggle against apartheid that preceded it. The entry of women into the National Assembly in unprecedented numbers, following the first post-apartheid elections in 1994, has received widespread

empirical analysis (Ballington, 1998; Britton, 2001, 2005; Geisler, 2000, 2004; Hassim, 2006b, 2014; Myakayaka-Manzini, 2002; Walsh, 2010). I have however recognised four areas that need to be further interrogated in the existing engagement with women in formal representative politics in South Africa.

### *2.8.1. Post-genocide Rwanda: The problem of the 'grey-zone'*

I have recognised four over-arching problems with analysis of the relationship between Rwanda's post-genocide regime and women's descriptive parliamentary representation that my study implicitly engages. Devlin and Elgie (2008: 241) argue 'contrasting viewpoints of the existing literature on Rwanda leaves plenty of opportunity for further work on the impact of increased women's parliamentary representation in the country'. The first limitation concerns the lack of substantive engagement with the role of different women within the Rwandan Patriotic Front and the ways in which the RPF's nationalist gendered political narrative is reproduced by women (Devlin and Elgie, 2008).

Explanations of women's inclusion in the state that conclude co-optation are problematic and tend to divest Rwandan women political elites of the individual and collective agency embedded in demonstrating women's complex relationship to the party and the demands on the political party articulated by politically mobilised women (Hogg, 2009). Attributing women's prominent presence in the formal political arena to RPF political will is also inadequate in explaining why such a preternatural emphasis exists on women's political participation (Burnet, 2008, 2011; Herndon and Randall, 2013; Longman, 2006). There is also no authoritative account of women in exile with the Rwandan Patriotic Front or exploration of how women living in Rwanda before 1994 joined the movement following the genocide. Though my study is not a detailed historiography of women in exile in the Rwandan Patriotic Front, it does address this absence and explain women's location within the movement in a more nuanced way.

The second tendency, the most serious limitation in academic literature analysing the high participation of women in Rwanda post-genocide, concerns the complete lack of engagement with Rwanda's electoral system and the ways in which the women who occupy the 24

women's reserved seats are actually elected. This includes the dangerous tendency to ignore the role played by the Rwandan National Women Council and the lack of understanding of the meanings of the fluidity of partisan and non-partisan in the Rwandan political sphere (Devlin and Elgie, 2008; Longman, 2006). The dearth of literature on this is one explanation, the second is the complexity of the Rwandan electoral system, which my study hopes to explain (Chapter Five).

The most prevalent tendency on academic research related to Rwanda is the adoption of a dichotomous analysis of the Rwandan government as either 'villain' or 'redemptive hero' without the space for complexity. As Will Jones (2012: 230) argues 'both the characterisations of Rwanda as a shining example of the African Renaissance, and as a vicious dictatorship tottering on the brink of collapse overstate the case'. The difference in accounts of the Rwandan state usually rely on an either/or perception of the Kagame regime which is usually embedded in embodying Rwanda's president Paul Kagame as an authoritarian dictator or a hero that saved a country on the brink of disaster. The problem is that there is rarely space for the depiction of any political development within the state that contradicts this stance. It also leads to analysis where evidence supporting the lack of democracy is frequently invoked and other evidence simply omitted. The Kagame regime has firm academic detractors, many of whom have been banned from entering the country ever again (Prunier, 1997; Reyntjens, 1999, 2010, 2013). The regime also has firm academic supporters with a tendency to enjoy explicit support from the Rwandan Patriotic Front (Clark, 2010; Gourevitch, 1994, 1998; Kinzer, 2008; Waugh, 2004). I hope at this point in my study, I am neither and my aim is to combine these two perspectives while adding complexity with my own empirical research.

### *2.8.2. Post-apartheid South Africa: Debunking Exceptionalism*

Recent academic engagement with women's formal representation and South Africa's electoral system has been primarily concerned with the inverse relationship between the proportional representation system, its perceived effect on women's accountability and relationship with gender equality outcomes from the legislative and policy arena (Hassim, 2010; Walsh, 2010). There has been very little rigorous engagement with the institutional

context that South African parliament represents and its particular effect on women's parliamentary politics.

This dissertation also address certain gaps that assist in better explaining the present state of women's organizing in South Africa. For example, I strongly argue that the ideological gaps between the ANC Women's League and the women's civil society organisations that were part of the United Democratic Front in the 1980s are under-estimated. Geisler (2004: 66) argues that:

> South Africa, again, has been an exception. Here divisions between women politicians and women activists could not develop to any real extent after the 1994 elections because most of the women who entered parliament then were leaders of the women's movement.

I disagree with this and this dissertation provides evidence to the contrary.

Two further trends that have not been adequately interrogated concerning women representation in South Africa are the effects of political party factionalism on women's parliamentary politics and the effect of the ruling African National Congress' increasingly close relationship with the institution of traditional authority and the ways that this association has translated to the parliamentary arena. In particular, I interrogate women in parliament's engagement with the legislative proposals that traditional authority's increasing influence has had and the effect of these political interventions on women's parliamentary politics.

## *2.9. Conclusion*

This chapter located the various conceptual relationships between the articulation of women political elite's individual and collective agency within parliamentary political parties and the parliamentary institutions in which these political parties operate. It explored a matrix of interlinked theoretical concepts that critically engage with the substance of women's politics within parliament, including representation, political parties and elite patriarchal bargaining. In the same way that women located in the domestic and private sphere exercise agency and strategize within the parameters of their households, women political elites in the state are in a constant negotiation with patriarchal power within the state and depending on the bargaining resources available to them, individually and/or conclude patriarchal bargains. While

fundamentally unequal, elite patriarchal bargaining is a reciprocal transaction that involves an *exchange of political resources*. When women political elites, collectively mobilised within the state, demand and negotiate the allocation of political resources toward the fulfilment of a political outcome.

## CHAPTER THREE - COMPARATIVE CASE STUDY RESEARCH METHODOLOGY

### *3.1. Introduction*

This chapter outlines my research methodology and provides a rationale for my choice of comparative case study design, data collection methods and data analysis techniques. It highlights the principal difficulties and limitations involved in conducting research in my chosen field work sites, Rwanda and South Africa. Both states represent two post-conflict countries with protracted histories of ethnic and racial oppression, respectively, collective trauma and continued existing contexts of socio-economic inequality. Although one of the advantages of my research is that it does not primarily or exclusively address either the genocide or apartheid, this did not prevent me from having to navigate the consequences of these definitive historical events in the field.

My research comparatively locates the relationship between women's descriptive representation, women's substantive representation and gender equality parliamentary outcomes within specific national legislative institutions. I utilize legislation passed on marriage and divorce in Rwanda and South Africa's respective post-transition parliaments as a heuristic device to identify and analyse the relationship between various political actors, organisations, political processes and legislative institutions that comparatively inform gender equality outcomes in both states. Examining the role of women MPs in the processes of gender equality legislation that has already been passed in both Rwanda and South Africa enables us to identify how women's relationships to parliamentary outcomes are affected by the relationship between parliamentary contexts and women's parliamentary politics.

My study is grounded in a tradition of feminist research, specifically feminist standpoint theory. Research is considered "feminist" when it is grounded in the set of theoretical traditions that privilege women's issues, voices and lived experiences, in particular feminist research is concerned with power asymmetries between men and women. Hesse-Biber (2014: 3) asserts that '[f]eminist research positions gender as the categorical centre of inquiry and the research process…feminist researchers use gender as a lens through which to focus on social issues. Despite the fact that Mona Lena Krook and Judith Squires (2006: 45) argue that 'there is no distinctive feminist methodology', research design and methodology can be utilised to

enhance the study of gender relations within certain settings. Feminist standpoint theory strongly informs this thesis as an epistemological intervention in the broader field of political science from the viewpoint of women's negotiation and assertion of agentic power in political organisations that are contextually defined by women's own marginality (Harding, 1987, 1992).

### *3.2. Comparative Case Study Research Design and Feminism*

Establishing the reasons for differentiated outcomes in countries that share similar characteristics plays a definitive role in the choice of my comparative case study design. It also informs my research's aim to comparatively focus on the relationship between the political contexts of the gendered legislative institutions in which women political elites operated in, and currently operate in and serves as the primary motivation for my choice of research design. The use of comparative analyses to study political behaviour and phenomena is methodologically constructive for many reasons, not least in order to establish the contextual dimensions that bring about varied and different outcomes in societies that share fundamental similarities.

The main advantage of my research design is its case study design. The 'the case study's unique strength is its ability to deal with a full variety of evidence…beyond what might be available in a conventional historical study' (Yin, 2003: 8). Yin (2003:13) defines case study research as 'an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident'. As my introductory chapter explained, the sampling for this study is purposive and Rwanda and South Africa were chosen in order to analyse the interaction between a critical mass of women in parliament and the institution itself.

A case study research design is helpful in straddling the sometimes murky line between the 'historical' and 'contemporary' which I will navigate in analysing the effect of transition politics on the formation and/or transformation of political institutions and culture in parliament; the relationship between women political elites, legislative processes and outcomes already passed and past legislative contexts and the present legislative institutional context. This is based on the fact that comparative politics has an:

> inclusive subject scope, its open research agenda, a logic of comparison which embraces multiple methods, and its structural advantages for intersectionality, grounded in a tradition of field research, [which] have positioned comparative politics as well suited to posing the research questions, employing the methods, collecting the data, and developing the models and theories appropriate and necessary for a comparative politics of gender (Beckwith, 2010: 162).

This study utilizes a specific case study method conceptualised by Przeworski and Teune (1970) called the most similar cases method, developed to comparatively analyse contexts where 'the cases presented a maximum of contextual similarities and different outcomes in the dependent variable'. As my introductory chapter states the dependent variable in this study is two legislative contexts in which women's descriptive representation is considered relatively high and encompasses a critical mass of women Members of parliament.

Case study research design allows my study to generate a more descriptive and complex analysis of the different material experiences faced by women Members of Parliament within their comparative legislative contexts. While a two-country study is limited in its ability to yield definitive theory about causal relationships, Sonia Alvarez (1990: 12) cautions that 'a case-specific monograph cannot yield causal theoretical explanations nor elaborate precise hypotheses'. This thesis is supported by Waylen (2007: 41) who asserts that 'an exposition that considers commonality and diversity in a range of contexts need not sacrifice empirical richness…and can also go beyond the sorts of analyses undertaken by monographs devoted to a single country'. Karen Beckwith (2010: 162), reinforcing both Alvarez (1990) and Waylen (2007), argues that 'comparative political research is a particularly conducive location for research on women, gender and politics'. Although these insights do not conclude the specific number of case studies needed to make definitive claims or initiate theory building, they do strengthen the rationale for a comparative case study.

The comparative dimension of my research operates on two levels. The most obvious comparison I am making is between the parliamentary contexts of two post-transition sub-Saharan African contexts, namely Rwanda and South Africa. The second comparative

dimension is embedded within each specific national parliament itself and involves a diachronic analysis that traces the variation in gendered parliamentary politics between both states' first post-transition parliamentary contexts and their current parliament contexts. In this sense, each case study individually stands on its own as a diachronic analysis of each national setting's parliament context.

## *3.3. Qualitative research methods and Data Collection: Methodological and Data Triangulation*

Case study design can encompass quantitative or qualitative research methodology. This study firmly relies on a qualitative methods for data collection. Feminist research can encompass quantitative positivist research methodology but this approach is considered inadequate for my own research in that quantitative methods tend to lack the engagement with context and normative concepts such as subjectivity and agency that my study analyses (Oakley, 1971; Pugh, 1990). In order to respond to my research questions, therefore, I adopted a form of methodological triangulation where more than one research method is used to collect data in order to understand the complexity of context, evidence and increase the reliability of observations (Hakim, 2000; Patton, 1990).

The methodological triangulation used in this study encompasses primary sources in the form of in-depth semi-structured interviewing, elite interviewing, and direct observation of parliamentary committee meetings and plenary sessions in the Rwandan Chamber of Deputies and South African National Assembly. Secondary sources utilised are archival research, peer-reviewed academic journal articles, books, Hansard (current and archived parliamentary minutes of portfolio committee meetings) and newspaper articles.

### *3.3.1. Literature Review and Archival Research*

The review of secondary literature plays an important role in research in two important ways. Firstly, it allows me to contextualise the political history of each country. Secondly, it enabled me to familiarise myself with the theoretical and empirical literature on my subject matter and to identify gaps in the knowledge that I needed to address in my own study. According to Erasmus and Gilson (2008:366) '[d]ocuments can provide an entry point into the language or discourses that are used in relation to a particular policy'. My literature review comprised

analysis of grey and non-grey literature that is widely acknowledged as unpublished or informally published evidence and research and published research, respectively. Grey sources included unpublished dissertations, governmental and non-governmental policy documents and reports, organisation literature and pamphlets. The disadvantage to grey literature is that it has not been peer-reviewed and is therefore seen to be less rigorous than non-grey literature which is subject to a higher standard of rigour. Non-grey sources included peer-reviewed academic journal articles, books, Hansard (current and archived parliamentary minutes of portfolio committee meetings), newspaper articles and other historical records (historical political party archives and records).

In an organisational setting like parliament, archives serve as an important repository of institutional memory and archival research has been recognised as a valuable resource in historical organisational analysis because records can document extended time spans (Bryman, 2003: 156 – 164). Archival research is considered to enhance the reliability of findings in methodical triangulation because 'materials are non-reactive (that is, they are not the product of investigations in which in individuals are aware of being studied), the possible biases which are often recognised to derive from interviews and questionnaires are removed' (Bryman, 2003: 164). Archival records can also provide access to information about individuals who are normally inaccessible and when interviewing political elites, who are often unavailable, serve as a record of past actions and official positions within the legislature.

The study of parliamentary proceedings around the world rely on Hansard, transcripts based on a standardised verbatim method of reporting on plenary sessions that includes votes, written statements and written answers to parliamentary questions (Hansard Society, 2014; Parliament of the Republic of South Africa, 2015). Hansard is an edited record of parliamentary proceedings with repetitions and redundancies omitted and obvious mistakes corrected. It is officially used in the Westminster model parliaments of the United Kingdom and its devolved parliaments, Canada, Australia, New Zealand and South Africa. Realistically, however, most national parliaments with membership of the International Parliamentary Union conform to Hansard in the transcription of parliamentary proceedings for official

record and it is widely used in non-Westminster model parliaments, for example Sweden, Germany, Chile and Finland.

There is a resource disparity between the Parliament of Rwanda and the Parliament of South Africa. Rwanda's parliament is under-resourced. None of the records for the proceedings of the Parliament of Rwanda have been digitised and they are not available to access online. The archive is also not up to date and I needed to personally approach the individual responsible for Hansard in the Chamber of Deputies to organise transcripts for proceedings held in 2009 and 2011. During my archival research in the Parliament of the Rwanda, I initially struggled to make copies of the transcripts of parliamentary proceedings. There is no photocopy machine in the archival record office of the Chamber of Deputies or the library, which are two separate buildings. All transcripts were also in Kinyarwanda and I had to hire a translator to translate them into French following which, I translated them into English with no formal translation skills. In the process of double translation, the initial integrity of the dialogue and proceedings was probably diluted. The proceedings of the Standing Committee meetings of the Chamber of Deputies are not available in the archives.

In South Africa, the minutes of parliamentary debates or committee meetings of the National Assembly held before 1998 are not available online on the official parliament website or the Parliamentary Monitoring Group (PMG) website, which only began posting Hansard debates in 1998.[1] I had to physically access the parliament library archive located in the NCOP building of South African parliament. For the minutes of Committee Meeting proceedings, I relied heavily on PMG who provide online audio recordings of each committee meeting as well as detailed minutes of every Committee Meeting. The South African parliamentary library is well-resourced and I relied on researchers who located the transcripts for me and provided me with photocopies of requested material at no charge.

### *3.3.2. Key informant semi-structured interviews and Elite Interviewing (Actor-network mapping and process tracing)*

[1] The Parliamentary Monitoring Group is an information service available online which provides information on both Houses of parliament, Hansard for parliamentary proceedings and summaries of Committee Meetings.

In-depth interviews are an important way to gain nuanced, complex information and personal perspectives. Feminist research approaches have recognised the importance of in-depth interviews in locating individual and collective subjectivity (Kezar, 2003; Oakley, 1981). Elite interviews are in-depth interviews with elites, who are members of a society with comparatively more access to power and resources relative to the rest of the population. Members of Parliament are political elites in that they have accesses to the political resources of the state.

Respondents are selected on the basis of their proximity or direct involvement with a specific process, event or outcome. My study examines two legislative outcomes and the legislative contexts within which they were passed. My interviewees were therefore selected because of their current and/or past association with the two laws selected or their role as a MPs in parliament at that time. The sampling technique was purposive as I had a specific category of individuals with defined affiliations with whom I wanted to conduct interviews (Greenstein 2003). I also used snowball sampling and relied on interviewees to recommend other individuals who had insights into my research topic. In some cases, I asked respondents to directly connect me with their contacts and in most cases, they did.

In order to facilitate the process of identifying different actors and processes involved in the legislative outcomes I chose to explore, I conducted an actor network mapping exercise and process-tracing method facilitated by an initial literature review. Childs and Krook (2009: 139) suggest that a composite and nuanced study of the relationship between women's legislative behaviour and legislative outcomes requires that critical actors be recognised, which requires that 'the role of critical actors, and their relation to the formation of a critical mass, will most likely require post-hoc analysis'. Unfortunately, the vast differences in the resources commanded by both national legislatures meant that it was easier to reconstruct and access information about South African parliament.

An actor network approach is traditionally used to simplify and identify the individual actors involved in processes of complex contextual dynamics involved in the analysis of processes and outcomes that emerge from institutional setting organisational contexts (Law, 1992). In particular, it assists in the analysis of 'some of the ways in which patterning generates

institutional and organisational effects, including hierarchy and power' (Law, 1992: 379). The process-tracing method is conducive to tracing the sequence of events within a political system. George and Andrew Bennett (2005: 206) define process-tracing as a 'method [that] attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable [or variables] and the outcome of the dependent variable'. Tansey (2007: 0) argues 'that when using the process tracing methodology, it is more appropriate to employ non-probability sampling techniques for identifying elite interview subjects, and that randomness should be reduced as much as possible when sampling'.

There a number of well-documented difficulties associated with elite interviewing. The most obvious constraint to the method is access to elites. Political elites are not easy to make contact with as they are usually busy. It was also a struggle to locate the contact details of elites whose contact details are not usually in the public domain. Requesting interviews from Members of Parliament was considerably easier in Rwanda, where parliament's website listed Members of Parliament's mobile numbers.

I conducted in-depth interviews with the various actors identified in the actor-network mapping and process tracing method. The interviews were semi-structured and open-ended and I aimed to elicit responses directly related to the historical and current role played by women Members of Parliament in the gender equality processes and outcomes of parliamentary politics and the past and present legislative context within which these processes and outcomes occupied. All of my interviews were conducted face-to-face and recorded, with the respondent's permission. In addition to that, I made notes during the interview. The interviews ranged in length from 5 minutes to 3 hours.

I conducted 19 in-depth semi-structured interviews with male and women political elites in Rwanda in French and English. Although most of my interviews were with current Members of the Chamber of Deputies, I interviewed former Members of the Chamber of Deputies and the Transitional National Assembly. I interviewed political elites from other political arenas who played a part in the process of passing the 2008 Gender-based Violence Law that included a former Minister of Gender and Family Promotion, the Chief Executive Officer of the Rwandan Governance Board and a former Speaker of the Transitional National Assembly.

I conducted 18 in-depth semi-structured interviews with male and female political elites in South Africa in English. Out of the thirteen past and present Members of Parliament interviewed for this study, six remained Members of Parliament in 2013. Although most of my interviews were with current Members of the National Assembly, I interviewed former Members of the South African National Assembly. I interviewed political elites from other political arenas who played a part in the process of passing the1996 Recognition of Customary Marriages.

Another unforeseen constraint was my 'outsider' status in Rwanda and lack of familiarity with the individuals I had chosen to interview. Growing up in South Africa means that I am aware of how certain individuals look, could recognize them if I saw them, as well as personally approach them for an interview if I saw them in parliament. I had no knowledge of how Rwandan political actors looked and was therefore not able to recognize certain individuals. When I was eventually able to interview one respondent, I realised that I had been in an elevator with him on two occasions and missed opportunities to personally approach him.

I discovered a definitive sense of research fatigue from women MPs in the Chamber of Deputies and I perceived that women MPs were simply tired of giving interviews. This is not surprising as the phenomenon of simultaneously having the highest number of women in parliament in the world and a majority of women in their parliament makes Rwanda a highly researched field work site. Overall, I found male Members of Parliament to be more responsive to granting interviews which I attributed to the fact that they are not as frequently harassed for interviews as Rwanda's women MPs. Another problem that arose from women MPs' research fatigue was the sense that I got during certain interviews that responses were rehearsed. This sense came from the surprise that many women MPs had when I asked them about recent developments in legislative output as well as when I asked them about Committee Meetings, especially specific questions that had to do with the internal procedures and processes. Another indication came from the similar answers I received about questions concerning women's experiences of parliament and their individual political aspirations,

topics of particular focus in other work that I have reviewed on women in Rwandan parliament.

#### *3.3.3. Direct Observation*

Direct observation is a method of observation that aims to analyse the ways in which a particular setting ordinarily operates through observation of the setting without participation. It relies on insight developed through a process of analysis that relies on observation, introspection and induction. Importantly, it resembles ethnographic research in that I was based in one setting for a long period of time and in aiming '[t]o understand political institutions, anthropologists have pointed to the importance of uncovering the detailed ethnography of specific cases. Interpretation of local meanings within localised contexts is vital – which is why anthropologists rely on in-depth empirical investigation' (Crewe, 2010: 313).

Drawing on my observations of parliamentary processes in both Rwandan and South African national assemblies, detailed fieldwork notes were taken and kept in the form of a journal and compared to parliamentary meetings taken of the sessions that I attend in order to augment accuracy. No official records are available for Standing Committee meetings in Parliamentary proceedings are official, formal and I cannot participate in them. Beyond the mandatory introductions that preceded the start of committee meetings, I did not participate in any proceedings.

One of the biggest constraints that I faced was the language barrier in Rwanda. Committee Meetings and plenary sessions are held exclusively in Kinyarwanda, a language that seemed linguistically contrary to isiZulu despite the fact that they are both Bantu languages. Although my understanding of the language increased the longer I was in the country, I am still unable to speak or fluently communicate in the language and primarily navigated parliament in French or English. Despite an indication that simultaneous translation would be available for plenary sessions, it was never available and at the beginning of my direct observation I struggled to follow the content of the debate in the Chamber of Deputies plenary sessions.

### *3.4. Access, Fieldwork and Logistical Issues*

I conducted field work in Kigali, Rwanda and in Johannesburg and Cape Town, South Africa over a period of 12 months. I applied for research ethics approval in both case study contexts. Both countries required research ethics clearance to conduct research for non-medical purposes and in addition, Rwanda required a research permit from the Rwandan Department of Education.

From June 2013 to September 2013, I was based in Cape Town, South Africa where I observed the 2013 third parliamentary term of the National Assembly in South Africa's fourth post-apartheid parliament. In South Africa, my approved research proposal was submitted in an application to the Wits University Research Office for ethical review and clearance before the commencement of my data collection. There is no particular process for accessing parliamentary Portfolio committee meetings, which are open to the public (The Parliament of the Republic of South Africa). After identifying myself at the reception of the Parliament, I could proceed to committee meetings. I was not required to submit formal written requests to observe parliamentary proceedings as they were open to the public. A particular problem that I identified however was that the schedule for parliamentary committee meetings was provisional and subject to confirmation on a daily basis. Schedule changes were never updated on the internet on time and on two occasions, I arrived for meetings that had been cancelled without notice.

I had difficulty in directly contacting South Africa Members of Parliament as their private telephone numbers were not provided on the Parliament website. The numbers provided on the website were office telephone numbers and were frequently answered by personal assistants who invariably instructed me to send an e-mail request. I sent out e-mail requests to thirty two individuals asking to conduct an interview. Of these thirty two individuals, only 12 responded to my e-mails and the 6 interviews I conducted were organised telephonically.

Rwanda, however, presented more of a problem. I conducted a 10 day preliminary preparation trip to Rwanda in July 2013 in order to apply for and finalise my research permit. Although I have been to Rwanda and have contacts on the ground, it is a notoriously difficult setting in which to negotiate research access. The country is wary of international researchers for two reasons. Firstly, research on Rwanda has tended to focus on the genocide and researchers have

sought to interrogate ethnic issues in a country that has not only made ethnic discourse illegal but, whether possible or not, is attempting to move past its association and synonymy with this event. The second aspect of its reluctance to admit international researchers is the recent focus on the state of Rwanda's democracy which has made researchers critical of Kagame's regime unwelcome. The principal respondents of my study constitute political elites that will not necessarily be available to an outsider.

From November 2013 to June 2014, I was based in Kigali, Rwanda and observed the first parliamentary session of the year which began on 5 February 2014 and concluded on 5 April 2014. In Rwanda, the criteria for obtaining a research grant were more complex. I was required to have formal research affiliation with a Rwandan academic institution. The choice of affiliation with the Centre for Gender, Development and Culture at the Kigali Institute for Education reflects my research's focus on women political elites. After formal research affiliation with a Rwandan educational institution was granted, I applied to the Rwandan Department of Education for my research permit. My research permit was granted within a month. I was requested to submit a formal letter, with my approved research permit attached, to officially request permission from the Speaker of the Parliament of Rwanda to gain admission to plenary sittings in the Chamber of Deputies. Following approval by the Speaker of Parliament to gain access to the institution, I had to submit a written request to the Chairperson of the Standing Committee for Political Affairs and Gender for permission to observe committee meetings.

Another issue that I noticed with regard to access and sourcing my interviews in Rwanda was a distinct geographical and racial bias. I know for a fact that when international researchers from the United States and Europe travel to interview parliamentarians, their interviews are organised for them by parliament. In my case, this was not undertaken and I had to source interviews on my own.

### *3.5. Ethical Research: First Do No Harm*

During the process of data collection, the five ethical principles in social science research summarised by Burnham et al. (2004: 253-256) were consistently and strictly adhered to as my foundation for ethical research. Burnham et al. conceptualise these principles as

beneficence or the avoidance of harm, veracity or the avoidance of deception, privacy or anonymity, confidentiality, and consent. In addition to adhering to the aforementioned principles, the proposal was submitted to the Wits University Research Department for ethical review and clearance before the commencement of my data collection and the equivalent of this ethics clearance process was also undertaken with the Rwandan Department of Education.

### *3.5.1. Anonymity, Confidentiality and Consent*

Ethical research means that the safety and ease of the interviewee is paramount and cannot be compromised by the researcher under any circumstances (Burnham et al. 2004). This was especially important in the Rwanda and South Africa where women political elites are under the control of a political party or the State itself. This was especially the case in Rwanda where criticism of the government is heavily sanctioned. There were also specific questions I could not ask and referring to ethnicity was not allowed. Most of the information that I was soliciting from the interviewees were not in the public domain and I had to be cautious about the way I posed questions to individuals that did not compromise them.

Before each interview, I read the consent form aloud to the respondents and informed them that their participation was voluntary. I also guaranteed the respondent that the outcomes of the interview would be kept confidential. I then questioned if the respondent was still willing to be interviewed. If they agreed to continue with the interview, they signed the consent form. I asked the respondent whether I could identify them in the thesis. If they refused, I assured them that they would remain anonymous and a pseudonym would be used I assured the interviewees that they could decline to respond to my questions, request that the recorder be turned off and also terminate the interview at any time.

### *3.5.2. Reflexivity and Positionality*

Reflexive research, particularly within a feminist standpoint theoretical framework, requires self-awareness of the researcher's own subjectivity within the field and our relational positionality as the research process unfolds (Harding, 1987, 1992). This means that I had to interrogate my own embedded bias which would have threatened the quality of my study. This will require significant reflexive practice, specifically regarding the personal

subjectivities that influence my mode of inquiry, in preventing the imposition of my personal politics on my research, as well as countering the ability for my own pre-conceived notions to influence my analysis. As a South African researcher who has spent the last four years concentrating on various aspects of gender equality in South Africa, I feel that I can comfortably navigate access issues within South Africa. I therefore need to be aware of how this may shape the extent to which the research respondents trust me in the course of my fieldwork, and actively work to reflect on my positionality through self-reflexive practices.

### *3.6. Study Limitations*

My study limitations were many but were primarily based on my research's focus on political elites, my inability to replicate my data collection techniques in each setting and the many assumptions I make in the course of this research. Many of the categories and concepts that I presuppose in my study have been problematised in political discourse generally, and feminist theory specifically. My paper's focus on 'women' necessarily relies on certain notions of gender essentialism and reductionism. Barring the utility of this analysis is the recognition that women are a diverse heterogeneous group, whose gendered experiences are mediated by a range of subjectivities. I also make the assumption that women in parliament are concerned with advancing women's interests within this political arena based on the mandate that feminism has created for women in formal government.

**Table 3.1. Parliamentary Timelines of Rwanda and South Africa**

| Rwanda Parliamentary Timetable | South Africa Parliamentary Timetable |
|---|---|
| February 5 to April 5 (9 Weeks) | January – March (9 weeks) |
| June 5 to August 5 (9 weeks) | April – June (11 weeks) |
| October 5 to December 5 (9 weeks) | July – September (10 weeks) |
| | October – December (9 weeks) |

Multiple-case designs are considered more rigorous and robust than single case studies (Yin, 2003: 47). The disadvantages to multiple-case studies however is that they are more resource and time intensive than single case studies. Comparative case study research or multi-case study design is more rigorous if the execution of the research is replicated in both research sites. Unfortunately, this was not possible for a range of reasons, not least research funding and time. The structure of doctoral study means that field work needs to be completed within a finite amount of time, therefore undertaking research in two different sites at the same time of the year would not have been feasible. Other constraints to the direct comparison of parliamentary contexts included the differences in annual parliamentary programmes (see Table 4.1), the different structures of parliamentary legislative committees in South Africa and Rwanda and the different functions performed by each legislative committee during my field work.

The annual parliamentary programme in Rwanda and South Africa do not run parallel with each other and are completely unsynchronised. Rwandan parliament has three parliamentary annual terms while South African parliament has four parliamentary terms. This made it exceptionally difficult to observe the 'same' session in each setting. I observed the third 2013 session of parliament in the South African National Assembly and the first parliamentary session of 2014 in Rwanda.

Rwanda and South Africa's legislative committee systems are very different. South African parliament adheres to a single portfolio committee structure with National Assembly portfolio committees that directly mirror the existing line departments of the various ministries of the Executive branch. Rwanda's legislative committee system, on the other hand, is a clustered multi-portfolio legislative structure. Rwandan Deputies are each Members of one Standing Committee that convenes every single weekday. In contrast, South African Members of Parliament are Members of a number of Portfolio committees with the number of meetings of each committee meeting varying from once a week to four times a week. The Portfolio Committee for Women, Youth and People with Disabilities (WYPD) which I observed in South African parliament met once a week. As a result, I spent significantly more time

observing the daily Rwandan Standing Committee for Political Affairs and Gender's meetings.

Another incongruity between the Rwandan and South African legislative committee sessions that I observed has to do with their respective mandates. The Rwandan Standing Committee for Political Affairs and Gender was drafting the country's Family Law during the parliamentary session that I observed, effectively performing their role in legislative formulation. The South African Portfolio Committee for WCYPD was attempting to fulfil its oversight mandate over the Department of Women, Children and People with Disabilities. I am therefore directly comparing legislative committees that were performing completely different parliamentary function.

My research and thesis have a major shortcoming in that they are a gendered elite-focused study of regime power as it is constituted in parliament. If it examines other state institutions, it does so in relation to parliament. The other shortcoming of my study is its lack of substantive engagement with women's grassroots politics in the South African and Rwandan public sphere, beyond the analysis of women's movements' engagement with parliament. In examining gendered parliamentary politics as the outcome of women's individual and collective activism and the structural influence of the institution, my dissertation is intentionally designed as a study of elite outcomes.

# CHAPTER FOUR – RWANDA AND SOUTH AFRICA'S POLITICAL TRANSITIONS: RENEGOTIATING PATRIARCHAL BARGAINS

## *4.1. Introduction*

Major upheavals and sustained processes of protracted conflict and destabilisation that take the form of regime change and/or political liberalisation within a society, have been acknowledged as unique and rare opportunities for women to effectively advance gender equality and women's rights in new dispensations (Albertyn, 1994; Alvarez, 1990; Enloe, 1993; Friedman, 2000; Goetz, 1995; Hassim, 2006b; Meintjes, 2006; Meintjes et al. 2001; Paxton and Hughes, 2007; Tripp et al. 2009; Waylen, 2000, 2003, 2007; 2010). In recognizing Georgina Waylen's claim that 'new polities in the post-transition phase do not begin with a blank slate but are influenced by the legacies of the previous regime and the process of transition' (2007: 18), this chapter locates the emergence of various sites of women's collective politics inside and outside the ambit of formal political organisations before and during post-genocide Rwanda and post-apartheid South Africa's respective political transitions.

I comparatively examine the relationship between gender relations and political transitions with a specific focus in identifying the factors, before and during the transition, which lead to successful post-transition state institutional outcomes for women. Deniz Kandiyoti (1988: 275) asserts that 'patriarchal bargains are not timeless or immutable entities, but are susceptible to historical transformations that open up new areas of struggle and renegotiation of the relations between genders'. The destabilisation and redefinition of power relations within society that accompanied Rwanda's genocide and South Africa's negotiated settlement represent the kind of historical transformations to which Kandiyoti (1988) refers and within which new 'gender pacts' are able to be negotiated. Rwanda and South Africa's transitions allowed a reconsideration of the earlier patriarchal bargains made by women within masculinist political organisations preceding their political transitions. Importantly, while political transitions and their embedded changes re-orientate and renegotiate patriarchal bargains, they but do not necessarily remove the conditions that mediate the initial basis of

elite patriarchal bargains, namely, patriarchal political parties and masculinist political institutions.

Political transitions represent major changes to national political environments because their ensuing political instability simultaneously creates political opportunity and constraint structures previously absent in a society. Analysing the ways in which women capitalise on political opportunity structures created by their respective transitions to collectively mobilise and bargain for gender equality guarantees in the institutional design of post-transition state institutions, facilitates an important analysis of how mobilised women's relationship with the transitioning state has more varying effects on post-transition institutions beyond the simple increased physical presence of women in the post – transition state (Waylen, 2000, 2003, 2007; 2010). A gendered analysis of political transitions allows an examination of *how* and *why* mobilised women are able to influence the design of the post-transition state.

Following this introduction, Section Two and Three trace Rwanda and South Africa's respective political transitions, locating the Rwandan Patriotic Front (RPF) and African National Congress (ANC)'s legitimising political narratives within a history that examines the emergence of these political parties as national liberation struggle movements with significant but different terms of women's participation. Section Three and Four discuss the gendered terms of both countries' political transitions, exploring the role that women's movements played in ensuring that crucial guarantees for women were formally included in Rwanda and South Africa's respective post-transition institutional designs. The last two sections of the chapter provide a discussion that attempts to illustrate the comparative terms on which elite patriarchal bargains were concluded during each state's transition.

## *4.2. The Rwandan Genocide and Transition: Devastation as Gendered Political Opportunity*

While acknowledged as a country with a history of 'vibrant organizational activity' (Newbury and Baldwin, 2001: 98), the role of civil society organisations in Rwanda's history has been a contentious one. Widely seen as instrumental to divisive state interests, historically, the majority of civil society organisations have been controlled and used by the state to fulfil political mandates by perpetuating certain forms of organised social control that were

overwhelmingly based on the ethnic politicisation of Rwandan society (Belloni, 2008; Mukamunana and Brynard, 2005).

Rwanda's first civil society organisations emerged during early colonialism and had an active relationship with the Belgian colonial government. Mainly taking the form of church and social welfare organisations, they were framed as existing autonomously from the state but pursued and reproduced the Belgian's ethnically divisive racial policy (Peter and Kibalama, 2006; Mukamunana and Brynard, 2005). Widely seen as instrumental to ethnically divisive state interests, historically, the majority of civil society organisations have been controlled and instrumentalised by the Rwandan state to fulfil political mandates that perpetuated certain forms of organised social control that were overwhelmingly based on the ethnic politicisation of Rwandan society (Belloni, 2008; Mukamunana and Brynard, 2005). Reflecting similar dynamics to Rwanda's other civil society organisations, the history of women's organizing and political participation in Rwanda has been defined by a lack of autonomy from the state and an overwhelming focus on practical needs, welfarism and social services.

Before and during Rwanda's 1994 genocide, Rwandan women's lives were deeply circumscribed by the intersection between ethnicity and gender and ethnic groups exercised significant social control over 'their' women (Mageza-Barthel, 2015; Umutesi, 2004). The absence of Rwandan women's gender equality struggles was reified by the deep sexual division of gender roles within Banyarwandan culture which marginalised and constrained women's political participation outside of what is effectively considered the domestic sphere in Rwanda. The central and widespread role that women played as perpetrators during the genocide alludes to an embedded ethnic cleavage between Rwandan women (Adler, et al., 2007; African Rights, 1995; Hogg, 2010; Sharlach, 1999; Straus, 2006).

Women occupied marginal and subordinate roles in indigenous pre-colonial and colonial Rwandan society (Kayumba, 2010: 132; Uwineza and Pearson, 2009). They had also been systematically unrepresented in the formal political sphere from Rwanda's independence. This exclusion reflected the subordinate status of women in a society that remains inherently patriarchal and traditional, defined by a history of extreme gender inequality where, 'the general situation for women in post-independence Rwanda, ranging from their access to

political power to their position in the family, was therefore quite poor' (Longman, 2006: 135).

Despite full legal equality, women were severely subjugated by traditional patriarchal customs and could still not inherit property by 1994 (Uwineza and Pearson, 2009). Rwanda existed as a traditionally Roman Catholic society with all the attending restrictions on sexual freedom and expression. Women were prohibited from using birth control and unconditional abortions were, and still are, illegal. Women also had restricted access to formal education which naturally led to marginalisation from economic and political participation. Economic disempowerment emerged as a particularly salient issue as Rwandan women were not allowed to access formal credit or open bank accounts, even with their husband's permission (Uwineza and Pearson, 2009).

In the early post-colonial period under Gregoire Kayibanda's First Republic, the government established *foyers sociaux* (social centres) for Rwandan women within each prefecture in order to pursue social services, rural development and women's empowerment programs (Burnet, 2012; Buscaglia and Randell, 2012; Newbury and Baldwin, 2001). These social centres functioned as civic centres in their provision of public health services and literacy programmes for rural women. They were mainly administered and supported by a paternalistic and patriarchal Church, who had continued their presence in Rwanda after independence, and continued to enforce an agenda of morality and paternalism.

According to Buscaglia and Randell (2012: 69), *foyers sociaux* were 'conceived as a way to improve women's condition, [and] they actually contribute[d] to their domestication by inculcating Victorian gender ideology in the African elite'. This was achieved through the reinforcement of the traditional sexual division of labour in Rwandan society and a culturally specific notion of femininity, with women being taught domestic skills such as cooking, cleaning and sewing. These activities were apolitical and lacked the collective organizing that usually accompanies the increased political mobilisation of interest groups as movements (Gamson and Meyer, 1996; Held, 1993). The biggest critique of these forms of women's civil society organisations is that they reinforced traditional gender roles and perpetuated the confinement of Rwandan women to the private sphere (Buscaglia and Randell, 2012; Burnet,

2012). Although social centres nurtured women's associational life, this social capital was not leveraged to politicise or articulate collective women's interests in the absence of political developments that nurtured women's politicisation, feminist consciousness or the pursuit of women's interest through activism.

Accounts of gender relations in pre-genocide Rwanda illustrate a political context where women exercised limited political agency as women (Brown, 2014; Kayumba, 2010; Uwineza and Pearson, 2009). By the mid-1980s, however, the Rwandan women's movement had begun to tentatively emerge as a proliferation of new formations in women's civil society organisations. The most decisive shift leading to the politicisation of Rwandan women's interests was the global momentum in transnational feminist activism and the globalisation of local women's agendas (Buscaglia and Randell, 2012; Burnet, 2012; Mageza-Barthel, 2015; Newbury and Baldwin, 2001). This is attributed by Buscaglia and Randell (2012) to the influence of international feminist activism and the momentum generated by the third UN World Conference Women held in Nairobi in 1985 to commemorate the end of the UN Decade for Women (Goldfaden, 2010, Holmes, 2008, Mageza-Barthel, 2015).

The influence of transnational feminisms inaugurated a period of greater demands for political liberalisation and women's empowerment and initiated the formation of Rwanda's first non-governmental women's organisation, *Réseau des Femmes* (RDF) in 1985 (Buscaglia and Randell, 2012; Goldfaden, 2010). *Réseau des Femmes* largely mobilised rural women around development programme interventions and conducted gender equality training (Goldfaden, 2010; Women for Women International, 2004).[1] Despite this, Rwandan women's civil society organizing before the genocide did not coalesce into a cohesive, broad-based women's movement. The slow emergence of women's autonomous political mobilisation *as women* reflects the intersection between ethnicity and gender that affected the prospects for women's broad-based political mobilisation and exercise of a collective gender identity. Lisa Sharlach (1999: 388) argues that in the pre-1994 Rwandan context 'a woman's loyalty to her ethnic

[1]It was mainly concerned with women's socio-economic issues and practical needs, addressed issues like agriculture and health, influenced the formation and proliferation of other Rwandan women's civil society organisations addressing women's health and family planning, micro-finance and economic empowerment and agricultural cooperatives (Goldfaden, 2010: 1).

group almost always overrode any sense of sisterhood to women of the other major ethnic group'.

During this time (late 1980s - 1994), both newly emergent and established women's organisations were vilified because their respective demands for women's inclusion and equality were construed of as synonymous with the political demands expressed by democratising elements in the country, which were widely associated with those articulated by Tutsis and moderate Hutus (Women for Women International, 2004). Activist women's demands for empowerment, which were all conflated by the government to democratisation, were therefore seen to threaten the political dominance of the Hutu government and the ethnically stratified social order (Newbury and Baldwin, 2001).

During this time, the collective *Pro-Femmes* emerged in 1992 as a national umbrella organisation comprised of 13 various women's groups and civil society organisations including *Réseau de Femmes.* Ideologically the women's civil society organisations formed during this time which would operate under the banner of *Pro-Femmes*, such as *Dutimbere* and *Haguruka,* were to serve as pre-cursors for the role that women's civil society organisations would play in a post-genocide Rwanda in that they advocated peace and reconciliation in Rwanda's politically repressive and volatile context (Women for Women International, 2004). Even before the genocide, there was the recognition amongst individual women's civil society organisations in Rwanda that working to end all forms of discrimination (cultural, political, economic and social) against women would require operating effectively as a cohesive women's movement (Pro-Femmes Twese Hamwe, 2011). Ironically, women's civil society organisations' efforts to promote peace co-existed with 'the deliberate efforts of the state, society and key individuals were elemental to the manipulation of female identity in Rwanda and set the stage for women's involvement in mass atrocities' (Brown, 2014: 453).

#### *4.2.1. The Rwandan Patriotic Front: de-ethnicisation as gendered political narrative*

The Rwandan Patriotic Front in exile represented a legitimate national liberation movement to its constituency of mostly Tutsi Rwandan refugees scattered all over the world in the

Rwandan Diaspora. When the RPF invaded Rwanda on the 1 October 1990, however, they were not widely considered 'liberators' by the majority of the country's population. Although ethnicity and deeply embedded perceptions of the movement as advancing *illegitimate* Tutsi minority interests were the overwhelming motivation for their lack of internal support, mistrust against the RPF also existed within the domestic Tutsi community stemming from a successful counter-insurgent propaganda campaign (Mamdani, 2001; Kayumba, 2010: 92). The counter-insurgency campaign against the invading RPF was propagated by the Habyarimana government, more extremist ethnic political groups, newly-formed opposition parties contesting state power during the transition and the Catholic Church, all of whom portrayed the RPF aiming to return to Rwanda as foreign invaders (Jones, 2012; Mamdani, 2001; The Senate of the Parliament of the Republic of Rwanda, 2010: 99).

Further attesting to my argument's basis about the Rwandan Patriotic Front's precarious legitimacy on accessing power, Verhoeven (2012: 267) identifies the RPF's alienation from the Rwandan masses as the primary reason 'why the RPF was never able to wage the kind of Maoist insurgency that the NRA, with its reliance on popular commitment and grassroots support, had fought'.[2] Will Jones (2012: 234) observes that 'this [the Rwandan Patriotic Front] was an organisation with almost no institutionalised structure within Rwanda, few established links with the local population, and no experience administering a territory'. The resentment towards the guerrilla army was reflected by the widespread emptying of areas attacked by the RPF, by Rwandan citizens from all ethnicities who fled to MRND government-controlled areas as the RPF advanced (Mamdani, 2001). The reaction of Rwandan Tutsis to the RPA can also be seen to be have been motivated by the retaliations against Tutsis in areas that usually followed RPA incursions.

The 1994 genocide occurred against the backdrop of a failed political transition and resumed civil war that ended with the successful insurgency of the Rwandan Patriotic Front Army and the defeat of the Habyrimana government and its more ethnically extremist elements. By the time the RPF took control of the Rwandan state following 3 months of genocide, however,

[2] Maoism, a form of Marxist-Leninism relevant to agrarian societies, relies on the popular class mobilisation of the peasantry (rural agricultural masses), as opposed to the proletariat, as the revolutionary force that overthrows the capitalist state and establishes socialist egalitarianism. It requires the insurgent movement to have the widespread support of the rural masses.

three quarters of the Tutsi population had been killed (Des Forges, 1999; Kuperman, 2004). Consequentially, the RPF's primary ethnic constituency were effectively depleted, increasing the precariousness of its political legitimacy following the genocide. The new regime therefore had a contradictory task to accomplish in allaying embedded fears about a return to a minority Tutsi dictatorship while simultaneously consolidating power and designing post-conflict institutions that would appear inclusive and broad-based. In response to this, the RPF aimed to construct a Rwandan nation that negated ethnic differences, legitimised the right of the RPF to exist, validated its right to return to Rwanda and most importantly, authenticated its political authority. This conception of the nation, however, was not the material reality of how the Rwandan nation was conceived at that time. In this particular context, the de-ethnicisation of identity and the construction of a non-ethnic nation-state was absolutely necessary to maintaining political power, in a context where the political mobilisation of the Hutu majority would numerically defeat the RPF.

The most important dimension of the Rwandan Patriotic Front's political ideology and the Rwandan government's present governance framework were formed during the movement's 7-year exile from Rwanda, namely the concept of *ndi umunyarwanda* or *abanyarwanda*. According to Senator Tito Rutaremara, the former Secretary General of the Rwandan Patriotic Front, the concept of *ndi umunyarwanda*, which forms a fundamental tenet of the Rwandan Patriotic Front's post-genocide governance framework, cannot be considered distinct from the liberation movement primary's struggle.[3] *Ndi umunyarwanda* means 'I am Rwandan', which expresses the collective sentiment of *Banyarwanda* meaning 'We are all Rwandan' in Kinyarwanda. In that sense, there is no Hutu, Tutsi or Twa, there is only Rwandan. It counters the historical narrative of ethnic division based on the Hamitic myth of the Hutu and Tutsi constituting separate racial groups (Mamdani, 2001), promoted by German and Belgian colonialism. It is the Rwandan government's current political programme and simultaneously serves as the Rwandan Patriotic Front's nationalist ideology. It counters the historical narrative of ethnic division based on the Hamitic myth of the Hutu and Tutsi constituting separate racial groups (Mamdani, 2001), promoted by German and Belgian colonialism. Danielle Beswick (2011: 494) argues that in post-genocide Rwanda:

[3] Rutaremera, Tito. Interview. Kigali, Rwanda. 7 February 2014.

> [e]thnic identities are to be replaced by a single Rwandan national identity, the only socially acceptable and legally permissible identity for a Rwandan citizen. This underpins the policy of national unity and reflects the Government's narrative of a return to a relatively peaceful pre-colonial Rwanda, in which it describes Hutu, Tutsi and Twa as living in relative harmony until the arrival of colonisers.

### *4.2.2. The Rwandan Patriotic Front and Women's location*

Women's inclusion in parliament to the degree that they currently compose the Rwandan Chamber of Deputies seems to have only emerged as a hallmark of the Rwandan Patriotic Front as the exigencies of governance materialised and political consolidation advanced. The centrality of gender equality and the promotion of women's rights was not a fundamental and definitive aspect of the Rwandan Patriotic Front's political ideology when it emerged in 1987.[4] Despite written accounts (Burnet, 2008; Kayumba, 2010, Longman, 2006; Powley and Pearson, 2007) and some interviewee claims that the RPF had had a prominent commitment to gender equality and women's rights from its inception, evidence indicates that the materiality of the immediate post-genocide significantly re-orientated the movement's gender ideology.[5]

That it was not as overt and central to the former national liberation movement's political ideology in exile is attested to by the initially low number of women appointed to parliament directly following the genocide. It can be assumed that by 1998, when the decision was taken to add reserved seats for women in the Transitional National Assembly, the RPF's gendered political narrative and the importance of women's leadership was increasingly gaining centrality within the political party's overall legitimizing narrative. The absence of an

[4] Since Rwanda's first large scale ethnic massacre against the Tutsi in the Hutu Revolution of 1959, sporadic ethnic violence committed against the Tutsi population had systematically led to a considerable refugee population of Tutsis living outside of the borders of Rwanda, particularly in the neighbouring African states of Tanzania, Burundi, Uganda and the Congo, with the most significant population concentrated in the refugee camps of Southern Uganda (Human Rights Watch, 1999). The offspring of the first generation of mainly Tutsi refugees exiled in 1959 and in subsequent waves of ethnic violence from Rwanda, to the refugee camps of neighbouring African states and elsewhere around the world (with the largest communities located in Uganda, Burundi, Tanzania, Kenya and the Congo), would constitute the Rwandan Patriotic Front that invaded Rwanda in 1990.

[5] Various interviews. Doctoral Fieldwork. Kigali, Rwanda. November 2013 – June 2014.

auxiliary women's body within the Rwandan Patriotic Front and the high concentration of returned RPF women working in non-governmental organisations after the genocide, did not just strengthen the capacity of women's civil society organisations. Many women, who previously represented or currently represent the Rwandan Patriotic Front in parliament, came to representative office from women's civil society organisations. Rwanda's current Deputy Ombudsman and former RPF Member of Parliament Bernadette Kanzayire joined civil society organisation after her return to Rwanda with the RPF.

Women were prominent participants (37.5%) in the RPF's armed struggle and were mainstreamed into the political organisation's armed and political branches from its inception as an insurgent movement (Burnett, 2008; Longman, 2006). They participated in fundraising, the mobilisation of resources for the war front (medical supplies, food, uniforms) and the clandestine sensitisation of people towards the cause and recruitment of members.[6] These were roles that they are said to have 'performed with distinction' (Kayumba, 2010: 94) and Tito Rutaremara, former Secretary-General of the Rwandan Patriotic Front and senior political party ideologue, observes that women were among their most dedicated members.[7]

In waves of forced migration from 1959 many Rwandan Tutsis had fled the country, settling as refugees around the world with the highest concentration of Tutsi refugees settling in Uganda (Kuperman, 2004; Reed, 1995; Strauss and Waldorf, 2011). Rwandan refugee women, whose experiences of marginalisation in their respective societies was based on the intersection between exile from Rwanda, their refugee status and gender inequality, made up the bulk of the Rwanda Patriotic Front's female cohort. Explaining the high participation of women in the movement, Senator Rutaremara explains that 'women constitute that part of the population that has nothing to lose…and which have much to gain'.[8]

The language of gender equality in the Rwandan Patriotic Front and the high participation of women in their ranks during exile seems to have emerged from a source whose influence the Rwandan post-genocide RPF government seldom want to acknowledge, namely the Ugandan

[6] Tengera, Francesca. Interview. Kigali, Rwanda. 27 May 2014.
[7] Rutaremera, Tito. Interview. Kigali, Rwanda. 7 February 2014.

[8] Rutaremera, Tito. Interview. Kigali, Rwanda. 7 February 2014.

National Resistance Movement (NRM) (Burnet, 2011; Longman, 2006).[9] Prominent members of the RPF's leadership and large numbers of the exiled Banyarwanda living in East Africa, the majority of whom were from Uganda including Paul Kagame and Fred Rwigyema, joined the NRM in the late 1970s. After joining the ranks of Uganda's insurgent National Resistance Army (NRA) in large numbers, assisting in the overthrow of the Obote government and simultaneously acquiring extensive training in guerrilla warfare (Reed, 1995), the NRM brought Yoweri Museveni to power in Uganda in 1986.[10]

From the strong participation of women in the ranks of the RPF, its uniquely indigenous and contextual re-imagining of democracy in the 'no-party system' to its progressive policies on women's representation, the influence of Museveni's National Resistance Movement (NRM) on the Rwandan Patriotic Front is argued to be substantial (Burnet, 2008: 366 – 367; Kayumba, 2010: 96; Longman, 2006: 140; Reed, 1995; Strauss and Waldorf, 2011; Verhoeven, 2012). This influence is reflected in Rwanda's post-genocide political system through a number of mechanisms that mirror Uganda. Timothy Longman (2006: 140) observes that '[t]he Ugandan origins of the RPF have deeply influenced its policies since taking power, including its policies on women's rights and inclusion'.[11] Similarly to Uganda, the RPF instituted parliamentary reserved seats for special interests groups (women, the youth and the disabled) and established decentralised women's councils (Goetz, 1998; Tamale, 1999; Tripp, 2000, 2001). Both the RPF and NRM have a uniquely indigenous and contextual re-imagining of democracy, based on an ideological aversion to robust political party politics, which both movements hold responsible for ethnic violence in their respective countries.[12] Similarly in Rwanda, following the end of the genocide, the Rwandan Patriotic Front

[9] The Rwandan Patriotic Front argues that RANU emerged in 1979 before the NRM's emergence in Uganda in 1981, makes the point that although the National Resistance Movement's influence on the Rwandan Patriotic Army is substantial as a result of many prominent RPA fighters having fought in the NRA before their insurgency in Rwanda began, the RPF and its politics and particular conceptions of cadreship are distinct. *Ibid.*

[10] The National Resistance Army is the armed wing of Yoweri Museveni's National Resistance Movement. Of the 14 000 soldiers who fought in Museveni's National Resistance Movement, about 4000 guerrillas were said to be from the Banyarwandan community, which would prove to be a constituency of the RPF (Waugh, 2004: 36).

[11] Women participated in the ranks of the National Resistance Army in large numbers.

[12] Uganda's 'no-party system' or 'movement system' was an NRM-instituted system of electoral governance that allowed the existence of political parties in Uganda but prohibited their organising or political activity with the justification that political party competition exacerbated ethnic tension. This effectively deinstitutionalised and banned party competition in Ugandan formal politics from 1986 to 2005 (Carbone, 2003, 2008).

government restricted political party activity at the national level and completely banned it at the provincial and local level, arguing that it exacerbated ethnic tensions and party mobilisation along party line (Teschner, 2002).

Although women participated in the armed forces and cadreship (political mobilisation) of the Rwandan Patriotic Front in high numbers women did not politically mobilise as women to articulate women's interests. Though women participated in the RPF in high numbers and were mainstreamed into the political organisation's armed and political branches from its inception (Kayumba, 2010; Powley and Pearson, 2007), the centrality of gender equality and the promotion of women's rights was not a fundamental and definitive aspect of the Rwandan Patriotic Front's political ideology when it emerged in 1987 or accessed the state in 1994. The most likely explanation for the lack of women's mobilisation for feminist goals was that the RPF was still in its infancy when these demands could have been made and after 1990, the civil war and Arusha Accord negotiations became a central preoccupation. Additionally, women's political consciousness within the movement was never developed to consider the more radical notions of gender equality that encapsulated transformative feminism and the RPF had a practical needs approach to women's welfare that emphasised women's inclusion and formal equality.

Confirming this account is former RPF Director of Welfare and soldier in the Rwandan Patriotic Army (RPA) Rose Kabuye, who unequivocally stated that the *RPF women never mobilised as women* to separately articulate a gender-equality struggle from the nationalist struggle being waged against the Habyarimana government.[13] Lt. Colonel Kabuye explains that their primary goal was to return home and that singular objective detracted from articulating other interests.[14] Honourable Athanasie Gahondogo, an MP who joined the movement in 1987 in Burundi, explains that the alienating condition of exile and their resolution to return home was an all-encompassing goal, which accommodated very little else

[13] Kabuye, Rose. Interview. Kigali, Rwanda. 14 February 2014.
[14] *Ibid.*

beyond their mandatory political education which is said to have halted in 1990, following the RPF invasion of Rwanda.[15]

From 1987 to 1990, political education was taught within the RPF and consisted of a diverse curriculum of political ideology including philosophy, the history of Rwanda, the history of insurgent movements around the world, leadership, Marxism and most notably, classes on gender equality. Political education was focused on the political mobilisation of cadres, especially towards the RPF ideology of *'ndi umunyarwanda'* and the history of Rwanda that supported it. Senator Ruteramera describes the RPF ideology as a fundamental tenet of the RPF's commitment to fighting all forms of inequality.[16] From my interviews with the current men and women Members of Rwandan parliament who were in exile with the RPF, I established that the dimension of political education that was concerned with gender equality mainly focused on equality between the sexes and women's equal capacity to operate as soldiers and political cadres.[17]

A Gender Directorate existed during the seven year liberation struggle but its primary mandate was the wellbeing of its female cadres and combatants and it dealt with issues to do with pregnancy, women's conduct and primary addressed women's welfarist concerns within the organisation.[18] The Gender Directorate was also responsible for the political conscientisation of women to the conception of gender equality that informed the *ndi umunyarwanda* ideology.[19] Its existence and mandate seemed to reinforce the traditional sexual division of labour within the movement with women serving as cadres and men as soldiers.

### *4.2.3. Legitimizing Narratives and Gender Ideologies: Women as Legitimizing Narrative and De-ethnicisation*

[15] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014; Rutaremera, Tito. Interview. Kigali, Rwanda. 7 February 2014; Safari, Theoneste. Interview. Kigali, Rwanda. 11 March 2014.
[16] Tito Rutaremera Interview.
[17] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014; Rutaremera, Tito. Interview. Kigali, Rwanda. 7 February 2014; Safari, Theoneste. Interview. Kigali, Rwanda. 11 March 2014.
[18] Francis Tengera Interview and Connie Bwiza Interview.
[19] Interview with Francis Tengera.

The Rwandan Patriotic Front's political narrative cannot be understood outside the historical experience of violent pogroms against the Tutsi in Rwanda, subsequent waves of Tutsi forced migration into exile and the 1994 Rwandan genocide, all of which imposed a unique set of constraints and opportunities on the organisation.

In recognising their exile from Rwanda as a direct manifestation of the divisive ethnic politics practiced by Rwanda's successive post-colonial regimes, the RPF pursued a counter-narrative to the embedded historical narrative which distinguished different ethnic nations in Rwanda, arguing for a single Rwandan nation without ethnic divisions and ethnic groups in Rwanda as primordial. The conception of the nation-state that the Rwandan Patriotic Front invaded in 1990 or accessed in 1994 delegitimised the organisation's political authority and right to rule Rwanda. Its ideological response to ethnic divisionism and Hutu majoritarianism in Rwanda therefore emerged in the organisation's exile as the nationalist ideology of *'ndi umunyarwanda'*. This ideology presently underpins the basis of the organisation's formation and the continuing legitimisation of its authority (Hintjens, 2008; Zorbas, 2004). It is a political ideology that informs a non-ethnic Rwanda as opposed to a divisive ethnic one and prohibits ethnic discourse and politics.[20] It is the former narrative that allows de-ethnicisation to take place within the Rwandan state, allowing the RPF to exercise complete hegemonic control of the Rwandan space (Jones, 2012; Reyntjens, 2004, 2006, 2010).

[20] Understanding "*ndi umunyarwanda"* requires a familiarity with the contested versions of history that explain ethnicity's emergence in Rwanda (Mamdani, 2001; Pottier, 2002). Two main strands of Rwanda's history exist, each version validating different conceptions of who can constitute legitimate authority in Rwanda. The first version, centred on what is widely called the 'Hamitic hypothesis', establishes the difference between the Hutu and the Tutsi as primordial and classifies the Tutsi as a Nilotic race of Africans who relocated to Rwanda and are therefore not autochthonous to the country (Mamdani, 1995; Mullen, 1995; Pottier, 2002). This version establishes the Twa and the Hutu as the only legitimate ethnic group autochthonous to Rwanda, thereby excluding the political legitimacy of other ethnic groups making claims on the Rwandan state. The second version of Rwandan history, forming the basis of the Rwandan Patriotic Front's "*ndi umunyarwanda"* ideology, argues that pre-colonial Rwanda was ethnically homogenous and the only difference between 'Hutu' and 'Tutsi' was a class-based distinction (De Waal, 1994; Hintjens, 1997; McNulty, 1999). The arrival of colonialism in the form of German and then Belgian domination dominance, introduced politicised ethnic politics into Rwanda as a way of preventing solidarity and cohesion between the indigenous population. The RPF "*ndi umunyarwanda"* ideology therefore draws heavily draws on a romanticised notion of pre-colonial Rwanda as a communal, ethnically homogenous society that was ruptured with the arrival of colonialism and its attendant ethnic distinctions (Buscaglia and Randall, 2011; Kayumba, 2010). This conception of the pre-colonial emphasises women's leadership positions and authority.

The Rwandan Patriotic Front accomplished this through reliance on women to propagate a non-ethnic nationalist subjectivity in the public domain, a task made easier because women were already mobilizing across ethnicity in the aftermath of the genocide and their interests, coincidentally, happened to align with that of the RPF. It serves a further purpose however and the reproduction of the *ndi umunyarwanda ideology* that is integral to government's reproduction of power therefore imparts women political elites with significant collective bargaining power to leverage for gender-equality outcomes. One dimension of this strategy, as explained by Christopher Kayumba (2010: 255), is that:

> appointing and selecting women to public office became both a necessity as well as politically beneficial to the new ruling party, the Rwandese Patriotic Front (RPF), since, as a constituency, women constituted the majority of the adult population and their inclusion in sites of power would bring legitimacy and international goodwill.

#### *4.2.4. Women's organizing in post-genocide Rwanda: The return of the RPF and the gendered consequences of genocide*

Women's post-genocide civil society arrangements and associational organisation represent profound shifts in political mobilisation from the period before and during the genocide, not only in the political interests that women articulated after the genocide, but also in the different subjectivities around which women collectively mobilised. The revitalisation of civil society in post-genocide Rwanda, broadly, and women's civil society organisation, specifically, can be attributed to the intersection of a number of different factors arising from the consequences of the genocide, all of which can be considered political opportunities that were successfully harnessed by women's civil society organizing and the collective mobilisation of the Rwandan women's movement.

The three most important conditions facilitating Rwanda's 'gender revolution' were: (1) the return of the previously exiled diaspora community from neighbouring Africa states and the Western World, many of whom were politically affiliated with the Rwandan Patriotic Front; (2) the post-genocide state *actively* provided a supportive environment by promoting women's

roles and lastly (3), the steep increases in donor funding and development aid that accompany post-conflict contexts all around the world.

The violence committed during the Rwandan genocide left the country in a 'gendered' demographic crisis in its post-war phase that took the form of a phenomenon known as 'missing men'. The trend of 'missing men', which refers to the disproportionate presence of women in society in comparison to men, reflects the gendered nature of the violence committed during the Rwandan genocide itself (Jones, 2002). While women survived indescribable sexual violence and were effectively brutalized during the genocide, men and young boys were overwhelmingly murdered during the first and most intense killing stages of slaughter (Jones, 2002). Following the end of the conflict, the incidence of 'missing men' increased through the imprisonment of a significant proportion of the male population and the flight of men from the advancing RPF into exile in neighbouring countries such as the Congo and Tanzania at the end of the genocide. This left the proportion of women in the immediate aftermath of the genocide at between 60 and 70% of the population (Paxton and Hughes, 2007; cited in Herndon and Randall, 2010: 8).

The challenges of reconstruction and reconciliation in the immediate post-genocide were immense. In the absence of a strong state that would facilitate the service provision of basic amenities needed in the aftermath of the genocide and without men to assume the rebuilding and reconstruction roles that they naturally would have assumed, women facing grim and precarious post-genocide existences became the main agents of post-conflict reconstruction and gained increasing visibility and social capital in the post-genocide era (Rose, 2004). Women's vulnerability was exacerbated by the lack of support networks to assist and the genocide effectively destroyed the organisational infrastructure and human capacity of Rwandan women's civil society organisations (Newbury and Baldwin, 2001).

Common experiences of brutalisation and sexual violence committed against all Rwandan women, Hutu and Tutsi, served as a common basis of understanding and co-operation and 'whether sexually violated or not, Rwandan women of all groups and social strata saw their lives, their families, and their tenuous hold on economic security disrupted by the conflicts' (Newbury and Baldwin, 2001: 27). Rose Kabuye confirms this, asserting that one of the most

important realisations from that period of time was that violence did not make ethnic distinctions and 'we [Rwandan] all suffered during the genocide because we were women, both Hutu and Tutsi women'.[21]

The need for Rwandan women to construct a cohesive gender identity between Hutu and Tutsi was necessitated by the commonality of the harsh and desperate socio-economic circumstances women encountered after the genocide (Makhunga, 2014; Mutamba and Izabiliza, 2007; Women for Women International, 2004). Any response to these difficulties would require the reconstruction of the dense, close-knit family community networks and support structures, which although tenuous because of ethnic tension, had defined pre-genocide urban and rural Rwandan social life. The extensive damage wrought on Rwanda by the genocide can be seen to have provided the initial impetus for women to begin the reconstruction and reconciliation processes that would facilitate their collective politicisation and mobilisation, and coalesce into a cohesive women's movement. The tragedy that transpired can therefore be seen to have fast-tracked the emergence of a broad-based women's movement out of necessity. Women's shared experiences of vulnerability were able to politically mobilise women as women and '[r]ecognizing their need to live together again and to find ways of supporting themselves through collaborative activities, Hutu and Tutsi women sought to overcome the mistrust spawned by the war and genocide' (Newbury and Baldwin, 2001: 98).

Although the Rwandan genocide was a devastating tragedy, the aftermath of genocide in Rwanda presented the opportunity for women to amass crucial substantive gains within their societies through the destabilisation of patriarchal, social, traditional and familial relations. Culturally, taboos existed concerning women's fulfilment of traditionally male roles. For example, before the genocide it was considered taboo for a woman to milk cow and fix a fence.[22] In the absence of men however women inadvertently challenged the sexual division of labour by breaking cultural taboos. As Jennie Burnet (2012: 266) argues 'they broke these

[21] Rose Kabuye Interview.
[22] Shyaka, Anastase. Interview. Kigali, Rwanda. 18 February 2014.

taboos not because they sought liberation from gender oppression but because they had no other choice'. The social cohesion and reproduction of patriarchal cultural norms and values that sustained the gendered division of labour were fractured by the genocide and 'women, found that "traditional" ways of life and modes of being were no longer possible' (Burnet, 2012: 1552). Mirroring the experiences of poor women in Nicaragua in the aftermath of the 1972 earthquake who, according to Molyneux (1985), became collectively politicised during the organising of relief efforts at the grassroots level of their communities, most Rwandan women were 'impelled to political action' (Hassim, 2006b: 7), following the organisation of associational and collective strategies to address devastating post-genocide material realities.

The return of the previously exiled diaspora community (many of whom were members of the Rwandan Patriotic Front in exile or shared political affiliation with the movement) from various parts of the world, including the Western and developed world led to the emergence and influence of a group of Rwandan women who had been exposed to, and sometimes inculcated, more modern and radical conceptions of women's empowerment and feminism than existed in Rwanda before 1994 (Newbury and Baldwin, 2001; Women for Women International, 2004). The literature refers to the co-option of women from civil society organisations (Longman, 2006; Powley, 2003; Stroh, 2008). This only explains one dimension of the trend and while some women like Judith Kanakuze moved from the Rwandan women's movement to the RPF (Reyntjens, 2013), many women did not and actually moved from the RPF to women's civil society in 1994, and returned to the RPF as parliamentary representatives or influential civil servants in later years.[23]

In challenging the foundation of this observation, I question the initial assumption of Pro-Femmes' neutrality. In many contexts around the world, women's civil society organizing has been defined by autonomy from the state (Molyneux, 1998), and the assumption has been made that Rwandan women's civil society organisations embodied a certain autonomy from the state during its transition period, which has since been compromised by the Rwandan Patriotic Front's hegemonic dominance of the state (Burnet, 2008; Longman, 2006; Powley, 2003). This reveals a neglected dimension of the relationship between women's civil society

[23] Athanasie Gahondogo Interview; Francis Tengera Interview; Connie Bwiza Sekamana Interview

organisations and the Rwandan Patriotic Front and ignores the important fact that when the RPF took over the Rwandan state in 1994, most of its female cadres who were not directly deployed to government positions like Rose Kabuye and Aloisea Inyumba, joined Rwandan women's civil society organisations.[24]

When asked how women cadres who returned with the RPF in 1994 responded to the devastation wrought by the genocide, Member of Parliament in the Chamber of Deputies Honourable Athanasie Gahondogo responds to my question by explaining her reasons for joining *Dutirimbere*, a women's civil society organisation addressing microfinance, when she reached Rwanda*:* 'it comes from what I have got from the RPF about women…for me it was normal. It was a continuity of my understanding of what women do in their society. For me it comes from RPF ideology'.[25] Honourable Member Gahondogo joined the RPF as a political cadre in Burundi. After 1994 and for the duration of the nine year transition, she worked for the women's organisation *Dutimbere,* a role that was not mutually exclusive to her political party affiliation in the Rwandan context, where civil society organisations operate within the. She illustrates the dynamic between political consciousness and women's grassroots involvement as an extension of the provision of government services in Rwanda and highlights the fluid synergies between women in Rwandan parliament, civil society and the ruling Rwandan Patriotic Front. Gahondogo sees her involvement in Rwandan women's grass-roots organizing as directly stemming from her membership of the RPF and her involvement in *Dutirimbere* as an extension of political cadreship.

Another important point to consider is the ways in which the genocide legitimised certain actors and group interests while effectively nullifying others. Before the genocide, the Catholic Church had been one of Rwanda's most powerful and conservative entities. They were unequivocal about women's need to remain in the domestic sphere and can accurately be seen as a gender regressive interest group. In the absence of the Church's influence and conservative gender agenda, the post-genocide state was able to provide a supportive environment by actively promoting women's roles and there was a recognition from the RPF-led government that women's new roles were socially precarious and would need to be

[24] Athanasie Gahondogo Interview; Francis Tengera Interview; Connie Bwiza Sekamana Interview.
[25] Athanasie Gahondogo Interview

actively destigmatised (Kayumba, 2010). Without the explicit promotion of a discourse of women's empowerment and gender equality, specifically the reproduction and propagation of a narrative lauding women's re-orientated roles in Rwandan society, women could not take on pivotal roles that were previously considered 'masculine' but required of them to fill critical roles in Rwanda's post-genocide society.[26]

The RPF actively destigmatised the new precarious roles that women had to play within post-genocide society where as unattached females within a patriarchal context, access to public spaces were traditionally mediated by masculine authorities and women were socially vulnerable (Kayumba, 2010). After the genocide, women's organisations had more space to negotiate their mandates and advocate for women's gains than other interest groups, largely due to the perception that they were apolitical and also because they were seen to further the reconstruction and reconciliation priorities of the post-genocide state (Burnet, 2008; Kayumba, 2010). Women's groups maximised this apolitical advantage and actively appropriated the essentialisms propagated by the instrumentalist discourse of women and development to make claims on the state for their inclusion in formal politics.

As Kayumba (2010: 84) illustrates, following the war and genocide the Rwandan Patriotic Front actively partnered with women, deliberately promoting women's political participation as a response to genocide. While, there was a recognition from the RPF-led government that women's new roles were socially precarious and would need to be actively destigmatised, I argue that the RPF went beyond this. As Christopher Kayumba (2010: 120) states:

> [the] RPF did not merely set out to recruit members as individuals who would vote for it when elections came, but it also set out to recruit women into positions of power…the mobilisation and recruitment of women to political positions, including joining Parliament, was and remains and explicit motive of RPF.

Thirdly, the steep increases in donor funding to Rwanda as emergency aid in response to the genocide facilitated an increased presence of international donor agencies involved in emergency aid and humanitarian work (Newbury and Baldwin, 2001). A significant bargaining resource that enabled women to negotiate and eventually conclude more

[26] Anastase Shyaka Interview.

favourable patriarchal bargains for their advocacy were the steep increases in donor funding that flowed into Rwanda in response to the genocide (Uvin, 2001). International NGOs that had been present in Rwanda before the genocide, working on development programmes and poverty alleviation such as Oxfam, Catholic Relief Services and Christian Aid participated in humanitarian work and also re-orientated their agendas to address the country's peace-building mandate. The post-genocide reality facilitated an increased presence of international donor agencies involved in emergency aid and humanitarian work: 'donor resources established a supportive context for the renewed growth of women's organisations at the grass-roots level, and donor support was also essential to rebuilding initiatives of Rwandan women's organisations at the national level' (Newbury and Baldwin, 2001).

The women's civil society organisations that emerged to address women's harsh post-genocide experiences would serve as the mobilizing structures of the umbrella women's civil society organisation *Pro-Femmes/Twese Hamwe.* Formed before the genocide but reconstituted in 1995, *Pro-Femmes/Twese Hamwe* was comprised of revived women's organisations existent before 1994 like *Duterimbere* and *Haguruka,* and newly formed organisations like Avega-Agahazo, which provided support services to genocide widows. At the end of the 1994, Pro-Femmes/Hamwe drafted and adopted the Peace Action Campaign. The Peace Action Campaign was important in the sense that it was led and organised by a consortium of Rwandan women's organisations who collectively recognised the need for reconciliation within Rwandan society in order to tackle the country's material crises and outlined specific ways in which women could collectively meet women and children's needs through reconciliation and the ameliorating social tension (Newbury and Baldwin, 2001: 98).

Pro-Femmes/Twese Hamwe was uniquely placed to articulate its agenda in that its status as an umbrella organisation meant that it could serve as a platform where disparate and varied grassroots women's organisations encountered each other. It could therefore facilitate inter-ethnic interaction and cooperation by not only allowing grass roots women's organisations that had a single ethnic membership to encounter one another, but by *insisting* that these groups work together under the explicitness of the reconciliation agenda launched by the Peace Action Campaign.

### *4.3. The African National Congress and gendered legitimizing narratives: National liberation as primary objective*

Women were accorded different political rights and privileges under their respective racial dispensations. Despite the fact that white women were racially empowered in South Africa, they were disempowered by a male patriarchy that imposed traditional feminine roles on women, largely confining them to the home and restricted their reproductive rights (Walker, 1991). The migrant labour system, the Bantustan system and influx laws imposed patriarchal traditional authorities on the majority of Black women who were confined to rural areas. South Africa had, and continues to have, a deeply embedded patriarchal system with most indigenous cultures mediated by patriarchal cultural institutions that include patrilineality; primogeniture, polygyny; viri-locality; lobola, widow inheritance and ukuthwala, all of which are integral and discriminatory aspects of traditional life for mainly rural South Africa.

Women's political struggles in South Africa cannot be considered outside the framework of segregation, apartheid and the impact of institutionalized racism on ordinary women's lives. Historically, South African women's feminist activism has been articulated within the political ambit of anti-racist struggles. Earlier women's organizing with the SANNC's support included the historic 1913 Bloemfontein Women's March against pass laws, the historic precursor to the commemorated 1956 Women's Pass March. In 1918, women affiliated to the SANNC formed the Bantu Women's League. The motivation behind the decision, according to Kimble and Unterhalter (1982: 18) emerged 'from the militancy of women in the Orange Free State who were opposing an obligation placed on them by the Orange Free State municipalities that they carry passes'.

Women proved to be formidable opponents of the Apartheid state and indispensable to anti-apartheid organisations, with effective mobilisation and organisational capacities. They became more militant and prominent in urban struggles especially when their livelihood or the stability of their family was threatened, which occurred with the introduction of passes for women and children in the 1950's. The 1956 Women's March, undertaken under the auspices of the Federation of South African Women (FEDSAW), saw about 20 000 women led by 4 representatives of South Africa's four main legally defined racial groups protest against pass

laws in South Africa on 9 August 1956. This non-racial protest demonstrated the privileging of a cohesive gendered identity that subordinated all other notions of difference between women, specifically those rooted in race and culture, enabling them to mobilise and organise amongst themselves as *South Africa women* to address commonly defined interests.

Women formed a large part of the ranks of the ANC's armed wing, Umkhonto we Sizwe, leaving South Africa to go into exile and undergo military training (Cock, 1991; Kimble and Unterhalter, 1982). During the ANC's period in exile, the Women's League was suspended. The ANC Women's League had limited networks with women's organisations within South Africa and during the ANC's time in exile, because of security concerns, the ANC Women's Section was not allowed to have any formal or informal relationships with women's organisations in South Africa (Hassim, 2006; 2014).

For the duration of apartheid and the protracted struggle against the oppressive system, agendas that emerged around the politicisation of other identity categories and systems of domination were subsumed within most national liberation struggles, including the ANC itself (Hassim, 2006b, 2014). Although 'the ANC had long acknowledged the desirability of the mobilisation of women for national liberation' (Hassim, 2004: 433), women's demands for gender equality were subsumed to what was articulated as the more urgent priority of the *main struggle* of national liberation. There also existed a tendency to equate the struggle against apartheid with the struggle against class and patriarchal oppression, which framed gender equality as being an organic development from a non-racial one (Hassim, 1991).

The issue of gender equality in South Africa had been extensively debated within the ANC during the banned organisation's exile (Hassim, 2004, 2006, 2014; Kimble and Unterhalter, 1982; Magubane, 2013). This discussion was preoccupied with the relationship between two central issues: national liberation and women's emancipation. There was an organisational position that women's liberation be framed as a broader issue of equality and would therefore, evolve as a natural progression from the attainment of national liberation and the eradication of inequality (Meintjes, 1996). The introduction of the pass laws for women created a new political interest group in those who were previously immune to such restrictions, i.e. women and the youth.

The revival of the South African women's movement in the 1980s after the large scale demobilisation of the domestic liberation struggle following the ban on the ANC and PAC, accompanied the re-invigorated domestic struggle against apartheid that was achieved through the resurgence of the organised labour movement and community-based civic bodies through umbrella organisations respectively encapsulated by the Congress of South African Trade Unions (COSATU) and the United Democratic Front (UDF). As Shireen Hassim argues (2003), women were pivotal actors in these mass-based anti-apartheid struggles and women's grassroots and community-based organisations like the United Women's Organisation (UWO) in the Western Cape, the Federation for Transvaal Women (Fedtraw) and the Natal Women's Organisation (NOW), affiliated with the UDF, pursued their activism while articulating broader struggles for equality and democracy that traversed the public and private. Confirming that 'feminine consciousness develops between the connections between cultural experiences of gender and the everyday struggles of poor families and communities to survive, impelling women to political action' (Hassim, 2006b: 7), the politicisation of women's localised, community-based civic organisations was primarily based on the pursuit of women's practical needs related to protests against high rents lack of service delivery in the townships and other 'bread and butter' issued that affected women, who bore the brunt of gendered responsibilities within the domestic space.

#### *4.3.1. The African National Congress: racialisation as political narrative*

In February 1990, national liberation movements were officially unbanned and ensuing negotiations for a new South African political dispensation were announced. In May 1990, the ANC Women's League, which had reverted back to its former organisational name from the 'Women's Section' it adopted while in exile, met with a delegation of internal activists from autonomous women's civil society organisations from within the country met in Lusaka, where the decision was taken for women's organisations to dissolve and operate under the uniform structure of the ANCWL (Hassim, 2006: 116 - ).[27]

[27] Women's civil society organisations in attendance included NOW, UWO and FEDTRAW, all affiliated to the United Democratic Front.

When national liberation movements were officially unbanned in 1990 and negotiations for a new South African political dispensation was announced, the decision taken before the ANC Women's League was reconstituted in 1990 by autonomous women's civil society organisations that had operated largely under the banner of the UDF such as NOW and the UWO, to dissolve and operate under the uniform structure of the ANCWL was to prove the death knell for the independent South African women's movement. A perception held to a larger degree amongst women within the exiled ANC, than women activists within the country, was that women's internal anti-apartheid organisations were custodians of the ANC's women's struggle in their absence in exile and their return to the country would re-establish their forefront position in women's struggles.

At the time that the decision was taken to subsume the various women's civil society organisations under the ANCWL, the Women's League had weak links to internal women's organisations and lacked a grass-roots support base and constituency. Further to this, as Shireen Hassim (2014) demonstrates in her study of the history of the ANC Women's League, ideological contestations existed within the organisation on how to define gender inequality and feminism and following this, how to respond to gender inequality in the South African context. These dynamics would have implications for women's representation and essentially entailed the large scale transfer of responsibility for continuing gender activism to the ANC Women's League. It seemed that the support of the ANCWL 'happened at the expense of the popular organisations that had helped bring the ANC to power in the first place. Some began to atrophy and collapse' (Connell, 1998: 197).

Afterward, in a clear articulation of principal loyalty that would subsequently define the ANCWL's principal political allegiances, resources were redirected from women's community and grass-roots empowerment programmes that had been undertaken by organisations like NOW and UWO, towards supporting the ANC during the negotiations and mobilizing an electoral constituency leading to the first democratic elections (Connell, 1998; Hassim, 2004). Crudely phrased, the ANC Women's League effectively and inadvertently demobilised the internal South African women's movements and redirected its crucial capacity and resources to the ANC. The consequences of this process were not uniformly

disadvantageous to the advancement of gender equality in South Africa, however, and as Chapter Six will show the movement of feminist activists from the grassroots terrain to the formal political arena was to serve as a crucial advantage in articulating demands for women's rights in the first post-apartheid parliament. It was to have more devastating long term effects however.

The ANC Women's League's absence from the South African grassroots political terrain raises important concerns about the League's primary constituency and understanding of the needs of South African women. Brigitte Mabandla, a retired senior Member of the ANC who was in exile with the movement, acknowledges that ANC women who returned from exile were out of touch with the South African women who had remained in the country.[28] This raises theoretical issues concerning the conception of political representativeness and the articulation of women's issues in circumstances which would make it very difficult to ascertain the material realities, needs and interests of South African women at home. Despite this, most of the key decisions regarding the ANC's gendered ideology were decided in exile by the Women's Section. By the time, the movement returned in 1990, decisions regarding women's reproductive rights and gender quotas had already been resolved (Hassim, 2006b+; 2014).

According to Madlala-Routledge, the tensions that would manifest within the ANC broadly, and between women within the ANC specifically, especially between the ANC Women's Parliamentary Caucus and the Women League, initially emerged during this time. It located itself as a contestation between the newly returned ANC Women's League and women who had remained in South Africa participating in the anti-apartheid struggle within feminist or women's organisations[29]. Gertrude Fester, a former member of the UWO ANC MP, asserts that the ANC organisational culture that would eventually absorb, assimilate and usurp the UDF and its women's organisation affiliates was completely unlike that of the UDF in terms of the way it functioned.[30] It can be further conceptualised as an ideological conflict between two competing democratic visions held by internal ANC activists and exile-returnees within

[28] Interview with Brigitte Mabandla, Johannesburg, South Africa, 27 July 2013.
[29] Interview with Nozizwe Madlala-Routledge. Interview, Cape Town, 27 June 2013.
[30] Interview with Gertrude Fester Interview. Interview, Cape Town, August 2013.

the ANC, regarding decision-making processes, respectively. In contrast to the ANCWL, these organisations had 'different modes of operation and organisational cultures, had experimented with non-hierarchical feminist styles of work, and were animated not only by opposition to apartheid but also by a determination to challenge patriarchy' (Hassim, 2014: 98). Confirming Hassim's assertion, Getrude Fester who was a member of the UDF, complains about the lack of participatory politics in the ANC's political culture which she contrasted with that of the UDF noting that 'we had things like door to door [campaigns]..I think some UDF activists are a little bit romantic about it but it was an incredible period of mass mobilisation'.

Although it would be simplistic to overemphasise the degree of women's participatory politics in the UDF and establish the ANC during exile and internal civic organisations as dichotomous representations of inclusiveness, the top-down approach of the ANC in exile's decision making style alienated many members of the party who had participated in the UDF, particularly its women's movement organisations. The exodus of a close to a third of the ANC's first term women parliamentarians in 1999 and their replacement by technocratic and professionalised women politicians without activist backgrounds after the second democratic elections in 1999 led to the trend, explored in later chapters, where women's issues were depoliticised (Britton, 2005: 3).

The tensions between internal gender equality activists and the previously exiled Women's League were also an ideological tension between more radical, transformative conception of feminism and gender equality and more conservative, traditional conceptions of gender equality based on the acceptance of difference between men and women. The contestations between exiled ANC women and activists were to play themselves out in the formal political arena and the following chapters will show that ANC women with more traditionally conservative notions of gender equality were to conclude elite patriarchal bargains with the male leadership of the political party that would involve powerful women within the party articulating a primary political loyalty to the movement and its male leadership's agenda as opposed to mobilizing resources to established a broad-based women's movement.

Following the transition, the ANC Women's League hostile and competitive engagement with other grass-roots women's organisations over constituencies significantly discouraged the growth of an autonomous, cohesive, broad-based women's movement in South Africa (Hassim, 2005; Gouws, 2014). The ANCWL actively eroded the establishment of alternative women and feminist movements outside its own ambit, demobilizing other centres of power addressing women's issues that it perceived to be emerging as rival, autonomous women's civil society organisations (Hassim, 2014).

### *4.3.2. Legitimizing Narratives and the African National Congress*

The ANC's status as the foremost organisation representing anti-apartheid interests was legitimised domestically and internationally. As the leading force in the national liberation movement against apartheid and the lead organisation in the Mass Democratic Movement (MDM), the ANC effectively approached negotiations as the inaugurated incumbent government. Internationally, the ANC was recognised by the United Nations as the legitimate national liberation movement in opposition to the Apartheid government (African National Congress, 1999). Its conferred status as the authentic voice of the Black majority was additionally legitimised and given credence by the series of bilateral meetings that took place directly between the ANC and NP, concurrently to the multi-party negotiations that were underway. When Nelson Mandela was released from prison, he was received by the population and opposition as a Presidential Elect.

The ANC cannot legitimately assert dominant rule in a de-racialised post-apartheid state where it has not monopolised custody of the liberation history of South Africa's black masses and taken sole proprietorship of an atavistic restorative African nationalist post-apartheid project propagated by racially adversarial politics. The pursuance of women's rights or a gender equality agenda are peripheral to this project and in fact, at times, have threatened to alienate the ANC's traditional authority support base on which they depend for a Black rural constituency.

### *4.3.3. Women's Organizing in Post-apartheid South Africa*

The negotiated settlement that resulted in South Africa's first historical election by universal suffrage was unique in its emphasis on inclusive diversity and the recognition of various axes of inequality including gender and class, it was also 'elite and party-focused' (Waylen, 2007: 78). Negotiations were consistently led and brokered by men, who were overwhelmingly the principal negotiators by virtue of their seniority within political parties.[31] No women leaders were present at the first engagement between the ANC and the NP, which took place at the IDASA sponsored to discuss the possibility of 'talks about talks'.[32] It was, however, the exclusion of women at the signing of the National Peace Accord in September 1991 that the seeds of initial discontent would eventually manifest in women's political mobilisation.[33] It was within this atmosphere of collective indignation at their political marginalisation, with ANC women at the helm that politically conscious women from across the party spectrum mobilised to form the Women's National Coalition (WNC).

As opposed to dismissing women's initial exclusion from the negotiations as an implicit error or initial oversight, political parties consistently cited two reasons for their exclusion. Firstly, male leaders stated that they had simply not thought it necessary to include women as political party representatives (Zulu, 1993). Secondly, in a Manichean argument that echoes the hard/soft, male/female dichotomy that informs the exclusion of women from formal politics, party leaders argued that negotiations were 'hard politics' and therefore not suitable arenas for women to operate. The exclusion of most women from constitutional negotiations, held under the multi-party banner of the Convention for a Democratic South Africa (CODESA), provided the catalyst needed for *women to mobilise as women* under the banner of the Women's National Coalition (WNC). In April 1992, an outcry arose from women across the political

[31]Nineteen political organisations participated in the first CODESA, although only seventeen political organisations signed the Declaration of Intent (O'Malley Archives, n.d.). The Pan African Congress and Conservative Party were not party to the agreement.

[32] The first meeting occurred on the 4 May 1990 and culminated in the Groote Schuur Minute, an agreement that enabled the release of the remainder of political prisoners The Pretoria Minute, concluded on 7 May 1990, saw the ANC's formal suspension of its armed struggle against the government and the lifting of the state of emergency. In early 1991, the DF Malan Accord extended a general amnesty for political crimes and enabling the return of political exiles. Following this, the multi-party negotiations mainly progressed in three stages commencing with the signing of the National Peace Accord on 14 September, 1991 which was followed by the first Convention for a Democratic South Africa (CODESA I) which lasted for a few days in December 1991 (Rantete, 1998). CODESA II followed from May 1992, lasting only a month until the ANC withdrew in protest about the Boipatong Massacre.

[33] Interview with Sheila Camerer, Wellington, South Africa. 19 August 2013.

spectrum at the low participation of women in the negotiations in their own right. The formation of 'add-on' women's representational bodies, that were meant to formally address the initial oversight of having excluded women, yielded limited influence on the issues addressed and eventual outcomes, as they were established in mostly advisory capacities.

The South African negotiation period can be defined in some ways as a period of possibilities. The possibilities of a non-racial, non-sexist and democratic South Africa were seen to be attainable and women were reluctant to allow the opportunity to institutionalise gender equality mechanisms in the state to lapse. Women's organisations realised the importance of participating in the negotiations to get their agenda across but political parties were the primary basis of engagement and the main platforms through which negotiations were conducted. Women therefore had to create and pursue participatory avenues through their political parties or initiate cross party mobilisation. Women's organisations within the country were able to collectively strategize with returning women's activists from exile, many of whom included the ANC Women's League, about ways in which to engage with negotiations. In pursuit of this objective, the Women's National Coalition was formed.

The Women's National Coalition (WNC) was a mobilizing structure that would retrospectively prove pivotal in overcoming political cleavages in order to advance women's political, economic and social interests during the negotiation process. It was established as a broad-based coalition of over 90 political party and civil society organisations with different affiliations that aimed to attain crucial formal guarantees for women's status in the new democratic South Africa. The WNC also served as the network and foundation for the non-partisan women's collective politics that would inform the gender-outcomes achieved in South African parliament between 1994 and 1999. Collective strategies were formulated in order to articulate demands to include formal guarantees for women in the Constitution and post-transition state following the exclusion of women as an interest group from the formal political and constitutional negotiations that occurred after 1990. This process was largely led by the ANC Women's League. Sheila Camerer, one of the few women initially included in the negotiations in her own right by virtue of being deputy Minister of Justice when the negotiations commenced, attributes women in the ANC with the initial impetus for women to

mobilize outside the ambit of the formal negotiation'.[34] Catherine Albertyn, a member of the legal sub-committee of the *Women's National Coalition,* explains that strategically, 'because the ANC was the most powerful player in the negotiations, the way that we worked…we worked to convince the ANC, if you convinced the ANC, everyone else followed'.[35] The Coalition did maintain a certain autonomy however and its autonomous organisation outside of the ANC, Mass Democratic Movement and Tri-partite Alliance is cited as a reason for its broad-based character and success in articulating its demands (Hassim, 2006b; 2009). One of the most important gains of the Women's National Coalition campaign was the drafting of a Women's Charter and the successful process of lobbying for an equality clause to be included in the 1996 Constitution.

The constitutional negotiations were prescient of the contestations and fault lines that would develop within the ANC, specifically and South African politics, broadly concerning the collective institution of traditional authority and its claims on the democratic state and gender equality advocates who demanded constitutional guarantees for women's formal equality. Gender equality advocates, collectively represented by the Women's National Coalition, demanded that gender equality be enshrined in the Bill of Rights of the Constitution where it would supersede the application of customary law. This demand by gender equality advocates was vociferously opposed by the Congress of Traditional Leaders of South Africa (CONTRALESA), an interest group advocating for the state recognition of traditional authority structures and customary law in the 1996 Constitution. Similar to the United States Declaration of Independence, the South African Bill of Rights represents the fundamental rights of all South Africans which cannot be contradicted by any other provisions of the Constitution.

The significance of the insertion of the Equality Clause in the South African Constitution, specifically with regard to enshrining gender equality, cannot be underestimated. Firstly, every single state entity is accountable to the South African Constitution and parliament is equally subordinate to its authority. The inclusion of gender equality in the Bill of Rights

[34] Camerer, Sheila. Interview. Wellington, South Africa. 19 August 2013.
[35]Albertyn, Catherine. Interview, Johannesburg, South Africa. 30 October 2013.

effectively symbolised its supercession above customary law was symbolic in enshrining the state's commitment to a substantive equality. Unfortunately, as later chapters will show, although traditional authority had lost that battle, the war for recognition and the allocation of political resources between cultural rights and women's rights in the South Africa public domain had only begun.

The significance of the anti-apartheid struggle for the future possibilities of South African women's fight against gender inequality was the equation of the end of the oppressive system with the realisation of substantive citizenship within a country where differentiated citizenship had essentially been legislated for decades. The end of formal apartheid and the commencement of negotiations in 1990 can be seen to have collectively presented South African women with one of their most important discursive opportunity resources: namely democratisation and the possibilities that democracy represented for previously marginalised groups, especially women. Writing about Sweden, Sainsbury (2005: 212) observes that 'the master frame of women's representation has been its implication for democracy; and the emphasis on women's under-representation as a glaring contradiction to democratic principles had enormous resonance'.

For many South Africans the advent of a multi-racial liberal democracy meant, not only an end to the desperate poverty and under-development that apartheid had entailed, but also implied accession to a political community in which they, as members and citizens, could participate as a right, in the processes that would affect the way in which they lived their lives. Women's demands for inclusion were therefore articulated through the lens of a demand for gender justice as part of a larger democratic political project.

### *4.4. The Rwandan Patriotic Front and the African National Congress: National Liberation Movements and Political Transitions*

The bargaining power and ability of collectively mobilised women to pursue post-transition gender outcomes within women's civil society organisations and political parties and engage state power during transitions, are enhanced and constrained by a number of factors. Women are more strategically placed to successfully make demands if they constitute a substantial minority of political party membership that can be significantly leveraged, if their political

parties are ideologically receptive to these demands and if women, with feminist consciousness constitute the hierarchy of potentially influential national liberation struggle movements, (Bauer, 2004; Geisler, 2004; Hassim, 2006, 2014; Tamale, 1999). It is important that these nationalist movements will constitute influential political parties during negotiations and after their political transitions, will actually have the potential and ability to influence post-transition state institutional arrangements. This is particularly important for negotiated settlements and transplacement transitions. Transplacement transitions tend to be elite-driven and usually involve the recognition of the state and the opposition as legitimate actors in the process, disadvantaging women's movements who tend to be located in the informal political arena and are therefore usually excluded as legitimate actors (Waylen, 2007: 73). This particular dynamic initially defined South Africa's transplacement transition where women were overwhelmingly excluded from the negotiating table. Waylen (2003: 166), highlighting the importance of political party influence, argues that:

> [r]egardless of the type of transition the parties they [collective women] are involved in also have to play an important and influential role in the political processes that lead to the (re)institution of competitive electoral politics and not remain marginal or outside of these processes.

Equally important are strategic alliances and non-partisan collective mobilisation with women who *do* constitute the membership of political parties situated as influential and have more bargaining power than women in political organisations that are not. Organised women's ability to successfully demand post-transition political outcomes are enhanced if they have access to power brokers in political parties with influence. This was definitely the case in both the Rwandan and South African political context. As the leading force in the national liberation movement against apartheid and the lead organisation in the Mass Democratic Movement (MDM), the ANC effectively approached negotiations as the inaugurated incumbent government. In negotiated settlements, this is particularly important as it means that women in all political organisations involved in these processes can negotiate and create a consensus about the need to address gender equality within their parties, leading to an agreement and common partisan platform about the terms of political outcomes related to women in the post-transition state. The importance of this relationship is influenced by the role played by women in the African National Congress within the Women's National

Coalition and the role of women in the Rwandan Patriotic Front in women's civil society organisations within Pro-Femmes.

Reciprocally, women within political parties' influence on the outcomes of political transitions can be significantly strengthened through alliances with more autonomous organised women's advocacy movements who provide crucial lobbying support for women within formal political organisations (Geisler, 2004; Hassim and Goetz, 2003; Hassim, 2006, 2014; Tripp, 2000; Waylen, 2003, 2007, 2010). It is women with seniority and influence within a political party that are also the most likely to enjoy access and influence and are best placed to voice women's demands for substantive changes. As this chapter illustrates, the necessity of this alliance and the women's movement access to power brokers can be an opportunity and constraint for women's civil society organisations who desire more autonomy from political parties (Hassim and Goetz, 2003; Tripp, et al. 2013 ; Hassim, 2006b, 2011, 2014).

In the case of the two national liberation struggle movements, the RPF and ANC, who would emerge as ruling political parties following their respective transitions, this seniority was held by women who had been in exile with their movements. This dynamic was to have different effects on the possibilities of successful women's post-transition mobilisation. In Rwanda and South Africa, particularly, the encounter between the 'exiled and returning' and the 'internal element' would come to reflect the contentions between 'autonomy' and 'integration' in women's mobilisation briefly explored in my theoretical chapter. These tensions have consumed women's struggles and Geisler (2004: 15) notes that these particular nationalist contestations have defined women's organizing across the continent, reflecting 'tensions between women in politics and women activists which go back to the 1970s and 80s when women were able to enter politics on the parameters set by men only and patriarchal bargaining and co-optation were common'.

In the South African context specifically, contentions arose between women regarding political mobilisation within the constraints of their directing organisation or the demand for greater autonomy to define their own political agenda and prioritize a grassroots constituency (Hassim, 2006; Molyneux, 1998). For example, women in the ANC are comprised of former

gender activists with backgrounds in the women's civil society anti-apartheid struggle and women who formed part of trade union movements within CODESA, i.e. women who formed part of the Mass Democratic Movement within the country; women who were in exile with the movement, who may or may not belong to the ANC Women's League; and career politicians that joined the ANC after 1994. It is widely acknowledged that returned ANC exiles had the most influence and authority within the political party (Johnson, 2009). With hindsight, the subordination of women's civil society organisations to the ANC Women's League was to prove the death knell for the independent South African women's movement and in a clear reflection of principal loyalties in the hierarchy of South African women's struggles. In the case of my research, these different axes of women's political affiliation prove critical to the understanding of the substance of individual and collective women's parliamentary politics.

Women who joined the newly reconstituted ruling political party regimes, specifically under the rubric of these political parties, were accorded different respect, authority and eminence within each party. Within the ANC, the women who joined the political party after 1990 from women's civil society organisations that had operated within the country as anti-apartheid activists, lacked a power base within the party. This is in marked contrast with the ways in which women were integrated into the post-genocide Rwandan Patriotic Front and its political regime. This is in contrast to the ANC, whose most senior women politicians have been women who were in exile with the movement including the late Manto Tshabalala-Msimang, Frene Ginwala, with the movement and most recently, the ANC's most senior women in the political arena are past or present Members of the ANC Women's League *and* former exiles including ANC Chairperson and Speaker of Parliament Baleka Mbete,

### *4.5. Women's Movements in the Rwandan and South African Transition*

South Africa and Rwanda's respective political transitions coincided with a major moment within the global women's movement. Women's transnational feminist mobilisation leading to the 1995 Beijing Fourth World Conference on Women had a major impact on women's grassroots organizing and campaigns to increase women's political participation across the continent (Bauer and Britton, 2006; Geisler, 2004; Paxton, et al, 2006; Tripp, et al., 2009;

Viterna and Fallon, 2008).[36] Newly installed governments, eager to gain international legitimacy and attract foreign donor aid, acceded to women's movements' demands articulated within an international norms framework. Democratizing states became signatory to statutes like the Beijing Platform for Action (BPA) and the Convention for the Elimination of Discrimination and Women (CEDAW), which promoted the adoption of electoral gender quotas within a transnational feminist mandate that emphasised commitment to women's representation.

Scholars point to the importance of women's organizing in the pre-transition period in informing the success of women's movements and their claims during the transition (Britton, 2002; Viterna and Fallon, 2008). In the case of rapid transitions, specifically, Waylen (2007: 69) argues that the very brief window period in which state arrangements are reconfigured means that women need to be organised as women *before* the breakdown of the regime in order to effectively make demands. The most effective women's organizing during rapid transitions, therefore, are usually those women's movements that were already mobilised and involved in opposition to the pre-transition regime. The Rwandan transition did not reflect these dynamics and a cohesive women's movement was in its infancy when the genocide occurred and it effectively destroyed its tentative existence (Newbury and Baldwin, 2001; Women for Women International, 2004). Interestingly, Rwanda's rapid transition simultaneously contradicts and reinforces this hypothesis.

Rwandan women's civil society organisations were wholly and negatively affected by the genocide (Newbury and Baldwin, 2001; Women for Women International, 2004). It was only in the immediate post-genocide period within which women's mobilisation was to lead to the most effective forms of women's organizing. The success of the Rwandan women's movement, despite emerging during the transition, can be attributed to the length of the transition period. Rwanda's rapid transition is therefore atypical in that it lasted 9 years and was controlled by the ruling political party.

[36] Although the widespread introduction of electoral gender quotas in Africa is considered to have begun in 1995 and according to Tripp, et al. (2009: 9), gained increasing momentum after 2000, Ghana is widely considered to have adopted a quota scheme for women in 1960 (Tamale, 1999). Tanzania has had an electoral gender quota for women since 1985.

Women's initial inclusion or exclusion from the political processes that determine post-transition political dispensations are ironically recognised as an important catalyst to women's successful organizing during transitions. Lisa Baldez (2003: 254) makes the point that '[t]he exclusion of women and women's concerns from the agendas articulated by primarily male opposition leaders heightens the political salience of gender relative to other cleavages and triggers the formation of a united front among women's organisations'. Women's exclusion from South Africa's formal negotiations in 1990 serve as an important catalyst to women's successful organizing during transitions. In initially marginalizing women from the formal negotiation process, represented political parties inadvertently created a political opportunity for a multi-party women's engagement and their collective exclusion served as a rallying point for mobilisation and a pivotal rationale for forming the Women's National Coalition.

Unlike in South Africa where women needed political party invitations to access the negotiating table, in Rwanda there was no negotiating table. The Rwandan Patriotic Front's control of the state was unequivocal and Rwandan women, across ethnicity and class, were already present and indispensable to the country's post-conflict recovery. It was therefore the immediate post-genocide period within which women's mobilisation was to lead to the most effective forms of women's organizing. During the post-genocide transition (1994 – 2003), the Rwandan women's movement was a powerful mobilizing structure within which women articulated their interests *as women.* Additionally, the type of women's cross-ethnic articulation of individual and collective agency in the public domain in the aftermath of the genocide; through reconstruction, peace-building and reconciliation; coincided, not just with the Rwandan Patriotic Front's nation-building project of *ndi umunyarwanda*, but with the legitimation of an ethnically elite minority through the demobilisation of ethnicity as a basis of making competing political claims.

The basis of Rwandan and South African women's claims for political outcomes guaranteeing women's inclusion in the post-transition state relied on vastly different repertoires and framing strategies. Viterna and Fallon (2008) argue that women's movements' success and engagement with the transitional state are most effective when there is an ideological alignment between the ways demands are framed by organised women and the ideological

basis of the transition. This proves consistent in both Rwanda and South Africa. Democratisation and political liberalisation during the negotiation in South Africa served as the basis of women's demands for inclusion. In contrast Rwandan women did not frame their demands in terms of the realisation of democratic rights and inclusive citizenship but to the obligations attendant on the post-genocide Rwandan state in recognizing women's roles in the reconstruction and development of a post-genocide nation. The Rwandan transition was not a democratic one and women could not make claims on the state within a frame that emphasised substantive citizenship as a basis for gender equality. According to Rafti (2008: 7), in the Rwandan case 'a line in fact must be drawn between normative and instrumental objectives to democratise'. In a sense, progressive South African women with a transformative vision for gender equality tied their fortunes to the *possibilities* of a democratic future, which in hindsight might have been a strategic mistake.

### *4.6. Conclusion*

Political transitions allow women activists the political opportunity to conclude the types of elite patriarchal bargains that result in post-transition institutional arrangements that respond to women's rights and gender equality following the end of transitions. This chapter located the emergence of various sites of women's political mobilisation inside and outside the ambit of formal political organisations during Rwanda and South Africa's transition. Politically mobilised women's strategic use of the political and discursive opportunities created during political transitions are one of the most decisive factors influencing women's presence and gains in post-transitional representative institutions.

In many cases the gains that women make in advancing feminist interests during periods of political liberalisation and democratisation in the informal and formal political arena have been shown to be reversed as transitions move to consolidation (Bauer and Britton, 2006; Enloe, 1993; Geisler, 2004; Hassim and Goetz, 2003; Meintjes, et al., 2001; Tripp, et al., 2009), Rwanda and South Africa women's respective political engagement in their political transitions would, about a decade and a half later, culminate in impressively high levels of national representation of women in parliament and state institutional arrangements designed to respond to the promotion of gender equality.

For women's mobilisation, therefore, the most divergent outcomes occur between regime change as revolution and regime change as reform. Waylen (2007: 69) argues that rapid transitions, which are often pre-empted by crisis and the complete collapse of previous governments, like Rwanda's replacement transition, predominantly result in transition processes where 'the surviving elements of the non-democratic regime have little influence over the transition path and outcomes'. This particular outcome is important in influencing the institutional legacy imparted on a post-transition state and an 'institutional legacy appears to be weakest if the regime collapses quickly and/or is very discredited' (Waylen, 2003: 167).

Pacted transitions resembling South Africa's negotiated settlement are distinct in attempting the inclusion of different identity interests and marginalised groups within deeply divided societies (Barnes, 2001; Lijphart, 1999; Steiner, 2004). Their institutional design tend to emphasise power-sharing arrangements that accommodate ethnic, racial or religious differences, to the detriment of gender equality and women's interests (Hayes and McAllister, 2013; Krook, et al., 2009). The initial exclusion of women and gender equality interests from the South African negotiations in lieu of multiracial interests reflect the tendency toward this marginality. The formation of the Women's National Coalition as a response to the exclusion of women in the negotiations, as the previous chapter explores, inaugurated a period of politically mobilised women's successful engagement and negotiation with the state that Shireen Hassim (2003a) argues, constituted a gender pact i.e. a favourable elite patriarchal bargain.

# CHAPTER FIVE - WOMEN'S PRESENCE IN THE NATIONAL LEGISLATURE: POST-TRANSITION INSTITUTIONAL DESIGN

## *5.1. Introduction*

This chapter explores the formalistic terms of women's representation in South African and Rwandan parliament, focusing on how both country's respective electoral and political party systems mediate women's inclusion within the national legislature and affect the terms of women's elite patriarchal bargaining in parliament. Electoral systems and political party engagement are important in defining, not only the terms on which individual and collective political actors access the state, but whether the specific political claims articulated by groups are legitimate (Norris, 1985, 1993, 2004; Norris and Inglehart, 2000; Rule 1981, 1987; Rule and Zimmerman, 1992, 1994). In interrogating the terms of women's access to parliament, I illustrate that certain avenues to parliamentary representation facilitate more enhanced elite patriarchal bargaining power for women when accessed than others.

I identify four features of Rwanda and South Africa's post-transition institutional design that facilitate women's entry into parliament and enhance their collective parliamentary mobilisation. These are recognised as government systems (presidential or parliamentary), electoral systems (majoritarian or proportional representation), electoral representation thresholds and positive discrimination mechanisms (i.e. quotas).[1] Especially important to this research's central question about the relationship between women's descriptive representation and substantive representation are the effects of electoral systems and institutional arrangements on women's parliamentary politics. I comparatively explore the different mandates and bargaining incentives electorally constructed for women accessing parliament in Rwanda and South Africa.

[1] There are two ideal-types of government systems: a presidential system and a parliamentary system. The difference between the two systems is essentially the different relationship between the legislative and executive branches of government that each system envisages as optimal. The three branches of government (legislature, judiciary, executive) are supposed to autonomously co-exist in a way that mutually reinforce the ability of each entity to exercise checks and balances on each other while simultaneously preventing the concentration of power in one political arena

Before proceeding with this chapter, a crucial point needs to be made about the comparative integrity of Rwanda and South Africa's parliamentary elections. Rwanda's presidential and parliamentary elections are widely acknowledged as rigged, substantially flawed and the country has been termed an electoral authoritarian state (Beswick, 2010; Jordaan, 2006; Reyntjens, 2011, 2013). Conversely, South Africa is considered a dominant party state (Brooks, 2004; Giliomee and Simkins, 2009; Giliomee, et al., 2001; Southall, 2005), and it has independent electoral administration that is regarded as free, fair and efficient (Bjornlund, 2004; Elklit and Reynolds, 2005; Fick, 2005). Unlike Rwanda, electoral campaigning between political parties in the South African context is conducted in a free and fair context without significant intimidation, violence or repression.

Electoral rules impose mandates on political representatives by circumscribing particular political agendas and obligating designated representatives to comply. The ways in which individuals access formal state representative institutions ultimately impose obligations of accountability on representatives. Electoral gender quotas, according to Jennifer Piscopo (2011: 449), have been theorised as creating an optimal causality between women's descriptive representation and the effectiveness of women Members of Parliament in legislating on behalf of women through discursively constructing a 'mandate effect'. A *mandate effect* relies on the perceived obligation that women representatives will feel to legislate for women's interests as a result of accessing the political arena through some type of gender quota whose adoption is specifically attributed to women's advocacy. The mandate effect therefore anticipates enhanced gender accountability and responsiveness to a gender equality agenda for women elected to parliament on the basis of a gender quota.

The significance of the proposed effect of the 'mandate effect' for women Members of Parliament's relationship to promoting gender equality within a state that has adopted gender quotas are immense. Political representatives, argues Pitkin (1967), are politically redundant if they are not accountable for delivering legislative outcomes. Nüket Kardam (1997: 44), genders Pitkin's concept of accountability and refers to 'gender accountability' as a response to the urgent needs and interests of ordinary citizens that encapsulate 'responsiveness to women's interests and the incorporation of gender-sensitive policies, programmes and

projects both in state institutions and in donor agencies'. Gender accountability therefore is envisaged by feminist advocates as the optimal outcome of women's increased presence in the state.

The following two sections respectively outline Rwanda and South Africa's electoral and political systems, gender quota mechanisms and explore their effects on the terms of women's presence in parliament. The last three sections comparatively analyse the differences and similarities in each state's electoral and political system, focusing on the effects of electoral rules on the different mandates constructed for women representatives in both contexts. In particular, the focus of the last three sections is on the comparative leverage that specific electoral and political systems generate for women present in legislative institutions, in the conclusion of favourite elite patriarchal bargains.

### *5.2. Rwanda's electoral system, political competition and party system*

The significant inclusion of women in Rwanda's formal political arena has been attributed to a range of factors. Timothy Longman (2006) attributes the political trend to the Rwandan Patriotic Front's political will to addressing gender equality. Jennie Burnet (2008) reinforces Longman's view, arguing that the effects of the RPF's commitment to gender equality and political will are most prominent in the Rwandan legislature where women's presence dramatically increased after the post-genocide transition. Lisa Baldez (2006) cites the role of candidate gender quotas in establishing the country's high levels of women's descriptive representation, while Christopher Kayumba (2010) and Carla Schraml (2012) locate Rwandan women's representation in the de-ethnicisation of the post-genocide political order. Kayumba (2010) contends that the brutal violence of the 1994 genocide delegitimised ethnicity as a politically viable group identity on which claims could be made on the Rwandan state for representation and resources, creating a political opportunity through which gendered claims could legitimately be asserted on the state. Schraml (2012) expands Kayumba's argument by illustrating that the Rwandan political institutional model is one that deliberately negates ethnicity by facilitating group representation through the politicisation of other subjectivities, most notably gender. To varying extents, therefore, candidate gender quotas, political will and

the de-ethnicisation of the Rwandan political system can all be seen to have played roles in attaining women's high levels of descriptive representation.

I argue that these explanations do not accurately capture the extent of the RPF's deliberateness in the phenomenon of attaining a majority of women in parliament. Existing explanations for women's high representation explore how the majority of women are enabled for election as opposed to why these enabling mechanisms exist in the first place. As Laura Hebert (2015: 29) cautions, the Rwandan 'government's prioritisation of women's rights has been impressive, but it would be misleading to conclude that its progressive stance on gender equality has been free of political motivations'. As the previous chapter showed, after the genocide and specifically during the nine-year transition period, Rwandan women's collective interests and that of the ruling party coincided and coalesced into a mutually reinforcing political relationship that reflects a 'strategic commonalities of interests' (Cornwall, et al., 2007: 14). Jennifer Melvin (2012: 3) argues that 'the current Rwandan Patriotic Front (RPF) government successfully manipulates national reconciliation to bolster political support, silence opposition and promote development'. Rwandan women, who represent and epitomise national reconciliation, must therefore occupy a central location in this political project.

Chapter four illustrated that the Rwandan Patriotic Front (RPF) came to power with limited political legitimacy but a relatively high degree of latitude and political capital in moulding a post-conflict state in which it could singularly pursue its political party interests. The rapid transition and unilateral capture of the state in 1994 did not only provide the RPF with a critical avenue to enshrine provisions that would manifest in post-transition partisan gains that would maintain the party's dominance after the transition. It also allowed the former liberation movement to allocate significant political resources to women *without* contestation or viable opposition from conservative anti-gender equality interest groups. Straus and Waldorf (2011: 13), emphasise the role of the transition in establishing RPF hegemony, arguing that the Rwandan Patriotic Front 'did not have to make any significant political concessions to their military adversaries (the defeated génocidaires), their political allies (the Hutu and Tutsi democrats), or the discredited international community'. The political significance of the RPF's military victory is that the country's electoral system can be seen to

closely reflect the priority interests and agenda of the ruling political party and the institutional basis of its reproduction of political authority.

The ruling party's intention to include women are articulated in the provisions of Rwanda's 2003 Constitution. Rwanda's unicameral Transition National Assembly presided over the drafting of its final Constitution, which was written by a 'small, minimally representative drafting body…that rarely deliberated substantive issues' (Banks, 2008: 1044). The drafting and approval of the final document did not require a popular mandate for the approval of its constitution but was passed in parliament. The 2003 Rwandan Constitution was formulated by a 12-member Legal and Constitutional Commission (LCC). Members of the Commission were elected by the Transition Assembly. Eight members of the LCC represented the eight parties of the broad-based Transition Government (BBTG) and of the four remaining members, one elected member respectively represented the security forces and the private sector and the remaining two members represented civil society.

A crucial outcome of the constitution drafting process was the enactment of a 30% gender quota clause for all public institutions, including both Houses of Parliament. Dr. Vincent Biruta, the Speaker of the Transition National Assembly (TNA) during this period (2000 – 2003), recalls that male Members of the TNA did not want the quota and 'no consensus was reached in parliament'.[2] The electoral gender quota was eventually passed but it was not unanimously supported and ultimately the RPF pushed the law through, indicating their own interests in seeing its passage. Banks (2008: 1064) argues that compared to pro-democracy advocates, who were largely excluded from substantive engagement with the constitution-making process, gender equality interests represent one of the few interests extensively incorporated within the final document and 'gender equity advocates successfully obtained internal inclusion in Rwanda's constitution-making process'.

The adoption of the 30% constitutional legislative quota in 2003 serves as an example of the Rwandan Patriotic Front using its veto power against its own societies' patriarchal values. Angelina Muganza, who served as the Minister of Gender and Family Promotion, directly attributes the difficulty of that process to the low numbers of women present in the institution

[2] Biruta, Vincent. Interview. Kigali, Rwanda. 12 December 2013.

at that time.[3] This reflect two important aspects of gender-equality outcomes. The first is that obtaining ruling political party assent through bargaining is exceptionally important and ultimately, despite the same widespread opposition to its passage that accompanied 30% constitutional gender quota, the veto decision rested with the RPF who approved it. Secondly, it suggests that parliament is more responsive to passing legislation concerning the promotion of gender equality, not just when more women are present within the space, but when they are collectively mobilised.

### *5.2.1. Rwanda's current electoral and government system*

Rwanda's political system and its accompanying electoral design are incredibly complex, reflecting a degree of decentralisation, administrative bureaucracy and hierarchical population control seldom observed in other sub-Saharan African states (Freedom House, 2011).[4] Reyntjens (2013: 35) accurately describes the Rwandan electoral system as one embodying 'Byzantine complexity'. The country's Lower and Upper House of parliament are known as the Chamber of Deputies and the Senate, respectively, and have a combined total of 106 seats (see Figure 5.1). The Senate is a unique representative parliamentary body in that none of its 26 members are directly elected by the wider Rwandan population, but indirectly elected through district electoral colleges or appointed in various capacities (Lutz, 2005: 6). The Senate has 26 members referred to as 'Senators', elected every eight years.[5] A Deputy or

[3] Muganza, Angelina. Interview. Kigali, Rwanda. 17 February 2014.

[4] One of the reasons that the genocide was able to claim so many lives so quickly was because local government authorities kept efficient records of local communities and although pre-genocide Rwanda can be seen to have had a severe democratic deficit, it was known for its efficient bureaucracy (Prunier, 1995).

[5] Of the 26 Senate Members, twelve Senators are elected by an electoral college composed of the Executive Committees of the Districts and Sectors, eight Senators are directly appointed by the President of the Republic, four Senators are designated by the National Consultative Forum of Political Organisations, one Senator must be a lecturer or researcher, with the minimum title of Associate Professor, from a public University or institution of higher learning elected by his peers, one Senator must be a lecturer or researcher from a private University or institution of higher learning elected by his peers. Former Heads of State can request the Supreme Court to be members of the Senate on honourable completion of their terms of office or voluntary resignation. According to Article 82 (2) of the Constitution of the Republic of Rwanda, the 8 Senators chosen by the President are appointed specifically to consider 'the principles of national unity among Rwandans, the representation of historically marginalised communities and other national public interests'. They are nominated after the election of the other 16 Senators and their names, unlike the other Senators, are not subject to the approval of the Supreme Court.

Senator cannot be a member of Cabinet and vice versa.[6] Rwanda's parliamentary elections are for the 80 seats in the Chamber of Deputies (Lower House of Rwandan Parliament).[7]

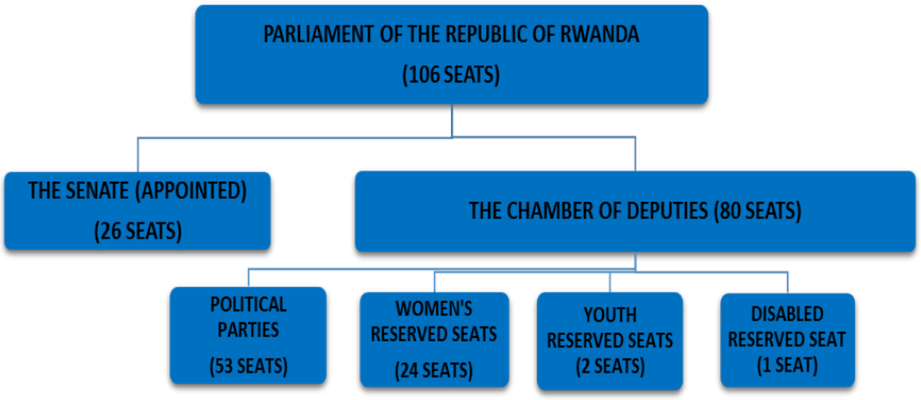



**Figure 5.1. The Parliament of the Republic of Rwanda**

The Chamber of Deputies has 80 sitting members referred to as 'Deputies', elected through a national parliamentary election every 5 years with the entire country representing one national constituency.[8] Rwanda's 2003 constitutional gender quota mandates that a minimum of 30% of Senators and Deputies have to be women.[9] My particular arena of focus is Rwandan parliament's Chamber of Deputies, which is specifically concerned with national representative politics. The country's presidential system imposes three separate national elections on the electoral calendar: a presidential election held every seven years according to a majoritarian electoral system (FPTP), a parliamentary election for the Chamber of Deputies held every 5 years and an election for Senate, elected every 8 years.

Fifty three Deputies of the 80 seat Chamber of Deputies are elected through a proportional representation/closed list system with political parties nominating Members of Parliament to

[6] Article 68 of the Constitution of the Republic of Rwanda.
[7] Article 86 of the Constitution of the Republic of Rwanda and Article 93 of Organic Law N°. 17/2003.
[8] The 53 Deputies are elected in procedures outlined in Article 77 of the Constitution of the Republic of Rwanda. Articles 23 and 83 of Organic Law N°. 17/2003.
[9] Article 82 of the Constitution of the Republic of Rwanda; Article 86 of the Constitution of the Republic of Rwanda and Article 93 of Organic Law N°. 17/2003 The Senate (Upper House of Rwandan Parliament) has a total of 26 Members or 'Senators' who serve an 8-year term.

represent them, according to the number of votes received for that political party during national elections from a national common voter's roll. The remaining 27 Deputies are elected through special interest electoral colleges: 24 Deputies are women, two Deputies are representative of the youth and one Deputy represents the disabled.[10] Parliamentary elections for the 53 political seats have a 5% minimum electoral threshold for representation, meaning that a political party is required to obtain a minimum of 5% of the vote for entry into parliament.[11]

The politics of 'legitimizing co-option' are institutionalised through the existence of the Rwandan Patriotic Front-led coalition and the National Forum for Political Organisations (NFPO). All approved political parties are officially part of the NFPO, an organisational forum that serves as a platform for the Rwandan government's 'consensual democracy' programme. The NFPO was established in 1997 as a forum to foster dialogue and deliberation for political parties to consult on national unity, resolve disputes between parties and also has the power to remove Members of Parliament (Sebarenzi, 2009).[12] In essence, the National Consultative Forum of Political Organisations has a more ideological role and as opposed to facilitating a consensus amongst political parties, appears to play a more active role in manufacturing ideological conformity (Reyntjens, 2011, 2013; Sebarenzi, 2009).

Of the seven political parties allowed to legally operate in Rwanda including the ruling political party, four political parties are in a parliamentary coalition with the Rwandan Patriotic Front-coalition: the Christian Democratic Party (PDC), Idealist Democratic Party

[10] According to the Rwandan Constitution (Chapter 2, Article 27), of the 80 seats in the Chamber of Deputies are to be specifically reserved for specific interest groups. Twenty-four of the 27 seats are for women, 2 seats are for the youth and one seat is allocated to a representative of the Disabled. Special interest group seats are elected by elected colleges that comprise the national structures of the National Women Council, National Youth Council and the National Council of Persons with Disabilities.

[11] An electoral threshold is the minimum number of votes required to gain a seat in a representative body. The lower an electoral threshold, the more parties will be represented in a system albeit in small proportions. An electoral threshold within a defined constituency takes two forms: a threshold for representation and an exclusion threshold. A representation threshold specifies the minimum number of votes required to gain a seat in a representative body. The lower an electoral threshold, the more parties will be represented in a system albeit in small proportions. An exclusion threshold establishes the proportion of an electoral majority that a party can obtain. While a representation threshold circumscribes the minimum support a political party needs for election, an exclusion threshold circumscribes the maximum electoral majority a political party can gain. Article 77 of the Constitution of the Republic of Rwanda and Article 90 of Organic Law N°. 17/2003.

[12] Article 56 of the Constitution of the Republic of Rwanda.

(PDI), Rwandan Socialist Party (PSR) and Democratic Union of the Rwandan People (UDPR). The two parliamentary non-coalition political parties, the Social Democratic Party (PSD) and the Liberal Party (PL), have Cabinet representation in the Rwandan government. According to Devlin and Elgie (2008: 242), 'smaller parties have little influence over policy, and the two non-coalition parties cooperate with rather than criticise the RPF'. This observation is accurate and my interviews and direct observation reflected that political parties outside of the RPF are weary of being identified as the 'opposition'.

Rwanda's electoral system promotes the presence of women in parliament in numerous ways beyond the 30% electoral gender quota. It is most likely the only country in the world where all three forms of electoral gender quotas (reserved seats, legislated quotas and voluntary quotas) are in simultaneous operation (Burnet, 2012). In addition to the 30% women's reserved seats in parliament and its 30% legislative quota enshrined in the 2003 Constitution, the government actively promotes adherence to a 50% voluntary party quota (Rwanda News Agency, 2008). Although not formally adopted by political parties, the attainment of 63.7% of women in the Chamber of Deputies attests to their implementation on political party candidate lists. Further evidence to their adherence is that 50% of the representatives sent to the Chamber of Deputies by Rwanda's two main opposition political parties, the Social Democratic Party and Liberal Party are women.[13]

The issue of women's political affiliation in Rwandan parliament is one of the most complex dimensions of their presence in parliament but has not been adequately captured in analysis of women's parliamentary representation in Rwanda (Reyntjens, 2013; Kayumba, 2010; Longman, 2006). Alexander Stroh (2009: 10) argues that the number of seats held by the RPF is higher than the elected number and special-interest parliamentary seats simply 'reinforce the [ruling] party in an obscure manner'. That obscure manner is, however, left unexplained. The most simplistic and widespread explanation regarding women's shifting political affiliation is that women activists based in civil society organisations are recruited by the Rwandan Patriotic Front to serve in parliament (Longman, 2006). This is interpreted as a form

[13] In the 2013 parliamentary election, the PSD and PL won seven seats and four seats, respectively. Reflecting adherence to a 50% electoral gender quota, the Liberal Party sent two women to the Chamber of Deputies while the PSD deployed three women to the Chamber of Deputies.

of RPF co-optation of women who were previously in civil society organisations. As the previous chapter illustrates, however, this is not so much an incorrect explanation as an incomplete one and more complex dynamics are at play. As the case of Judith Kanakuze reflects, however, there are a number of women who had not been in the RPF and were solely based in civil society who joined the ruling party.

As a national liberation movement the RPF had high levels of women's participation and while very few RPF women accessed the Transitional National Assembly in the immediate post-genocide period, many RPF women were deployed to women's civil society organisations following the genocide. As the previous chapter showed, these women were able to simultaneously increase the expertise and capacity of women's civil society organisations *and* pursue partisan agendas through civil society mobilisation. Over the years, many women who were in exile with the RPF and deployed to civil society, have decided to shift from the civil society arena into the formal political arena, creating the impression of a wide scale movement of non-partisan members of women's civil society organisations into the Rwandan Patriotic Front. These women however were never *not* aligned with the ruling party.

### *5.2.2. Rwanda's presidential system*

Rwanda is a presidential system. In a presidential system, the president serves as the Head of State while simultaneously serving as the Head of the government (Linz, 1990). Rwanda represents a departure from this theoretical model of presidentialism in that its President is the Head of State, gaining legitimacy from a direct election by the population while the Prime Minister, appointed by the President, serves as the Head of the government.[14] The legislative and executive branch of government are therefore distinctly separate, unlike parliamentary governments. This system prevents Members of Parliament from being in Cabinet and vice versa, meaning that the role of MP and Minister with a Portfolio in Cabinet are mutually exclusive. This enhances opportunities for women's advancement in the Rwandan state.

In the spirit of the Arusha Accords and according to the principles of a consensus government, a power-sharing agreement in the 2003 Constitution mandates that the political party with the

[14] Provisions mandating Rwanda's presidential elections are outlined in Article 70 of Organic Law N°. 17/2003

majority of seats in the Chamber of Deputies (the Rwandan Patriotic Front) cannot hold more than 50% of the positions in the Cabinet.[15] Fifty percent of seats in Cabinet are therefore held by the Chairpersons of various political parties including the PSD and PL. This means that the most senior members of the political parties represented in Rwandan parliament are usually in Cabinet. The two main 'opposition' political parties, the Social Democratic Party (PSD) and the Liberal Party (PL) are led by Dr. Vincent Biruta and Protais Mitali, respectively.[16] Both men serve in the Rwandan Cabinet, inadvertently creating political opportunities for less senior members of the party, who are more likely to be women to access the Chamber of Deputies. Whether this is an intentional side effect of the power sharing agreement is hard to establish but it seems as the only non-deliberate mechanism that promote women's participation, as the female heads of political parties are also represented in Rwanda's Cabinet.

The political party lists sent to Rwanda's Independent Electoral Commission for the 2008 and 2013 legislative elections confirm this argument (New Times, 14 August 2013). None of the senior political party membership of the political parties represented in the RPF-coalition (those representing the top 5 positions of their political parties) appear on the nominated candidate lists for the Chamber of Deputies and women occupy prominent and senior positions on the party list. In both 2008 and 2013, a woman occupied the number one position on the RPF Coalition parliamentary candidate list and in 2013, a woman was at the top of the list of candidates for the Liberal Party.[17]

### *5.2.3. Women's Reserved Seats and the National Women Council in Rwanda*

There are two ways in which a woman in Rwanda can access one of the 80 seats in the Chamber of Deputies. She can contest for one of the 53 seats allocated to political parties through proportional representation or compete for one of the 27 reserved seats allocated to special interest groups as a woman, a youth or a person with a disability. Rwanda's reserved seats for special interest groups are enshrined in the 2003 Constitution and are therefore

[15] Article 58 and Article 116(5) of the Constitution of the Republic of Rwanda.
[16] Dr. Vincent Biruta is currently the Minister of Natural Resources while Protais Mitali is the Minister for Sports and Culture.
[17] In 2008, Bernadette Kanzayire was the top of the RPF-Coalition list. In 2013, Julienne Uwacu was at the number one position on the RPF-Coalition list.

simultaneously legislative quotas that are enforceable. A woman does not need to be affiliated to a political party to contest for one of the reserved seats and a woman can also be elected as a youth representative or disability representative.[18] The election of a woman to one of the special reserved seats however also does not preclude her from having political party affiliation and as Honourable Athanasie Gahondogo explained, being a women's representative 'doesn't mean you are not a member of a political party'.[19] MP Athanasie Gahondogo asserts that getting elected on the political party list is the more desirable path for women to parliament than the women's reserved seats. Honourable Gahondogo, who has campaigned for a seat in the Rwandan Chamber of Deputies as a women's representative and on the RPF's political party list, argues that the political party list presents the 'easier option' for women as they do not have to embark on individual campaigns at various levels of government.[20]

When running on a political party list as a political party representative, the campaign for votes is conducted and funded by the political party who appoint members of parliament according to the order of the list. Women therefore do not have to embark on electioneering at the decentralised and national level that usually encompasses various rounds of voting to obtain their parliamentary seat. This option has less personal and financial cost for women but is not devoid of its own risks. Political parties might not obtain enough votes to include women who are lower down on the party list and are therefore excluded from parliament. Women also sacrifice their autonomy when affiliated with a political party and are subject to political party discipline.

Another area of confusion concerning women's political affiliation are the election of women with political party seniority to women's reserved seats through the National Women Council. Established in 1996 by the Rwandan Patriotic Front as a decentralised framework of women's councils throughout local, provincial and national government, the Rwandan National Women Council is responsible for the election of the 24 reserved seats for women in the Chamber of Deputies that comprise the 30% electoral gender quota (Burnet, 2013; Devlin and Elgie, 2008;

[18] For example, one of the two youth representatives in the current Rwandan parliament (2013 – 2018) is a women named Honourable Justine Mukobwa.
[19] Athanasie Gahondogo Interview.
[20] Athanasie Gahondogo Interview.

Kayumba, 2012).[21] Each of Rwanda's five Provinces has a certain numbers of districts, varying according to province (Republic of Rwanda, Ministry of Local Government, 2013). The district is Rwanda's 'main decentralised political unit' (Lutz, 2005: 9) and elections taken at this level influence the composition of the Senate and the Members of the Chamber of Deputies' reserved seats for women, the youth and the disabled (Chemouni, 2014).[22]

Only women are permitted to vote for the 24 women's reserved seats and this is done indirectly through women's electoral colleges, who comprise National Women Council representatives at the district level. Beyond serving as the women's only electoral colleges for the women's reserved seats in parliament, the Rwandan National Women council also administers women's communal funds and its members serve as representatives of the Rwandan Ministry of Gender and Family Promotion at the local government level (Bouta, et al., 2005: 73). The formation of the Rwandan National Women Council served another purpose and Wallace, et al. (2009: 113) argue that 'initially, they [Rwandan National Women Council structures] were also instruments of top-down state policy'. There was a need to actively recruit women from outside the RPF exile-pool in order to counter accusations of ethnic minority-monopolisation of power and favouritism towards former exiles, who were automatically assumed to be Tutsi. Presently, some of the most senior women within the Rwandan Patriotic Front are not former exiles but survivors of the genocide, including the

[21] The Rwandan decentralised system established in 2006 is tiered and facilitates indirect and direct elected representation at all levels of administration all the way down to *umudugudu* (individual villages or cells) with women's councils present at every level of government from the cell to the state level.

[22] In total, Rwanda has 5 provinces. These are the City of Kigali; Eastern Province, Northern Province, Western Province and the Southern Province. The head of a province (Prefect) is directly appointed by the president and has the responsibility of supervising the districts within its province. There are 30 districts in Rwanda. Districts are made up of sectors which are then divided into cells. Sectors are disaggregated into cells, which comprise individual villages (*umudugudu*) which are not an administrative unit but is [sic] used as a channel of grassroots mobilization and information diffusion' (Chemouni, 2014: 248). Each district has an Executive Committee and a District Council, whose members are chosen every five years and elected at the sector level. District councils have limited legislative powers and varying number of members according to the number of sectors within each district. Each sector within a district elects 3 representatives: a Sector representative, a women's representative and a youth representative. All Sector representatives are automatically members of their district councils, while the women's sector representatives and youth sector representatives are elected within the district have to choose a third of members (30%) to represent them on the District Council. Local elections at the cell level are direct elections chosen through a simple majority. These elections are *not* undertaken through a secret ballot system but conducted through a highly 'transparent' system whereby voters queue behind their chosen candidate.

present Minister of Foreign Affairs and Cooperation of the Republic of Rwanda Louise Mushikiwabo.

I perceive that running for a women's representative seat also introduces an obligation to women candidates to publicly promote women's interests to attract votes from women who will identify them as advocates of women's rights.[23] Honourable Rose Mukantabana, who became Rwanda's first female Speaker of Parliament in 2008 after accessing parliament as a women's representative in 2003, states that her election as a women's representative was solely based on her civil society work with *Haguruka*, a women's civil society organisation. She states that she 'was not known in the political arena. [But] I was known in civil society'.[24] Mukantabana's response highlights certain political dynamics in the processing of voting for women's parliamentary reserved seats. She intimated that although she was not known in political party elite circles, she was known within the Rwandan national women's movement. The women elected to the 24 reserved seats in parliament are voted for by Rwandan women. Every Rwandan women of 18 years and older is automatically a member of the NWC, and indirectly elected by women's only electoral colleges administered by the National Women Council.[25] The political mobilisation of women in this way has the additional role of constructing women as a political constituency to which the National Women Council is accountable. The construction of women as a constituency in this way facilitates the negotiation of women's elite favourable bargaining because it promotes the cohesion needed for women to act as a political interest group.

Lending further credence to my argument about the centrality of women to the RPF's political narrative, the establishment of the National Women's Council was initiated by the RPF in 1996 with the purpose of politically mobilising women at the grassroots level, not solely to harness their capacity for reconciliation and reconstruction, but also to propagate and reproduce the *ndi umunyarwanda* ideology. The current Chairperson of the National Women Council Beatrice Mukasine issued a statement indicating that the 'National Women Council

[23] Nyirarukundo, Ignatienne. Interview. Kigali, Rwanda. 3 March 2014. Mukantabana, Rose. Interview. Kigali, Rwanda. 18 February 2014.
[24] Mukantabana, Rose. Interview. Kigali, Rwanda. 18 February 2014.
[25] Tengera, Francesca. Interview. Kigali, Rwanda. 27 May 2014

has said it will actively engage women in *ndi umunyarwanda* programme to ensure the campaign takes root right from families' (Ntirenganya, 2014, October 8).

As the premise of my elite patriarchal bargaining analysis emphasises, Rwandan women access a range of opportunities through patronage networks that enable women to access and retain high level employment in Rwanda's formal political sphere, serve in appointed positions and professionally progress through the structures of government. According to Reyntjens (2013: 81), 'women and youth leaders were promised positions within the future district councils or even seats in parliament if they supported the RPF'. There are substantial advantages to Rwandan women participating in the National Women Council. It is principally through this particular structure that ordinary women can enter formal politics in Rwanda. Rwanda's current Minister for Gender and Family Promotion Oda Gasinzigwa attributes her present position in government to the National Women Council and its facilitation of her abilities.

### *5.3. South Africa's electoral system, political competition and post-transition national legislature*

The post-apartheid South Africa's electoral system is a particular product of the negotiated settlement that led to the culmination of apartheid and the inauguration of a democratic non-racial dispensation in 1994. When discussion about the electoral system that a post-apartheid South African state would adopt were undertaken during the transition and constitutional negotiations, the First-Past-the-Post system was rejected across the spectrum of political parties participating in the negotiations. The majority of political actors favoured a proportional representation system with a low representation threshold for diverse reasons (Habib, 2013, Mattes and Southall, 2004; Pottie, 2001; Reynolds, 1999; Van Zyl Slabbert and Electoral Task Team, 2003). In the context of negotiation and its inherent dimension of quid pro quo, the ANC supported the PR system as part of a broader compromise within the ambit of the negotiations, specifically as a measure preferred by the Nationalist party to protect minority rights representation, in lieu of the minority right veto, group autonomy and federal system of government demanded by the NP (Lijphart, 2004).

For the National Party and other racially and ethnically conservative elements such as the Conservative party and Inkatha Freedom Party, the PR system reduced the chance of a large black majority ANC government without oppositional elements (Van Zyl Slabbert and Electoral Task Team, 2003). The country's proportional representation system was therefore envisaged as a mechanism that would protect the political interests of South Africa's white minority, ensuring that their participation and representation was attained in South Africa's post-apartheid dispensation despite the numerical majority of Blacks. Realistically, the proportional representation system did not quite translate into any electoral clout for white minority interests or prevent the ANC's achievement of a *significant* parliamentary majority.

The South African electoral system lacks a legislatively enforced electoral gender quota at the national level and the political parties that have adopted voluntary political party quotas lack placement mandates. In 2006, however, the Local Government Act was passed mandating political parties participating in local and municipal elections to adhere to a 50% voluntary party quota establishing a 50% electoral quota. The absence of an enforceable legislative or constitutional electoral gender quota at national and provincial level in South Africa can be partially seen to reflect a hierarchy of identity interests in the South Africa public sphere. South Africa's negotiated settlement and its political context had consequences for constructing the legitimacy of identities that were considered for inclusion in the country's post-apartheid electoral system. Negotiated settlements, which are particularistic in their emphasis on power-sharing arrangements, are often seen as the optimal political outcome of protracted identity struggles in heterogeneous societies (Barnes, 2001; Lijphart, 1999; Sisk, 1996; Sisk and Reynolds, 1998). To this end they privilege cooperation and cohesion between different identity groups based on religion, ethnicity or race, tending to ignore other cross-cutting subjectivities like gender. Hayes and McAllister (2013: 124) go as far as arguing that 'power-sharing political arrangements sacrifice women's claims for equality in the interests of communal unity'.

Chapter Four illustrated that the emphasis on power-sharing between various white minority and black majority interests involved in the negotiation and pursuit of racial partisan interests during South Africa's political transition can be seen to have *initially* marginalized gender

interests. The emergence, however, of the Women's National Coalition (WNC) counteracted this exclusion to an extent. Women's advocacy for enforceable The South African electoral system as it currently exists for national and provincial elections does not specifically recognise gender through any form of legislative quota and the consequence of an unenforceable quota was actually manifested in the 2014 elections.

After its 2009 national and provincial elections, South Africa had one of the highest percentages of women in parliament in the world (44.5%). This high level of women's descriptive representation was largely attributed to the reinforcing effects of the African National Congress' (ANC) majority share of the vote and the 50% voluntary gender party quota (implemented through a zebra list) adopted by the ruling party at its 2007 Polokwane Conference (Ballington, 1998; Britton, 2005; Geisler, 2000, 2004; Hassim, 2006, 2014; Walsh, 2010). [26]

Following South Africa's fifth post-apartheid general elections in 2014, the percentage of women in parliament decreased from 44.5% to 41.9% (People's Assembly, 23 May 2014). Paradoxically, the decline in women's parliamentary representation occurs against the increasing presence of women as candidates in opposition political parties since 1994 (Hassim, 2010; Hendricks, 2005; see Table 5.1). The simultaneous decline of women in South African parliament while the number of women candidates in opposition parties has increased, raises some important concerns about South Africa's electoral system, political party system and most importantly, the relationship between the form and efficiency of electoral gender quotas in South Africa as they presently exist.

The decrease in women's representation in South Africa's fifth democratic parliament has been attributed to the ruling African National Congress' decreased electoral majority, which declined from 264 seats in 2009 to 249 seats in 2014 and the ruling party's lack of adherence to a strict zebra system for its electoral list (Schulz-Herzenberg, 2014; Morna and Dube, 2014). According to Schulz-Herzenberg (2014: 6), '[t]his drop is related to the decline in the number of ANC seats from 264 to 249, and the fact that no other party other than the ANC

[26] The ANC initially adopted a 30% voluntary gender quota in 1994. In 2007, this gender quota was increased to 50% and adopted at the party's Polokwane conference.

uses a gender quota to safeguard the representivity of women'. In 2009, the ANC submitted a closed candidate list to the IEC that strictly adhered to the zipper system and ten women candidates made up its top 20 positions. In 2014, the ANC's candidate list had 7 women in the top 20 positions.

I observed that the ruling African National Congress' declining electoral majority and failure to implement its 50% voluntary political party gender quota captured only one dimension of the political trend.[27] Women's decreasing presence in parliament following the 2014 election were amplified by *both* high political party fragmentation and political system fragmentation. *These two types of fragmentation are not to be confused.* Political party fragmentation occurs when internal divisions and factionalism *within* a party result in its splintering (Bratton and van de Walle, 1994). As a consequence of this splintering, splinter groups can decline or their breakaway can result in the formation of new political organisations within the same electoral system. Political party system fragmentation, on the other hand, occurs *between* political parties where representation in a political system and a finite number of seats is shared by a large number of political parties, many of them minor political parties, who fragment the political arena (Coleman, 1995; Reynolds, 1999a; van de Walle, 2003).

Following the elections, four political parties were voted into parliament for the first time, namely Agang, the Economic Freedom Fighters (EFF) and the African Independent Congress

[27] The ANC presently still accounts for 74.8% of the seats occupied by women in the NA. This contrasts with the 2009 election where 130 women accounted for 49.2% of the ANC's parliamentary representation and 73% of women's total representation in parliament. What is interesting to observe is that the ANC is responsible for a slightly higher percentage of all women in South African parliament at the moment than when it had a larger majority. While the difference in the percentage of ANC women elected to parliament from 2009 to 2014 as a percentage of all women represented in parliament seems negligible, if the ratio of women compared to men (49.2%) in 2009 when the 50% quota was enforced, is applied to the ANC's decreased majority in parliament, then women would account for 123 seats as opposed to 116 seats. Leaving the number of women elected in 2014 in opposition parties constant at 39 seats, the number of women in parliament would therefore only account for 40.5% which would still represent a decline from the 44.5% attained in 2009. Similarly, if the ruling party had applied the same ratio of men to women used in their 2014 national candidate list to their 2009 electoral majority, 46.6% of the ANC MPs elected to parliament would be women, meaning that 132 women from the ANC would be elected. Added to the 39 seats of women represented in opposition parties, the number of women in parliament would only still only be 171 (42.8%). The above statistical analysis illustrates that the decline in the percentage of women in parliament is *only partly* as a result of the ANC's lack of application of its gender quota and/or its lower share of the majority and the party are currently responsible for a slightly larger share of women in parliament (74.8%) than they were in 2009 (73.0%).

(AIC) and the National Freedom Party (NFP).[28] The entry of new political parties into South Africa's political system and high political party proliferation has manifested in a small minority of parliamentary seats shared among high numbers of smaller opposition political parties. As more political parties have emerged in the political system, the absence of a mandatory threshold for representation in the South African electoral system has exacerbated the effects of political party system fragmentation. Increasing political party system fragmentation means that the remaining share of electoral representation outside of the ruling ANC (37.85%) are currently shared by an increasing number of political parties and currently 13 opposition parties are represented in South African parliament.[29] Of the 37.5% of the National Assembly that comprise opposition parties, the DA (22.16%) and the EFF (6.36%) make of 28. 52%. A small percentage of the remaining representation (9.27%) is shared by ten smaller political parties (see Table 5.2). This has minimised women's entry into parliament as political party leadership structures tend to be dominated by men. Although there was a high representation of women on candidate lists submitted to South Africa's Independent Electoral Commission (IEC), low numbers of women were *actually* returned to parliament following the election.

Illustrating the effects of both forms of fragmentation on women's decreased representation is the significant erosion of the Congress of the People (COPE)'s electoral base from 2009 and the EFF's usurpation of COPE's previous position as the country's third largest party in the 2014 election has also made a tangible contribution to the decrease in women's representation (see Table 5.2). COPE attained 30 seats in the 2009 election and deployed 14 women to the National Assembly, accounting for 8.1% of the total number of women in the National Assembly in 2009 (see Table 2). In 2014, COPE's share of votes significantly decreased and it only attained 3 seats, with one seat allocated to a woman.

[28] While the NFP has been present in the National Assembly since 2007, when Zanele Msibi-Magwaza led a breakaway faction from the IFP and formed a new political party during a period of floor-crossing. This was the first election the NFP had participated in a general election and been elected to parliament.

[29] In the South African electoral system, there is no mandatory representation threshold meaning that there is no minimum share of parliamentary seats required for a political party to enter parliament. A political party does require a minimum number of votes to gain a seat and while this differs according to province for candidates from the provincial list, a political party implicitly requires 47 554 votes (0.25%) in order for a candidate from the national list to enter parliament (Schulz-Herzenberg, 2014: 7).

| Political Party | Seats in National Assembly | | Number of Women representing party in National | | Number of Women in Top Twenty Positions of Candidate | |
|---|---|---|---|---|---|---|
| | 2009-2014 | 2014 - | 2009-2014 | 2014 - | 2009-2014 | 2014- |
| African Christian Democratic Party (ACDP) | 3 seats | 3 seats | 1 woman | 1 woman | 4 women | 10 women |
| African Independent Congress (AIC) | ____ | 3 seats | ____ | No women | ____ | 12 women |
| African National Congress (ANC) | 264 seats | 249 seats | 130 women | 116 women | 10 women | 7 women |
| African People's Convention (APC) | 1 seat | 1 seat | 0 women | 0 women | 6 women | 7 women |
| Agang-SA | _____ | 2 seats | ____ | 0 women | ____ | 7 women |
| Congress of the People (COPE) | 30 seats | 3 seats | 14 women | 1 women | 10 women | 10 women |
| Democratic Alliance (DA) | 67 seats | 89 seats | 20 women | 25 women | See footnote[30] | 9 women |
| Economic Freedom Fighters (EFF) | _____ | 25 seats | ____ | 8 women | ____ | 9 women |
| Freedom Front Plus (FF+) | 4 seats | 4 seats | 0 women | 0 women | 2 women | 4 women |
| Inkatha Freedom Party (IFP) | 18 seats | 10 seats | 4 women | 2 women | 6 women | 6 women |
| National Freedom Party (NFP) | ____ | 6 seats | _____ | | _____ | 9 women (45%) |
| Pan African Congress (PAC) | 1 seat | 1 seat | 0 | 0 | 7 women | 5 women |
| United Democratic Movement (UDM) | 4 seats | 4 seats | 0 women | 1 women | 5 women | 7 women |

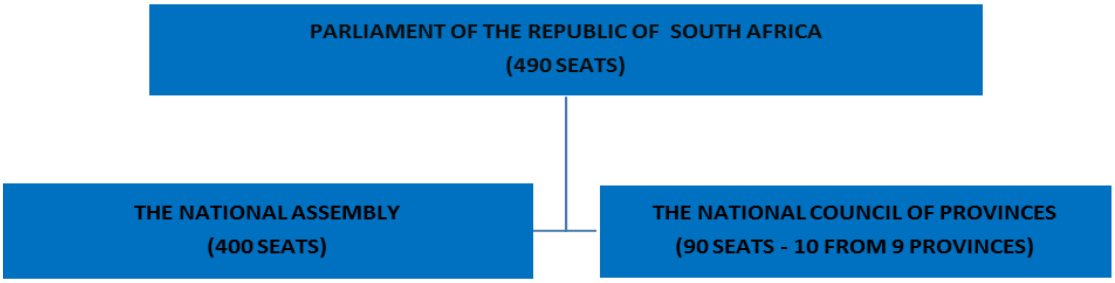
**Table 5.1 Women's election and nomination to the National Assembly in 2009 and 2014. Sources: Parliamentary Monitoring Group, 28 April 2009**

[30] The Democratic Alliance did not have a national candidate list for the 2009 election but allocated seats in the National Assembly according to its provincial lists.

### *5.3.1. South Africa's current electoral and government system*

Post-apartheid South Africa is a parliamentary republic, meaning that the executive branch of government gains its legitimacy from the legislative branch of government and is therefore accountable to the national legislature (Von Beyme, 2000). A simultaneous national and provincial election, held every five years, determine the political party composition of the national legislature and the nine provincial legislatures.[31] South African parliament has a total of 490 seats comprising both the Lower House and Upper House (see Figure 2). The Lower House of parliament, referred to as the 'National Assembly', accounts for 400 seats and is concerned with national representative politics. The 400 members of the National Assembly are chosen through a proportional representation/closed list system, from a national common voter's roll, and 200 seats are equally allocated from national and provincial candidate lists.

In a parliamentary system, members of Cabinet are chosen from elected members of Parliament. This means that Ministers are required to be elected Members of the National Assembly before they are nominated by the President to the Executive branch. This creates a fiercer competition for nomination on candidates political party lists than exists in presidential systems where Cabinet members cannot be MPs.




[31] Schedule 3, part B of the Constitution of the Republic of South Africa. At South Africa's general election, voters complete a national ballot form and a provincial ballot form.

**Figure 5.2. The Parliament of the Republic of South Africa**

Both House of parliament are elected for a term of 5 years, after which it is dissolved and reassembled following national and provincial elections. The President of the Republic of South Africa is elected by the National Assembly at its first sitting following a national election. The Head of State and the Head of Government are usually not held by the same individual and parliamentary systems tend to have Prime Ministers with the balance of power between the President and Prime Minister varying on national context (Lijphart, 1999). South Africa, however, does not and its Head of State and Government are offices held by the same individual.

The Upper House of parliament, the 'National Council of Provinces' (NCOP, formerly the Senate), is composed of 90 seats and represents the interests of the nine South African provinces within the national legislative process as well as providing a public forum for consideration of provincial issues at the national level and vice versa.[32] While the National Assembly is a hybrid parliamentary system with significant Westminster parliamentary features, the newly created National Council of Provinces, concerned with provincial representation, signifies a complete departure from any parliamentary chamber that had existed before 1996 and was a new institutional design (Calland, 1999a).[33] My particular arena of focus is South African parliament's National Assembly, which is specifically concerned with national representative politics.

### *5.3.2. Voluntary Political Party Quotas in South Africa*

[32] The 90 MPs of the National Council of Provinces are composed of a ten member delegation from each of the nine provinces in South Africa. 54 of these are permanent delegates, while the remaining 36 are special delegates. The representational composition of the provincial delegation corresponds to that of political parties represented in each province's legislature. Of the 10 member delegation from each province, 6 MPs are permanent delegates. Of the remaining four special delegates, one must be the Premier of the province or an MP officially representing the Premier.

[33] The NCOP can initiate and prepare legislation that concerns provincial governance, ratifies all legislation but has no direct oversight function over provincial departments. Oversight of provincial government departments is formally devolved to the nine provincial legislatures. The NCOP is considered a less authoritative political arena than the National Assembly, and widely referred to as the 'Cinderella Chamber' in that it has failed to define any distinct legislative-making role for itself and is significantly overshadowed by the National Assembly (February, 2006: 127). In other words, the National Assembly has a different mandate to the NCOP's decentralised jurisdiction, the NA has considerably more authority than the NCOP.

One of the most important enabling mechanisms for the attainment of high levels of women's political representation in South African parliament since 1994 was the adoption of a voluntary party quota by the ruling majority party, the African National Congress. Furthermore, the ruling party is frequently credited with not only being a gender progressive political party but being principally responsible for women's high presence in parliament and their subsequent ability to achieve transformative outcomes for women within parliament which they have dominated since 1994. Historically, quotas were *crucial* in mediating women's access to parliament and the application of voluntary party quotas by the African National Congress (ANC) are the main mechanism through which most women have participated in parliament since 1994, reflecting a proud history of women's participation in its national liberation movement (Hassim, 2006; 2014). The adoption of electoral gender quotas was driven by the ANC Women's League and was seen as the result of a history of high women's participation in the ANC (Hassim, 2006b; 2014). The focus on the adoption of voluntary political party quotas also served its own purposes however and Thenjiwe Mtintso (cited in Connell, 1998: 200) argues that most women who were vocal about adopting party quotas 'knew that if you've got to increase the number of women, they would not be left out. It was an affirmative action that did not empower women on the ground, but selected the ones who were already up there'. Mtintso (cited in Connell, 1998: 200), who served with the movement in exile and also in the post-apartheid government accused League leaders of using the organisation to advance their own careers.

The ruling party's failure to adhere to its own gender equality resolution emerges against a backdrop the increasing deprioritisation of gender equality and the failure of the promotion of a gender equality agenda for women MPs in the South African context (Hassim, 2010; Makhunga, 2014). Ironically, this emerges as the playing field within the political system and *inside the party* has become more competitive as a result of the ANC's own internal party politics, factionalism and high political party fragmentation. Former ANC Member of Parliament Andrew Feinstein (2007: 81) describes the ANC's selection processes for its parliamentary lists 'as the site of the untold political strife' and a 'process [that] lost its democratic character and feel hostage to the whims and internecine battles of the leadership of the ANC'.

Even the ANC, with its historical legacy of high women's representation sacrificed gender equality and compliance with a voluntary party quota when the stakes were much higher and the electoral playing field more competitive as they were in the 2014 elections (Hassim, 2010; Makhunga, 2014). The ANC's voluntary political party is also not legally enforceable and the ruling political party's failure to comply with its own 50% quota for the 2014 election emerges against a backdrop of increasing de-prioritisation of gender equality and the failure of the promotion of a gender equality agenda for women MPs in the South African context (Hassim, 2010; Makhunga, 2014).

| Pos | Party | 2014 | Diff | 2009 | Diff | 2004 | Diff | 1999 | Diff | 1994 |
|---|---|---|---|---|---|---|---|---|---|---|
| | | % | % pts | % | % pts | % | % pts | % | % pts | % |
| 1 | ANC | 62.21 | -3.69 | 65.90 | -3.79 | 69.69 | 3.34 | 66.35 | 3.70 | 62.65 |
| 2 | DA | 22.16 | 5.50 | 16.66 | 4.29 | 12.37 | 2.81 | 9.56 | 7.83 | 1.73 |
| 3 | EFF | 6.36 | 6.36 | - | - | - | - | - | - | - |
| 4 | IFP | 2.40 | -2.15 | 4.55 | -2.42 | 6.97 | -1.61 | 8.58 | -1.96 | 10.54 |
| 5 | NFP | 1.57 | 1.57 | - | - | - | - | - | - | - |
| 6 | UDM | 1.00 | 0.15 | 0.85 | -1.43 | 2.28 | -1.14 | 3.42 | 3.42 | - |
| 7 | VF PLUS | 0.90 | 0.07 | 0.83 | -0.06 | 0.89 | 0.09 | 0.80 | -1.37 | 2.17 |
| 8 | COPE | 0.67 | -6.75 | 7.42 | 7.42 | - | - | - | - | - |
| 9 | ACDP | 0.56 | -0.25 | 0.81 | -0.79 | 1.60 | 0.17 | 1.43 | 0.98 | 0.45 |
| 10 | AIC | 0.53 | 0.53 | - | - | - | - | - | - | - |
| 11 | AGANG SA | 0.28 | 0.28 | - | - | - | - | - | - | - |
| 12 | PAC | 0.21 | -0.06 | 0.27 | -0.46 | 0.73 | 0.02 | 0.71 | -0.54 | 1.25 |
| 13 | APC | 0.17 | -0.03 | 0.20 | 0.20 | - | - | - | - | - |
| 14 | AIJAh | 0.14 | -0.01 | 0.15 | 0.15 | - | - | - | - | - |
| 15 | UCDP | 0.12 | -0.25 | 0.37 | -0.38 | 0.75 | -0.03 | 0.78 | 0.78 | - |
| 16 | MF | 0.12 | -0.13 | 0.25 | -0.10 | 0.35 | 0.05 | 0.30 | 0.23 | 0.07 |
| 17 | AZAPO | 0.11 | -0.11 | 0.22 | -0.03 | 0.25 | 0.08 | 0.17 | 0.17 | - |
| 18 | BRA | 0.08 | 0.08 | - | - | - | - | - | - | - |
| 19 | ICOSA | 0.08 | 0.08 | - | - | - | - | - | - | - |
| 20 | PA | 0.07 | 0.07 | - | - | - | - | - | - | - |
| 21 | WASP | 0.05 | 0.05 | - | - | - | - | - | - | - |
| 22 | UBUNTU | 0.04 | 0.04 | - | - | - | - | - | - | - |
| 23 | FN | 0.03 | 0.03 | - | - | - | - | - | - | - |
| 24 | KGM | 0.03 | 0.03 | - | - | - | - | - | - | - |
| 25 | PAM | 0.02 | -0.01 | 0.03 | 0.03 | - | - | - | - | - |
| 26 | KISS | 0.02 | -0.01 | 0.03 | -0.01 | 0.04 | 0.04 | - | - | 0.03 |
| 27 | FINLA | 0.02 | 0.02 | - | - | - | - | - | - | - |
| 28 | UNICO | 0.02 | 0.02 | - | - | - | - | - | - | - |
| 29 | PAL | 0.01 | 0.01 | - | - | - | - | - | - | - |

**Table 5.2. South African National Election Results (1994 - 2014) Source: South African Broadcasting Corporation (2014)**

### *5.3.3. The Mandate Effect and the South African electoral system*

The participation of women in parliament in the South African political landscape is entirely dependent on political parties. The voluntary party quotas adopted by the ruling ANC are the main mechanism through which most women have participated in parliament. Few other political parties present in South African parliament have adopted them and efforts from the

ruling party to enforce a quota through the South African Independent Electoral Commission (IEC) have largely been resisted. The mandate effect created by the South African electoral system is not one that fosters accountability to electoral constituencies. The unintentional consequences of the South African electoral system is that it significantly emphasises upward hierarchical accountability to the political party as opposed to the individual voter or a voting constituency.

Remarking on the constraints of accountability in the South African political system, former ANC Member of Parliament asserted that 'within South Africa's pure proportional representation, rebellion against the party inevitably results in exclusion from Parliament, either immediately or most certainly at the next election' (Feinstein, 2007: 190). Getrude Fester explains her reason for leaving formal parliamentary politics after the second national election, citing the fact that Women's ability to access parliament as MPs has very little to do expertise, personal politics or ideology:

> I had some very exciting experiences [in parliament] but also some negative experiences and one of the things that I realised there is that it doesn't matter how good you are, it depends on whether you are in favour with certain branches to nominate you for the PR list and I just felt like I didn't want to have my life dependent on somebody else's whims.[34]

Interestingly, this dichotomy was perfectly captured by former ANC Member of Parliament and one of South Africa's foremost gender-champions Pregs Govender, whose own experiences within the ruling political party can be seen to have encapsulated the irreconcilability of political party loyalty and gender accountability. Presenting the two loyalties in mutually exclusive and Manichean terms, Govender (2005: 86) identifies one of the challenges of promoting gender equality through the South African state as 'that of loyalty to the party hierarchy versus the interests of black working class and poor women, and this is reflected in the party-list system'.

[34] Fester, Gertrude. Interview, Cape Town. 5 September 2013.

## *5.4. South Africa and Rwanda's post-transition electoral systems and political systems: electoral thresholds and proportional representation*

Consistent with the literature that illustrates that proportional representation systems with closed-party lists promote women's descriptive representation (Bauer, 2004, Htun, 2005b; Lijphart 1994; Matland, 1998; McAllister and Studlar, 2002; Norris, 1985; Rule and Zimmerman, 1992), proportional representation systems with closed lists serve as important mechanisms for the promotion of women's high presence in Rwandan and South African parliament. They are the custodians of proportional representation systems where voters choose political parties, who then appoint representatives according to party criteria.

In sub-Saharan Africa, the process of candidate selection and the composition of political party lists are seldom transparent and usually involve cadreship, factional deployment and patronage politics. In ruling political parties, particularly, political contestation for deployment to representative office is high and the composition of political party lists are a zero-sum game for men and women candidates (Hassim, 2006). This means that women's deployment to parliament results in the displacement of men, who tend to have party seniority in higher levels than women. This highlights the importance of political party commitment to promoting women's political participation and as Caul (1999) emphasises, 'in a highly centralised [political] party, leaders have the control to create openings for women - when they want to do so'.

Rwanda has an electoral threshold of 5% while South Africa does not have a mandatory electoral threshold for representation. Reynolds' thesis (1999a) that lower party system fragmentation within legislative assemblies leads to more women nominated in larger numbers to parliament, proves consistent in the Rwandan and South African context. Illustrating the paradoxical relationship between electoral mechanisms that promote women's presence and those that constrain democratic outcomes, the 5% minimal electoral threshold additionally serves to keep independent candidates (and the possibility of their independent ideas) and smaller political parties out of parliament (Matland and Taylor, 1997; Matland, 2005; Norris, 2004).

Higher thresholds allow more women to access parliament by enabling more individuals from the same party, who are lower down on the political party list and therefore likely to be women, to enter parliament. It also discourages the presence of smaller, less resourced political parties and independent candidates who do not usually amass enough votes to comply with the minimum vote requirement for entry into parliament. Political pluralism, therefore, is only functional to women's descriptive representation to a *certain degree* and ironically, the higher the number of political parties there are in the national legislature, the lower the number of women there are likely to be in that space because women are seldom placed in high positions on party lists unless they are political party founders.

The Rwandan case illustrates the positive relationship between high electoral thresholds in proportional representation systems and women's descriptive representation (McAllister and Studlar, 2002; Norris, 1985, 1993, 2004; Rule 1981, 1987; Rule and Zimmerman, 1994). South Africa's absence of a mandatory threshold has translated into political party fragmentation, which is the presence of many smaller parties sharing a small minority of parliamentary seats. Because political parties send the candidates who top their nomination lists to parliament, less women enter parliament as political party leadership structures tend to be dominated by men. Political pluralism, therefore, is only functional to women's descriptive representation to a *certain degree* and ironically, the higher the number of political parties there are in the national legislature, the lower the number of women in that space because women are seldom placed in high positions on party lists unless they are political party founders or adhere to the types of electoral gender quotas that involve placement mandates or penalties for non-compliance. Placement mandates are a commitment by political parties, who adhere to closed party lists, to effectively enforce voluntary political parties that appoint women to the top positions of nomination lists (Norris, 2004: 187, cited in Baldez, 2006: 104).

Beyond the favourable effects of the proportional representation system and 5% electoral threshold in Rwanda, are the mutually reinforcing effects of the power-sharing arrangement enshrined in the 2003 Constitution and the additional seats created by the presidential

system.[35] The difference between the consequences of a parliamentary system and presidential system of government for women's descriptive representation in each system are distinct. South Africa's adherence to a parliamentary system of government meaning that members of Cabinet are chosen by the President from sitting Members of Parliament. This means that Ministers, who are usually senior members of the ruling political party and male, simultaneously occupy parliamentary seats while serving in Cabinet. When senior members of political parties simultaneously serve as MP and Ministers in the Cabinet, the top positions for nominated MPs will consist of senior political party members pushing women, who are less senior in political parties, to the bottom of parliamentary candidate lists. This makes competition for parliamentary seats particularly fierce and increases the likelihood that women will be displaced for men. The election of Members of Parliament can therefore be seen as a zero-sum game and as Shireen Hassim (2009: 221) argues, the displacement of male incumbents by women candidates is usually resisted by political party leadership. In contrast, Rwanda's presidential system mandates that the role of Member of Parliament and member of Cabinet be mutually exclusive. In conjunction with this, the 2003 Constitution mandates that the political organisation with the majority of seats in the Chamber of Deputies (the Rwandan Patriotic Front) cannot hold more than 50% of the positions in the Cabinet. This means that the leadership of Rwandan political parties are usually present in Cabinet, creating more opportunities for women who are likely to have less seniority on political party candidate lists, to serve in the Chamber of Deputies.[36]

### *5.5. South Africa and Rwanda's high levels of women's descriptive representation and electoral gender quotas*

Gender quotas have been globally acknowledged as instrumental in attaining a critical mass of women in national legislatures around the world (Baldez 2004, 2006; Bauer and Britton, 2006; Dahlerup 2006a, Dahlerup and Friedenvall 2005; Krook 2005, 2007). The divergent outcomes in the form of gender quotas adopted in Rwanda and South Africa reveal important

[35] Article 116(5) of the Constitution of the Republic of Rwanda.
[36] I illustrate this point by hypothetically creating two national parliaments. If a national parliament has 60 seats and 18 portfolio ministers in a parliamentary government, then there are 42 seats available for elected representation in parliament. In a presidential system, if a national parliament has 60 seats and 18 portfolio ministers, then 60 seats are available within parliament.

dynamics about the location of gender within transitional politics and reinforces my argument about the different terms of women's presence and in the state. There are three important differences between the forms of electoral gender quotas operating in Rwanda and South Africa. Firstly, it implicitly reveals the different terms on which the ANC and RPF accessed their respective states as ruling political parties and the kinds of concessions made by these ruling political parties. Secondly, it highlights the differences between enforceable and unenforceable electoral gender quotas and lastly, the differences in electoral gender quotas in both contexts illustrate how different avenues to parliament create their own distinct mandates and obligations on elected Members of Parliament.

Voluntary political party gender quotas, the most common type of gender quotas adopted internationally (Baldez, 2004: 232), function as a form of *candidate quotas* in that they usually prescribe the minimum number of women represented amongst candidates nominated for elected representation. Voluntary party quotas are also known as *soft quotas* in that they are not enforceable and their non-compliance is unsanctioned. They cannot necessarily determine the number of women eventually elected to representative institutions but only the number of women nominated for deployment to parliament (Krook, 2008; Krook, et al., 2008). There are very few voluntary political party quotas that simultaneously adhere to a placement mandate. Placement mandates are a commitment by political parties, who adhere to closed party lists, to rank women in the top positions of nomination lists (Norris, 2004: 187, cited in Baldez, 2006: 104). Drude Dahlerup (2006b: 6) asserts, 'gender quotas in politics may be only symbolic and without effect without rules about placement mandates'.

Voluntary political party quotas, therefore, serve as candidate quotas in that they are a *means* of promoting women's representation on candidate lists but do not and cannot determine the '*ends'* .i.e. gendered composition of elected representatives. Reserved women's seats, like the 30% reserved seats in the national legislatures of Burundi, Rwanda, Uganda and Tanzania, and legislative gender quotas (electoral or constitutional) serve as a form of *representative quotas*¸ in that they mandate the minimum percentage of women who must eventually hold office in representative institutions. This particular circumstance informs the reason that

women in the ANC have always argued for a zipper or zebra system and a stricter enforcement of placement mandates.

Discussing the adoption of candidate gender quotas in Uganda, South Africa and Rwanda, Shireen Hassim (2009a) suggests that the success of the quota campaign in Rwanda can be significantly attributed to the authoritarian nature of the state on which women were making demands for the adoption of quotas. Ironically, for those proponents of the causal relationship between increased women's presence and democracy (Philips, 1995, 1998), it is the Rwandan Patriotic Front's authoritarian control over the country's political space that was able to guarantee women's high levels of descriptive representation in opposition to other interests who did not support the quota. In South Africa, the ruling ANC *voluntarily* adopted a 30% political party gender quota that is applicable not to all represented parties in parliament, but to the ANC and its electoral lists. That the ANC could not enforce this gender quota in the constitution or in subsequent legislation also speaks to the negotiated settlement of the 1994 political situation and the many political compromises that were made during the transition and enshrined in the Constitution. In contrast to South Africa, in Rwanda, gender quotas for parliament are legislated and were enshrined in the 2003 post-genocide constitution.

Three critiques of electoral gender quotas recognize the negative externalities of their application in electoral systems. Firstly, their increased inclusion of women does not necessarily address or transform existing unequal gender institutional dynamics within representative institutions like parliaments. Mahoney and Thelen (2010: 4) argue that 'nearly all definitions of institutions assume that they are relatively enduring features of political and social life (rules, norms and procedures) that structure behaviour and cannot be changed easily or instantaneously'. This analysis is reiterated by Baldez (2006: 106) who argues that gender quotas simply reinforce existing institutional dynamics and 'introduce new players to the political field at the cost of increasing women's access to formal politics through quotas, arguing that '[q]uotas have significantly improved women's access to elected office, without altering either the gendered hierarchies or gendered power networks that govern political advancement'.

The second negative externality of electoral gender quotas is related to the first one and concerns the gendered power networks in parliament that tend to be monopolised by men. Women entering parliament through gender quotas rarely have access to influential male-dominated elite networks, rendering their ability to influence policy fairly minimal (Franceschet and Piscopo, 2014). Lastly, quotas are not discernible about the calibre of women deployed to political office and their implementation by political parties or electoral mechanisms means that women are not accountable to the public or the women's movements but an implementation structure (Goetz and Hassim, 2003; Hassim, 2003b, 2009; Tamale, 1999; 2000). Voluntary political party quotas are also a valuable political resource and therefore vulnerable to abuse in patronage transactions.

### *5.6. Women's Representation and the Gender Equality Mandate Effect*

Rwanda and South Africa's electoral systems illustrate how political opportunities and constraints can never present conclusive gains and losses for specific interest groups but are sometimes contextually ambiguous and contradictory in the ways that they foster representation and locate political accountability within a political system. In post-conflict settings, the prioritisation of political stability informs the choice of electoral system and the mitigation of structural conditions that initially led to conflict are seen as the optimal political good that should result from electoral system design (Lijphart, 1999; Reynolds, 2002). Unfortunately, the choice of institutional design that promotes stability through political inclusion might not coincide with the particular institutional arrangement that promotes women's accountability to women or fosters robust political pluralism.

The analytical focus on strategies to increase women's representation in formal government has unfortunately also failed to critically interrogate how the same strategies that advance women's representation in parliament have also prevented women's effectiveness as autonomous political agents. Certain electoral rules allow more women to access representative political spaces but limit or disincentivise the negotiation of favourable elite patriarchal bargains, restraining direct accountability to women and the women's movements in the broader social context. Ironically, while proportional representation systems are acknowledged as promoting a higher level of women's descriptive representation they are

simultaneously recognised as the electoral system most likely to produce a political system that offers the least degree of accountability of representatives to their constituencies (Diamond, 1990; Dahlerup and Friedenvall, 2005; Norris, 1997). Shireen Hassim (2009), analysing the effects of gender quotas in three sub-Saharan African states (Uganda, South Africa and Rwanda), refers to the 'perverse consequences' of electoral rules and candidate selection on the potential environment for political pluralism and democratic politics within these settings. The majority of sub-Saharan African countries adhering to purely proportional representation systems for national legislature elections have produced outcomes with entrenched dominant party systems and the fragmentation of opposition parties.

In *all* cases of the directed action of women's political mobilisation within the structures of political parties, women have limited control of the final political agenda pursued even with regard to gender equality issues in their societies. In other words, even when women are allowed a certain autonomy in the degree to which they can collectively formulate and pursue a gender-equality agenda, the substance of women's party politics is subject to approval in the sense that it cannot undermine the political party's centralizing narrative. This stresses the importance of political parties' commitment to women's interests as part of broader political goals as well as the substance of its gender ideology.[37]

In terms of 'gender accountability' and the responsiveness to women's interests that it entails, the most important difference between the Rwandan and South African electoral system is the opportunity that women have to access parliament outside of a formal political party through its women's representative reserved seat mechanism. It is the role of the political party as 'power-broker' between the governed and the governing that ensures that 'PR [systems] limit the local accountability of politicians in a political environment in which the government is not controlled by a democratic opposition' (Stroh, 2009: 3). What this means is that while certain electoral rules allow women to access representative political spaces, they can limit or disincentivise women representatives' ability to represent women, and constrain direct accountability to women and the women's movements in the broader social context. Pitkin

[37] Ultimately, a political party's gender ideology determines whether it is sympathetic to women's demands for more rights and gender equality and implicitly also testifies to the importance that a ruling party accords the promotion of the status of women in legitimizing its own principal agenda and the location of gender equality within its wider political narrative.

(1967: 209), locating accountability at the very centre of notions of substantive representation, argues that political representatives are politically redundant if they are not accountable for delivering policy outcomes. This begs the question: what are the implications of PR systems for women when they maximize the number of women in representative institutions but minimise their accountability to women and citizens in wider society.

In instances where electoral gender quotas take the form of reserved seats for women and women citizens are indirectly or directly responsible for voting for other women, the mandate imposed on women representatives present in parliament through this type of gender quota is particularly heightened as women vote for their female representation at a decentralised level. The women's reserved seat mechanism in the Rwandan electoral system imposes a more direct mandate on women to act on behalf of women than the South African electoral system which constructs a mandate that specifically holds women representatives upwardly accountable to their political party hierarchy. This is also the case in Rwanda, to the extent that the RPF totally controls the political space, the ways in which the 24 women elected to represent women in the Rwandan Chamber of Deputies are elected produces an obligation to act on behalf of women.

## *5.7. Conclusion*

Rwanda and South Africa's national parliamentary contexts demonstrate how different post-transition political consensuses result in specific institutional arrangements and electoral rules that circumscribe the terms on which women, as individual and collective political actors, access the parliamentary institution and its political resources. The previous chapter established that women political elites in both Rwanda and South Africa play important roles in a range of nation-building roles that legitimize and reproduce political party narratives. This chapter demonstrated that the terms of women's presence in the state, their formalistic representation, also mediate and affect the possibilities of women's substantive representation. Rwanda and South Africa's electoral systems clearly demonstrate how different post-conflict transitional political consensuses and their institutional arrangements, political systems and accompanying electoral rules not only circumscribe the terms on which individual and collective political actors access the parliamentary institution and its political resources, but

ultimately determine the parameters of women's parliament politics by enabling or constraining political behaviour.

This chapter illustrated four important dynamics that support my thesis' argument regarding the terms of women's presence in parliament and the degree to which these terms can facilitate favourable patriarchal bargains that lead to women's substantive representation. Rwanda's electoral and political systems, with its institutionalised positive discrimination measures that include three types of gender political quotas; presidential system and low political system fragmentation, offer more opportunities for women to access the formal political arena than South Africa's electoral and political system. Importantly, it offers the opportunity for women to access parliament outside of a formal political party. It also imposes a far greater mandate effect and obligation on its women MPs to represent women than the South African electoral system through the women's representative reserved seats administered by its National Women's Council.

# CHAPTER SIX - WOMEN AND POST-TRANSITION PARLIAMENTARY SPACES IN RWANDA AND SOUTH AFRICA

## *6.1. Introduction*

This chapter comparatively introduces Rwanda and South Africa's respective post-transition national legislatures situating the parliamentary environments in which the marriage and divorce legislation, which form the heuristic device around which I analyse women's substantive representation and elite patriarchal bargains in the next chapter, were formed. It explores Rwanda and South Africa's national institutional arrangements, legislative processes and procedures, paying special attention to legislative committees and parliamentary structures that are set up to promote the articulation of women's collective interests in these national legislatures.

Following this introduction, the following section examines Rwanda and South Africa's respective parliamentary models and parliamentary gender machinery, situating parliamentary bodies located within parliament as potential mobilizing structures to facilitate the women's collective parliamentary politics that provide avenues for bargaining and promotes women's substantive representation. Section Three and Four respectively situate the institutional contexts of Rwanda and South Africa's first post-transition parliaments. Section Three includes a brief analysis of the Rwandan Transition National Assembly (TNA) that served as Rwanda's interim representative body for the duration of its nine-year transition (1994 – 2003).

## *6.2. The National Legislature as a Gendered Institution: Parliamentary Models, Legislative Organisation and Institutional Design*

Most theoretical frameworks that propose definitions of liberal democracy define two dichotomous ideal-types of a political system on opposite ends of a spectrum ranging in institutional design from majoritarianism to consensus-driven models (Anderson and Guillory, 1997; Lijphart, 1984; 1989; 1999). Arend Lijphart (1999: 2) positions these ideologies as lying on a continuum where '[t]he majoritarian model of democracy is exclusive, competitive, and adversarial, whereas the consensual model is characterised by inclusiveness, bargaining

and compromise'. Parliamentary models essentially refer to specific institutional arrangements within national legislatures that circumscribe and mediate a range of relationships and roles within legislatures with consequences for the ability of interest groups to make claims on the state (Anderson and Guillory, 1997). Parliamentary models circumscribe specific legislative arrangements and procedural rules and have an important effect on the process and outcomes of legislation formulation and oversight effectiveness (Cox, 2000, Loewenberg, et al., 2002).

Parliamentary models and their institutional arrangements mediate the ways in which multiple political interests are addressed and regulated, whether through inclusion and compromise or exclusion and competition (Lijphart, 1999). They circumscribe political party engagement, political processes of deliberation and debate undertaken in different parliamentary contexts. According to Thelen, et al. (1992), institutions and their arrangements mediate the practice of politics in political contexts, are never neutral and privilege certain political interests over others. This means that parliamentary models and their accompanying legislative arrangements, amongst a range of other factors, play a role in whether women's interests are privileged in the parliamentary arena amongst a range of competing political interests.

The ideal type Westminster-model parliament associated with parliamentary democracies, adheres to the majoritarian model of democracy and the consensual Western European parliamentary regime adheres to the consensual model of democracy (Lijphart, 1999). There are very few national legislatures that are complete ideal types of parliamentary models and even the present British parliament, which represents the original Westminster-model parliament, has instituted parliamentary reforms that detract from the ideal type Westminster model parliament. The parliamentary rules that accompany specific parliamentary models simultaneously function as political resources and the mechanisms through which political resources within parliament are allocated, which has an effect on the ability of women to access these resources in bargaining and negotiating their interests in the legislature and concluding favourable patriarchal bargains. According to Cox (2000: 173), the 'distribution of resources and agenda power stipulated by the rules in turn affects the menu of policy choices with which members are faced'.

Despite Rwanda and South Africa both adhering to proportional representation systems, their parliamentary systems are substantially based on two distinct types of parliamentary models. Rwanda's parliament adheres to the Western European parliamentary model while South Africa's National Assembly, a hybrid parliamentary model, has significant features of a Westminster model. These two parliamentary model influences lead to very different parliamentary institutions in both states. The defining feature of different parliamentary models are the ways in which they mediate different forms of engagement between political parties within parliament. Compared to Westminster-model parliaments that have a number of empirical studies interrogating the parliamentary model's relationship to women's representation (Brookes, 1967; Lovenduski and Norris, 2003; Rai and Jones, 2014; Sawer, et al., 2006), there are fewer studies of women's representation in consensus-model parliaments directly locating women's collective parliamentary politics as an outcome of this kind of parliamentary model (Byrne and McCulloch, 2012; Deiana, 2013).

The gender-equality legislative outcomes that are considered indicators of women's substantive representation within parliament are not formulated, negotiated or amended in the plenary arena of parliament. Childs and Krook (2009: 130), discerning that certain arenas located within legislatures pose greater opportunities for women's individual and collective influence on the legislative agenda-setting and formulation than the plenary floor, argue that 'while women often form small minorities in broader legislative chambers, they may constitute larger minorities in party delegations or committee rooms, where they may be able to have a greater impact on policy formation'.

Women can create specific legislative arenas themselves and in response to the demand for more effective representation of women's interests in parliament, over 33 national legislatures in Africa (including South Africa and Rwanda) have set up specialised parliamentary bodies to enhance women MPs ability to influence legislative agendas. These structures are aimed both at promoting women's organisation within political parties as well as co-operation between women across political parties. Parliamentary gender equality bodies operate as 'women's co-operative constellations' within the legislature (Holli, 2008). Sawer, et al. (2013) argue that when effective, parliamentary gender equality bodies' formal existence and

functioning in legislatures simultaneously affirm and legitimize the gender-equality agenda as a parliamentary mandate and they have the potential to serve as powerful mobilizing structures for women's collective action within legislatures. Parliamentary gender equality bodies take the form of women's partisan caucuses located within larger political party caucuses, women's non-partisan parliamentary caucuses (also known as cross-political party caucuses), gender equality legislative committees and technical research units located within legislatures.

The two particular parliamentary bodies I pay attention to in this study are gender equality legislative committees and women's non-partisan caucuses. These structures are an example of gender equality bodies within parliament that have an entire or partial mandate to promote gender equality within the institution as well as engender the parliamentary agenda. Their functions extend to collectively exercising gender-equality oversight on other parliamentary committees, collectively lobbying male power brokers in parliament to consider endorsing proposed legislation and the initiation of legislation that promotes responsiveness to a women's constituency (Darcy, 1996; Heath, et al, 2005; Kathlene, 1994; Piscopo, 2014; Sawer, et al., 2013). Ideally, this constituency should be a forum of women's civil society organisations with grassroots support). Piscopo (2014) and Sawer, et al. (2013) outline the various strategies through which gender equality bodies enhance collective action. Both cite the mobilisation of resources, capacity and the facilitation of engagement and alliance-building between women MPs, male and female power brokers and gender-equality advocates as important variables in the effectiveness of gender equality outcomes. I explore these two parliamentary arenas in greater detail in order to further gauge their role in facilitating the negotiation of favourable elite patriarchal bargains that result in processes and outcomes that constitute women's substantive representation.

#### *6.2.1. Legislative committee systems*

Legislative committees are the primary parliamentary structures that form the basis of legislative organisation. They are designed to optimally facilitate an effective relationship between the Executive and legislative branch of the government. According to Heath et al. (2005), legislative committees are political resources because they are principally the means

through which political interests are articulated, prioritised and eventually become outcomes. The effectiveness of parliamentary legislative committees depends on range of factors. A legislature's internal organisational structure has significant impact on the strength of the committee system and ability to perform its designated role, particularly its oversight mandate (Hedlund, 1984; Martin and Depauw, 2011). Legislative committees, according to Krehbiel (1991), engage with legislative formulation and scrutiny more effectively than plenary assemblies because of their research specialisation and ability to foster deliberation between smaller numbers of MPs than would be present in plenary assemblies. According to Marian Sawer (2012: 322), in Westminster model parliaments particularly, legislative committees provide more participatory and less hostile terms of engagement than plenary proceedings.

Women and gender-equality legislative committees function as parliamentary legislative committees and can be ad-hoc committees (legislative committees with issue-based and/or time-frame specific mandates) or formally constituted legislative committees with the same procedures and processes, allocated budget, technical support and most importantly, authority as other official parliamentary legislative committees. Their two most important roles involve gender mainstreaming within parliament's other legislative committees and oversight of the national gender infrastructure and the structures of the Executive branch of government concerned with the gender equality mandate. In terms of the national legislature's role in promoting accountability, 'their value [gender equality committees] lies in their ability to work closely with women's national machinery, ombudsman and non-governmental organisation' (International Parliamentary Union, 2010: 2).

The internal organisation of national and sub-national legislatures vary across the world but legislative committee institutional arrangements are generally acknowledged as either single-portfolio model or multi-portfolio model (Martin and Depauw, 2011). A single-portfolio legislative committee structure comprises single mandate individual portfolio committees that *directly* mirror the organisational structure of government, meaning that every legislative committee is assigned a line department as its mandate. In masculine political institutions like parliament, there is a higher likelihood that single-portfolio women's issue committees will be marginalised because they are considered 'soft-issues' and concern gender equality, an issue

that is generally not regarded as politically important (Heath, et al., 2005). A clustered multi-portfolio legislative committee structure is composed of several Standing committees, which are larger, broader clusters with thematically aligned subcommittees examining particular issues.

Sawer (2012: 1) posits that compared to single-portfolio committees, Standing committees 'may have a strongly institutionalised role in applying a gender lens to the legislative process'. Multi-portfolio committees that address gender equality primarily fall into two areas: those addressing gender equality within other portfolios related to social affairs (Social Development, Culture, Education) resembling the South Africa's former Portfolio for Women, Children and People with Disabilities and those addressing gender-equality within the legislative ambit of political, legal and constitutional mandates, comparable to the Zambian Committee on Legal Affairs, Governance and Gender Matters and the Rwandan Chamber of Deputies' Standing Committee for Political Affairs and Gender (Sawer, et al., 2013). These two forms of multi-portfolio committees embody the gendered distinction between 'hard' and 'soft' policy issues that usually influences the sexual division of labour within national legislatures that affects women's presence and leadership in certain portfolios (Vallance, 1979; Darcy, 1996).

'Hard' policy issues are those considered masculine, strategic and encapsulating the realm of priority within the national political agenda and include portfolios related to finance, foreign affairs and justice. 'Soft' policy issues are those considered to be related to be the politics of care and nurturing and include social affairs, education and health (Lovenduski, 1986). Simply put, 'hard' policy issues are more liable to be taken seriously within a political institution like parliament than 'soft' issues. 'Hard' portfolio legislative committee assignments are also considered more prestigious within the parliamentary institution than 'soft' portfolio legislative committee assignments and women who lead hard portfolio legislative committee assignments are in a position to pursue gender-equality interests within important areas of policy making such as Finance and Justice. The disadvantage of multi-portfolio committees related to social affairs is that they are more liable to be marginalised within parliament as a result of their 'soft'-issue policy ambit unlike multi-portfolio

committees with a gender-equality portfolio mandate that is located within a 'hard'-issue policy scope like governance, justice or defence.

When a parliamentary legislative committee is a permanent structure within parliament, it is more likely to be effective and taken seriously within parliament than when it is a temporary or ad-hoc structure operating at the behest of a particular set of political forces. Permanent legislative committees dedicated to the gender equality agenda are constituted and operate in the same ways as all other legislative committees, perform the same oversight roles, public engagement and legislative functions. They can table reports for consideration in plenary sessions, summon ministers for oversight of line departments, accept submissions, hold public hearings and are obligated to adhere to parliamentary committee internal rules. Their status as official legislative committees means that they have multi-party representation (Piscopo, 2014). Mixed gender representation is particularly important for institutional legitimacy and Susan Markham (2012: 9) explains the importance of men's participation on gender equality legislative committees, arguing that 'men and women should serve on the committee so that the committee's recommendations are not dismissed or marginalised as 'only women's issues''. By contrast, as the next section illustrates, women's non-partisan caucuses are defined by their exclusive female membership.

### *6.2.2. Parliamentary Women's non-partisan caucuses: Bargaining resources and Institutional mobilizing incentives*

Women's multi-party caucuses (also known as cross-party women's caucuses) act as temporal and spatial political opportunity sites of engagement for women in parliament to interact, *as women,* outside the ambit of their political parties and parliamentary committees. Women's parliamentary caucuses have been recognised as mobilizing structures used by women MPs to collectively harness and advance mutual interest in promoting women's rights through the passage of gender equality legislation (Thomas and Welch, 2001; Tremblay, 2003). Non-partisan caucuses can operate in parliament as informal networks like the Ugandan Constituent Assembly Women's Caucus or formalised institutional structures like the Forum of Rwandan Women Parliamentarians (FFRP). Providing further rationale for their analysis is the fact that informal women non-partisan caucuses are more common in sub-Saharan African

legislatures than any other region in the world (Sawer, et al., 2013). Interestingly, they have not been systematically analysed.

The most important function of women's non-partisan caucuses, however, are in facilitating a cohesive women's identity among women Members of Parliament and overcoming partisan loyalties in favour of *collective action as women* (Markham, 2012). In a way, women's non-partisan caucuses can be viewed as institutional mechanisms that respond to the construction of women's interests among intersecting political subjectivities. In her study of gender equality caucuses and committees in Latin America, Jennifer Piscopo (2014) argues that the construction of feminist consciousness among women MPs and the unity of women's interests cultivated by *effective* women's only parliamentary caucuses significantly contribute to women's substantive representation.

Many of the factors that influence the effectiveness of gender equality legislative committees affect the functioning of women's non-partisan caucuses. Piscopo (2014) recognises access to resources, formal institutional recognition and the ability to enforce resolutions formulated by women's caucuses as important factors in their effectiveness. She states that women's non-partisan caucuses should only be considered to be 'formally *organised* when they are recognised by the legislatures or have written rules governing membership, meetings, and leadership' (2014: 8). Operating as a site of collective action they can promote consensuses between women from different ideological and partisan backgrounds concerning collective identity interests and strategies for engaging with the legislature concerning its legislative agenda (Thomas and Welch, 2001; Tremblay, 2003).

In Westminster model parliamentary contexts that adhere to proportional representation electoral systems like South Africa, New Zealand and the Republic of Ireland, the politics of parliament are facilitated through adversarial inter-party engagement where women engage with other MPs based on partisan identities. Parliamentary caucuses become particularly important in providing women with a site, within parliament, where cross-party cooperation allows women to collectively mobilise as women on the initiation and drafting of Bills that address gender inequality. Additionally, caucuses provides women with a forum to analyse all

parliamentary outputs as they relate to women and gender equality within their broader societies.

### *6.3. Rwanda's Transitional National Assembly and post-genocide Parliament and Political Party Representation (1994 – 2003, 2003 - 2008)*

The parliament of the Republic of Rwanda conforms to the Western European parliamentary model, also known as the consensus model (The Senate of the Parliament of Rwanda, 2010). On the one hand, this is an inherited legacy of Belgian colonialism, on the other hand this consensus driven model of parliament is the most compatible format for the 'consensual democracy', power-sharing and deliberation model envisaged by the Rwandan Patriotic Front (RPF) government (The Senate of the Republic of Rwanda, 2010). Consensus model governments, which adhere to consociationalism-corporatism, are acknowledged as being most conducive to mitigating conflict within heterogeneous societies, and are often adopted in post-conflict settings (Lijphart, 1999: 33).

Consensus model democracies are defined by interest group corporatism and cooperation (Lijphart and Crepaz, 1991; Lijphart, 1998; 1999). They tend less towards adversarial political party engagement in parliament and single party Cabinet dominance than Westminster model parliamentary systems. Consensus model democracies tend toward coalition Cabinets and executive power-sharing and Rwanda, while an authoritarian state, procedurally conforms to this model.

According to their 2003 Constitution, the political party with a majority in parliament cannot hold more than 50% of the positions in Cabinet. Corporatism is:

> defined as a system of interest representation in which the constituent units are organised into a limited number of singular compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and

> articulation of demands and supports (Schmitter, 1979: 13, cited in Armingeon, 2002: 152).

Bargaining is an intrinsic quality of corporatism, in that deliberation within corporatist models amongst different interest groups is envisaged as a bargaining process in which different political interests are pursued and a compromise is reached that aim to maximize all interests through compromise.

Consensus-model parliaments are distinct in their emphasis on power-sharing arrangements and inclusion of different identity interests and marginalised groups within deeply divided societies and have been adopted for this reason in post-conflict states like Burundi, Northern Ireland and Bosnia & Herzegovina (Lijphart, 1977, 1999, 2004; McGarry and O'Leary, 1993). As the Rwandan genocide showed, contentious identity cleavages such as race and ethnicity cut across gender and 'claims of women may therefore clash with those of other groups that are guaranteed, or seek to be guaranteed, representation in consociational-corporatist political arrangements' (Krook, et al., 2009: 12). The biggest concern about women's representation in consensus-model parliaments and consociational political systems is that their parliamentary politics tend toward legislative institutional arrangements that specifically accommodate ethnic, racial, linguistic or regional identity cleavages (Krook, et al., 2009: 11 -12). Consensus model parliaments potentially threaten to undermine the process of women's mobilisation and representation because they emphasise, and in some cases reify, forms of political mobilisation along other identity subjectivities, specifically ethno-nationalism (Deiana, 2013; Byrne and McCulloch, 2012; Krook, et al., 2009).

While the Rwandan government is effectively a The consensus-model parliament in Rwanda does not undermine women's political mobilisation within the legislative arena because Rwanda's post-genocide political context effectively delegitimizes potentially competing political interests such as ethnicity. As Chapter 4 and Chapter 5 illustrate, on accessing power in 1994 the RPF-led government put an explicit, punitive and legal ban on ethnic discourse, identification and ethnic political mobilisation (Hintjens, 2008; Eltringham and van Hoyweghen, 2008; Purdeková, 2008). Despite the fact that Rwanda's history has been overwhelmingly defined by virulent ethic

conflict, the Rwandan post-genocide political dispensation and parliament, specifically, bypasses the effect of consensus model parliaments on women's gendered mobilisation identified in the literature. Chapter 4 and 5 also illustrate how the political currency of ethnic identity, Hutu majoritarianism and its pre-genocide claims on the state are effectively delegitimised through Rwanda's post-transition electoral system and a complex strategy of de-ethnicisation, which is *heavily* reliant on women's participation in the public domain as a non-ethnic interest group. As Christopher Kayumba argues '[the genocide] brought to power new elites who are ideologically opposed to ethnic entitlements and organising power around ethnicity, as was pursued by its predecessor' (2010: 257).

For the purpose of this study, I rely heavily on analyses of women's parliamentary representation from Western European states that conform to consociationalism and therefore consensus parliaments. A number of single comparative case studies exist of women's parliamentary representation in Western European parliaments (the Nordic states, Ireland, the Netherlands, Germany, France, Belgium, the European Union parliament) that identify consociationalism and the consensus model parliaments. Hayes and McAllister (2013) and Galligan (2013) examine the relationship between women's representation and the post-conflict effects of Northern Ireland's 1998 Good Friday Agreement and its institutional arrangements, highlighting the tension between the diminishing returns on women's representation in lieu of the institutional recognition of other political subjectivities like race, ethnicity and in the case of Northern Ireland, religion.

### *6.3.1. Rwandan Transitional National Assembly (1994 – 2003)*

On 4 July 1994 the Rwandan Patriotic Army, the armed wing of the Rwandan Patriotic Front, entered Kigali and declared victory over the former Rwandan government and the end of the 100-day genocide. The Transitional National Assembly (TNA) was formally established on 25 November, 1994 and was composed solely of *appointed* representatives.

[1] The Transitional National Assembly had virtually no institutional memory, none of the

Members of Parliament appointed had served in the Rwandan government before and only 5 support staff remained from the pre-genocide Rwandan government (Teschner, 2002: 9).

Immediately after the genocide political parties, specifically those with considerable political influence that were established before the legalisation of multi-partyism in 1991, were banned with the rationale that their existence before the genocide meant that they mobilised along ethnic lines, which the RPF argued characterised most political organisations before the genocide (Stroh, 2010; Niesen, 2008). With the exclusion of Hutu extremist parties from inclusion in the post-genocide government, the remaining parties viable for participation in the Government of National Unity who had existed before the genocide, were Hutu moderate and Tutsi parties (Golooba-Mutebi, 2008; Parliament of the Republic of Rwanda, 2010; Scorgie, 2004).[2]

The PL and the PSD were political parties that emerged in opposition to the ruling Hutu MRND party during the period of political liberalisation that preceded the genocide. Widely considered as a political party sympathetic to Tutsi interests, they have emerged as the current 'opposition' to the RPF (Stroh, 2009, 2010). The *Parti Liberal* was considered a largely Tutsi party during the transition period preceding the genocide. The *Parti Social Democrate,* formed in 1991 during the Rwanda's political liberalisation, was widely considered to have had a similar ethnic composition. The aftermath of the genocide presented its own difficulties in the reconstitution of political parties in parliament. The state of the PL and the PSD were

[1] The leadership structure of the Transition Assembly, referred to as 'the Bureau', consisted of a Speaker, Deputy Speaker and Secretary of Parliament (The Senate of the Parliament of the Republic of Rwanda, 2010: 117). The Fundamental Law formally provided for seventy seats in a unicameral Transition Assembly, which were divided between eight political parties in a power-sharing agreement implemented by the Rwandan Patriotic Front (see Table 1). The four main political parties - Liberal Party (PL), Social Democratic Party (PSD), and Democratic Republic - received two more seats than the eleven seats that they had been allocated in the Arusha Accords in 1993, with each occupying thirteen seats. The Christian Democratic Party (PDC) was allocated 6 seats in the Transition Assembly, 2 more seats to the four seats it had been allocated in the Arusha Accords negotiations. Three other parties, the Islamic Democratic Party (PDM), the Rwandan Socialist Party (PSR) and the Rwandese People's Democratic Union (UDPR), were each allocated two seats.

[2] Owing to the culpability of the Habyarimana MRND-led government in the genocide, the former ruling MRND party and CDR was completely excluded from the post-genocide power-sharing arrangement. Other political parties based on ethnic extremism, namely the unsubtly named 'Hutu Power' were excluded for similar reasons. The Rwandan Patriotic Front was exceptionally strategic in creating the appearance of ethnic unity and power-sharing that would bolster its political legitimacy and non-ethnic based credentials but equally selective in its choice of political party recognition.

dire and a considerable proportion of political party leadership had been effectively 'wiped out' (Sebarenzi, 2009).[3]

The first few months of the Transitional National Assembly, according to the first Speaker of the TNA Juvenal Nkusi, were defined by chaos, mutual suspicion and a complete absence of political cohesion about major decisions affecting the country's post-genocide political trajectory.[4] Rose Kabuye, the Rwandan Patriotic Front's complete domination of the parliamentary space, however, provided strong and forceful leadership in needed to decisively enact legislation.[5] While the Rwandan Patriotic Front's dominance and gatekeeper role of the political space played a part in the lack of genuine political pluralism, the weakness of opposition parties after the genocide was also a definitive contributing factor. Anderson Mwenda (2009, cited in Kayumba, 2010: 183), identifying the RPF's complete domination of post-genocide Rwanda's politics, asserts that the destabilisation of society that follows an event like genocide results in…'other social forces become too weak to influence the public debate. Consequently, a public spirited winning party can easily rally mass support, organize relatively unified action and pursue collective action'. Opposition parties were some of the worst affected by the genocide and were therefore bound to be weak and amenable to co-option in the reconstituted political system which they proved to be (Jones, 2012: 237).

Since 1994, therefore, the legislative arena has been firmly controlled by the Presidency and more specifically, the ruling party and the Head of State. Additionally, it has been instrumentalised as a legitimizing arena in the stifling of opposition parties, independent civil society organisations and the RPF's control of the political space (Reyntjens, 2013). While this became more obvious in 2003 when a bicameral parliament established the Senate with a mandate to approve or disband political parties, the use of parliament to legitimize the restraint of the opposition has been a feature of parliamentary culture since 1994.

[3]Along with Tutsi politicians, moderate Hutu politicians widely considered as Tutsi sympathisers, were specifically targeted for elimination. Rwanda's former interim Prime Minister during the Arusha Accord transition period that preceded the genocide Agathe Uwilingiyimana, who was a Hutu moderate, was targeted and assassinated on the first day of genocide.

[4] Nkusi, Juvenal. Interview. Kigali, Rwanda. 3 December 2013.

[5] Kabuye, Rose. Interview. Kigali, Rwanda. 14 February 2014.

The post-genocide Transition National Assembly cannot be described as one embodying a robust multi-partyism and its lack of autonomy from the Executive and ruling political party effectively set the tone for the orchestrated opposition politics and 'apolitical' non-partisan partisan politics that defines Rwanda's current parliamentary politics where the conception of partisan and non-partisan in Rwandan politics is extremely fluid. Honourable Member Désiré Joseph Nyandwi, a Member of Parliament since 2002 when he served in the Transition National Assembly, observed that the biggest problem with the TNA was the tendency of certain political parties to assert their partisanship.[6] Nyandwi condemned this behaviour, stating that these parties were not taking into account the politics that initiated the genocide.

| Political Organisation | Number of Seats allocated in 1993 Arusha Accords | Number of Seats allocated in Revised Arusha Accords |
|---|---|---|
| Rwandan Patriotic Front (RPF) | 11 | 13 |
| National Republic Movement for Democracy | 11 | 0 |
| Democratic Republican Movement (MDR) | 11 | 13 |
| Liberal Party (PL) | 11 | 13 |
| Social Democratic Party (PSD) | 11 | 13 |
| Islamic Democratic Party (PDM) | 0 | 2 |
| Rwandese People's Democratic Union (UDPR) | 0 | 2 |
| Rwandan Socialist Party (PSR) | 0 | 2 |
| Christian Democratic Party (PDC) | 4 | 6 |
| National Army | 0 | 6 |
| Total | 70 | 70 |

*Table 6.1. Stakeholders Provisions by Arusha Peace Agreement (As Implemented during the first 5 years of transition (1994-1999)) Source: The Senate of the Parliament of the Republic of Rwanda, 2010*

### *6.3.2. Women in the Transition National Assembly*

Within the Rwandan political system, 'power-sharing' and the presence of opposition political party representatives in Cabinet and Parliament is continuously invoked to counter accusations of RPF hegemony (Reyntjens, 2010; 2013). The Speaker of the Transition Assembly was serves as Rwanda's third most powerful individual after the President and Deputy President (Sebarenzi, 2009). The stipulations of the power-sharing agreement

[6] Nyandwi, Joseph Désiré. Interview. Kigali, Rwanda. 11 February 2014.

mandated that the Speaker and Deputy Speaker of the Transition Assembly should either belong to the Liberal Party or Social Democratic Party. The position of Parliamentary Secretary was to be held by the Democratic Christian Party or one of the other smaller parties (the Islamic Democratic Party, the Rwandan Socialist Party and the Rwandese People's Democratic Union) (Sebarenzi, 2009: 138). The RPF and MDR were precluded from holding these positions as they occupied the positions of President of the Republic and Prime Minister of the Republic, respectively.

The Transition National Assembly also reflect the dynamics of women in opposition parties in the legitimisation of the Rwandan Patriotic Front's authority and a trend that began during the transition is the increasing prominence of women from "opposition parties" legitimizing the RPF through their presence in "oppositional roles". A range of positions have been explicitly reserved for opposition members and non-affiliated technocrats to assert the form of institutional checks and balances on the Rwandan Patriotic Front and women are the biggest recipients of these positions.

Women's roles in legitimizing the ruling party by acting as the 'opposition' are rewarded with considerable upward mobility in politics. For example, Rwanda's power-sharing arrangements mandate that certain positions are filled by opposition party members. In 1997, Jacqueline Muhongayire, currently a Senator in Rwanda's parliament's Upper Chamber and a member of the Social Democratic Party, was elected the Deputy Speaker of the Transitional Assembly. The Speaker of the Chamber of Deputies cannot be a member of the ruling political party and Rwanda's current Speaker, Honourable Donatille Mukabalisa, is from the Liberal Party.

Initially, the women present in the TNA were not specifically concerned with women's issues or a specific gender equality agenda but worked within the areas mandated by their respective parliamentary committees[7]. According to Nkusi, during this time, there was no distinction between men and women MPs mandates because the overwhelming and urgent priorities were the same and all involved the need to address the immediate aftermath of the genocide, which included some of the horrific realities of burying the dead, reconnecting families and

[7] Nkusi, Juvenal. Interview. Kigali, Rwanda. 3 December 2013.

livelihoods.[8] By 2003, the Rwandan Women's Parliamentary Forum had gradually coalesced into an informal but loosely structured collective of women.

All of the women in Rwanda's Transition National Assembly from 1994 to 1999 were appointed by their political parties and women's descriptive representation was initially low (see Table 6.2). A cursory examination of the percentage of women appointed to Rwanda's Transition Assembly in 1994 did not foreshadow the high numbers of women that would eventually be elected to Rwanda's Chamber of Deputies in 2003. In 1995 and 1996, women made up 7% (5 seats) and 15.7% (11 seats) of the TNA, respectively. In 1997, women composed 17% (12 seats) of the Transition Assembly. This increased to 20.2% (15 women) in 1998 and remained at 20.2% in 1999 and 2000. In 2001 and 2002, women represented 27% (20 seats) and in 2003, the year that Rwanda's transition formally ended the end of the transition and inaugural parliamentary elections held, eighteen women (24%) of the MPs in parliament were women.[9] While this figure was still relatively high for an appointed parliament, it still did not foretell the near gender parity (48.3%) of women's representation that would follow the transition in 2003.

| Year | Number of Women in Parliament | Number of Seats in the Transitional National Assembly |
|---|---|---|
| 1994 | 6 | 13 |
| 1995 | 5 | 0 |
| 1996 | 11 | 13 |
| 1997 | 12 | 13 |
| 1998 | 15 | 13 |
| 1999 | 15 | 2 |
| 2000 | 15 | 2 |
| 2001 | 20 | 2 |
| 2002 | 20 | 6 |

[8] Nkusi, Juvenal. Interview. Kigali, Rwanda. 3 December 2013.

[9] Archives of the Rwandan Chamber of Deputies.

| | | |
|---|---|---|
| 2003 | 18 | 6 |

**Table 6.2. Women's Representation in the Transitional National Assembly (1994-2003) Source: Archives of the Rwandan Chamber of Deputies.**

The increase in the number of women in Rwandan parliament was an incremental process and in addition to the RPF's explicit sanctioning of the trend, their slow insertion into the space is the likeliest reason that their prominent presence in the national legislature following the 2003 did not lead to a significant backlash from male parliamentarians. There were very few women in the Rwandan parliament immediately after the genocide and in 1994, only 6 members of the 70-member legislature were women (Rwandan Women Parliamentary Forum, 2011: 16). Four more seats were introduced into the Transition Assembly in 1998 after two new categories of representation were introduced in the Urugwiro Debates for Women and the Youth, who were each allocated two seats (The Senate of the Parliament of the Republic of Rwanda, 2010).

In 1998, the Ministry of Gender and Family Promotion (MIGEPROF) organised Rwanda's first ever post-genocide local government elections, which were to be for the members of the newly among the women's councils (Bauer and Burnet, 2013; Burnet, 2008). Two women were elected to the Transition Assembly in what was to serve as the blue-print for women's electoral structures in the post-transition era. Interestingly, the first series of post-genocide local elections held during Rwanda's nine-year transition period were grass-roots structures for women. These structures would eventually emerge as the current women's councils that serve as the basis for Rwanda's post-transition women's-only electoral colleges responsible for choosing the representatives for the 24 women's reserved seats in the Chamber of Deputies (Burnet, 2008; Kayumba, 2010).

### *6.3.3. Rwandan Parliament and Political Party Representation (2003 - 2008)*

Rwanda's first post-genocide presidential and parliamentary elections in 2003 heralded the official end of the country's transition period and the transformation of its unicameral Transition National Assembly into a bicameral legislature, composed of the Chamber of

Deputies (Lower House of Parliament) and the Senate (Upper House of Parliament). The Rwandan Transitional National Assembly marked a complete break with Rwanda's previous parliamentary structures and processes. The bicameral parliament inaugurated after the culmination of the post-genocide transition period in 2003 reinforced Rwanda's complete rupture with its pre-genocide unicameral parliament. A significant degree of political party institutionalisation had taken place during that time. In fact following nine years of political transition, Rwanda's political system was largely consolidated.

After the 2003 election, the country's parliament became the legislature with the highest number of women in parliament with 48.8% of all seats being occupied by women. Women secured 39 seats out of the 80 non-reserved seats, 24 women were elected to the reserved seats and 15 out of 53 seats (29.3%) derived from political party lists went to women.[10] Seven political parties were elected to the Chamber of Deputies in 2003 (see table 1). The Rwandan Patriotic Front-coalition; consisting of the Islamic Democratic Party (PDI), the Christian Democratic Party (PDC) the Rwandan Socialist Party (PSR) and the Rwandese People's Democratic Union (UDPR); obtained a landslide majority of 73.8%. The RPF won 33 seats out of the 53 seats chosen through proportional representation. The PSD obtained seven seats and the PL obtained 6 seats.

The inclusion of gender equality rights in the country's 2003 constitution is a governmental hallmark implicitly reflecting the same quality on the government regime that facilitated its formulation and adoption. It specifically provides for the creation of two governing bodies with the responsibility for ensuring the promotion of gender equality in Rwandan society and oversight on women's issues. The Gender Monitoring Office was primarily established as a monitoring and evaluation institution with a principal mandate is to ensure oversight of Rwanda's state gender machinery and evaluate the implementation of the constitutional

[10] In Rwanda's post-transition election in 2003, the 24 seats that comprised the women's representation quota were filled through the election of two women from each of the 12 provinces, who were selected by women's only electoral colleges. The revision of the model of decentralised government changed this system in 2006 when the number of provinces decreased from 12 provinces to 5 provinces (4 provinces and the City of Kigali). Presently, the South Province, West Province and Eastern Province each elect 6 women to parliament, the Northern Province elects 4 women and 2 women from the City of Kigali are elected to form the 24 women's representation seats.

gender quota at all levels of national decision-making.[11] The 2003 Constitution also institutionalised the National Women Council established in 1996 into the formal framework of the state gender machinery.

### *6.3.4. Rwanda's parliamentary gender machinery: Women's caucuses and cross-party collective agency*

The Rwanda Women Parliamentary Forum (*Forum pour les Femmes Parlementaires,* FFRP*)* operates as the Parliament of the Republic of Rwanda's non-partisan legislative structure and is concerned with issues that are considered pertinent to women's interests and gender inequality with the legislative institution. Since its formation in 1996, the caucus has become more effective in articulating women's concerns in parliament and is widely acknowledged as an international best-practice model of parliamentary cross-party cooperation (Powley and Pearson, 2007). The Forum largely facilitates and leads consultative processes with constituents outside of the formal arena and is known for lobbying constituents for support in advocating for crucial changes within parliament (Powley and Pearson, 2007; Burnet, 2008).

According to Rwanda's first Speaker of the Transition National Assembly Juvenal Nkusi, the FFRP did not just emerge in one day but came from the increasing necessity of women's needs in the immediate genocide and the need of the few women, who were in parliament from 1994 to 1996, to leverage their numbers as a minority within the institution.[12] Women parliamentarians therefore drew on past experiences of collective mobilisation from civil society and formed a cross party caucus known as the Forum of Women Parliamentarians whose membership included all women parliamentarians regardless of political party affiliation. From 1996 to 2003, the FFRP operated in Rwanda's Transition National Assembly in a semi-informal capacity functioning without an official institutional budget or recognition from the Transition Assembly. This meant that they were not required to report back to

[11] Article 185 of the Constitution of the Republic of Rwanda
[12] Nkusi, Juvenal. Interview. Kigali, Rwanda. 3 December 2013.

parliament and also did not have the mandate to act in any oversight capacity concerning the mandates of other parliamentary committees.

After the formal end of the transition period, women MPs who accessed parliament in 2003 made the decision to institutionalise the body as a parliamentary caucus which would compose women from both Houses of parliament. The Executive Committee formulated a strategic plan that was finalised in 2005 and undertook fundraising for the caucus, with the recognition that resource mobilisation would be a fundamental prerequisite for effective collective action.[13] They were able to attract more donor funding as result of formal objectives outlined in the strategic plan. While the FFRP was created as a women-specific legislative institution during Rwanda's transition in 1996, it was effectively utilised by a later cohort of women parliamentarians as a mobilizing structure to initiate, formulate and ensure gender equality outcomes. It illustrates how the institutionalisation of women's non-partisan caucuses can lead to sustaining gender-equality outcomes in that 'movements often benefit from opportunities created by predecessors' (Gamson and Meyer, 2006: 276).

The FFRP is tasked with a number of objectives that strategically placed it in a position to take the lead in passing the country's Gender-based Violence Act, the passage of which directly addresses the Caucus' mandate to undertake 'revising existing laws that discriminate against women, drafting new laws that promote gender equality, and lobbying for the inclusion of a gender perspective in all activities of government' (Powley and Pearson, 2007). According to Deputy Athanasie Gahondogo, who served as the FFRP Secretary General from 2003-2005, one of the main priorities for the first cohort of women MPs elected to the Chamber of Deputies was the initiation of the Gender-Based Violence Act and Deputy Gahondogo asserts that 'for us [the FFRP] ,that is the most important law of this period [2003 – 2008]'.[14]

The FFRP's degree of structural organisation and mode of operation is impressive, particularly because non-partisan women's parliamentary caucuses tend to be informal networks. Beyond its non-partisan character, which is more a reflection of the institutional

[13] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.
[14] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.

context in which it operates, it has an organised Bureau made up of 5 structures, all with clear mandates and designated roles.[15] The body has a committee structure that facilitates a particularly strong gender-mainstreaming objective. I could not confirm whether this was coincidental or not, but the President of the FFRP Ignatienne Nyirarukundo and the President of the Legal Affairs committee of the FFRP Honourable Esperance Nyirasafari are *both* Members of the particular parliamentary committee addressing gender equality, the Standing Committee for Gender and Political Affairs. This allows the work of the Standing Committee and FFRP to feed into each more seamlessly.

The FFRP plays an interesting gate-keeper role within parliament's consideration of gender issues and serves as the first port of call for women's interest groups and other stakeholders within the Rwandan political system who seek to influence the process of agenda-setting necessary to initiate legislative outcomes. This role perfectly encapsulates the envisaged role played by legislative bodies by advocates of women's political participation who emphasise the relationship between women political elites and the women's movement in facilitating gender-equality outcomes. It also has a range of statutes that prevent it from becoming a personalised body or alternative power base of operation within parliament. It has rotating leadership embodied by a provision that changes leadership every 2 years without the chance of re-election, which offsets any foreseeable leadership squabbles.

### *6.4. South Africa's Post-Apartheid Parliament and Political Party Representation (1994 – 1999)*

Distinct in adversarial deliberation and oppositional decision-making culture, South African parliament observes a hybrid parliamentary system that has distinctive Westminster-based parliamentary features (Calland, 1999a, 1999b). While the Upper Chamber of parliament the

[15] The Rwandan Women Parliamentary Forum has five governing structures (National Democratic Institute, 2008). The General Assembly is comprised of all women Members of Parliament of the Chamber of Deputies and the Senate. The Executive Committee has nine members, is in charge of management of the FFRP and presides over its 5 Standing Committees. The five Standing Committees are respectively responsible for Women capacity-building and empowerment; Partnership and advocacy; Gender and legislation; Monitoring of policies, gender strategies and budgets; and Research, documentation and ICT. An Audit Committee of three members is responsible for the Forum's accounts. The Executive Secretary deals with the Forum's daily management. The fourth structure is the Audit Committee, composed of three members who are in charge of the forum's accounts, ensuring that the General Assembly's resolutions are implemented and the resolution of conflicts that may arise in the forum. The last governing structure is the Executive Secretary, which is in charge of the forum's daily management'.

National Council of Provinces has its own particular model, the National Assembly of the Republic of South Africa combines certain elements of a Westminster-based parliamentary model. As this chapter will illustrate, although significant changes were made to the South African legislature in 1994 that hybridised its functioning, its most distinct features are based on the legacy of the Westminster-based parliament that South Africa adhered to from 1910 to 1983.

The most distinct features of an ideal-typical Westminster-based parliament is its parliamentary sovereignty,[16] an Executive branch of government formed from parliament and accountable to parliament (parliamentary system), a separation of the positions of Head of State (President or Monarch) and Head of Government (Prime Minister), a two party adversarial system, a majority political party that usually arises from an electoral system based on a constituency-based plurality system, and structured adversarial character, promotion of confrontational engagement between the government and opposition political parties in parliament (Lijphart, 1996).

A national legislature located in 'the Westminster model of democracy sets up a government-versus-opposition pattern that is competitive and adversarial' (Lijphart, 1999: 16). This contentious relationship is even reflected in the spatial organisation of the Debating Chamber where the government and opposition parties sit across from each other in a symbolic enactment of confrontation. The government led by the Prime Minister sit in rows to the right of the Speaker and the opposition (made up of one or numerous political parties) sit to the left of the Speaker. Strong political party discipline remains a hallmark of the classic Westminster model, but plurality electoral systems do not and Westminster-based parliaments in certain countries like South Africa, Ireland and New Zealand are elected through proportional representation. Westminster-model regimes rarely have coalition governments and the Executive branch of government is usually dominated by members of the political party with a majority of seats in the parliament (Lijphart, 1999: 10). Westminster-model regimes tend towards the domination of the legislative branch of government by Cabinet.

[16] Parliamentary sovereignty refers to the supreme power of parliament over other government institutions including the judiciary. The courts cannot overrule parliament or override legislation passed in parliament.

My theoretical engagement relies on situating South African parliament as a hybrid political institution with distinctive Westminster-based features that facilitate an analysis of the National Assembly, specifically its adversarial political party engagement and party discipline. The most prominent aspects of South African government that reflect Westminster-based government features are its adoption of a parliamentary system in which parliament elects the President. The South African government and its parliament deviate from the ideal-type Westminster system in a number of ways that were introduced by the 1993 Interim Constitution and subsequently retained. Firstly, the positions of Head of State and Head of Government were fused in 1983 to create an executive presidency. This arrangement continued unchanged after 1994. Secondly, parliamentary sovereignty was rescinded and constitutionalism was adopted to establish a constitutional democracy. During the negotiations, a proportional representation was adopted, moving away from the majoritarian electoral system associated with Westminster governments (Calland, 1999a; Murray and Nijzink, 2002).

The combination of proportional representation electoral systems and Westminster-based parliaments tend towards the reification of political party differences with gendered effects that usually constrain women's collective mobilisation within parliament. Mackay (2008) and Sawer (2012) assert that non-partisan cooperation in Westminster model parliaments is not common. This extends to women's multi-party collective mobilisation and invariably affects the potential for the initiation of women's multi-party parliamentary caucuses and if established, their effectiveness.

There are contexts within Westminster parliament, however, that promote transformative gender equality outcomes. To a larger extent in Westminster-based parliaments with more cohesive political parties than consensus-based parliaments, the political party imposes 'conformity pressure'. Conformity pressure refers to the lack of political autonomy that Members of Parliament have in their legislative behaviour as members of political parties with strong party discipline (Thomas, 1990). Whether conformity pressure is a political opportunity or constraint for negotiating favourable elite patriarchal bargains is contextual. Political parties can institute a closed vote on issues that are favourable to women such as land

rights and abortion or a closed vote on issues that are detrimental to women such as reducing maternity leave.

Traditionally, Westminster parliaments allow free votes on parliamentary legislation related votes Many ANC members, including women, were opposed to legislating abortion and indicated that they would vote against the proposed legislation (Britton, 2005). The ANC instituted a closed vote, instructing MPs to vote according to the official party line, which favoured the legalisation of abortion. The legislation therefore passed and it is debatable whether it would have passed had the ANC not instructed its MPs to vote favourably. In this sense, political party discipline advanced women's interests, specifically reproductive rights, highlighting the need for political party agendas and ideologies to respond to gender equality mandates.

### *6.4.1. Post-apartheid Parliament and Political Party Representation (2003 - 2008)*

The four-year period of multi-party negotiations initiated in South Africa in 1990 culminated in a negotiated settlement that saw South Africa's first non-racial post-apartheid election take place in April 1994. South Africa's newly established bicameral national legislature became the symbolic site of the state's post-apartheid multi-racial political dispensation and the institutional embodiment of its commitment to democratic inclusiveness and diversity (Calland, 1999a; Murray and Nijzink, 2002; van der Westhuizen, 2012 - 2014). Effectively 'the most important public arena during the liberal moment was parliament' (Walsh, 2010: 160).

On 9 May 1994 South Africa's first democratically elected government, African National Congress, inaugurated a Government of National Unity (GNU)[17]. The National Party (NP), the former ruling party of the apartheid state, attained the second highest number of votes with 82 seats in the National Assembly (20.4%) and became the official parliamentary opposition

[17] According to the 1993 Interim Constitution, a Government of National Unity was a power-sharing agreement in which any political party who attained more than 20 seats (10%) within parliament could be represented within Cabinet. It disintegrated on 3 February 1997 when the National Party withdrew its participation from the Cabinet, although the Inkatha Freedom Party continued its participation until 2004. Only three political parties obtained more than 10% of the seats in the National Assembly and the GNU was composed of the Inkatha Freedom Party, National Party and the African National Congress.

party. The third highest proportion of votes was won by the Inkatha Freedom Party with 10.54% of the votes (43 seats).

| Political Party representation in 1994 | Seats in National Assembly | Number of women |
|---|---|---|
| African National Congress | 252 (62.6%) | 90 |
| National Party | 82 (20.4%) | 9 |
| Inkatha Freedom Party (IFP) | 43 (10.54%) | 10 |
| Freedom Front (FF) | 9 (2.17%) | 0 |
| Democratic Party | 7 (1.73%) | 1 |
| Pan Africanist Congress (PAC) | 5 (1.25%) | 1 |
| African Christian Democratic Party (ACDP) | 2 (0.45%) | 0 |
| Total | 400 (100%) | 111(27.8%) |

**Table 6.3. Political Party Representation in 1994 South African parliament. Source: Independent Electoral Commission**

The collective aspirations for the national legislature's ability to produce substantial outcomes to promote gender equality were raised when, in a matter of weeks in 1994, the number of women in South African parliament increased from 2.7% to 27.7% (Britton, 2005; Geisler, 2004; Hassim, 2006; Walsh, 2010). Out of the four hundred Members of Parliament elected to the National Assembly, 109 were women. This represented the highest number of women to ever sit in South African Parliament. Senior ANC Member and former Chairperson of the Women's National Coalition Frene Ginwala was elected unopposed as the Speaker of Parliament in 1994. As part of the agreement between President Nelson Mandela and Vice-President F.W de Klerk that established the Government of National Unity, the office of the Deputy Speaker was to be held by National Party member Bhadra Ranchod. In 1996, the election of a women Speaker and Deputy Speaker of parliament, Frene Ginwala and Baleka

Mbete, were similarly regarded as positive indicators of the commitment of political parties and the legislature to gender equality. Interestingly, both Ginwala and Mbete were in exile with the ANC, giving credence to the supposition that women in exile are very powerful within the organisation.

Entering parliament after the 1994 democratic election in numbers previously unseen in South African history, the 117 women elected as political representatives encountered a harsh, sexist environment with an entrenched dominant masculine culture (Britton, 2005; Geisler, 2000; Hassim, 2006; Vetten, et al., 2012). This male bias reflected the patriarchal nature of the South Africa parliamentary institution, mirrored in seemingly mundane details like the absence of women's toilets on some floors in the building. A large cohort of the women who had worked together in various civil society organisations under the non-partisan platform of the Women's National Coalition accessed parliament as representatives of their respective political parties in 1994. Interviewees, who had participated in the WNC and entered parliament in 1994, like Nosizwe Madlala-Routledge and Suzanne Vos spoke about 'knowing each other from before'.[18]

Harnessing the non-partisan networks that had been formed within the WNC, women MPs organised across political parties to strategise ways in which the institution could be made more responsive to women's increased presence (Vetten et al., 2012). South African women MPs used their collective voice to demand changes to parliament's physical environment and masculine culture that would reflect a more 'gender-sensitive parliament' (Wängnerud, 2013). In addition to negotiating that the parliamentary calendar be synchronised with school holidays, women were successful in lobbying for the establishment of a crèche within parliament that would enable them to bring young children to work with them.

From 1994 to 1996, running concurrently with the regular parliamentary programme, the National Assembly and the Senate (as it was then known) combined to form a 490 member Constitutional Assembly that would draft South Africa's final Constitution. South Africa's parliament therefore served two functions in addition to the legislature's other roles. The

[18] Vos, Suzanne. Interview, Cape Town. 23 July 2013 and Madlala-Routledge, Nozizwe. Interview. Cape Town, South Africa. 27 June 2013.

approval of the Constitution would require a two-third majority of the Constitutional Assembly. The legitimacy of the constitution-making process was established in two crucial ways. Firstly, it was legitimised through the democratic election of the representatives of the Constitutional Assembly in the first post-apartheid elections in 1994 and secondly, through the widespread participation and sensitisation of the public and civil society organisations in the constitution-making process through various fora, namely mass media, and the solicitation of input from the broader South Africa population and stakeholder meetings with civil society organisations (van der Westhuizen, 2012–2014: 11).

The Final Constitution was passed in May 1996 and in many ways, the procedural and institutional reforms to post-apartheid parliament's processes and procedures directly mirror the values of the final Constitution. The newly established Parliament of the Republic of South Africa specifically accommodated the inclusion of South Africa's identity diversity through its procedures and rules. Members of Parliament are allowed to express themselves in any of the eleven languages officially recognised by the 1996 Constitution and the formal dress code requirements of the former parliament was scrapped, enabling Members of Parliament to wear traditional dress or dress informally (Hasson, 2010).

The most drastic change in the post-apartheid parliament was the implementation of an expanded and more empowered parliamentary committee system with extensive authority that paralleled the executive structure of government departments to facilitate parliament oversight (Calland, 1999a, 1999b; Hasson, 2010; Leon, 2008; Murray and Nijzink, 2002).[19] Within both the National Assembly and National Council of Provinces, a number of Committees exist to facilitate parliament's core functions and ensure that issues are considered in greater detail than they would be at a plenary session or joint sitting of parliament. Membership of a parliamentary Committee corresponds to the composition of the National Assembly, in that it is proportionally representative of political parties in Parliament.

[19] A parliamentary legislative committee in the National Assembly, a Portfolio Committee, is a structure with twenty seats that are proportionally allocated to political parties based on their proportional representation in parliament.Within the National Assembly *a Portfolio committee* corresponding to each National Ministry and its equivalent department, exists to shadow and monitor ministerial/departmental performance and make recommendations about the implementation of policy and legislation. Portfolio committees are also tasked with the consideration of Bills and departmental budget votes.

During apartheid there had been 13 Portfolio committees which had played minor and supportive roles to the Executive branch, in legislative formulation and parliamentary oversight (Calland, 1999a; Murray and Nijzink, 2002). In 1994, South Africa's parliamentary committee system was drastically overhauled and 'overnight, committees moved from being in the shadow of the executive to becoming the engine room of Parliament' (Calland, 1999a: 25). The number of parliamentary committees established increased to twenty seven Portfolio committees and a 'watch-dog' function was envisaged for the parliamentary institution which would be enhanced by the ability for parliamentary committees to conduct oversight on their corresponding line departments.[20] During apartheid, parliament's weak committee system had not warranted a full research and support staff component and a research unit had not existed. In the first post-apartheid parliament, however, these were provided for Portfolio, Select and Joint committees and 'post-1994 Parliament has an efficient operational infrastructure with good library facilities, large numbers of researchers and other administrative support staff' (February, 2006: 128).

For the duration of the first post-apartheid government, parliament was in a permanent state of change and transformation as it struggled to define an institutional identity and carve its niche within South Africa's newly overhauled political system (Feinstein, 2010; Leon, 2008). This constant negotiation of political interests and institutional change fostered by the country's changing post-apartheid political context allowed for a more substantive engagement between the ANC parliament majority, its Government of National Unity partners and the opposition in the immediate post-apartheid years. Describing the immediate post-apartheid parliamentary institutional context, however, Tony Leon (2008: 381) recalls that 'there was a strong feeling that the nation's legislature was opening up. This proved to be, over time, both brief and illusory'. This proved to be true and retrospectively, the robustness and democratic culture of parliament proved to be a 'moment'.

The ANC's dominance of the South African political space was immediately initiated on its accession to the state as the government and leader of South Africa's first post-apartheid

[20] The first post-apartheid parliament (1994-1999) and second post-apartheid parliament (1999-2004) had 27 Portfolio Committees. From 2004 – 2009, the National Assembly had 25 Portfolio Committees. From 2009 to 2014, the National Assembly had 39 portfolio committees. South Africa's fifth post-apartheid parliament currently has 32 portfolio committees (Parliament of the Republic of South Africa, 2014, 21 May).

Government of National Unity (GNU). Firstly, the consensual power-sharing agreement that accompanied the Government of National Unity only applied to Cabinet positions and the failure of the Nationalist Party or Inkatha Freedom Party to negotiate its application to parliamentary committees was acknowledged too late (Calland, 1999a). This error was likely caused by the historically marginal role played by previous apartheid parliaments in relation to the executive branch of government and the lack of foresight regarding the central role that parliament would play in a reconfigured post-apartheid state.

Historically, the antagonisms of apartheid and the mutual antipathy between the political parties in parliament (ANC, NP and IFP) set the tone for the racially and ideologically adversarial engagement that would emerge in parliament. Institutionally, the Westminster-model parliament's promotion of the adversarial structure of majority party engagement with the opposition can be seen to have been cemented and institutionalised as a political culture that would make women's non-partisan collective mobilisation difficult.

The year 2001 was a particular dark year for parliamentary opposition. At the beginning of that year, a decision was enforced to remove Democratic Alliance MPs from the chairmanship of public accounts committees in the national legislature and provincial legislatures, on grounds related to 'their failure to remain within the conventions of 'constructive opposition' (Lodge, 2003: 166). On several occasions in 2001, the parliamentary Ethics Committee, dominated by ANC MPs, obstructed efforts to address the political misconduct of parliamentarians Tony Yengeni and Winnie Madikizela-Mandela (Lodge, 2003: 166).

Gumede (2007: 169) argues that the first three years of the South Africa's first apartheid parliament were defined by a more robust engagement from ANC MPs with their leadership and cites Phumzile Mlambo-Ngcuka's public admission that 'the first parliament of 1994 had been much 'stronger' than the current crop of ANC MPs'. Former ANC MP Andrew Feinstein (2007: 123) confirms this and reflecting on the ANC Parliamentary Caucus meetings, writes that '[d]uring the Mandela years the caucus room had resonated with sharp debate and discussion, passionate argument and profound polemic…two years after Thabo Mbeki had assumed the leadership of the ANC, the caucus reflected a more disciplined, choreographed and constrained party'. President Thabo Mbeki was also less accommodative

of opposition parties within parliament and unwilling to engage with their concerns in the same way that President Mandela had done. Suzanne Vos recalls two occasions when she had jointly written to President Mandela with DA Member of Parliament Dene Smuts, to request that a certain piece of legislation be sent back to parliament for reconsideration[21]. She indicated that the same terms of engagement would not have been possible with former president Thabo Mbeki.

The political trends that currently characterise the country's national legislature had not been adequately institutionalised in the first post-apartheid parliament but there were tentative harbingers during the first post-1994 parliament that the national legislature was not going to emerge as a robust and democratic space. Former Democratic Alliance leader Tony Leon (2008: 386), who led the official opposition party in the National Assembly for 8 years (1999-2007), recalls that by 2004 'a decade later, parliament had become a little more than an echo chamber, a platform for non-debates about non-issues'. These indicators included the lack of discipline, parliamentary absenteeism, the towing of the party line and the reproduction of internal political party hierarchicalisation in parliamentary procedures and processes.

Since 1994, worrying trends have manifested within the South African government which have had direct manifestation for the possibilities of pursuing a gender-equality mandate through the state. As explained earlier in this chapter, the ANC-led Tripartite Alliance wished to engage antithetically with the state legacy of apartheid and frame its governance distinctly in opposition to its predecessor apartheid government. Transparency, accountability and citizen participation were particularly emphasised and for the first time in South African history, committee meetings and plenary sessions were open for attendance to the public and the press (Calland, 1999a; Obiyo, 2006; Murray and Nijzink, 2002). The emphasis on parliament's mandate as the interface between representatives and 'the people' was articulated through the creation of a constituency system which would require Members of Parliament to conduct community service in an assigned area as a representative of government.

### *6.4.2. South Africa's Gender Equality Legislative Committees: The Joint Monitoring Committee on the Improvement of the Quality of Life*

[21] Suzanne Vos Interview.

The committee that would eventually be known as the Joint Monitoring Committee on the Improvement of the Quality of Life and the Status of Women was initially established, by the Speaker's Forum of parliament, as the ad-hoc Joint Monitoring Committee on Improvement of Quality of Life and Status of Women (JMC) in August 1996. The committee was given the status of a permanent committee in June 1998 (PMG, 24 March 1999). The committee was led by dynamic ANC feminist Pregs Govender.

It was formed with the specific mandate of playing a parliamentary oversight role on the implementation of two key international gender equality legislative frameworks across government departments and bodies, namely the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which South Africa had ratified in 1996, and the 1995 Beijing Platform for Action (PFA). In fulfilling its mandated role, the committee was also tasked with recognizing gaps in existing policy and legislation and proposing policy and legislation that would advance women's status and promote gender equality (Gouws, 2006). As a result of the content and substance of CEDAW and the PFA, the JMC's initial mandate inadvertently meant that it was primarily responsible for the monitoring of crucial gender equality outcomes in South Africa across a range of government spheres. From the beginning, the JMC had an ambitious mandate. Ironically the JMC's biggest strength, its oversight function and mandate, was also its biggest obstacle. It had the authority to call ministers to account. Many of the MPs that participated on the Committee acknowledged that it had an ambitious mandate. Ginwala says that 'there was not enough time'.

A central tension existed in the wide scope of the mandate assigned to the JMC and its initial status as an ad-hoc parliamentary committee, which meant it had no assigned budget, formal recognition in parliament and no supportive or administrative staff. This reflects issues around the state's prioritisation of the JMC's mandate and more complex considerations regarding the articulation of political will towards promoting gender equality, within the national legislature. Amanda Gouws (2006) observes another inherent contention in the role assigned to the JMC. Although the JMC is itself a multi-party parliamentary committee, it has been mandated to monitor, assess and make recommendations about the legislative process, in which it participates. This entails a necessarily guaranteed measure of autonomy in its ability

to evaluate and critique other parliamentary committees but sufficient organisational reflexivity and institutional knowledge that it recognises its own role in its assessment.

The JMC meetings were poorly attended, punctuality was a persistent problem and the JMC meetings were often scheduled at the same time as other committee meetings which automatically took precedence as they were permanent committees (PMG minutes, 18 February 1998). Even after the JMC was made a permanent Joint Committee, the way in which it was integrated into the parliamentary institution reflected its marginalisation within the institution. When asked if MPs outside of the JMC took the committee's mandate seriously, DA MP Janet Semple commented that they did not but that a larger concern was that the parliamentary institution itself, did not take the JMC seriously.[22] Semple recalls that 'the JMC used to meet on Friday morning, which meant that because there were never any sittings of parliament on a Friday, most people [who did not live in Cape Town] went home on Thursday afternoon'.

Attendance at the JMC meetings was so poor, in fact, that a quorum was rarely met. Semple remembers that 'sometimes you would have some departments coming to present, and there would be two people sitting there'.[23] Janet Semple recalls that 'some of the smaller parties didn't even bother to attend, especially ones which had all male representatives…it would be impossible for someone from the Freedom Front to come along to one of those things or the PAC'.[24] Semple also recalls that in addition to 'working quite well' with MPs from smaller opposition parties like the UDM, IFP and the ACDP, she worked equally 'well with women from the ANC on issues that we thought were quite important'.[25] Semple recollected, however, that often a united position had been agreed on an issue between opposition MPs and ANC MPs on the committee 'but when it came to the crunch, they [ANC MPs] would back down'.[26]

Illustrating the significance of 'critical actors' championing progressive gender agendas within parliamentary structures specifically for women (Childs and Krook, 2006, 2009;

[22] Semple, Janet. Interview, Johannesburg, 17 October 2013
[23] Semple, Janet. Interview, Johannesburg, 17 October 2013
[24] *Ibid.*
[25] *Ibid.*
[26] *Ibid.*

Dahlerup, 1988), Pregs Govender's departure from parliament in 2002 had considerable consequences. In the midst of a fervent atmosphere of Aids denialism by President Thabo Mbeki, which was implicitly sanctioned by the ruling party's deafening silence on the issue and explicitly championed by a women parliamentarian Health Minister Manto Tshabalala-Msimang, Pregs Govender took a principled stand. In her capacity as Chairperson of the Joint Monitoring Committee on the Improvement of the Quality of Life and the Status of Women, Govender held public hearings on HIV/Aids in order to understand the gendered impact of the pandemic (Govender, 2007). In a report tabled in her committee and parliament, against the wishes of the ANC Parliamentary Caucus, Govender completely contradicted the Mbeki denialist stance (PMG Minutes, 14 November 2001). In this case, Govender's politics of principle conflicted with her politics of survival and she found it untenable to remain in parliament and effectively 'resigned under political duress' after abstaining from the Arms Deal vote. [27]

The JMC rapidly deteriorated after Govender's departure and only met once at the beginning of 2004 (PMG Minutes, 19 February 2004; Vetten, et al., 2012). Pregs Govender stands as a testimony, for many within the ruling party, of what can occur to a party member if they do not tow the 'party-line' and allow their personal politics and principles to determine their political behaviour. This had ramifications for ANC MPs generally, and women, specifically, that went far beyond the individual incident of disagreement with the Caucus. It established a cautionary precedent in indicating the political party's response to dissent and illustrated that 'the political implications of taking on the President, cabinet, or the party are profound' (van der Westhuizen, 2012 - 2014: 37). It is suggested that this cautionary message was clearly received and effectively internalised, judging from subsequent political behaviour from both male and female MPs.[28]

### *6.4.3. South Africa parliamentary gender machinery: Women's Caucuses and cross-party collective agency*

[27] Interview with Parliamentary source. Cape Town, South Africa. 21 August, 2013.

[28] Interview with Parliamentary source. Cape Town, South Africa. 21 August, 2013.

There is an existing idealised narrative about the effectiveness of the non-partisan networks of the women's caucuses established in South Africa's first post-apartheid parliament (Britton, 2005; Calland, 1999a; Commission for Gender Equality, 1999; Geisler, 2004; Vetten, et al., 2012). The reality is more complex and women's multi-party caucuses in South African parliament were plagued by difficulties that inevitably affected their capacity for effective non-partisan women's collective mobilisation. Channelling the cooperative multi-party relationship that had defined women's activism in the Women's National Coalition during the transition period, women parliamentarians drew on past civil society experiences of collective mobilisation to form organised meeting structures to articulate feminist solidarity within parliament and strategize ways in which policy and legislative outputs could be engendered (Vetten, et al., 2012). Under the leadership of the Speaker of Parliament vocal feminist Dr. Frene Ginwala, these cross-party caucuses and parliamentary bodies were formed and allowed to operate in the National Assembly.

The South African women's non-partisan parliamentary caucuses were the Women's Empowerment Unit (WEU) and Parliamentary Women's Group (PWG) which had a membership that included all women parliamentarians, regardless of political party affiliation (Britton, 2005; Vetten, et al., 2012). These caucuses functioned simultaneously as a supportive body for women parliamentarians and as fora for the consideration of issues pertinent to women's interests and gender equality. The Women's Empowerment Unit supported women parliamentarians in gaining technical capacity and familiarising themselves with the legislative process, while the Parliamentary Women's Group (PWG) assisted women parliamentarians in learning about strategies involved in passing legislation that would advance a gender equality agenda.

The Women's Empowerment Unit and the Parliamentary Women's Group were not institutionalised within parliament, however, and did not receive support from institutional resources (Vetten, et al., 2012). By 2002, both caucuses had largely fizzled out. Partisan politics similarly extended to the functioning of women's parliamentary caucuses like the Women's Empowerment Unit and Parliamentary Women's Group, 'some MPs also commented that the idea of a caucus that was not subject to the authority of party whips was

increasingly seen as problematic to party hierarchies' (Vetten, et al., 2012: 11). Hassim (2006b: 195) further notes that the failure of women political elites within parliament to sustain multi-party women's caucuses 'was a strong indication of the shallowness of common interest among women from different parties'. Where women activists had advocated, lobbied and framed their demands for women's gains in a non-partisan manner under the ambit of the Women's National Coalition during the transition, the proportional representation system of South African parliament and the Westminster model parliament's reification of partisan identities in parliament made it almost impossible to articulate demands in a non-partisan or independent way.

The Women's Empowerment Unit was established to identify the factors that prevented women from effectively participating in parliament and legislative processes and addressing these particular constraints. It was a South African parliamentary initiative sponsored by international donor funding from the Swedish International Development Agency (SIDA) and operated as a unit in the Speaker's Forum.[29] In addition to the National Assembly, each provincial legislature had a WEU unit. The initiative was not sustained however and the WEU folded in 2002. The Parliamentary Women's Group (PWG) assisted women parliamentarians in learning about strategies involved in passing gender-responsive legislation. These caucuses functioned as a site of women's solidarity within parliament that were deliberately aimed at fostering feminist cooperation and collectively articulating women's interests.

While these legislative bodies are widely regarded as having been successful forums for women's non-partisan engagement while they were operational (Britton, 2005; Calland, 1999a; Commission for Gender Equality, 1999; Geisler, 2004; Vetten, et al., 2012), there is evidence that this opinion was not shared by all women parliamentarians specifically those in the opposition. Janet Semple, a Democratic Alliance MP from 1999 to 2009, regarded the Parliamentary Women's Group as 'a complete waste of time'.[30] Semple recalled that 'meetings were called just for the sake of meetings to once again tick the boxes…there was never really any substance to the meetings. We probably met twice a year'. Sheila Camerer,

[29] The Speaker's Forum is a national structure located within the Parliament of the Republic of South Africa which is composed of the Speaker and Deputy Speaker of the National Assembly; the Chairperson and Deputy Chairperson of the NCOP; and each of the nine Speakers and Deputy Speakers of the 9 Provincial Legislatures.
[30] Semple, Janet. Interview, Johannesburg, 17 October 2013.

who was in the National Party before she joined the Democratic Alliance, noted that the bulk of the meetings were concerned with who would lead the structure and no constructive engagement occurred about mobilizing women.[31] Former Inkatha Freedom Party MP Suzanne Vos cannot recall these structures having existed.[32]

### *6.5. Parliamentary gender equality bodies and Women's Collective Mobilisation*

Under-resourced and unrecognised women's caucuses usually do not have the influence required to exert pressure on the legislature to realise their claims and are frequently ghettoised within the parliamentary system. Access to resources allow women's caucuses to engage research support and administration capacity which forms a crucial dimension of the legislative-making process's mandate to respond to concrete issues within a society and identify solutions, in terms of identifying best-practices and alternative positions on legislation. As an institutionalised parliamentary body with recognition from parliament, formal funding and membership of all women MPs, from both the Senate and the Chamber of Deputies, political claims on the state articulated by the FFRP were effectively legitimised.

Processes of political mobilisation intersectionally orientate different subjectivities for individual women and ultimately determine around which group identity individuals will mobilize. According to Yuval-Davis (1997: 10), the category of 'woman' as an identity can only be perceived as cohesive, if all other intersecting identities and notions of difference are suppressed and subordinated. A cursory look at the women currently in parliament in South Africa and Rwanda will reveal more than racial and ethnic fault lines, even within membership of the same political party.

In proportional representation parliamentary systems with histories of protracted identity Rwanda and South Africa, the construction of a collective gender identity that serves as a basis for women's collective action within parliament are particularly important because of intersectional politics and political party representing the primary associative unit of parliament. South Africa's Westminster parliament system and its emphasis on party discipline makes non-partisan women's caucuses particularly important as they provide a fora

[31] Camerer, Sheila. Interview. Wellington, South Africa.19 August 2013.
[32] Vos, Suzanne. Interview, Cape Town. 23 July 2013.

to overcome partisan loyalties and develop collective feminist agency. Unfortunately, the very same dynamic that warrants their functioning within parliament unequivocally contributes to their failure, namely their virulent partisanship.

Women's caucuses do not successfully promote mobilisation if women are unable to overcome political party loyalties. The effectiveness of women's non-partisan caucuses therefore is highly dependent on a state's electoral system and parliamentary model, which circumscribe political party engagement. The adversarial political party engagement that defines South Africa's proportionally represented Westminster parliament would present the biggest challenges to women and in addition to the lack of recognition by parliament and funding constraints, the failure of the Parliamentary Women's Group was the failure of the electoral system and political party engagement to effectively promote and institutionalize non-partisan women's parliamentary politics.

It is important in assessing the effectiveness of the Forum of Rwandan Women Parliamentarians (*Forum pour les Femmes Rwandaises Parlementaires,* FFRP*)* and gender-equality legislative committee to emphasise that the Rwandan Chamber of Deputies and Senate are devoid of any adversarial political engagement between political parties in committee meetings or plenary sessions. The success of the Rwandan Women's Parliamentary Forum is not the success of a non-partisan women's caucus that has managed to overcome partisan cleavages to work together as women. Rwanda's political system, its negation of robust political pluralism and the enforcement of a consensus by the ruling party has mandated non-partisan cooperation within parliament. Rwanda's negation of substantive political party identification in its political system has developed a parliamentary model that facilitates the extension of this cooperative dynamic to non-partisan institutions within parliament. Rwandan women political elites in parliament were able to utilize their women's caucus to claim and advocate for parliamentary outcomes because women's collective action in parliament, unlike South Africa women's parliamentary politics, is not constrained by partisan politics.

Articulating claims on parliament through the vehicle of a recognised gender-specific women's caucuses has the strategic benefit of legitimizing demands in that 'both the

institutional mandates of gender-focused bodies and the less formal mandates of collective bodies of women's parliamentarians provide a focus and leverage beyond that of individual parliamentarians' (Sawer, et al., 2013: 6). As the Rwandan Women's Parliamentary Forum illustrates, in national legislatures with high women's descriptive representation, effective non-partisan women's caucuses are bargaining resources where the numerical clout of women and collective articulation of demands on the legislature can be successfully used as leverage to demand gender-legislative outcomes. Formal recognition and institutionalisation of women's caucuses is therefore crucial.

### *6.6. Parliamentary Gender Equality Bodies and Dual Representation*

Even women who emerge from a background in feminist organising in civil society and are expected to be accountable to the women's movement, once in political office, face contested loyalties between the political party and a women's constituency when these political agendas are in contention, and Shireen Hassim (1999, 2003b) situates women's representation, and its perceived expectation to address a gender equality agenda as confronting a 'politics of dual representation'. In her study of the relationship between the gendered organisation of Ugandan parliament and women MPs, Sylvia Tamale (1999) observes the contradictions faced by women elected to the National Assembly by women voters through affirmative action mechanisms. Similar to Rwanda where the representatives elected to women's reserved seats are voted for by women within designated districts, Ugandan women representatives are elected alongside a non-affirmative MP from the same district but are expected to represent their constituencies and not just the women within the districts creating the obligations of 'double representation'.

Tamale (1999: 74) observes that the terms of women's inclusion in the Ugandan state, specifically women elected through affirmative action mechanisms, does not necessarily allow women MPs, even those adopted through affirmative action, to specifically represent a women's constituency. Tamale (1999) argues that the 1995 Ugandan Constitution and the electoral system it enshrines does not construct women in the broader Ugandan society as a special interest group that women MPs represent, but rather emphasises the critical mass of Ugandan women as representatives for the entire country. She concludes that '[t]he context

"allows" women to partake of the political cake: to participate in decision-making but not to represent women as an interest group; not to carry special responsibility for women' (Tamale 1999: 74).

Double representation is the additional mandate that affirmative action representatives are perceived to have to represent women in addition to their electoral constituencies. The concept can be seen to problematize that of the mandate effect explored by Piscopo (2011) and Tamale (1999: 79) observes that '[a]ny woman who occupies the affirmative action seats is immediately confronted with whether she represents women or the district…[therefore] women have a larger area of operation than other MPs'. The issue of double representation applies similarly to Rwandan and South African women MPs. Double representation imposes a double burden of labour on women within parliament, but manifests itself in vastly different ways because of the differences in each country's electoral system, which I explored in Chapter Five.

## *6.7. Conclusion*

This chapter introduced and outlined Rwanda and South Africa's respective parliamentary models and their internal organisational structures. It specifically explored each parliament's institutional arrangements and gender equality parliamentary bodies, focusing on the effectiveness of gender equality legislative committees and women's non-partisan caucuses in facilitating women's collective political mobilisation and incentivising favourable elite patriarchal bargains. I showed how specific institutional arrangements served as opportunity and constraint structure for women's collective interests. This chapter also established that the role of women's caucuses in improving gender equality outcomes, 'sensitising' parliament to gender equality and facilitating women's collective mobilisation were decisive in the Rwandan context, their role in South African parliament has been less decisive.

# CHAPTER SEVEN- WOMEN POLITICAL ELITES AND POST-TRANSITION PARLIAMENTARY SPACES: SITUATING GENDER LEGISLATIVE OUTCOMES

## *7.1. Introduction*

This chapter comparatively examines the formulation and passage of legislative outcomes governing marriage and divorce law in post-genocide Rwanda and post-apartheid South Africa. It situates this legislation as the successful outcome of a process of women's elite patriarchal bargaining undertaken by women Members of Parliament in each state's respective first post-transition parliament. The passage of the Rwandan Gender-based Violence Act and the South African Recognition of Customary Marriages Act reveal important dynamics regarding the negotiation and conclusion of elite patriarchal bargains as the basis of women's substantive representation in both states.

Falling within the ambit of family law, legislation addressing marriage and divorce has historically been a critical arena for feminist struggles and contestations against and within the state (Glendon, 1987; MacKinnon, 1987; Htun, 2003). The legal status of marriage and divorce has profound significance for women's status in the private arena and the willingness of government to guarantee gender equality within the domestic sphere. The terms of legal regimes mediating women's private lives such as marriage and its dissolution and reproductive rights are an implicit reflection of a government's broader commitment to the well-being of women within that society (Lovenduski, 1986; Htun, 2003). In sub-Saharan Africa where the relationship between traditional authority, customary law and gender equality is inherently fraught with ideological tensions, legislative outcomes regarding marriage and divorce implicitly convey the ideological nature of the state in regard to gender equality (Glendon, 1987, 1989; Htun, 2003; Tripp et al., 2009).

There are several stages through which an area of women's concern within society becomes politicised and eventually, through lobbying and advocacy, agenda setting, resource mobilisation, framing and bargaining, a legislative outcome. I pay specific attention to the relationship between the critical mass of women in parliament and the organised women's movement located outside the state to illustrate the importance of the strategic partnership between the women's movement and senior women power brokers in political parties in the

process of agenda setting and successful negotiation of gender equality legislative outcomes. The political process model outlines mobilizing structures, political opportunities and framing processes as the main components in successful collective action (McAdam, McCarthy and Zald, 1996). In this sense, women's successful collective action in parliament will rely on these three variable to different degrees. While I have attempted to simplify the process for the purposes of analysis, it is a complex process involving multiple actors and political arenas and as Goetz (2003: 29) emphasises, the 'voice-to-representation-to-accountability' relationship that defines substantive representation is not causal but complex and multi-faceted.

Following this introduction, Section Two and Three explore the processes by which the relevant legislation were passed in each setting and demonstrate how parliamentary institutional bodies were used and discursive opportunities leveraged in order for women political elites to successfully frame demands and collectively bargain *within and with* parliamentary political parties. Section Four provides a comparative discussion of the agenda-setting and framing processes that accompanied the passage of each law. Section Five comparatively examines the legislative outcomes eventually passed in Rwanda and South Africa with a focus on how each countries' broader political contexts promoted or constrained the legislation passed.

### *7.2. Women's Representation and the 2008 Rwandan Gender-based Violence Act*

Rwanda's 2008 Gender-based Violence Act was introduced into the Chamber of Deputies by the parliament of Rwanda's multi-party women's caucus, the Rwandan Women's Parliamentary Forum (FFRP). The Act is equally distinct in being the first piece of legislation, since the end of the transition in 2003, to have been initiated by Members of Parliament rather than the executive branch of the Rwandan government. In effect, the proposed legislation was a collective Private Member's Bill. The Act was also distinct in being a gender equality Bill that was equally supported by men and women in the Chamber of Deputies.

In 2004, the Rwandan Women's Parliamentary Forum began a national process of sensitizing Rwandan women to the gender equality provisions of the newly promulgated Rwandan

Constitution passed in 2003. The initiation of this process was to lead to the introduction of a proposed new law called the Gender-based Violence Act.

[1] During the consultations between women MPs and ordinary Rwandan women during the FFRP's constituency work, the issues of violence against women and polygamy were identified as priorities for women, specifically rural women. The FFRP specifically recognised violence against women and children *within* polygamous marriages as a particular area that needed to be addressed. Although the newly passed Constitution established marriage as a monogamous institution, rural women specifically asked for a legislative guarantee to punish informal and formal polygamy, which was still being widely practised in certain areas of the country.[2]

In response to the issues that emerged from the FFRP's constituency work, a broad-based consultative process enabled by donor funding was initiated. In 2005, the FFRP had meetings with various national stakeholder representatives (Ministry of Gender and Family Promotion (MIGEPROFE), the Ministry of Justice and national police) and international stakeholders (UNIFEM) to discuss proposing a law on gender-based violence (Powley and Pearson, 2007). The FFRP also conducted stakeholder meetings with community leaders in order to ascertain the extent of gender-based violence at the community and local level. The FFRP was able to form alliances with stakeholders, which were leveraged and established as a legitimate basis to pass the law.

A particularly important relationship that emerged as a bargaining resource during the passage of the 1999 Inheritance Act and 2008 Gender-based Violence was the strategic cooperation between the Rwandan Ministry of Gender and Family Promotion, *Pro-Femmes/Twese Hamwe* and the FFRP that constituted a particularly effective women's co-operative constellation in the advocacy and lobbying process of gender equality legislation. Honourable Athanasie Gahondogo noted that the relationship between the FFRP and women's civil society organisations, represented by *Pro-Femmes/Twese Hamwe*, was particularly strong during the

[1] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.
[2] *Ibid.*

transition and the two parliamentary terms following the end of the political transition (Burnet, 2008: 374).[3]

Following these broad-based stakeholder meetings, women Members of Parliament undertook a mass media campaign that included print media, radio and television that aimed to elicit citizens' opinions and thoughts around the issue of gender-based violence and polygamy. A national gender-based violence conference, jointly funded by the United Nations Development Programme and UNIFEM, was held in the first week of October 2005 (Powley and Pearson, 2007). Following the national conference, the FFRP undertook their *'descentes en terrain'* (constituency work), returning to their districts to engage their grassroots constituencies on various issues, specifically gender-based violence. The constituency work also solicited opinions to take back as recommendations to parliament for the drafting of the Bill.

In November 2005, the FFRP invited 24 women activists against gender-based violence based in provincial National Women Councils (2 women from each of Rwanda's 12 districts) to parliament to engage in information-gathering sessions (Powley and Pearson, 2007). In December, 2005 consultants had compiled information, recorded stakeholder meetings and workshops, and gathered recommendations. These were assembled into a policy document that the FFRP would use as a basis for the proposed Gender-based Violence Bill. In December 2005, the FFRP formed consultative committees for the purpose of drafting the Bill. The consultative committees were composed of women parliamentarians with legal expertise, legal advisors from parliament, representatives from civil society and the Rwandan legal community as well as representatives from MIGEPROFE, the Ministry of Justice and the National Police.

Over the course of 9 months until its introduction into parliament on 2 August 2006, the consultative committee met monthly to draft the Bill. While the Bill was being drafted, the FFRP lobbied male parliamentarians to support and co-sponsor the Bill's introduction into the Chamber of Deputies (Powley and Pearson, 2007). MP Athanasie Gahondogo recalls that when a preliminary draft of the legislation had been completed 'we thought it was not very

[3] *Ibid.*

wise not to integrate men…it was no longer a matter for FFRP women, it was a matter for parliament'.[4] When asked how the FFRP identified the particular men who would eventually endorse their Bill, Honourable Gahondogo explains that they approached men whom they knew to be particularly gender sensitive from their experiences of working with them in Standing Committee meetings and all of the men approached were amenable to sponsoring the Bill.[5]

### *7.2.1. Passing the Rwandan Gender-based Violence Act*

The Draft Law on the Prevention, Protection and Punishment of any Gender-Based Violence was introduced into the Chamber of Deputies for debate by 8 MPs (4 women and 4 men) on 2 August 2006.[6] The FFRP adopted a careful strategy of using equal numbers of women and men in order to emphasise the Bill as an intervention for *gender equality* as opposed to one that deliberately benefitted women. The Bill was debated in the Chamber of Deputies over two plenary sessions. On the first day, the discussion in parliament was led by FFRP President Judith Kanakuze. Despite the careful orchestration of support from male leaders, the bill was met with resistance. There was a barrage of questions from male members of parliament about what they perceived as the Bill's incongruity with Rwandan national identity and the perception of its privileging women at the expense of men. At the close of the three hour plenary, no resolution had been reached.

One of the biggest objections was the draft law's perceived incongruence with Rwandan culture. In her speech in the first plenary session debating the GBV law, MP Marie Josée Kankera asserted: 'that in our culture there is no culture of traumatizing, or violating the one with which you live' (Chamber of Deputies Archives, Plenary Session. 2 August 2006). Honourable Marie Josée Kankera tried to allay fears that the law disproportionally favoured women, which served as one of the reasons for men's resistance to the legislation (Chamber of Deputies Archives, Plenary Session. 2 August 2006). She argued 'that men who are violated, it [proposed GBV law] always protects them without exception' (Chamber of Deputies Archives, Plenary Session. 2 August 2006). Another concern raised by MPs was that

[4] *Ibid*.
[5] *Ibid*
[6] The Bill was later passed as the 'Gender-based Violence Act'.

proposed punishment imposed by the GBV Bill was too strict. Honourable Kankera countered this assessment of the Bill, arguing that the Rwandan population of women who had initially alerted women MPs to their plight had asked that 'a grave crime be punished severely' (Chamber of Deputies Archives, Plenary Session. 2 August 2006). Additionally, Kankera noted that severe punishment served as a preventative measure.

The Bill was discussed in a plenary sitting of the Chamber of Deputies on the 3 August, 2006 and passed to committee. Out of the 63 Deputies present at the plenary debate, 54 voted in favour of the legislation and 9 voted against it. In a process that lasted almost 2 and a half years, the Bill was debated in committee and revised. The Bill's long residence in committee was seen as an unintended consequence of two factors. The first reason was the need to conduct extended consultations with the Ministry of Justice to ensure the Bill's compatibility with the Rwandan Constitution and other legislation being proposed (Herbert, 2015). The second reason was attributed to the numerous revisions and amendments required by the Bill. Legislation proposed by the executive branch of government benefits from the technical expertise of government ministries, while the Bill's proposal by MPs meant that more attention would have to be paid to possible legal inconsistencies (Powley and Pearson, 2007). The Bill was approved by both the Chamber of Deputies and the Senate in July 2008. Following a delay by the legislative review and translation process, the Act was gazetted and eventually published in 2009.

### *7.2.2. Political Opportunities and Framing strategies for Rwandan Gender-based Violence Legislation*

There is an overwhelming consensus in both the post-genocide government and Rwandan population that women bore and continue to bear the overwhelming brunt of the genocide. It remains an enduring and salient theme in the country and most of the informal conversations and semi-structured interviews I conducted during my fieldwork with Members of Parliament, both male and female, prefaced their responses with variations of the statement 'because of the genocide and the ways in which women suffered…'.[7] The overwhelmingly devastating and gendered effect of the genocide on Rwandan women of all ethnicities created specific

[7] Various interviews. Doctoral Fieldwork. Kigali, Rwanda. November 2013 – June 2014.

vulnerabilities that prominently located women as a constituency warranting particularly decisive interventions in the post-genocide period. A patriarchal legal regime inherited from the pre-genocide state exacerbated women's vulnerable status in the immediate post-genocide period when, according to Rwandan law, women could not inherit land or property from deceased husbands or other male relatives and found it difficult to access and inherit land that they had cultivated and lived on before the genocide.[8]

The 1999 Inheritance Act and the ways in which women framed their demands for land inheritance rights reflect the bases on which claims were made on the state that drew on gendered experiences of the genocide. By invoking the particularly gendered vulnerability of widowhood and the extent of the plight of widows who lacked the social protection that a male head of household would offer, women were able to frame their demands in terms that appealed to the protection of the state through its ability to pass legislation that empowered women imposing an obligation to address inheritance rights as part of a larger programme of post-genocide reconstruction and rehabilitation. As an institutionalised parliamentary body with official recognition from parliament, formal donor funding and membership of all female MPs from both the Senate and the Chamber of Deputies, women's interests articulated by the Rwandan Women Parliamentary Forum were effectively deemed politically legitimate. The FFRP utilised this particularly gendered circumstance and the metanarrative it produced to validate their demands for a Gender-based Violence Act and it has been strategically invoked by a number of gender equality stakeholders in Rwanda.

The FFRP strategically made the important decision not to solely frame the issue of violence against women as a women's issue but to specifically locate it within a wider culture of violence that equally affected men. This strategic framing was an extension of the alliances made with male colleagues and relied on the knowledge that men's involvement with the law would increase the perception around its importance and legitimize the need to pass the

[8] Muganza, Angelina. Interview. Kigali, Rwanda. 17 February 2014.

legislation.[9] The need to frame legislation in terms that did not threaten male authority seemed to have been the main consideration.

Women's cooperative constellations were used to particularly successful effect in 1999 when the co-operative constellation between the Rwandan Ministry of Gender and Family Promotion and *Pro-Femmes/Twese Hamwe* managed to leverage their collective demands to obtain inheritance rights for women. As an institutionalised parliamentary body with official recognition from parliament, formal donor funding and membership of all female MPs from both the Senate and the Chamber of Deputies, political interests articulated by the Rwandan Women Parliamentary Forum were effectively deemed legitimate. Women's civil society organisations' roles in articulating ordinary Rwandan women's experiences of gendered precariousness and vulnerability in the aftermath of the genocide was crucial and the relationship between *Pro-Femmes/Twese Hamwe,* the Ministry for Gender and Family Promotion and the FFRP can actually be considered symbiotic. The strategic coalition between MIGEPROF, *Pro-Femmes/Twese Hamwe* and the FFRP generates considerable momentum regarding political processes around law-making for gender-equality. Deputy Rose Mukantabana, the Chamber of Deputies first Speaker of the Chamber of Deputies (2008 – 2013), explains that 'a particular aspect of our country Rwanda and different institutions is this kind of interaction, collaboration between institutions. Either you are in government, you are in parliament, you are in civil society. We have this idea that we work for the same objective'.[10]

There is a high circulation of women political elites in the Rwandan public sphere. It fosters a network of allies across various state and non-state public arenas that are key to establishing women's cooperative constellations. As iterated in previous chapters, many women who were part of the Rwandan Patriotic Front in exile joined the Rwandan women's movement after 1994 and as the representation of women in the Transition National Assembly incrementally increased, these women relocated from civil society to parliament and personally initiated legislative responses to the issues that resonated during their time in civil society while

[9] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.
[10] Mukantabana, Rose. Interview. Kigali, Rwanda. 18 February 2014.

maintaining networks in civil society whose gendered concerns they could continue to elicit.[11] The continuing relationship between women MPs formerly involved in women's civil society organisations also allowed the Rwandan women movement with access to power brokers within the state.

This was a considerable bargain resource and I will illustrate the effects of the high circulation of women political elites in the Rwandan public sphere using two examples. The first example is Suzanne Ruboneka, who became the chairperson of Rwanda's umbrella national women's movement ProFemmes/Twese Hamwe in 1996. Ruboneka grew up in exile in Congo and Burundi and on her return to Rwanda in 1994, proceeded to work for the Ministry of Gender and Family Promotion. In 1996, she moved from MIGEPROF to Pro-Femmes/Twese Hamwe and significantly leveraged her networks and access to the Ministry to advocate for the country's Inheritance Law. The second example is the late Judith Kanakuze who was the President of the FFRP during the initiation and passage of the Gender based Violence Act. She is widely acknowledged as one of Rwanda's foremost gender equality champions and is a genocide survivor. Kanakuze was one of three women who served on Rwanda's twelve-member Legal and Constitutional Committee as a civil society representative and was instrumental in attaining the 30% gender quota enshrined in Rwanda's 2003 Constitution. Before entering parliament in 2003, she served as a consultant on gender equality issues on civil society and was elected to the Chamber of Deputies as a women's representative in 2003. She was elected as the President of the FFRP in 2005. She returned to the Chamber of Deputies in 2008 as a member of the RPF. Kanakuze was present in the political arenas of many of the sites where favourable elite patriarchal bargains were concluded during the country's political transition and she used her access and influence to power brokers within the ruling political party to advance the Gender-based Violence Act (Burnet, 2008).

Interestingly the Rwandan women's movement, embodied by the umbrella organisation *ProFemmes/Twese Hamwe* seems to have played a less prominent role in the agenda setting, framing and legislative passage of the Rwandan Gender-based Violence Law than their

[11] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.

previous roles in the advocacy campaigns for the 1999 Inheritance Law and the political participation campaign (2002 – 2003) that accompanied the passage of quota legislation in 2003. This suggests that the women present in parliament from 2003 were the same women who were in *Pro-Femmes/Twese Hamwe* advocating for the other gains outside of the state. The waning involvement of Pro-Femmes in gender equality legislation in relation to the FFRP's increasing influence reflects the exodus of women from the informal political arena to the formal political arena.

### *7.3. Women's Representation in the South African National Assembly (1994– 1999) and the 1998 Recognition of Customary Marriages Act*

The Recognition of Customary Marriages Act forms one of a trio of 'gender equality legislation' passed in 1998, along with the Maintenance Act and Domestic Violence Act. These three pieces of legislation were specifically fast-tracked to pass before the dissolution of the first post-apartheid parliament that would precede South Africa's second national and provincial democratic elections in 1999.[12] It represents a unique compromise between women's democratic rights and indigenous cultural rights by legitimizing the traditional customs of *lobola* and polygyny, while also extending legal equality to women in customary and polygamous marriages. Crucially, by moving polygamous marriages from the ambit of unregulated customary law to recognised customary law, the Act divested local traditional authorities with the power to consider or arbitrate these issues privately or even under the legal jurisdiction of customary marriages.[13] The RCMA also repealed certain sections of the 1927 Black Administration Act, which had established women living under customary marriages as legal minors and also limited the power of civil courts to intervene in the customary affairs of black people.[14]

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[12] The process of fast-tracking legislation involves a joint or Portfolio committee requesting the Leader of Government Business in Parliament, who simultaneously serves as the vice-President of the Republic of South Africa, to introduce and classify a Bill under the Joint Tagging Mechanism more quickly than the procedure normally takes (see Appendix B).

[13] The proposed Traditional Court Bill, however, would transfer the power to adjudicate matters concerning marriage back to traditional authorities through formalised traditional courts in rural areas.

[14] Section 12 of the RCMA repeals certain sections (specifically pertaining to marriage) of previously codified customary law previously passed in Bantustans. These laws were the 1978 Transkei Marriage Act, the 1985 Kwa-Zulu Act on the Code of Zulu Law and the 1987 Natal Code of Zulu Law. The 1927 Black Administration

The Recognition of Customary Marriage Act specifically lays out the provisions for the legal recognition of customary and/or polygamous marriages in South Africa and mandates certain crucial legal guarantees for women that were previously only available to women in civil unions.[15] Where before marriages conducted under customary law were automatically out of community of property, the RCMA changed the customary marriage regime to de-facto community of property.[16] Other reforms include the mandatory registration of customary marriages which would discourage the kinds of informal polygyny that resulted in women being unable to access the material protection provided by civil unions.[17]

By 1992, the South African Law Reform Commission that there needed to be an overhaul of the institution of customary law and the way in which the state engaged with it. Addressing this particular issue, however, took a back seat as negotiations and the transition to democracy began in 1990 and took precedence. At the beginning of 1996, the same year as the adoption of the South African Constitution, the SALRC spell out established Project Committee 90. The Project highlighted the unconfirmed status of marriages performed under customary law as an area of concern and possible contention with the principles enshrined in the newly passed Constitution (SALRC, 1996).

On 31 August 1996, the Committee published an Issue Paper on Customary Marriages based on the SALRC's research and recommendations made to the Commission, and publicly released the paper in order to allow a two month period for submissions and public comment which would further augment the Commission's deliberations on the issue. The submissions and public responses solicited by the SALRC on the Issue Paper on Customary Marriages were incorporated into a discussion paper, Discussion Paper 90. On the submission deadline date of 28 February 1998, six months after the initial release of the discussion paper, twenty

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Act was only repealed in its entirety in 2006 with the passage of the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005.

[15] Customary marriages can be monogamous but all valid registered polygamous marriages are legally customary.

[16] Section 7(2) of Recognition of Customary Marriages Act 120 of 1998. Recognition of Customary Marriages Act 120 of 1998 (7) states that marriages will be in community of property. Section 6 of the Act states:
A wife in a customary marriage has, on the basis of equality with her husband, and subject to the matrimonial property system governing the marriage, full status and capacity, including the capacity to acquire assets and to dispose of them, to enter into contracts and to litigate, in addition to any rights and powers that she might have at customary law.

[17] Section 4 of the Recognition of Customary Marriages Act 120 of 1998

seven written submission had been received by the SALRC. Following the receipt of submissions from the discussion paper, the SALRC submitted a final report to the Ministry of Justice. The final report contained a first draft of the Recognition of Customary Marriages Bill.

### *7.3.1. Passing the Recognition of Customary Marriages Act*

The Recognition of Customary Bill [B110 - 98] was introduced into the National Assembly and referred to the Joint Tagging Mechanism (JTM) on the 31 August 1998, where it was classified as a Section 75 Bill (Hansard, 31 August 1998).

[1] Former National Party MP Sheila Camerer comments that ANC women were furious about the fact that it took the Bill so long to reach parliament as it was announced and meant to be introduced for consideration in 1996, but was repeatedly stalled by a false perception that ruling party male MPs had that the Act would criminalise polygamy.[2] Eventually a political compromise was reached, a 'quid pro quo' where the Customary Law of Succession Bill was dropped in favour of pursuing the Customary Marriages Act.[3]

After its classification, the Bill was introduced into Parliament by the Portfolio Committee for Justice (as it was then known) in September 1998, after a draft Bill was submitted to the Department of Justice by the South African Law Reform Commission.[4] Although certain women MPs, particularly those on the Joint Monitoring Committee for the Improvement of the Quality of Life and the Status of Women (JMC), played a crucial role in facilitating the fast-tracking of the Act in parliament, they had no participation in the drafting of the bill and no influence on the content of the Bill. The Bill was formulated by the South African Law Reform Commission whose mandate includes the proposal of legislative reforms to parliament. Legislation or amendments proposed by the SALRC are introduced into

[1] Bills introduced under Section 75 of the Constitution are referred to as Section 75 bills. They are ordinary bills with no affect at provincial level. While they have no direct impact at provincial level, their approval is still subject to the NCOP's concurrence. All section 75 are initially introduced in the National Assembly.
[2] Camerer, Sheila. Interview. Wellington, South Africa.19 August 2013.

[3] *Ibid.*
[4] As it was then known. From 1999, the Ministry, Department and its corresponding Portfolio Committee were renamed 'Justice and Constitutional Development'.

parliament through the Department of Justice and Constitutional Development (Department on Justice and Constitutional Development, 2015).

The first dimension of the fast-tracking process involved directly lobbying the Department of Justice and other strategically placed MPs in parliament. In this action, the JMC was supported by the SALRC and State Law Adviser (Gouws, 2004). The second dimension of fast-tracking the Act involved a parliamentary information campaign and corresponding public information campaign. To facilitate informed parliamentary engagement, the JMC partnered with the SALRC and CALS, to organise a workshop in parliament in order to brief MPs on the Bill, its legal implications and also solicit comments and submissions. For the public information and engagement campaign, the JMC produced a pamphlet, 'Reviewing African Customary Law of Marriage', for MPs to distribute in their constituency areas, with a particular emphasis on rural areas and former homelands where customary law and traditional authority were most salient in post-apartheid South Africa.

Civil society organisations provided capacity and technical support to the JMC, with women's civil society organisations like Black Sash copying and distributing pamphlets (PMG, 9 June 1998).Women MPs on the JMC were particular instrumental in doing constituency work with rural women to ensure that the Recognition of Customary Marriages Bill was understood and discussed. To this particular end, hearings were also organised in rural areas as a joint initiative between the Parliamentary Women's Group and the South African Parliament Public Education Department (Gouws, 2004). The JMC and the Justice Portfolio held two joint public hearings on the 29 and 30 September 1998.

The Second and final Reading debate for the Recognition of Customary Marriages Bill was held on the 2nd November 1998, at the same parliamentary debate as the Maintenance and Domestic Violence Bill and the three proposed Acts were acknowledged by the Minister of Justice as 'three Bills that are going to make a very big impact upon the lives of women and children in our country, particularly our women who have suffered as a result of violence and domination, and still suffer as a result of discrimination' (Hansard, 2 November, 1998: 7180). The order paper considering the final report of the Justice Portfolio Committee was disposed of without debate and the report was adopted before the debate proceeded. The Bill was

passed into law on the 11 November 1998, with a commencement date of the 15 November 2000[5].

All political parties with a presence in the National Assembly, except the Inkatha Freedom Party (IFP), voted in favour of the passing of the trio of legislation that included the RCMA.[6] While the Inkatha Freedom Party had no noted objections to the Domestic Violence Bill or Maintenance Bill, they opposed the RCMA on cultural grounds citing that the proposed Act 'provides for the slow but certain emasculation and strangulation of customary marriages as we know it in South Africa' (Hansard, 2 November, 1998: 7192). The IFP articulated the party's unequivocal support of the very same traditional practices deemed as harmful to women that the Bill aimed to discourage, with Whip M A Mzizi stating 'we do not oppose the abduction of women in accordance with cultural norms. We are also not against relatives marrying widows of deceased family members in case a widow has to remarry. All those things are traditional practices' (Hansard, 2 November, 1998: 7193).

The IFP's concerns regarding the proposed Bill were voiced in distinctly cultural and racial terms, establishing a dichotomy between authentic Zulu culture and alien 'Whiteness'. An aspect of the passage of the RCMA that has received very little attention in the literature examining its adoption is the opposition of ANC male MPs to its passage. The shortcomings of the fast-tracking process of the three proposed Acts were acknowledged by the Minister of Justice himself, who indicated that the proposed Maintenance Act was a 'short term measure because the SA Law Commission is reviewing the law with regard to maintenance, and in due course we will be coming back to Parliament to promote a more comprehensive law' (Hansard, 2 November, 1998: 7182). Likhapa Mbatha, who worked for the Rural Women's Movement during the Act's consideration in parliament, reflected that while seldom coherently articulated in the public domain, 'their opposition was not very much expressed, it was more implied'.

The Act can be seen as a notable achievement for women's rights *specifically* because it was overwhelmingly opposed by male MPs from the ruling party who were against the Bill's

[5] A commencement date for a law refers to the day from which the law is applicable and enforceable.
[6] The Inkatha Freedom Party is a Zulu nationalist political party who believe in the autonomy of cultural and traditional rights.

purported intention to legally prohibit polygyny[7]. Although it was a widely held misconception of the Act's objectives, it was likely created by women MPs in the ANC's outspoken opposition to the institution of polygyny, which they wanted banned. Sheila Camerer, a former member of both the Justice Committee and JMC in the first post-apartheid parliament, recounts one particular occasion at a SALRC briefing to parliamentarians, where a subsequently terrified professor from the organisation was angrily shouted down by women ANC MPs for highlighting the difficulties of legally abolishing polygamy[8].

One ANC women MP remarked that 'the trouble is, underneath half of our men, there are bloody chiefs hiding'.[9] Camerer argues that the version of the RCMA eventually passed 'was the best we [the Justice Committee] could do with the ANC caucus chipping against it…I mean the men didn't want it at all'[10]. This illustrates the particular ambiguity of 'towing the party-line' and its ability to contextually embody a political opportunities or constraints in its relationship to the pursuit of gender equality interests in parliament. Interestingly, examining the contexts in which the party line has operated as either an opportunity or constraint to gender equality allows one to see the gradual emergence of a South African parliamentary environment increasingly hostile to women's gains as the post-apartheid state consolidates and a patriarchal Black nationalist political culture becomes entrenched in the institution.

The submission received from the traditional leaders stressed the perceived cultural taboos that the proposed Bill would allow, specifically in relation to the clause that would make all customary unions automatically 'in-community-of-property'. According to the submission, dividing a man's assets during his life time, especially to women in within cultures where primogeniture was enforced, was completely forbidden.

In successfully attaining the passage of the RCMA, women political elites essentially concluded an elite patriarchal bargain with the more conservative elements of the leadership of the African National Congress. In exchange for putting a moratorium on efforts to pass the Succession Bill, a deal was brokered where women were able to gain what can retrospectively

[7] Camerer, Sheila. Interview. Wellington, South Africa.19 August 2013. Mbatha, L. Interview. Johannesburg, South Africa.
[8] Camerer, Sheila. Interview. Wellington, South Africa.19 August 2013.
[9] *Ibid.*
[10] *Ibid.*

be seen as radical guarantees for their autonomy within customary marriages. This was to have its own consequences, however, and the Succession Bill would prove difficult to conclude, specifically because before its consideration, conservative elements within the ANC managed to successfully attain the 2004 Communal Land Rights Act. This would significantly disenfranchise women by preventing them from individually accessing land by putting traditional authorities in charge of land on behalf of their mainly rural constituency. It might have been possible to conclude better terms for women's rights within the ambit of the Succession Bill had the legislation been passed during the parliamentary context that defined South Africa's 'liberal moment', where a range of factors that favoured gender progressive legislation were in place including a sense of women MPs collective politics.

### *7.3.2. Political Opportunities and Framing strategies for South Africa's Recognition of Customary Marriage Act*

Understanding the first post-apartheid government and its parliament as a reflection of a 'liberal moment' is important in comprehending the unique environment within which South Africa's gender-equality outcomes emerged, especially because women's demands were framed in terms that relied on a commitment to the substantive realisation of citizenship. The first five years of South Africa's post-apartheid government (1994 to 1999) represent a specific time in the nation's post-apartheid history, during which a deliberate and symbolic Government of National Unity aimed to dismantle the repressive political space that had sustained apartheid for close to 4 decades. As former IFP Member of Parliament Suzanne Vos argued 'when we headed into '94, we were looking to address the imbalances caused by decades and decades of racial discrimination, you know sexism, inequality…indescribable inequality'.[11] It can best be understood as a rights-based antithetical political project, in that it marked a specific democratic engagement at variance with apartheid and its associated structures, especially the deliberate dismantling of the extensive legislative framework that supported the system's segregation.

The first-post apartheid parliament provided two important discursive opportunities that could strategically be utilised to favourably frame and articulate gender-equality legislative

[11] Vos, Suzanne. Interview, Cape Town. 23 July 2013.

outcomes. The first discursive opportunity was the ANC-led government's commitment to democracy and the potential realisation of equal citizenship embedded in the democratic ideal, not solely in the broader South African social context but within the political party itself where contestations were tolerated. Shireen Hassim (2006b: 201) suggests that certain gender-equality legislative outcomes indicate that 'key interventions were related to processes of democratisation within the party'.

As the next chapter will illustrate framing demands in this way shifted from being a discursive opportunity to a discursive constraint as the ruling party's commitment to a democratic political project reached its limit. Political party institutionalisation and consolidation accompanied the transformation of the government as one increasingly unreceptive to demands and democratic citizenship claims framed in these terms. As Georgina Waylen (2007: 105) argues, 'the nature of the ANC as a left-wing party committed to equality on the basis of citizenship for all made it easier for feminists within it to get issues incorporated into ANC policy and get ANC support'.

The second discursive opportunity relied on the salience of constructing proposed legislation and claims on parliament as part of a commitment to a restorative and redemptive post-apartheid South African political project. South Africa's particular historical context and the framing of the post-apartheid government as a new political dispensation, signifying a decisive break with its tragic past, discursively framed the role of parliament and its processes of legislative formulation and reform as a historically restorative political project (Freeman, 2005; Hasson, 2010, Murray and Nijzink, 2002). In addressing the importance of the Recognition of Customary Marriages Bill specifically, Minister Omar asserted that 'time has come us to create equality and reverse one of the legacies of the past by ensuring that the marriages of our people are respected, honoured and treated with dignity' (Hansard, 2 November, 1998: 7184).While A project that promised to address previously marginalised groups, like women, who had been excluded as a politically prioritised demographic in the approximate century of racist and patriarchal politics that preceded 1994. In his introductory speech on the parliamentary debate considering the Recognition of Customary Marriages Act, the Maintenance Act and the Domestic Violence Act, Minister of Justice Dullah Omar utilised

the discourse and language associated with the second discursive opportunity, framing his parliamentary speech by addressing the ways in which the proposed legislation would address the legacies of apartheid.

Minister Dullah Omar emphasised the ameliorative role of the trio of gender equality legislation in addressing the:

> vulnerability which emanates not only from past governmental policies, but also from traditional views across the spectrum of our society which are often contrary to the values which we are trying to promote and protect, the values which underlie our Constitution and which we are, in fact, committed to upholding in our new constitutional dispensation (Hansard, 2 November, 1998: 7179).

Accommodating claims made on the state demanding gender equality and women's substantive equality, this discourse potentially empowered many interest groups within the state, many of whom did not always have women's interests as a priority. Framing claims on the state through an emphasis of apartheid's distortion and degradation of an institution can be seen to have emboldened the traditional authority institution. The end of apartheid introduced a resurgence and reclamation of traditional authority and indigenous cultural practices in South Africa. In 1987, The Council of Traditional Leaders (CONTRALESA) was launched as a collective platform for the articulation of the interests of traditional authorities. It was politically aligned with the UDF and ANC against the apartheid regime. CONTRALESA effectively emerged as a key ally in the ANC's rural governance strategy and a powerful constituency bloc, effectively mobilising millions of rural voters on behalf of the ruling party during local and general elections (Ntsebeza, 2005; Oomen, 2005).

Whether inadvertently or advertently pursuing CONTRALESA's agenda, the aim of restoring the dignity of indigenous Black institutions that were dishonoured during apartheid, the post-apartheid South African state has committed itself to the restoration of the integrity and legitimacy of the institution of traditional leadership, in line with customary law and practices. Gertrude Fester, a former ANC MP and former Commissioner for Gender Equality, does not recall a single moment during the negotiations or subsequently, where the question of the

ANC's relationship with traditional authorities was discussed or debated within the organisation[12].Their position in South Africa's socio-political order is legitimised through the historically redemptive political project envisaged by the ANC which articulates a constructed traditional Black nationalism dichotomously from a white liberalism. Traditional authorities emerged as powerful allies to the ruling ANC government, specifically in their ability to command the allegiance of a powerful rural voting constituency that were mobilised for the ANC's majority.

### *7.4. Agenda-setting, Framing and Legislative Outcomes*

Post-conflict parliaments, specifically those that symbolise the culmination of illegitimate political dispensations, are particularistic in the embedded responsibility that they have in rectifying the political, economic and social injustices inherited from past regimes (Freeman, 2005; Hasson, 2010, Murray and Nijzink, 2002). Rwanda and South Africa's particular historical contexts and the framing of their transitions as new political dispensations signifying decisive breaks with tragic pasts, discursively framed the role of parliament and its processes of legislative formulation and reform as a historically restorative political project. This was no less the case in post-genocide Rwanda and post-apartheid South Africa where the historical passage of legislation had facilitated and perpetuated the exclusionary politics that sustained ethnic conflict and apartheid, respectively. Legislative reform and formulation, therefore, were and continue to be constructed of as an exercise in redress as much as a political process involving competing interests.

The emphasis on women's movements during political transitions has tended to detract attention from the pivotal role that women's movement politics play on formal institutional parliamentary dynamics, if any, and the role that women's movements play in the post-transition period on women's parliamentary politics. Meryl Kenney (2003: 183) argues that women's movements tend to be neglected in analyses of legislative formulation '[b]ecause of the magnetic pull of central governing institutions in political science, scholars too quickly turn from the question of the transformation of a condition into a problem and focus instead on the institutional mechanisms of passage of legislation'. This is problematic as significant

[12] Interview with Gertrude Fester. Cape Town, South Africa. 5 September, 2013.

processes of advocacy, lobbying and political manoeuvring related to legislation can occur outside of the parliamentary arena. Before a Bill can even be proposed in parliament, the crucial process of agenda setting needs to take place and the organised women's movements and its alliance relationship with political elites, specifically feminist activist allies located within the state, become pivotal amongst competing elite interests.

One of the most important conditions for women's effective substantive representation in parliament is the mobilisation of feminist interests outside of the state in a lobbying role, one traditionally played by women's movements based in civil society. In South Africa and Rwanda the women who moved into parliament in the post-1994 period came directly from grassroots national women's movements that were active in transitional politics on behalf of women's interests, showing themselves to have had a 'feminist consciousness'.[13] These MPs were women who had mobilised on behalf of women's interests before and during South Africa's transition and there followed the expectation from their female constituency that 'moving into parliament was not a break with women's movement but a continuation of women's struggles in a new domain' (Hassim, 2003b: 81). This expectation was not unfounded and Amanda Gouws (2008: 538) notes that the shift from mass movement politics to institutional politics 'implies that women will use institutions of the state to improve conditions of gender inequality'.

As Htun and Weldon (2010: 8) posit 'the liberalisation of many laws on gender and the advancement of women's rights thus tracks the course of relations between the state on the one hand and religious and cultural groups on the other'. The potential legislative outcomes pursued through the State to address gender equality by women Members of Parliament, therefore, exist among an array of interest groups, including traditional and religious entities. These interest groups leverage their own bargaining resources, potentially making demands on the state and claims on political resources that not only constrain gender equality, but actively harm women. For example, in certain contexts where the Church and traditional authority exists as potential countervailing influences to the State, women's demands for more autonomy and greater sexual reproductive rights are routinely sabotaged by conservative,

[13]Gouws (1996: 34) crucially recognises the existence of feminist consciousness among female political representatives in formal politics as 'a critical precondition for political action'.

religious entities that successfully bargain for restricted freedom for women by leveraging their constituencies. Unsurprisingly, Amy Mazur (2002: 189) determines that gender equality policy and legislative proposals were more successful in states where fundamental religions are less influential and lack defined constituencies.

The women's movement plays an important advocacy and lobbying role in agenda-setting (Alvarez, 1990; Banaszak, 2003; Basu, 1994, 1995, 2000; Hassim, 2002, 2003a, 2006b; Waylen, 2007). McBride and Mazur (2010: 9) refer to the legitimate recognition, inclusion and influence of women's movement actors in policy and legislative processes as representative of women's interests, as procedural inclusion. The influence exerted by the women's movement on agenda setting, if successful, initiates a sequence of simultaneous events within the state and results in a Bill entering parliament from one of two branches of government. A bill can enter the parliamentary agenda through the legislative branch of parliament itself, like the Rwandan 2008 Gender-based Violence Act or in a process similar to the 1998 South African Recognition of Customary Marriages Act, it can emerge from the Executive Branch of the government through one of the line departments of various government Ministries. The Bill for the RCMA was introduced into parliament by the Department of Justice, the momentum and lobbying that led to its fast-tracking and eventual passage was generated by the Joint Monitoring Committee for the Status of Women and Children. Ideally, relevant civil society organisations should have continuing involvement with the process and significant input on the substance of the Bill through public hearings and submissions.

The strength of gender equality advocacy movements and women's groups based in civil society and their ability to effectively engage with the state around women's interests has been emphasised as pivotal in maximizing women's effectiveness as gender equality advocates (Alvarez, 1990; Banaszak, et al., 2003; Geisler, 2004; Hassim, 2002, 2005, 2006b; Hassim and Goetz, 2003; Randall, 1995; Tripp, et al., 2009). Optimally, if it is to serve as an effective bargaining resource, the relationship between the women's movement and women political elites in parliament is a partnership based on a strategic alliance that has the potential, not only to strengthen the substance of proposed policies and legislation in the legislature

through consultation, but to initiate legislation by enabling the women's movement crucial access to power-brokers within the state who are in a position to influence government's decision agenda (Basu, 2010; Weldon, 2002). Scholars argue for the importance of the strategic partnership between women political elites and the women's movement, not solely in advocating for women's increased presence in parliament, but also for influencing and engendering the parliament agenda. Anne Maria Holli goes as far as arguing that '[f]rom the viewpoint of substantive representation, women's co-operative constellations appear as *prequisite mechanisms* for its successful achievement' (2008: 170, author's emphasis).

As the next two chapters will illustrate in more depth, since 1994 the Rwandan and South African states' relationship to their various civil society organisation interest groups, specifically women's civil society organisations, have emerged in radically different ways which, appropriately, reflect their respective parliamentary contexts. The Rwandan and South African government currently mediate very different relationships between civil society organisations and governing elites. In Rwanda, the corporatist nature of the state, its tight regulation of civil society organisations and the high circulation of women between women's civil society organisations and government gives the Rwandan women's movement, collectively represented by Pro-Femmes/Twese Hamwe, an inordinate amount of access to power brokers within the state (Burnet, 2008; Drumbl, 1999; Longman, 2006; 2011; Mukamunana and Brynard, 2005; Newbury and Baldwin; 2001; Reyntjens, 2010, 2013). The corporatist way in which women's participation is facilitated in the Rwandan state, as a legitimate interest group, is an institutionalised form of women's co-operative constellations.

The South African government's relationship with civil society organisations is more complex but its relationship to progressive women's civil society organisations, specifically, has steadily deteriorated since 1994. The strategic cooperation women in civil society had formed with women in political parties during their post-transition was significantly facilitated by close ties and vice versa. In fact, the progressive gender-equality legislation that was passed in South Africa's first post-apartheid parliament can be seen to have been defined by the close relationship between women's civil society organisations and women MPs, following which the South African government effectively alienated women's civil society organisations from

decision-making processes. The relationship between women's civil society organisations and the South African government has significantly changed from the cooperative relationship that defined the first post-apartheid South African parliament (1994 – 1999) and produced early democratic legislative reforms like the Recognition of Customary Marriages Act, Domestic Violence Act, Choice on Termination of Pregnancy Act and Maintenance Act. The strategic relationship is largely perceived to have broken down and currently women's civil society organisations struggle to access parliament as gender-equality advocates (Britton, et al., 2009; Greenstein, 2003; Hassim, 2005, 2006b; Van Donk and Maceba, 1999).

As chapter two emphasised, the women who negotiate and conclude elite patriarchal bargains within ruling political party regimes are senior women with access to agenda-setting power and influence to the leadership of political parties, if they do not comprise the leadership of political parties themselves. Gary Cox (2006: 142), highlighting the importance of access, emphasises that 'while legislators are everywhere equal in voting power, they are everywhere unequal in agenda-setting power'. The scarcity of agenda-setting power establishes it as a bargaining resource that is needed to successfully conclude favourable patriarchal bargains within parliament. Agenda-setting power within the national legislature resides in certain offices and positions and the most agenda-setting power lies with the Speaker of the House, Committee Chairpersons and Members of the Cabinet (Childs and Krook, 2009; Cox, 2006; Kittilson, 2010). The importance therefore of having feminist allies (male and female) in these positions is pivotal, even more so if the political elites with agenda-setting power are prepared to advocate and negotiate elite patriarchal bargains on behalf of other women political elites within the parliamentary institution.

Women participate in politics for diverse reasons and the external imposition of a feminist mandate on women can, and *has* led to disparities between expectations and action (Childs and Krook, 2006, 2009). Paul Chaney (2006: 691), cautioning against a preoccupation with women's descriptive representation as a decisive indicator when analysing women's substantive representation, asserts that 'the substantive representation of women depends not only on the numbers of women elected representatives in national legislatures, but also who they are'. Lovenduski (2005: 2) observes that '[f]eminists and their opponents have

consistently held unrealistic expectations of the possibilities afforded by real systems of political representation'. Sarah Childs (2004: 35) cautions that 'women's bodies must not be confused with feminist minds'. Equating the high presence of women political elites in representative institutions to the possibility of a progressive feminist shift is a dangerous assumption. Amanda Gouws (1996:34) crucially recognises the existence of feminist consciousness among female political representatives as 'a critical precondition for political action' in the formal political arena.

The late Judith Kanakuze and Pregs Govender's respective roles in the passage of the GBV and Recognition of Customary Marriages Act illustrate an important condition that operationalise women's descriptive representation in parliament into the gender equality legislation that constitute women's substantive representation as an outcome, namely critical actors. Women's political consciousness determines their exercise of the individual and collective agency that comprises legislative behaviour and Deniz Kandiyoti (1988: 137) explains that 'patriarchal bargains exert a powerful influence on the shaping of women's gendered subjectivity'. It reflects the literature's increasing disillusionment with the concept of critical mass, highlighting the shifting emphasis to the importance of critical actors within parliament who pursue a gender equality agenda (Chaney, 2006, 2012; Dahlerup, 1988; Childs and Krook, 2006, 2009).

Reliance on critical actors to pursue women's interests within formal institutions, however, is ambiguous for the possibilities of women's *sustained* substantive representation within parliament. As the deterioration of the Joint Monitoring Committee following Pregs Govender's departure from parliament illustrates, complete dependence on certain individuals to sustain gender equality within an institution, in lieu of establishing an institutional culture that sustains the promotion of gender quality means that if or when individuals leave, the pursuit of women's interests within the institution leaves with them. This consequence is reflected in a response by former National Assembly DA MP Janet Semple, who when posed a question about the changes in parliamentary culture regarding gender equality issues in the National Assembly from 1999 when first entering the institution to 2009 when she left the

National Assembly, directly attributed the decline in addressing women's issues to Pregs Govender's presence and absence. Semple recollects that:

> when I first got there [parliament], Pregs was the chairperson of the JMC and she drove the issues. I mean she divided the JMC into three working groups…we used to meet regularly and have report backs and we produced that famous report. But she was passionate about the issues and she got everybody involved as well and then when Lulu [Lulama Xingwana] came on board, it just went down.[14]

### *7.5. Gendered Legislative Outcomes: Rwanda's 2008 Gender-based Violence Act and South Africa's 1996 Recognition of Customary Marriages Act*

Htun and Weldon (2010) propose a framework for the analysis of sex-equality policies and legislation that makes a distinction between 1) improving the formal status of women in society and 2) transgressing dominant religious, cultural or traditional doctrines within a society. Legislation on marriage and divorce encapsulates both dimension of this framework. If sufficiently progressive, it can provide women with formal legal protection within the marriage institution like the South African Recognition of Customary Marriages Act which recognised polygamous customary marriages. It can also directly challenge patriarchal traditional practices by criminalising or nullifying them, like Rwanda's 2003 Constitution and its non-recognition of non-monogamous marriages conducted under civil or customary law.

Referring to post-transition political dispensations, Rwanda's 2008 Gender-based Violence Act and South Africa's 1998 Recognition of Customary Act were passed in their first post-transition parliaments. Two important political opportunities emerged during this time that mediated the strategic relationship between women's civil society organisations and women political elites in parliament in forming alliances that would strategically conclude favourable gender equality elite patriarchal bargains both national contexts. Firstly, as a direct consequence of women's post-transition exodus from women's civil society organisations to the formal parliamentary arena in both Rwanda and South Africa, there were significantly more women with feminist consciousness and prior experiences of organisational feminist activism present in parliament than at any other time in the history of their national legislatures. Secondly, women's entry into parliament from civil society created a favourable

[14] Semple, Janet. Interview, Johannesburg, 17 October 201

environment for women's civil society organisations to lobby and advocate for gender equality legislation because women civil society organisations had prior access to allies newly located within the state.

The previous familiar relationship and networks of engagements established between activists and former activists, turned newly inaugurated Members of Parliament and women political elites, were successfully and strategically leveraged by women's civil society organisations for two important purposes. The first purpose was that the national women's movement in each context needed *access* to influential power-brokers within government. In the absence of parliamentary constituency work that had genuine feedback mechanisms to agenda setting in parliament, the national women's movement leveraging of political capital generated by networks that included former activists and colleagues turned Members of Parliament and allies.

The differences in the legislative outcomes governing marriage regimes in South Africa and Rwanda are complex, reflect differing historical and colonial context, cultural practices and relationships with the institution of traditional authority. Firstly, polygamy is not a widespread practice in Rwanda and the country is 'highly Christian…more than 80%...Christianity demands monogamy'[15]. Polygamy exists primarily in the North of the country and more informally throughout the country. The two country's colonial legacies probably account for this. Belgian colonialism relied on paternalism and religion, namely Catholicism which is virulently intolerant of the practice. Hence, the feasibility of banning the practice without leaving millions of women without the security of marriage was not in question to the same extent as it was in South Africa.

As opposed to the South African setting, there was no traditional authority structure with a powerful rural constituency to potentially leverage against these gains and resist these changes and RPF's modernizing ideology also provided an opportunity structure to the development of the centrality of women and the party's gendered political narrative within the movement's legitimizing strategy and political narrative. It was a narrative formed instrumentally as a

[15] Muganza, Angelina. Interview. Kigali, Rwanda. 17 February 2014.

response to the Rwandan Patriotic Front's need to legitimise its precarious authority, demobilise the role of ethnicity as the basis of political engagement and reproduce this legitimizing nationalist ideology in the site of parliament, the specific state institution responsible for national unity.

Similarly to the South African context of women's entry into parliament from women's civil society organisations in 1994, Rwandan women's organisation leaders who had had prior experience with lobbying and advocating government for women's gains during the transition, became parliamentarians in high numbers after the 2003 parliamentary elections. The exodus of women from civil society to the parliamentary arena in both contexts had different effects on national gender politics in the Rwandan and South African context and can be seen to have resulted in a 'top-down' parliamentary led mobilisation of women in Rwanda and a 'bottom-up' civil society mobilisation approach in South Africa that positioned lobbying and engagement with policy and legislative processes in each respective setting very differently.

Certain political developments never present conclusive gains and losses for women's bargaining power because their effects are unintentionally ambiguous. The large scale exodus of women political activists from civil society into parliament meant that the increase of women with feminist consciousness in the legislature would exert a positive influence on the gender sensitivity of parliament and its outcomes. The harsh reality however was that women's civil society organisations lost valuable human resources and expertise to parliament. The effect of this migration is less obvious in the Rwandan context where the corporatist nature of the state requires that women parliamentarians continue to work in close cooperation with the Rwandan women's movement. The gradual demobilisation of a broad-based South African women's movement after 1994 is however tragically salient (Gouws, 2014).

### *7.6. Conclusion*

This chapter explores the effects of women's representation in parliament on agenda-setting and the legislative formulation process that led to gender equality legislative outcomes passed in Rwandan and South African parliament. I comparatively examined the relationship between Rwandan and South African women's elite patriarchal bargaining in their respective

post-transition parliamentary contexts and the legislative outcomes of women's substantive representation related to marriage and divorce. The shift in presence from the informal political arena where women's collective mobilisation is usually concentrated to the formal political arena that accompanies women's entry into the national legislature, has definitive consequences for the possibilities of feminist activism and women's substantive representation within the state (Banaszak, et al., 2003). Most importantly it entails a reorientation of strategies, a reappraisal of the available bargaining resources located within the formal representative arena and the re-conceptualisation of the mobilisation mechanisms and structures that need to be leveraged in the successful articulation of claims by women's parliamentary politics.

More specifically, this chapter illustrated that leveraging bargaining resources through women's individual and collective mobilisation facilitated substantive women's outcomes in parliament. This chapter illustrates that women's substantive representation within both states' parliament was facilitated by leveraging (1) high women's descriptive representation achieved through a quota mechanism; (2) critical actors with access to elite power networks inside and outside the ruling party; (3) non-partisan collective women's politics facilitated by cross-party caucuses or gender-equality legislative committees and, (4) an interface between the national women's movement, other state gender equality bodies and women MPs that functions as a women's co-operative constellation.

# CHAPTER EIGHT – WOMEN AND ELITE PATRIARCHAL BARGAINS IN THE RWANDAN CHAMBER OF DEPUTIES

## *8.1. Introduction: The Parliament of Rwanda's Chamber of Deputies*

The institutional contexts of national legislatures are not static but immanent, dynamic and discursively negotiated through time (North, 1990; Thomas, 1994). The previous chapter illustrates the favourable elite patriarchal bargaining processes that led to the 2008 Rwandan Gender-based Violence Act as a legislative outcome of women's substantive representation. It also explored a mutually reinforcing relationship between the Rwandan women's movement and women representatives collectively mobilised within the Chamber of Deputies. This chapter explores Rwanda's current parliamentary context, comparing it with the legislative arena in which the 2008 Rwandan Gender-based Violence Act was passed. It interrogates whether the relationships between women MPs, other actors located inside and outside the state and the legislative arena that facilitated favourable elite patriarchal bargains in 2008 were sustained through to the present Rwandan Chamber of Deputies.

I situate the Chamber of Deputies as a political arena with a majority presence of women MPs (63.8%) and examine the impact of the high presence of women for the institution's relationship with the Rwandan women's movement. The next section looks at the Rwandan Chamber of Deputy and examines how its parliamentary model affects its institutional culture. Section Three specifically explores the Chamber of Deputies as an institution with a majority of women and examines the institutional dynamics of a feminised political arena. Section Four investigates the Standing Committee for Political Affairs and Gender, the particular multi-portfolio clustered Standing Committee responsible for addressing gender equality within the Chamber of Deputies. Section Five aims to explore the Chamber of Deputies' position within the wider Rwandan political system through an examination of the Maternity Leave Amendment to the revised Labour Code passed by the House in 2009. This law was significant to Rwandan women and gender equality and its analysis reveals important dynamics regarding women's bargaining and negotiation of elite patriarchal bargains and the leverage available to women MPs in concluding gender pacts within the state. Lastly, Section

Five explores the relationship between Rwandan women's descriptive representation and women's substantive representation through the lens of women's influence and authority.

### *8.2. The Rwandan Consensus model Chamber of Deputies: Non-ceremonialism, non-partisanship and non-adversarial engagement*

The parliament of the Republic of Rwanda, or *Inteko* as it is locally known in Kinyarwanda, is located on a hill in the suburb of Kimihurura in the capital city of Rwanda, Kigali. Rather aptly, it is located across the road from the Ministry of Justice. More than any other physical structure in Kigali today, it is a building that physically attests to the Rwandan Patriotic Front's victory against the former Rwandan regime and the capture of the Rwandan state following the genocide. In 1994, toward the end of the power-sharing negotiations between the Habyarimana government and opposition parties that included the Rwandan Patriotic Front, a contingent of the Rwandan Patriotic Army (armed wing of the RPF) was stationed in the parliamentary building (then known as the National Development Council (CND)). After the breakout of genocide, with RPA troops still stationed inside, the genocidal Rwandan Armed Forces (FAR) continuously bombarded the building as they fought for control of Kigali.

After the genocide, some of the damage caused by the fighting to the building was physically preserved and kept intact to commemorate the RPF victory and a cannon statue with two soldiers was constructed on the roof of parliament. In addition to some of the memorialised bullet-ridden walls from the battles between the Rwandan Patriotic Army and the former Rwandan army, the furniture and décor are minimal and Rwandan parliament is an unassuming, modest and functional building. The couch in the reception area of the building is fraying and it is not a space with ostentatious paintings or furniture.[1] The only exceptions that I observed are the Chamber of Deputies Plenary Hall and Members of Parliament Reception Area which are modern, well-furnished rooms built after the 1994 genocide.

The Rwandan government defines itself as a 'consensual democracy', arguing that it governs the country through a continuing process of consensus-making reached by a number of political parties through dialogue (International Crisis Group, 2001; Parliament of the

[1] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.

Republic of Rwanda, 2010). Chapter Five outlined the Rwandan government's tight control of the political space and high barriers to entry for recognised political party participation in the Chamber of Deputies. The constitution recognises political party pluralism but the conditions under which political parties are formed and allowed to operate in Rwanda are strictly circumscribed and regulated by the National Consultative Forum of Political Organisations (NFPO), the Senate of the Parliament of Rwanda and the Rwanda Governance Board.[2] The Rwandan Patriotic Front however dominates every single political institution in Rwanda (Beswick, 2010; Burnet, 2008; Human Rights Watch, 2015; Longman, 2006; Pottier, 2002; Reyntjens, 2004, 2006, 2011, 2013).

There is a strong consensus that Rwanda's political system lacks substantive political party pluralism as a consequence of the Rwandan Patriotic Front's authoritarianism (Beswick, 2010; Burnet, 2008; Human Rights Watch, 2015; Longman, 2006; Pottier, 2002; Reyntjens, 2004, 2006, 2011, 2013; Straus and Waldorf, 2011). The country's weak political party competition has significant effect on parliamentary engagement. Political party cohesion and partisan identity are demobilised through the political injunction against pursuing political party agendas within parliament.[3] I personally observed weak political party cohesion within parliament. This lack of political party cohesion is reinforced by the lack of political party caucuses and whips.

### *8.2.1. The Rwandan Chamber of Deputies*

I consider the Rwandan Chamber of Deputies as an arena where the performance of legitimacy and the RPF's political dominance, through what the Parliament of Rwanda (2010: 261) refers to as 'non-partisan partisan politics and cooperative opposition', are best observed. It is a political space devoid of any adversarial political engagement between political parties in plenary sessions and any overt personal political party affiliation is strongly discouraged in committee meetings and the plenary session (The Parliament of the Republic of Rwanda, 2010). Political parties within this arena do not advance official party positions and Members of Parliament act autonomously once in parliament (Teschner, 2002; The Parliament of the

[2] Article 52 of the Constitution of the Republic of Rwanda.
[3] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.

Republic of Rwanda, 2010).[4] This individual autonomy and choice, however, is firmly exercised within the discursive parameters of the Rwandan Patriotic Front's dominance of parliament and is usually consistent with a narrative which advances the government ideology, which is equated with national unity and an authentic Rwandan culture.

Currently, there is limited coercion involved in this arrangement as 'none of the registered parties considered themselves to be in the opposition' (Reyntjens, 2013: 46). 'Opposition' parties who electorally legitimize this system are clear about the fact that they are not contesting power and do not participate in politics to oppose the government. In 2008, a speaker at a PL meeting asserted 'that we are not here to oppose Kagame but to build the nation. Rwanda does not need a Europe-type opposition' (Othée, 2008; cited in Reyntjens, 2013: 47). Opposition party partners of the ruling government and parliamentarians are unashamed to admit this, responding to my question about their political party affiliation with some variation of 'political parties do not matter in our parliament'.[5] I therefore observed it to be a consensual democracy only in the sense that it relies on an elitist multiparty alliance of political parties and individuals that 'consent' to the pursuit of technocratic, highly developmental governance in the name of national unity that involves the *presence* of multiple political parties which legitimate the Rwandan Patriotic Front's hegemony of the political space.

Every single Member of Parliament is allowed to exercise their vote freely in the Chamber of Deputies and once elected, represent the entire country as a single constituency (Teschner, 2002: 8). Members of Parliament, whether they are elected to the Chamber on a political party list or on a reserved seat for women, the youth and the disabled, act in parliament in their individual capacities and are not obligated to tow their individual party lines because there is no 'party line', or rather, there is only one party line and that is the Rwandan Patriotic Front's party line. As this thesis has iterated numerous times, political parties as a basis of ideological organisation do not strongly manifest in the Chamber of Deputies and political party affiliation seems to be more of a mechanism through which the election of Deputies is facilitated rather than an expression of ideological or partisan loyalty of a Deputy. The non-

[4]Various interviews. Doctoral Fieldwork. Kigali, Rwanda. November 2013 – June 2014.
[5] Various interviews. Doctoral Fieldwork. Kigali, Rwanda. November 2013 – June 2014.

existence of political party caucuses additionally means that MPs' political behaviour are not constrained by the 'conformity pressure' of their individuals political parties though all Members of Parliament are constrained by the conformity pressure of the majority ruling power 'which controls the House and all its matters'.[6]

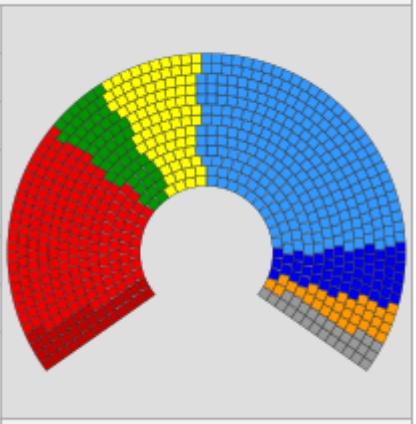
| Group | Leader(s) | MEPs | |
|---|---|---|---|
| EPP | Joseph Daul | 274 |  |
| S&D | Hannes Swoboda | 195 | |
| ALDE | Guy Verhofstadt | 85 | |
| Greens-EFA | Daniel Cohn-Bendit<br>Rebecca Harms | 58 | |
| ECR | Martin Callanan | 56 | |
| GUE-NGL | Gabriele Zimmer | 35 | |
| EFD | Nigel Farage<br>Francesco Speroni | 33 | |
| Non-Inscrits | *MEPs without group* | 30 | **Source**: European Parliament |

**Figure 8 2. The layout of the consensual European Parliament. Source: European Parliament (2015)**

### *8.2.2. Plenary Sessions in the Chamber of Deputies*

The Rwandan Chamber of Deputies has three parliamentary terms each year and each parliamentary terms last for approximately 2 months, followed by a month of recess.[7] The proceedings of the Chamber of Deputies lack the pomp and symbolic performance of authority that defines the ceremony and ritual of Westminster-based parliaments such as the South African National Assembly, and there is minimal ceremonialism in the plenary sittings of the Chamber of Deputies. The seating arrangement of the Chamber reflects its non-adversarial and non-partisan culture and MPs sit in a semi-circle arrangement in alphabetical order in front of the Bureau of the Chamber of Deputies (I refer to this Bureau as the

6 Rwandan Parliamentary Insider. Interview. Kigali, Rwanda. 3 June 2014.

[7] The parliamentary terms are mandated by the Constitution to start on the same date each year. The first parliamentary term begins on February 5, the second parliamentary term (the Budget session) begins on June 5 and the third parliamentary terms begins on September 5. If this date is not a working day, then the parliamentary term begins on the very next working day.

Executive Bureau) and various clerks in certain aspects of the legislative process.[8] The executive Bureau of parliament do not wear ceremonial robes and each Deputy Speaker sits on either side of the Speaker.

Rwandan Deputies arrive at the Plenary Hall, sign an attendance register and proceed to their designated seats.[9] Plenary sittings start promptly at 3 pm and are held from Monday to Thursday. A quorum is met when two Members of the Executive Bureau are present and at least three fifths of the 80 Members are present i.e. 48 Deputies. From my observation, lack of attendance is never a recurrent concern and a quorum was consistently met. When the Speaker of the Chamber of Deputies arrives, the Chamber remains seated and the session promptly begins. There is minimal ceremony in the plenary sessions of the Chamber of Deputies, although a certain formality and decorum exist in the proceedings.[10] The Speaker of the Chamber of Deputies does not have a gavel with which she chairs parliamentary proceedings and from the plenary sessions observed, does not need to utilize one as disruptions are rare.[11]

The allocation of plenary speaking time to Deputies is a relatively egalitarian process and few institutional barriers to entry exist for individual MPs.[12] There are no parliamentary rules allocating plenary speaking terms according to partisan membership but all Deputies' participation in the Plenary Sitting is at the discretion of the Speaker. According to the Constitution, the Speaker of the Chamber of Deputies must have a different political party affiliation to the President and ruling party. Any Deputy who wishes to take the floor during a Plenary Sitting needs to register by 10 am on the day of the Sitting on a first list. The list of Speaking Deputies, the subject of their contribution and the order they are to speak is then handed out in the Plenary Hall prior to the start of the Sitting. Deputies on the first list are allowed a maximum of ten minutes of floor time.

[8] The Bureau of the Chamber of Deputies is composed of the Speaker and two Deputy Speakers. One Deputy Speaker is in charge of Legal Affairs and control of government action, the other is in charge of finance and administration (Article 3, Organic Law N°06/2006 of 15/02/2006 establishing Internal Rules of Procedure of the Chamber of Deputies in the Parliament). The Bureau is elected by all 80 Deputies.
[9] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014; Organic Law N°06/2006 of 15/02/2006, Establishing Internal Rules of Procedure of The Chamber Of Deputies in the Parliament as Modified and Complemented to Date, hereafter Organic Law N°06/2006 of 15/02/2006.
[10] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.
[11] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.
[12] Article 19 – Article 26, Organic Law N°06/2006 of 15/02/2006.

The second list of Speaking Deputies is compiled electronically during the initial part of the Plenary Sitting when an issue is being presented to the Plenary. After responses to the First List are concluded, the Speaking order of the second list is communicated to the Plenary Sitting, following which designated Deputies are allotted 4 minutes of floor time. If a Deputy is directly involved in the particular issue or legislation being discussed, they can be recognised by the floor any time they request. In addition to the First and Second List, Deputies can move to make a motion. A motion can only be made under certain circumstances however and cannot exceed 2 minutes.[13]

Plenary Sittings in the Rwandan Chamber of Deputies are a civil and respectful affair.[14] I did not observe heckling, verbal abuse and interruptions on any occasion in plenary sittings. Even the transcripts of parliamentary debates on topics that MPs described as *chaud*, reflect no interruptions to speeches, interjections or confrontational language.[15] In fact, the rules of procedure of the Chamber of Deputies specifically prohibit any type of adversarial engagement and in addition to not being allowed to use offensive language and remarks, no Deputy is allowed to be interrupted while speaking on the floor.[16] A Deputy risks being ejected from the Chamber if they are disruptive in any way. I did not sense a predisposition to disorderly behaviour in the House, however, and of the twelve plenary sessions that I observed an MP only raised their voice to reiterate a point made.

I did not perceive the parliamentary institution, its procedures or its rules to constrain or marginalize women's representation within the Chamber of Deputies and that is primarily due to its non-partisan and non-adversarial context. A similar observation was made by Fiona Mackay in her study of women's presence in the devolved Scottish parliament. Mackay (2006: 178) observes that 'the culture of the Scottish Parliament is more civilised and more civil than that of Westminster'. Mackay attributes this to Scottish Parliament's organisational departure from the adversarial British Westminster model (29%) and the higher percentage of

[13] Article 23, Organic Law N°06/2006 of 15/02/2006. A motion can be moved to remind the Chamber of the law or rules of the Chamber, respond to a matter that personally involves them, remind a Deputy if a question raised has not been addressed, request that a debate be closed or request suspension or adjournment of a Plenary Sitting.
[14] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.
[15] *Chaud* literally means 'hot' in French and was frequently used by Rwandan MPs to describe debates that became figuratively heated. Archives of the Chamber of Deputies. Kigali, Rwanda. November 2013 – June 2014.
[16] Article 20 – Article 22, Organic Law N°06/2006 of 15/02/2006

women in Scottish Parliament (35%), positing that women's increased presence introduced a more women-friendly parliamentary environment (International Parliamentary Union, 2015; House of Commons Library, 2015).

The Rwandan Patriotic Front's control of the Chamber of Deputies introduces the question of whether the dialogue in the plenary sessions is genuine deliberation or the performative dimension of legitimizing a pre-determined decision. I found the plenary sessions to reflect the latter and it is not a space or forum within which MPs genuinely exercise any real authority to change the outcomes of a proposed Bill. Plenary sessions *anywhere* however are generally not the particular forum to substantively engage or change proposed legislation (Childs and Krook, 2009; Erickson, 1997). Plenary sessions within the Chamber of Deputies, like most other national legislatures, seems to act more as a space where individual MPs can officially declare their views on a policy and legislative issue or clarify an issue about a piece of legislation being considered on the Floor.

The parliament of the Republic of Rwanda is a prototypical reactive parliament in that its relationship with legislation is predominantly focused on 'amending and/or vetoing executive proposals' (Cox and Morgenstern, 2001: 171). A senior parliamentary insider interviewed in the Rwanda Chamber of Deputies could not recall an instance in a plenary session where a Bill was rejected. Reactive parliaments are defined by an asymmetric legislative and policy process where the legislative branch's subordination to the Executive disincentives its ability to initiate legislation, which is an area therefore dominated by a pro-active Presidency. Rwandan parliament typifies this trend in many ways. According to a senior insider of the Parliament of Rwanda, every single piece of legislation introduced into the House is sanctioned by the ruling majority party and expected to be passed subject to being satisfactorily formulated.[17]

I observed Rwandan MPs able to exercise agentic power in strategic ways in plenary sessions and while the parliamentary insider noted that Members of Parliament of the RPF-coalition tended to approve proposed legislation in plenary sessions, there are a heavy volume of abstentions within the House especially on more controversial issues. Controversial

[17] Rwandan Parliamentary Insider. Interview. Kigali, Rwanda. 3 June 2014.

legislation, in particular, elicits higher number of abstentions. The process of passing the legislation against genocide ideology exemplified this voting behaviour and while the legislation was adopted by the majority of the Chamber of Deputies, more than 20 Deputies abstained from voting and proceeded to give a statement on the plenary floor justifying their decision to abstain.[18]

With the knowledge that the overwhelming majority of Bills introduced into the House are Executive proposals (Teschner, 2002), the particular power dynamics of agenda-setting and the initiation of legislative proposals in the Chamber of Deputies reveal interesting insights about women's individual and collective bargaining power and their authority within the state relative to other interest groups. Rwandan Deputies have the power to propose Private Member's Bills. As the previous chapter established, the scarcity of agenda-setting power within parliament makes this particular form of influence an important bargaining resource that is needed to successfully conclude favourable elite patriarchal bargains within parliament. In terms of agenda-setting, this strategic mechanism probably constitutes individual and collective Rwandan women MPs' most powerful resource in the initiation and negotiation of favourable elite bargains. The 2008 Gender-based Violence Act, explored as a substantive outcomes of women's favourable elite bargains in the previous chapter, was a Private Members Bill initiated by the Rwandan Parliamentary Forum for Women.

Another major advancement for Rwandan women negotiated by Rwandan Members of Parliament were the amendments to the penal code that liberalised the circumstances under which Rwandan women could access an abortion. Honourable Ignatienne Nyirarukundo, who serves as the current Chairperson of the FFRP, initiated the Reproductive Health Bill which was sponsored by a network of MPs interested in reproductive health matters as a Private Members' Bill. This amendment to the penal code became a successful legislative outcome for women. This reflects that one particularly valuable avenue effectively utilised for agenda-setting in the elite patriarchal bargain that resulted in the 2008 Gender-based Violence Act is still available to Rwandan Members of parliament and Private Members' Bill, with the support of other MPs, can be used to attempt to substantively represent women.

[18] *Ibid.*

### *8.3. Feminizing Parliament with a Majority?*

In 2003, 39 women were elected to the Rwandan Chamber of Deputies in the country's first post-genocide parliamentary elections. Twenty four of these women were elected to women's reserved seats through the women's only electoral colleges, meaning that 62% of the women in the Chamber of Deputies had a specific mandate from the National Women Council to collectively represent women in parliament. As the percentage of women in parliament has increased in subsequent elections, reaching 56.3% in 2008 and currently comprised of 63.8% of the Chamber of Deputies, the number of women elected through political parties has outnumbered the number of women elected through the electoral gender quota. Of the 51 women currently in the Chamber of Deputies, 53% of the women elected (27 seats) are from political party closed lists.

As more women from political party lists have entered the parliamentary space, Honourable Gahondogo observes that they have entered parliament being less sensitised toward gender issues and women's rights.[19] The women MPs elected to parliament on the women's reserved seat mechanism, 'were the most motivated and the more informed because we had to mobilise women for political participation'.[20] One of the women Members of Parliament confidentially interviewed for this study echoed Deputy Gahondogo's sentiments, admitting that she felt that the women elected to parliament from political party lists were not as gender conscious or active on women's issues as the women elected to the women's reserved seats and the interviewee felt that 'they needed to improve at representing the issues of women'.[21] Another interviewee, Yvonne Uwayisenga said that she did not notice any specific difference between women who were in parliament on a political party ticket and those that were not as 'all women MPs represent the country, we don't work for a political party or even just to represent women'.[22]

[19] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.

[20] *Ibid.*

[21] Member of Parliament Confidential Interview 1. Interview. Kigali, Rwanda. 3 March 2014.

[22] Uwayisenga, Yvonne. Interview. Kigali, Rwanda.

I personally could not tell the difference between a Deputy elected on a women's reserved seat or present in parliament through a political party before I personally interviewed them.[23] I frequently made mistaken assumptions about Deputies' political affiliations and while I found women Deputies fairly willing to volunteer whether they were elected as women's reserved seats representatives or from a political party, Deputies elected through a party were reluctant to tell me *which* political party they were affiliated to. More confusingly, it is acceptable for the same Deputy to access parliament through more than one mechanism, whether it is the political party or women's reserved seat mechanism. Deputy Athanasie Gahondogo has been in parliament as a women's representative and a member of the Rwandan Patriotic Front member. The late Judith Kanakuze entered Rwandan parliament in 2003 as a women's representative and returned in 2008 on the Rwandan Patriotic Front ticket.

For an institution with an overwhelming majority of women, I did not find the institutional context specifically more women-friendly or gender sensitive and did not observe specific institutional qualities that deemed it more responsive to women's presence such as crèche facilities either.[24] During the course of my interviews and direct observation, however, I came to a realisation about why this would be the case. The issue of women's competence in politics was brought up unprompted more than once in various ways by women's reserved seats representatives and political party women representatives and it seems that cynicism and sexism about the majority of parliamentarians being women still remains within parliament and the wider population.[25] This was noteworthy because women elected through reserved seats and women appointed by their political parties were equally defensive about this. If aspersions are cast on women's competence in parliament, it is not just on women elected through the quota mechanism. Despite their overwhelming numbers and the lack of *visible* backlash against their presence, I sense that the biggest challenges faced by Rwandan women Members of Parliament within the institution still revolve around continual aspersions cast on their competence and abilities by men and I came to the conclusion that the quota perhaps exacerbated this dynamic. It was therefore important for me to ask male MPs if they perceived any differences between "quota" women or women elected to political parties. Every male

[23] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.
[24] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.
[25] *Ibid.*

Deputy to whom I posed the question denied perceiving a difference between women MPs based on this distinction.

Rwandan women served as the genocide's most prominent victims and through their forefront roles in reconstruction and reconciliation as adoptive mothers and genocide widows. Rwandan political culture has a definitive sense of political office as public service and duty to the continuing process of rebuilding the country after the genocide. This metaphor is particularly resonant for Rwandan women political elites in the Executive and Parliament. Maternal feminism frames the practice of politics in the country for women as a vocation and extension of their roles as mothers and wives into the public domain. In the same way that women played pivotal roles in post-genocide reconstruction and reconciliation, they continue to play this nation-building role within parliament today. Women Deputies, and in fact most Rwandan female political elites, emphasise their roles as wives and mothers in the public domain but it acts as a symbolic axes of power and not a literal one.

In the same way that women played pivotal roles in post-genocide reconstruction and reconciliation, they continue to play this nation-building role within parliament today. Symbolically these roles serve as powerful justification for women's presence in the political arena and motherhood and matrimony are still associated with women's incompetence in formal politics. The presence of a crèche would perhaps be too much of a physical reminder that the personal, is in fact political, and of women's differences to men. Inevitably, the presence of a child-care facility utilised by women MPs would be seen to portray weakness and erode the perception of competent women MPs who were incapable of competently balancing their professional and personal responsibilities.

The Speaker of Parliament Donatille Mukabalisa confirmed that the Chamber of Deputies had a central role to play in the reproduction of the *ndi umunyarwanda* ideology.[26] This was an unsurprising admission because, as I have consistently shown in this study, women's central location in the RPF's legitimizing *ndi umunyarwanda* narrative. As chapter five explains, a particular version of Rwanda's history serves as the basis of *ndi umunyarwanda* and as a national legislature with an overwhelming majority of women, parliament's role in

[26] Mukabalisa, Donatille. Interview. Kigali, Rwanda. 23 May 2014.

reproducing this history is steeped in a gendered symbolism. The women present in parliament in 2014 *continued* to play a pivotal role in the projection of a collective and de-ethnicised nation and their centrality in the nation-building process, first leveraged and used as a bargaining resource when proposing the Gender-based Violence Law in 2008.

All Members of the Rwandan government, Members of Parliament particularly, have a responsibility to nation-building and *ndi umunyarwanda*'s role as the ideological foundation of the Rwandan nation implicates them in its propagation. At the end of 2013, a series of *ndi umunyarwanda* retreats were held before the 20th Commemoration of the Genocide events scheduled for 2014 (Kwibuka, 2013, 9 November). Shortly after my arrival in Rwanda following the parliamentary elections held in October 2013, all Members of the Rwandan parliament were required to attend a retreat to discuss *ndi umunyarwanda*. I sensed somehow that this was to sensitise Members of Parliament, especially those newly elected to a certain way of thinking about legislation. Following the retreat, parliament convened a two day discussion in November to discuss the *ndi umunyarwanda initiative* (Mugarura, 2013, 18 November). In particular, a discussion was had about ways to educate Rwandans about the 'the truth about the history of Rwanda [which] will assist all Rwandans to work together in building the country based on telling the truth'. The particular truth that Members of Parliament were required to propagate was the basis of the *ndi umunyarwanda* ideology.

### *8.3.1. Participation, women's civil society and Parliament*

The Rwandan women's movement is a unified, cohesive political formation represented under the banner of Pro-Femmes/Twese Hamwe, an umbrella organisation of 59 women's civil society organisations (Pro-Femmes/Twese Hamwe, 2015). Rwanda is a state where, historically and presently, civil society is tightly controlled and routinely repressed (Gready, 2011; Longman, 2006, 2011; Reyntjens, 2011, 2013). Despite this, since 1994, Pro-Femmes has been incredibly successful and 'taken the lead in lobbying the government on a series of women's issues, and it has gained concessions from both the executive and the legislature' (Longman, 2006: 138).

Civil society in post-genocide Rwanda has been described by scholars to be an extended sphere of the government (Longman, 2006; Peter and Kibalama 2006; Reyntjens, 2010; 2011,

2013). The independence of the Rwandan women's movement from the government has been a contentious issue and reflects an ongoing debate concerning the optimal role and relationship between civil society and the state (Banaszak, Beckwith and Rucht, 2003; Molyneux, 1985, Tripp, 2000). Reflecting on the collegial relationship between women's civil society umbrella organisation Pro-Femmes/Twese Hamwe and the Rwandan government, Elizabeth Powley (2003: 158) observes that 'the close relationship has also compromised Pro-Femmes' independence and ability to criticize the government'.

After independence, autonomy from the state remained an issue with civil society organisations in the post-colonial era having very little independence from the State and some were actively used to promote ethnically divisive agendas and support anti-Tutsi government policies. In addition to their service provision, social welfare and development roles, from 1962 when the Hutu-dominated Kayibanda government assumed power in the country's first post-colonial regime, Rwanda's non-governmental organisations were partisan, politically aligned and distinct in their lack of autonomy from the ethnically divisive state (Mukamunana and Brynard, 2005). They also had the distinction of 'working either as agents of government or as platforms representing political parties, most of which served similar interests as the government of the day' (Peter and Kibalama, 2006: 60). This can be seen as a 'chicken and egg' scenario, however, in the sense that it is not clear whether this is to do with the influence of the women's movement, which is widely seen as forwarding a "non-threatening" agenda on government (Kayumba, 2010), or the government's empowerment of the Rwandan women's movement, which has enjoyed growing public influence, 'which they have been able to translate into a degree of political power' (Longman, 2006: 138).

The Inheritance Act was more than just the outcome of a successful negotiation and favourable elite bargaining act that reflected women's substantial representation as both *process* and *action*. The transformational dynamic of the 1999 Inheritance Act cannot be underestimated in a society where land is a scarce commodity, life status is directly linked to land rights and women were actively prevented from accessing land rights before the genocide and in the immediate post-genocide period[27]. Reflecting on the passage of the 1999

[27] Rwanda has the highest population density of any country in Africa (Straus, 2013: 214).

Inheritance law, the former Minister of Gender and Family Promotion Angelina Muganza suggested that attaining gender-equality outcomes for women during the Transition Assembly, was 'quite challenging because at that time, I think in parliament, the number of women were only seventeen'.[28] The low number of women in the Transitional National Assembly at the time when the 1999 Inheritance Act reflects two trends. The first trend is that most of the lobbying and advocacy to pass the law was undertaken by the broader women's movement located outside the formal political arena. Honourable Athanasie Gahondogo noted that the relationship between the FFRP and the women's civil society organisations was particularly strong during the transition and in the two parliamentary terms following the end of the political transition.[29]

The number of women from the RPF who joined civil society organisations after the Rwandan genocide also raises concerns about the impartiality of women's civil society organisations, most of whom are organised under the banner of Pro Femmes/Twese Hamwe. In 2003, amid the RPF government's efforts to demobilise the MDR as a viable opposition party, Pro Femmes convened a meeting with other civil society organisations to discuss the MDR and the threat that it caused to Rwanda's national unity (Reyntjens, 2013: 59).[30] During the meeting, it also condemned a Human Rights Watch report released in Rwanda before the parliamentary and presidential elections and criticised independent civil society organisations present at the meeting, namely Liphrodor. Currently, however, women's civil society organisations and the FFRP are not as close as they have previously been and one woman parliamentarian suggested that the Rwandan women's movement was particular unhappy about the decision to reduce maternity leave and the continuing delay in establishing the Maternity Leave Fund.

Pro-Femmes/Twese Hamwe is a powerful and influential representative civil society organisation of women's interests It is also an organisation with substantial bargaining power and reflect Paul Gready's analysis of civil society in Rwanda where 'there remain occasional spaces created by electoral politics, decentralisation policies…and the dependence of the other

[28] Muganza, Angelina. Interview. Kigali, Rwanda. 17 February 2014.
[29] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.
[30] Other civil society organisations called to the meeting were Cladho, Dutimbere, Ibuka, the Maison de la press and Liprodhor (Reyntjens, 2013: 59).

actors which on occasion can be exploited by donor and civil society' (2011: 91). Pro-Femmes/Twese Hamwe is not without its difficulties however and an important dynamic that potentially threatens the substantial gains made by women political elites has been the decreasing decline of *Pro-Femmes/Twese Hamwe* relative to Rwanda's women political elites. Women's substantive representation within the Rwandan state is not organic but distinctly elite driven. As Wallace, et al. (2009: 112) argue, in Rwanda 'gender equality has been imposed as part of a top-down policy rather than through political protest and mobilisation'. If representation encompasses *responsiveness*, then the decreasing role of *Pro-Femmes/Twese Hamwe* in policy formulation in lieu of articulating women's elite interests is worrying specifically because Rwanda's democracy deficit constrains the emergence of other civil society organisations within women located at the grassroots can articulate their collective interests.

The corporatist nature of the Rwandan political system was recognised as a favourable bargaining resource in the passage of the 2008 Rwandan Gender-based Violence Act. The constructed institutional interface between parliament (the FFRP), women's civil society organisations (collectively represented by Pro-Femmes Twese Hamwe) and the government (Ministry for Gender and Family Promotion) established a women's co-operative constellation that has two distinct advantages in the negotiation of women's elite patriarchal bargains. Firstly, it facilities the notion and process of women's representation as responsiveness to a women's constituency through the institutionalised participation of women's civil society organisations.

During the first term of parliament, the Standing Committee on Political Affairs and Gender dedicated an entire session solely to a consultation with Pro-Femmes about the draft Family Law Bill. They were given an opportunity to formally engage with the Committee and clarify their position about the draft Bill circulated for comment. I was particularly surprised at the degree of familiarity between the representatives of Pro-Femmes and the Members of Standing Committee and watching the informal interaction between the two contingents

before the session started, felt like witnessing a reunion between long lost relatives.[31]To clarify, this was not a submission on an already finalised Bill but input on the drafting of the Bill to be finalised for further consideration by the Chamber of Deputies.

### *8.4. Legislative Committees: Deliberation, Oversight and Position Power*

Rwanda's Senate and Chamber of Deputies' adherence to a multi-portfolio clustered Standing Committee structure means that one committee deals specifically with a broad ambit of related policy and legislative issues from different line ministries and a single line ministry may need to be accountable to more than one Standing committee.[32] This Standing Committee structure has been in place since 2003, although the Political Affairs Committee and Gender and the Promotion of Family Committee were separate Standing committees in the Transitional National Assembly (Devlin and Elgie, 2008: 244). There have not been major changes to the structure of committees since 2003 and the organisation of the Rwandan Chamber of Deputies and its 9 Standing Committees has been significantly institutionalised (Teschner, 2002).[33]

Of the four Standing Committees led by women (National Budget and Patrimony; Social Affairs; Education, Technology, Culture and Youth and Economy and Trade), two Standing committees are simultaneously 'hard issues' and prestigious committee assignments, namely National Budget and Patrimony and Economy and Trade. All four of the women Chairpersons represent the majority RPF. None of the women elected as Women's representative, through the reserved seat ballot, serve as the chairpersons of Standing committees raising questions around the hierarchy of women elected to Rwandan parliament and how much political authority women represented outside of political parties actually have.

[31] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.
[32] During my direct observation, I noticed the same Ministers sitting in different Standing Committee venues. For example, one day I noticed the then Minister of Education Dr. Vincent Biruta in a Standing Committee for Social Affairs Meeting and on another occasion, spotted Dr. Biruta in a Standing Committee on Education, Technology, Culture and Youth Meeting. Both Standing Committees have a mandate that includes education and presumably, he would have been sitting in each meeting in a different capacity.
[33] Article 38, Organic Law N°06/2006 of 15/02/2006

| Standing Committee | Leadership | Position | Gender | Political Party Affiliation |
|---|---|---|---|---|
| Political Affairs and Gender | Hon. Alfred Kayiranga | Chairperson | M | RPF - Inkontanyi |
| | Hon.Uwayisenga Yvonne | Deputy Chairperson | F | Women's Reserved Seat |
| Committee on Economy | Hon.Bwiza Sekamana | Chairperson | F | RPF - Inkontanyi |
| | Hon.Mukakarangwa Clotilde | Deputy Chairperson | F | Christian Democratic Party ((RPF - Inkontanyi |
| Committee on Education, Technology, Culture and Youth | | Chairperson | F | RPF - Inkontanyi |
| | Hon.Nyirahirwa Vénéranda | Deputy Chairperson | F | Social Democratic Party |
| The Committee on Foreign Affairs, Cooperation and Security | Hon.Mutimura Zeno | Chairperson | M | RPF - Inkontanyi |
| | Hon.Uwacu Julienne | Deputy | F | RPF - Inkontanyi |
| Social Affairs | Mureshyankwano Marie | Chairperson | F | RPF - Inkontanyi |
| | Hon.Mukarugema Alphonsine | Deputy Chairperson | F | RPF - Inkontanyi |
| Committee on Unity, Human Rights and fight against Genocide | Hon.Byabarumwanzi | Chairperson | M | Liberal Party |
| | Hon.Kayitare Innocent | Deputy | M | RPF - Inkontanyi |
| National Budget and Patrimony | Hon. Mukayuhi Rwaka | Chairperson | F | RPF - Inkontanyi |
| | Hon.Bazatoha Adolphe | Deputy | M | Social Democratic Party |
| Committee on Agriculture, Livestock and Environment | Hon.Semasaka Gabriel | Chairperson | M | RPF - Inkontanyi |
| | Hon.Mukayijore | Deputy | F | Women's Reserved Seat |
| Committee on Public Accounts | Hon.Nkusi Juvénal | Chairperson | M | Social Democratic Party |
| | Hon.Karenzi Théoneste | Deputy | M | RPF - Inkontanyi |
| Committee in charge of Assessment of the Chamber of Deputies Activities | Hon.Musabyimana Samuel | Chairperson | M | Rwandan Patriotic Front |
| | Hon.Nyirarukundo Ignatienne | Deputy Chairperson | F | Women's Reserved Seat |

***Table 8.1. Chairpersons and Deputy Chairperson of Rwandan Chamber of Deputies*** **Source: Parliament of the Republic of Rwanda**

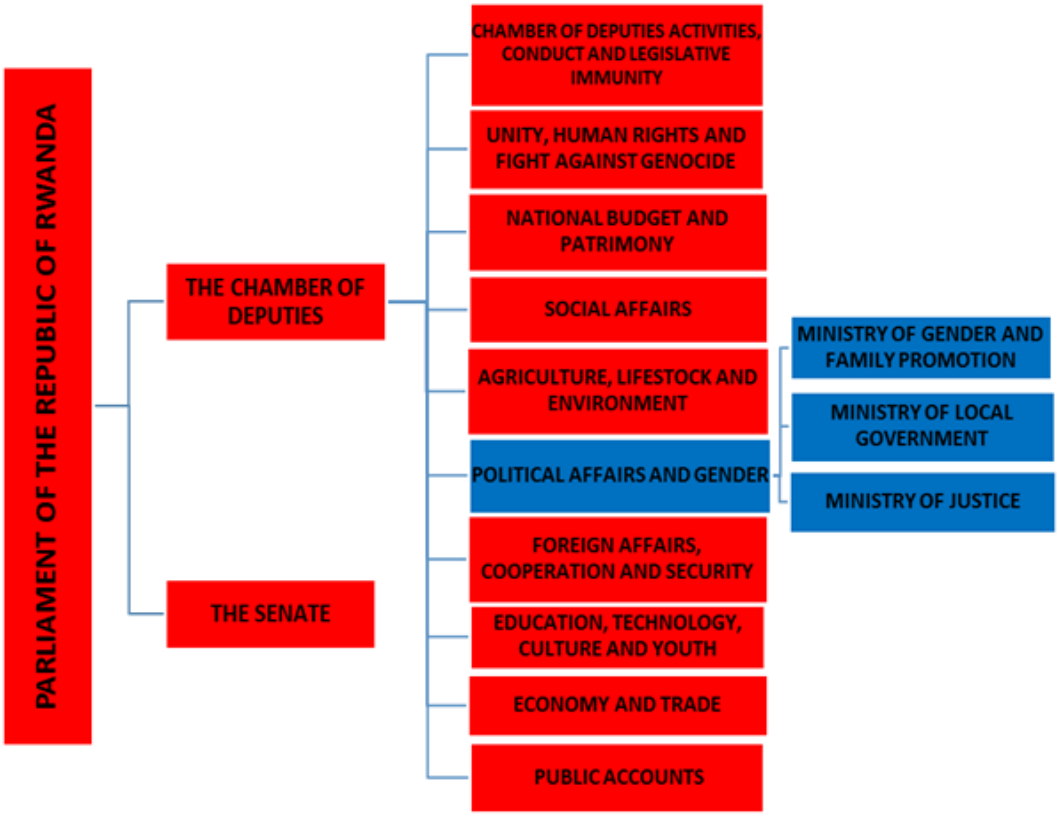



Figure 8.1. Parliament of Rwanda Internal Structure and Organisation (Source: Parliament of the Republic of Rwanda: 2011)

### *8.4.1. The Standing Committee for Political Affairs and Gender*

The particular multi-portfolio committee in the Chamber of Deputies addressing gender equality is the Standing Committee for Political Affairs and Gender. This Standing committee is responsible for:

> a) public administration and State institutional relations; b) justice; c) media; d) non-governmental organisations; e) civil status; f) gender promotion; g) promotion of women and family; family property, responsibilities of the spouses; h) follow-up of harmonisation of Rwandan laws with international conventions that promote women which were ratified by Rwanda; i) fight against corruption and other related offences.

This particular Standing Committee is one of the most important of the nine Standing Committees within the Chamber of Deputies, mainly because of its decentralisation and justice portfolio mandates. Its status as a 'hard portfolio' attests to the importance of gender equality and women's issues at the centre of the RPF's political project and its reproduction of *ndi umunyarwanda*. Its nomenclature also attests to the importance of gender within Rwanda's overall political governance. Senior members of the RPF, mostly male, have been elected as the Chairpersons of the Standing Committee attesting further to its importance within parliament. It locates women directly in the broader governance issues of the country including public administration, decentralisation and corruption.'

Oddly enough, for a country that is considered authoritarian, there is a disproportionate level of discussion, dialogue and public engagement in the Rwandan public space. This is unsurprising for two reasons. Firstly, institutionalised discussion and dialogue is a hallmark of a consensual democracy (Lijphart, 1999). Secondly, the kind of dialogue and discussion that the Rwandan post-genocide government nurtures and facilitates, i.e. community discussion at the *umudugudu* level with Rwandan government officials and Members of Parliament, is said to be a distinctly cultural dimension of 'Rwanda-ness'. I witnessed MPs disagreeing with the Chair and concessions being made Secondly, corporatism and the facilitation of the public participation process promotes the organic creation of women's cooperative constellation between various women's stakeholders that can be leveraged as a bargaining resource and output of broad-based consensus on a particular issue. A representative from the Ministry of Justice and of Gender and Family Promotion was present at every Standing committee meeting that I observed and they were quite involved in the process, switching quite seamlessly between their roles as government employees and ordinary Rwandan citizens who felt that a certain aspect of the law should respect particular values.

I was surprised to discover that visitors to the meetings could not only observe the proceedings but give comments and contribute to the discussion.[34] Members of the media and other interested Rwandan citizens actively participated in proceedings without any sense of unease that I observed. At the first meetings I attended, I noticed the former Speaker of

[34]Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014.

Parliament Rose Mukantabana in attendance. She suddenly stopped attending the Standing Committee meetings and after making enquiries I found out that she was not on the Standing Committee for Gender and Politics but in fact, on the Standing Committee for Social Affairs. She felt passionately about women's issues related to Family Law and tended to make appearances now and then in order to keep abreast of developments. I was particularly surprised because she did not just observe process but participated actively in discussions.

One of the Rwandan government's obsessions in pursuit of the political legitimacy that it is continually vested in constructing, is that of broad-based consensus between the executive, legislative and judicial branch of government and civil society. During the eight months I spent observing Committee meetings, it was very rare that a member of the Ministry of Justice, a representative of MIGEPROF or a civil society organisation was not present and an entire Standing committee session was dedicated to engaging with *Pro-Femmes/Twese Hamwe* and eliciting their views on the draft Bill for Family Law.[35] Of the ubiquitous fuzzy development words that I heard circulating in the public sphere, the phrase 'civil society engagement' was one of the more prominent ones.

I cannot speak to other issues in consideration by other Standing Committees nor can I comment on the Executive branch of the Rwandan government but I observed robust deliberation in the Standing Committee meetings that I attended. Each article of the Family Law was discussed, Members of the Committee were able to disagree and substantiate their opinions and these were taken into consideration. Although I found the Chairperson to be particularly socially conservative, he was prepared to listen to other MPs on the Standing Committee and compromise on issues.[36] Rwandan culture was a consistent framework and the deliberation on the Family Law Bill were concerned with the integrity of *Banyarwandan culture*. Same sex marriage and homosexuality are considered immoral in Rwanda and incompatible to authentic Rwandan culture. This was reflected in the Standing Committee meetings and in the Family Law Bill itself.[37] The adoption of children is restricted to

[35] *Ibid.*
[36] *Ibid.*
[37] *Ibid.*

heterosexual, married couples and when I asked the MP sitting next to me why this was the case, she returned my question with a look of disgust.[38]

Some of the biggest areas of contention between legislators on the Standing Committee concerns the tension between women's practical needs and strategic interests and the precepts of an authentic Rwandan value system. During the committee meetings drafting the legislation on family law, I witnessed some particularly animated exchanges between the Chairperson of the Standing Committee Alfred Kayiranga and women MPs. These inevitably centred on authentic Rwandan culture and the need for the Family Law to reflect these values, some of which are deeply conservative. It is a set of cultural values with distinct emphasis on integrity and morality and cultural taboos include adultery, co-habitation before marriage and children out of wedlock.

### *8.5. Locating Parliament in wider Political Developments: Maternity Leave Amendment to Labour Code*

In 2009, the parliament of Rwanda passed the Revised Labour Code, which made significant changes to the regulation of the labour market, many of which specifically enhanced foreign direct investment in the country's economy (International Labour Organisation, 2015; Republic of Rwanda, 2009). Amongst a number of amendments made to the Labour Code, including the extension of the mandatory working week from 40 hours to 45 hours, was the reduction of the length of legally allotted fully paid maternity leave from 12 weeks to 6 weeks. According to the amendment, instead of 3 months of fully paid leave, Rwandan women would now be entitled to six weeks of fully paid maternity leave. Following this time, a new mother could return to work and continue to receive her full salary or remain at home for a further six weeks remunerated at 20% of her original salary (Rutazigwa, 7 July 2009).

The reaction to the amended maternity leave statutes in the Labour Code was overwhelmingly negative and it would be fair to say that Rwandan women opposed the maternity leave amendment.[39] Despite a national campaign by MPs and the FFRP, specifically, the Rwandan

[38] *Ibid.*
[39] Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014, Interview, Nyirarukundo, Ignatienne. Interview. Kigali, Rwanda. 3 March 2014.

national women's movement and Rwandan women expressed their dissatisfaction and interestingly, for a country where opposition to the state is deemed highly dangerous, were surprisingly vocal about their lack of support and several stakeholders articulated that 'this law may well be an obstacle not only to women's rights, but also to the family as a whole' (Ndikubwayezu, 8 July 2009). Many Rwandan women who I spoke to echoed the sentiment published in the government broadsheet, *the New Times*, which wrote that 'our women majority has failed to make national legislature more parent-friendly' (Akintore, 26 March 2013).[40] Coincidentally, on the day of my interview with Hon. Ignatienne Nyirarukundo, she had just come from a radio interview where she was explaining the new legislation in her capacity as the FFRP president and she mentioned that a large volume of callers to the radio show had been women who were confused and upset by the amendment.[41]

The official rationale for the amendment to the employment legislation was the need to promote women's inclusion in the formal economy and every MP I asked about the maternity leave amendment cited the importance of increasing Rwandan women's economic autonomy.[42] Rwanda's first women Speaker of parliament, Hon. Rose Mukantabana, who presided over the adoption of the revised Labour Law expressed the opinion that, while the decision was controversial, the legislation was necessary to the economic empowerment of Rwandan women.[43] Hon. Ignatienne Nyirarukundo mentioned that the initial response from the FFRP to the amendment was mixed but a consensus was reached based on a collective acknowledgement that the amendment overwhelmingly benefited women.[44] The explanation provided by the media read that 'MPs maintain that the maternity leave arrangement is solely to promote gender equality – mainly by ensuring equal opportunities for women in the private sector' (Karuhanga, 8 December 2013).

Explanations for the amendment, however, are conflictual. While the government's justification for the legislation's amendment is feasible, the consideration of the legislation happened to coincide with two major developments that negatively affected Rwanda's

[40] Various interviews. Doctoral Fieldwork. Kigali, Rwanda. November 2013 – June 2014.
[41] Nyirarukundo, Ignatienne. Interview. Kigali, Rwanda. 3 March 2014.
[42] Various interviews. Doctoral Fieldwork. Kigali, Rwanda. November 2013 – June 2014.
[43] Mukantabana, Rose. Interview. Kigali, Rwanda. 18 February 2014.
[44] Ignatienne Nyirarukundo interview.

economic growth prospects. Firstly, a major global recession effected a change in the international donor aid environment that reduced foreign aid flows to the African continent (Arieff, 2010; Allen and Giovenetti, 2011; Cramer, et al., 2009). Secondly, in late 2008 the United Nations released a report that heavily implicated Rwanda in the support and sponsorship of the M23 rebel movement in the Eastern Congo, following which there was widespread condemnation of the country in the international community (Zorbas, 2011). These events reflect that more consideration was given to the deregulation of the labour market than women's actual inclusion in the formal sector.

Rwanda is a highly donor dependent state and despite becoming an increasingly authoritarian state since 1994, it has steadily attracted a significant amount of international approval in the form of foreign donor aid (Desrosiers and Thomson, 2011; Hayman, 2008, 2009; Marysse, et al., 2007). Certain states threatened the withdrawal of aid and other states, namely the Netherlands, United Kingdom and Sweden, immediately suspended or reduced aid (Zorbas, 2011: 112). This necessitated a quick response by the government to make foreign investment in Rwanda's economy more attractive which I argue led to the amendment in the labour code. The Director of Labour and Administration in the Ministry of Public Service and Labour (MIFOTRA) Alexander Twahirwa, however, said the reason why the maternity leave was reduced was because of complaints that Rwanda has longer maternity leave compared to other countries:

> According to the Doing Business Report and other investors in Rwanda, the country offered many days in maternity leave. Investors were complaining of spending a lot of money on women going for maternity leave, who would also spend a long time when they are not productive. We hope to review the labour law though and some amendments might be made (Kaitesi, 26 July 2012).

The amendment to the length of paid maternity leave accompanied a range of other amendments that favoured employers and therefore foreign direct assessment, indicating a range of other considerations beyond women's economic empowerment.

In order to mitigate against the significant decrease in income for the last six weeks of the mother's maternity leave, the Rwandan government stated that it intended to establish a national maternity insurance fund.[45] The problem was that the amendment was implemented before the Maternity Insurance Fund was approved or established and Rwandan women have effectively been left with half of their maternity leave since June 2009. When I left Kigali in June 2014, the Bill establishing the Maternity Insurance Fund had yet to be passed and women were still unhappy with the RPF-led regime's decision to pass the law.

The Bill that would ensure formally employed Rwandan women 100% of their maternity leave benefits from a fund was eventually approved by the government on 24 March 2015 and eventually passed in the Chamber of Deputies on the 26 May 2015 (Parliament of the Republic of Rwanda, 2015; Government of the Republic of Rwanda). Full maternity leave is to be fully reinstated from 1 July 2015. The fund, however, took 6 years to establish and the timing of its approval was curious as it directly coincided with the beginning of the arrival of petitions at the Parliament of the Republic of Rwanda requesting that the Constitution be amended to allow President Paul Kagame to extend his presidential term (Parliament of the Republic of Rwanda, 2015).

Plainly expressed, the Rwandan Patriotic Front and Rwanda's President Paul Kagame need the support of women on two fronts in order to legitimize the change to the Rwandan Constitution required to extend his terms. Firstly, ordinary women and the Rwandan women's movement need to mobilize within Rwandan society in order to collect signed petitions from the population. The President was not going to get this support with the ongoing disapproval of Rwandan women that the amendment to the maternity leave caused. At a 'Meet the President' event overwhelmingly attended by women organised by the National Women's Council in 2013, Paul Kagame had to assure women that the proposed Maternity Leave Fund Scheme was imminent. In return, 'the President could surely count on women's support as he continues to lead the country towards development, NWC's president, Francesca Tengera, promised in her speech amid loud applause'(Kwibuka, 6 July 2013). Coincidentally, after

[45] This fund would receive its revenue from an indiscriminate tax of 0.6% of all formally employed Rwandan citizens' salaries and compensate half of the remaining 80% of the maternity leave entitlement with the other half of the entitlement paid by the company.

serving as the President of the National Women's Council from 2011 to 2013 and effectively coordinating the non-partisan body responsible for representing all Rwandan women, Hon. Francesca Tengera was elected to parliament as an RPF Member of Parliament further blurring the lines between partisan and non-partisan.

Since the end of its transition in 2003, Rwanda's parliamentary elections have gradually elected more and more women to the Chamber of Deputies. In 2008, it became the first country in the world to elect a majority of women to its national parliament (56.3%) and in 2013, women's descriptive representation increased to give women an overwhelming majority in the Chamber of Deputies (63.8%). Concurrently, the Rwandan parliamentary arena has become increasingly important to the exercise of political power, the assertion of authority and the dominance of Rwandan politics as the end of President Paul Kagame's non-renewable second term approaches in 2017.[46] Presently, the ability to change the Constitution lies solely in parliament and the 63.8% of women who make up the Chamber of Deputies are pivotal to the Rwandan Patriotic Front's continuing dominance of Rwandan's political sphere.[47]

There is a precedence of Rwandan women mobilizing to defend the government and the National Women Council's ability to mobilize women is impressive (Kwibuka, 6 July 2013). As previous chapters have illustrated, Rwandan women have benefitted significantly from state-based patronage networks, individually and collectively bargaining for their increased presence in the state and gender equality outcomes for Rwandan women through the mobilisation of women to support the RPF and by politically legitimizing its authority.

### *8.6. Women's Representation, Influence and Authority*

Some of the constraint structures that negatively influence women's political bargaining power are completely out of the control of even national government to negotiate. The simultaneous changes in market forces, economic outlook and women's role as the 'shock-

[46] Article 101 of 2003 Constitution of the Republic of Rwanda restricts the head of state to a maximum of two seven-year terms in office. Article 193 of the Constitution allows a referendum to take place that would amend Article 101.

absorbers' of neo-liberal reforms can mean that the economic restructuring that accompanies recessions and changes in the international donor community can negatively impact women broadly, but specifically affect the ability for women political elites, vested in the well-being of women, to present political alternatives to ruling political elites that would not jeopardize women's status.

Rwandan women's bargaining power, relative to the circumstance faced by the state in 2009, had diminished relative to its ability to negotiate the terms of the amendment of the Labour Code that significantly reduced maternity leave for women highlighted and reflects some of the changing power dynamics of the unequal elite patriarchal bargains concluded. Women's bargaining power is not constant or fixed political power but reflects the immanent and changing political context in which it is negotiated. In the face of competing interests and unfavourable political realities Rwandan women's bargaining power diminished to a certain extent and an amendment to an employment law in 2009 that significantly reduced maternity leave for women highlighted some of the changing power dynamics of the unequal elite patriarchal bargains concluded. The timing of the next presidential election changes women's bargaining power

Certain circumstances amplify women's authority and ability to successfully negotiate favourable elite patriarchal bargains and other political developments significantly constrain this bargaining power. In the face of competing economic interests and unfavourable political realities in 2009, Rwandan women within parliament and the women's movement did not have the leverage or bargaining resources to prevent the state from changing the terms of the maternity leave arrangement. This led to an unfavourable elite patriarchal bargain between women MPs and the state with negative consequences for women that resonated beyond the formal political arena and were felt most immediately by ordinary Rwandan women in formal employment. While the recent introduction of the Maternity Leave Fund ensuring employed women 100% of their maternity leave benefits can be seen to reflect the Rwandan state's responsiveness to women's concerns, it can also be viewed as an outcome of an elite patriarchal bargain, which involved the exchange of women's support for the extension of

Kagame's term in return for an expedited response in establishing the fund and continued patronage opportunities for women.

Devlin and Elgie (2008) and Burnet (2011) question the influence on policy and legislation that Rwandan women political elites have, concluding that relative to executive control over the policy and legislative processes, women have limited control. I agree with this thesis. Chapter 6 explored how dual representation exercises a role in the ways that women's representatives prioritise their various mandates. So while every women MP in the Chamber of Deputies represents the entire country within their Standing Committees and the Chamber's plenary sessions, I observed the existence of the Rwandan Women's Parliamentary Forum to have created an associative space within parliament for women political elites to actively represent women. For example, they routinely engage with and engage Rwandan women as a political constituency. The FFRP organizes its own separate General Assembly and undertakes extensive constituency work in its own capacity with a specific focus on empowering rural Rwandan women (Parliament of the Republic of Rwanda, 22 December 2014). As part of a project undertaken in each Rwandan province, in January 2013 the FFRP presented 13 cows to thirteen of the most impoverished women in Rutsiro District, Ruhango Sector in order for these women to start income-generating projects.

The Rwandan Women's Parliamentary Forum report back to the Chamber of Deputies at a Plenary Sitting once every parliamentary session (3 times a year). Its operations are institutionalised within parliament and it has a full time administrator. The previous chapter illustrated that one of the ways in which the elite patriarchal bargain that successfully negotiated the 2008 Rwandan Gender-based Violence Act was successfully negotiated was the leverage of the FFRP as a mobilizing structure for women. The FFRP continues to play this role within parliament. Male MPs are equally interested in the operations of the FFRP and during a two-day meeting held in January 2014 to elect the new leadership structure of the body, men were prominently in attendance although they could not vote for any of the seats up for election.

## *8.7. Conclusion*

This chapter illustrates that while women MPs' in the present Rwandan Chamber of Deputies presently have significant political influence and bargaining power to conclude favourable elite patriarchal bargains that enact the process of women's substantive representation and gender equality outcomes. The women present in parliament in 2014 *continue* to play a pivotal role in the projection of a collective and de-ethnicised nation and their centrality in the nation-building process, leveraged and used as a bargaining resource when proposing the Gender-based Violence Law in 2008, continues to exist as a bargaining resource and continued basis of their increased presence in the Chamber of Deputies. This bargaining power is enhanced by the legislative institutional context of the Chamber of Deputies, its central location in the reproduction of the *ndi umunyarwanda* political narrative and the importance of the support of women MPs present in parliament. It is a regime that is extremely aware, to the point of paranoia, of the legitimacy that broad-based consultation bestows on a political outcome.

Women's majority presence in the only political institution in the Rwandan political system that can amend the Constitution to extend Kagame's presidential term, testifies to the increasing importance of the 63.8% of women who comprise the Chamber of Deputies, imparts these women with a significant amount of bargaining power to leverage in order to demand legislative outcomes for women and for themselves. More specifically, as Chapter Five illustrated, as the RPF-led regime has come under increasing international criticism for its authoritarian governance and political restrictions within the country have become more pronounced, the women's cooperative constellation that comprises the Rwandan women's movement, Pro-Femmes/Twese Hamwe, women in Rwandan Parliament and the National Women Council has become increasingly important to politically legitimizing the ruling regime's authority.

# CHAPTER NINE - PARLIAMENT AS A GENDERED INSTITUTION IN POST-APARTHEID SOUTH AFRICA

## *9.1. Introduction: The Parliament of South Africa's National Assembly*

This chapter aims to explore the relationship between South Africa's current parliamentary arena and women's political representation, comparing it with the first post-apartheid parliament in which the 1998 Recognition of Customary Marriages Act and other gender equality outcomes were favourably negotiated as elite patriarchal bargains. It specifically interrogates whether the relationships between the legislative environment, women Members of Parliament and the South African women's movement were fostered and sustained through to the present parliament. South Africa's first post-apartheid parliament, explored in Chapter Six and Seven, reflect a parliamentary context within which women's non-partisan collective parliamentary mobilisation, allied relationships with women's civil society organisations and the Joint Monitoring Committee for the Improvement of the Quality of Life and the Status of Women, formed an effective 'women's cooperative constellation' (Holli, 2008). This chapter proceeds to analyse the current state of women's political representation in the National Assembly.

Following this introduction, the next section explores the present South African National Assembly as a political arena paying specific attention to the ways in which the Westminster characteristics of South Africa's hybrid parliamentary system mediate gender relations and norms within the institution. Section Three locates the National Assembly's position within the wider South African political context by assessing how women's interests have been addressed among other competing political interests, namely interests privileging traditional authority. Section Four considers the National Assembly as a gendered arena with a critical mass of women and considers the Multi-party Women's Caucus, the particular non-partisan women's parliamentary body established to promote gender equality within the present South African parliament. It also examines parliament's current relationship with South African women's civil society organisations compared with the relationship between the two entities that defined the first post-apartheid parliament. Section Five explores the now defunct Portfolio Committee for Women, Children and People with Disabilities, the particular

committee responsible for addressing gender equality within the National Assembly from 2009 to 2014.

## *9.2. The South African hybrid National Assembly: Ceremonialism, partisan and adversarial political party politics*

The South African parliamentary buildings located in the Central Business District of Cape Town are architecturally magnificent and aesthetically grand, evoking the colonial Dutch origins of the Cape. As Sylvia Tamale (1999) observes of Uganda's Westminster parliamentary building, South African parliament is an opulent, intimidating space that is distinctly masculine. The aesthetic of South African parliament, its décor and spatial organisation is interesting in the degree to which it symbolises the negotiated settlement and its historical racial compromise. Its aesthetic and art reflect an uneasy balance between a White settler colonial legacy, embodied by portraits of former Head of States and other old white men alongside indigenous South African art, traditional artefacts and most recently, the most resonant symbol of South Africa's transition to democracy, a statue of former State President Nelson Mandela.[1]

The parliamentary culture that currently defines South Africa's National Assembly emerged slowly and institutionalised itself through a number of political developments that established parliamentary norms, which Chapter Six illustrated, started a process of setting dangerous precedents in which the ANC-led government avoided any accountability. While political party institutionalisation is not in and of itself, a negative dynamic and is essential for democratic consolidation and party system stability (Diamond, 1999; Huntington, 1968), its manifestation in the South African setting as the increasing conflation between political party and state transplanted the ruling party's political narrative onto the substantive politics of the state (Lodge, 2003). The ANC's substantial majority, which is expressed as dominance of parliament, ensures that the 'combination of a Westminster-type system and a substantial majority ruling party amplifies the effect of tight party discipline and tends to fuse the legislative and executive arms of government' (Calland, 1999a: 14).

[1] Makhunga, L. D. Fieldwork Notes. Cape Town, South Africa. June 2013 –September 2013.

Due, in part, to the lack of robustness of opposition politics in the site of South African parliament and its marginalisation as a critical area of contestation as the prominence of Luthuli House gains ascendance, there exists a tendency to forget that the county's political system is fundamentally a parliamentary system. This arena is a critical political site and in addition to electing the President of the Republic, the final constitution which was drafted by the Constituent Assembly of parliament, gave specific stipulations and far reaching powers to this arena, inculcating the institution with the principle of non-partisanship and bestowing it with the power to elect the president of the Republic. The Westminster model of democracy and its distinct legislative arena have been criticised for their inability to genuinely facilitate political pluralism and inclusion in a political context where 'winning parties may make all the government decisions and that the losers may criticize but not govern' (Lijphart, 1999: 31).[2]

### *9.2.1. Plenary Sittings in the National Assembly*

Similar to a Westminster-based model legislative Chamber, the procedures of the South African National Assembly and Joint Sittings have a ritualised and ceremonial element to their proceedings (see Figure 2).[3] The seating arrangement of the National Assembly reflect its adversarial and partisan culture and MPs in the governing ruling party, who make up the majority, sit opposite opposition parties with the Speaker of Parliament between the two opposing forces. The proceedings of the National Assembly are choreographed and defined by the symbolic performance of authority that usually define the ceremonialism of Westminster-based parliaments. Each session of parliament begins with a procession of clerks. Two clerks

[2] The classic ideal-type Westminster-based regime is based on a strong two- party system and majoritarian single member electorate between political parties of relative equal strength and electoral support. It operates with a plurality majoritarian electoral system under a single-member district similar to the current United Kingdom electoral system (Lijphart, 1999). Classic Westminster models very rarely produce dominant or hegemonic party systems as 'the two principal parties are of approximately equal strength, the party that wins the elections usually represents no more than a narrow majority, and the minority is relatively large'.

[3] The official opening of parliament at the beginning of each year is marked by a State of the Nation Address, a special joint sitting of parliament where the President of the Republic addresses the Nation which is preceded by a red carpet ceremony. Following a general election and the commencement of a new parliament, a State of the Nation Address inaugurates a new parliament. This is a red-carpet event with a definitive performance of pageantry and pomp, where Members of Parliament host a number of ceremonial entertainment events for its Members of Parliament that include cocktail receptions and sumptuous dinners. The Parliament of South Africa issued a statement indicating that the event fostered public participation by allowing the public to witness 'Junior Guards of Honour, Civil Guards of Honour and Eminent Persons lining the route from the Slave Lodge to the steps of the National Assembly building'.

sit in front of the Speaker, the Speaker's support staff wear black and white uniforms with gloves. A Sergeant at Arms carries a golden mace into the National Assembly Chamber, the symbol of the Speaker's Authority, followed by an opportunity for silent meditation. These various rituals and ceremonies symbolise the pageantry of power and the legitimacy of the National Assembly as the repository of legislative authority within the state (Armitage, 2011).

The South African National Assembly has four parliamentary terms each year and each parliamentary terms last for approximately 2 months, followed by a month of recess.[4]

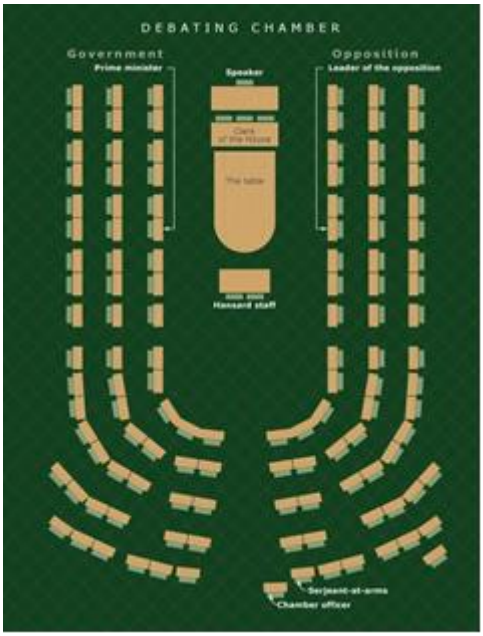



**Figure 9.1. Westminster Parliament Seating Chart (Source: House of Commons)**

Rai and Jones (2014: 6), drawing on Judith Butler's conception (1990, 1997) of gender and institutional norms as performative, highlight the performance of parliamentary politics as a reflection of the ways in which power is constituted in society. In particular, Rai and Jones (2014) argue that the ways in which gender as a subjectivity is constituted, performed, recognised, and privileged within an institution determines the ways in which political claims are legitimised through performance, ritual and ceremony.

[4] The parliamentary terms are mandated by the Constitution to start on the same date each year. The first parliamentary term begins on February 5, the second parliamentary term (the Budget session) begins on June 5 and the third parliamentary terms begins on September 5. If this date is not a working day, then the parliamentary term begins on the very next working day.

The adversarialism of South African parliament has particularly unfavourable circumstances for women who are subject to the often personalised attacks and exchanges that are a regular part of plenary sessions. Plenary sessions in the National Assembly of South African parliament are a raucous, boisterous and rowdy affair. The quality of debate and the extent of its robustness has also raised concern. I did not observe heckling, verbal abuse and interruptions on any occasion in plenary sittings. As the Leader of the opposition in parliament *Leader of the Democratic Alliance Lindiwe Mazibuko seemed to be the proverbial punching bag of both the ANC and other opposition parties. Her position as Head of the Opposition in a majority ANC parliament made her a particularly prominent target. ANC MP John Jeffreys made disparaging comments about her weight in a plenary session, stating on the National Assembly Floor that '[w]hile the Hon Mazibuko may be a person of substantial weight, her stature is questionable'.[5] The media noted that the majority of women in the House, who were ANC women, were amongst those laughing at the insult. Mazibuko expressed personal disappointment at the lack of solidarity of women in the National Assembly who were willing to condone this sexism, stating:

> it's depressing to be in a parliament that has so many women members willing to condone their male counterparts resorting to sexism and ageism and all kinds of other divisive tactics simply to score political points. It's a real feature of the patriarchal nature of South African society mirrored in our parliamentary debate (Smith, 2014, 9 February).

Mazibuko's statement is noteworthy, not just in its acknowledgement of entrenched patriarchy, but in noting that parliamentary relations directly reflect those of South African society.

Since the finalisation of parliamentary rules and procedures in 1996, the ANC has introduced amendments to the procedural aspects and rules of the legislature that have significantly undermined the opposition. Victoria Hassan (2010: 368) argues that 'in the early years the new rules helped Members to establish an inclusive set of practices via their connection to

[5] Smith, D. (2014, 9 February). 'Lindiwe Mazibuko: 'The insults are a signal that we're having a huge impact'. *The Guardian*, [Online]. Retrieved from: http://www.theguardian.com/politics/2014/feb/09/lindiwe-mazibuko-south-africa-democratic-alliance. Accessed 21 January 2015.

wider social expectation. Shifts in the political context have since challenged the strength of Members' capacity to engage with the new rules of the institution'.

The ability of the opposition to use parliament and leverage its mechanisms as a means to oppose the ruling party are frequently undermined by the ANC control of parliament. In 1999, procedural rules were changed to mandate that the ruling party in parliament had the right of first response following National Assembly or Joint Sitting debates effectively making 'South Africa one of the few legislatures in the world in which the government responds to the government before the opposition has a chance to speak' (Leon, 2008: 397).[6] The ruling party's amendment to the format of 'question-time' and interpellations, two Westminster-based parliamentary procedures carried over from the previous regime's Westminster-based parliament, also raised concerns about the closing up of avenues for the opposition to engage with the ruling party in parliament. Parliamentary questions and interpellations serve a range of important functions within the national legislature.

From 1994 to 2000, a procedure was followed which allowed political parties to engage in interpellations (brief debates) and pose questions to the Executive branch of government and , which appeared in the parliamentary question paper in the order in which they were posed by MPs (Leon, 2008; Murray and Nizjink, ). Between 1994 and 1998, the New National Party, the Democratic Party and the Inkatha Freedom Party posed a combined 5 105 questions to Cabinet, compared with the ANC's 588 questions to its own government (February, 2006: 137). In response to the ANC's perception that the system was being abused by opposition parties, the parliamentary question procedure was revised in 2000. The normally half hour question time held weekly was extended to two hours weekly and the number of questions a political party could pose was proportional to their representation in parliament (February, 2006: 137). Interpellations were scrapped entirely and the right to ask follow up questions was severely restricted (Leon, 2008).

Currently, there is no obligation for members of the government to respond to the questions posed to them by MPs, and no parliamentary mechanism or procedure for holding Members

[6] Joint Sittings of the Parliament of the Republic of South Africa involve plenary sittings held with both the National Council of Provinces and the National Assembly.

of the Executive accountable for answering parliamentary questions. This has resulted in 'question dodging' from Cabinet, which became common within the legislature and effectively institutionalised under Mbeki. Incidentally, Mbeki did not have many questions to dodge as he was only required to answer eight questions a year from the combined opposition, all of which were vetted by the Speaker of Parliament to ensure their importance (Leon, 2008: 401). Under Mbeki, parliament became marginalised as the President was very rarely present to engage with. Concerns about his infrequent appearances and even more infrequent responses to questions in the National Assembly were attributed in the national legislature to the fact that the President was not a MP (Independent News Online, October 28 1999). The members of Mbeki's Cabinet who were Members of Parliament, however, seemed to take their cue for engaging with legislative questions from the President and it took Nkosasana Dlamini-Zuma, then Minister of Foreign Affairs, two years to respond to a question posed to her in 2002 (February, 2006: 138). While the President of the Republic is not required to respond to parliamentary questions, President Mandela consciously engaged with its legislative authority and 'was at pains to respect the authority that Parliament holds over the president' (Calland, 1999a: 4).

A principal irony of the political outcomes of the Westminster-based South African parliamentary system is that while the system symbolically and ceremonially promotes robust opposition, before the fifth national election in 2014 and the entry of the Economic Freedom Fighters (EFF) into the National Assembly, South African parliamentary opposition was distinctly weak, fragmented and lacked numerical clout.

### *9.2.2. Oppositional Politics in the National Assembly*

South African parliament currently lacks a viable opposition force with the numerical capacity to individually or collectively challenge the ANC. The lack of robust accountability within the parliamentary context emerged most clearly during my parliamentary observation of plenary sessions, with questions directed at Cabinet Ministers rarely originating from their own political party and a political culture has emerged where a fragmented and disunited opposition force, with only 34.1% of the vote are responsible for bringing a dominant party to

account.[7] For example, in 2012 the collective force of opposition parties in parliament (amounting to less than 30%) attempted to pass a motion of no confidence in the President of the Republic of South Africa, while this attempt was eventually unsuccessful due to its unconstitutionality, the fact that the numerical clout needed to achieve it was effectively absent without the possibility of an anonymous vote needs to be acknowledged as an indication that even collectively, the opposition remains weak.[8]

Janet Semple, the DA provincial leader for Gauteng and a former MP in the National Assembly, suggests that the reason why DA members *can* be so vocal about political issues, generally and gender issues specifically, is because they are the official opposition and their contrarian views are therefore expected if not obligated by the role they play within South Africa's political system.[9] Their vocality, however, does not reflect their influence and even within a collective forum of other opposition parties, 'if the government doesn't see it the way that we do, it just falls'.[10] Female opposition leaders are positioned at a unique vantage point in that they can be increasingly critical of the ANC-led government's efforts without alienating themselves from their parties in ways that harmed outspoken feminists like Pregs Govender and Nosizwe Madlala-Routledge.

### *9.3. Locating Parliament in wider Political Developments and Political Culture*

As one of the central institutions in a constitutional democracy underpinned by a parliamentary system of government, South Africa's national legislature; its processes and institutional culture convey powerful cues about the state of the nation and its leadership. Before the entry of the Economic Freedom Fighters into South African parliament following South Africa's fifth general elections, parliament had become marginal as an arena for agenda-setting within the state (Gumede, 2007). This marginalisation of parliament as a site of deliberation manifested itself early in post-apartheid first parliament. Gumede (2007: 169) argues that the 'ANC in parliament is a virtual case study of how democratic institutions can increasingly be excluded from policy-making'. Although met with substantial opposition from

[7] Makhunga, L. D. Fieldwork Notes. Kigali, Rwanda. November 2013 – June 2014
[8] This is the only mechanism that the Constitution provides to remove a sitting President once elected by parliament following an election.
[9] Personal Communication with Janet Semple.
[10] Stanley Ntapane Interview.

the more left-leaning groups within the Tripartite Alliance, the unilateral imposition of the neo-liberal Growth, Employment and Redistribution (GEAR) policy in 1996 and its introduction into the legislature as a 'fait accompli' was a harbinger of the ways in which broad-based policy and legislative formulation was to bypass parliament, and primarily come from Luthuli House.

The controversial Arms deal acquisition was similarly introduced in this way, cementing a dangerous pattern of instrumentalising parliament to legitimize unpopular political decisions while effectively marginalizing it as a site of genuine political contestation. This undermining of parliament's policy influence is not assisted by the fact that the Westminster-based model promotes a dynamic where 'winning parties may make all the governmental decisions and that the losers may criticize but not govern' (Lewis, 1965, cited in Lijphart, 1999: 31).

Secondly, there is a suggestion that parliament inadvertently 'transferred' some of its own powers to formulate policy and legislation and 'one of the most dominant features of post-1994 legislation, for example, was the frequency with which parliament delegated sweeping regulatory powers to the ministers, diminishing its own statutory role' (Leon, 2008: 394). Ministers were in fact given a wide array of discretionary powers by parliament that ironically marginalised the role of parliament by allowing Departments to draft and institute regulations that did not require parliamentary approval (Leon, 2008).

One frequently cited development in the post-apartheid parliament that captures the marginalisation of the parliamentary institution as an influential site of change, deliberation and partisan engagement in the South African political system is the issue of parliamentary absenteeism. MPs' attendance at committee meetings and plenary sittings emerged as a serious issue in the first post-apartheid parliament and continues to be a constraint to parliament's legislative mandate, affecting the ability of the institution to pass legislation in without the adequate numbers to establish a quorum. The quorum in the National Assembly is 50% plus one MP, which means that 201 MPs have to be present in order for a Bill to be debated and considered. While the ruling party elected 238 MPs to parliament in 2009, which gives it a de facto quora without any consideration of opposition, opposition Members are also frequently absent.

Many interviewed MPs provided anecdotes about seeing committee members for the first time towards the end of the five-year parliamentary mandate when they suddenly appeared, seemingly to begin constituency work ahead of national elections. Fester expressed disgust with the way in which the ANC party system facilitated this underperformance. According to a parliamentary insider, it is a culture and 'there are many Members who draw a salary and don't come to Committee Meetings'

### *9.3.1. Competing Interests and Traditional Authority*

Chapter Six illustrated that the 1996 Constitution represented a guarantee by the newly elected South African government to women, the majority of whom are Black and poor, that their individual rights as women and citizens were paramount to the customary rights of traditional authority. It was a symbolic gender pact that involved a series of important political developments where the ruling political party privileged the gender equality interests of powerful senior women political elites over the competing political interests of a united, socially conservative entity of traditional authority that aimed to retain the legal subordination of women in the interest of expressed an authentic African culture. 'A key test for South African women lies with whether these parties are able (and willing) to challenge the power of the chiefs and tackle 'traditions' that continue to hold women in virtual bondage, when such a move could play into the hands of their political opposition' (Connell, 1998: 203).

As explored in the previous chapter, one of the most important bargaining resources and discursive opportunities for articulating claims for amended marriage legislation was the specific framing of the proposed law antithetically to apartheid and the injustices women suffered during that time as legal minors under customary law. The Recognition of Customary Marriages Act was passed at time when a concerted effort was being made within parliament to revise, repeal and formulate legislation. Unfortunately subsequent parliaments did not sustain that mandate and the parliamentary space for influencing transformative gender equality legislation with significant impact for women is gradually closing with successive regimes.

A number of political developments followed the 2007 ANC's Polokwane Conference, the election of Jacob Zuma to the ruling party's Presidency and Thabo Mbeki's recall from the

Presidency in 2008 that indicated that a major shift was imminent in the reassertion of traditional authority, customary values and a less progressive ANC Women's League. While President Zuma's presidency has seen a prominent resurgence in the role of traditional authorities in public life and the extension of its power and privileges, the use of the parliament and legislation to fortify its role predates Zuma's election. The 2008 Traditional Courts Bill (TCB) is widely cited as a result of the increasing alliance between a Zuma-led ANC and traditional authority, which sacrifices gender equality and individual rights (Claasens, 2009; Gasa, 2014; Ntlama and Ndima, 2009; Weeks, 2014). Further attesting to the influence of traditional authorities was the fact that the Bill submitted to parliament in 2008 was drafted by the Department of Justice in collaboration with the National House of Traditional Leaders (Mnisi, 2010).

The formation of the Ministry for Women, Children and People with Disabilities in 2009 and the continuing tenure of the ANC Women's League President Angela Motshekga as the Minister for Basic Education serve as two perfect examples of how patronage politics can negatively affect the effective pursuit of democratic mandates by the state, in this case, the gender equality mandate to promote a non-sexist South African society and provide decent basic education to the country. The non-delivery of school textbooks to the primary school learners of the Limpopo province in what has been widely identified as the 'text book crisis' illustrated this dynamic very clearly[11]. President Zuma's decision not to hold Motshekga publicly accountable was widely seen to be influenced by the potential loss of the ANCWL's powerful endorsement at the Mangaung Conference (Mail and Guardian, Ngalwa, et al., 2012: July 29). Interestingly, Motshekga was severely censured by her own party with many ANC NEC members calling for her resignation over the debacle. It went as far as Secretary-General Gwede Mantashe acknowledging that the crisis in textbook delivery was harming the ANC's government credibility. Despite numerous pronouncements by Jacob Zuma's government that education is a priority, Basic Education Minister Angela Motshekga's has yet to be disciplined for her inability to address the crisis and in fact, survived a Cabinet re-shuffle it is

[11] A report leaked by the Limpopo Education Department revealed that as early as 2011, Motshekga was alerted to the fact that the number of text-books allocated to the province would be insufficient. She did not act on this and the school learners did not received book in 2013.

widely that if ‘Zuma were to act against Motshekga, it seems he would run into immediate trouble from the women's league’ (Mail and Guardian, 2012: July 30).

The institutional consequences of the elite patriarchal bargain struck between the ANC Women’s League and the new ANC leadership elected at Mangaung was the allocation of state resources toward the allocation of a Women’s Ministry that put the . While likening the bargain to a Faustian pact might be melodramatic, referring to the Department of Women, Children and People with Disabilities formed in 2009 by the newly elected Jacob Zuma, as a white elephant or a disaster is inadequate in capturing the enormous waste of resources and capacity that defined the Department’s 5 year existence. Interestingly, in a trend that reinforces my thesis about the terms of elite patriarchal bargains and the consequences for gender-accountable representation, the Portfolio Committee for WYCPD’s endeavours in removing the first Minister for Women, Children and People with Disabilities proved to be far more successful than its attempts to remove Lulama Xingwana from her post, despite Minister Xingwana’s abysmal performance as the head of Department.

President Jacob Zuma, however, seemed to have made a mistake in appointing Noluthando Mayende-Sibiya, who was not the ANC Women’s League’s preferred candidate for the position. In what can only be described as serendipitous for the ANC Women’s League, Noluthando Mayende-Sibiya performed poorly in her position and the Portfolio Committee for WYCPD reported that the Ministry presided over the drafting of an inadequate department strategic plan, failed to fill senior and crucial vacancies and wasted departmental resources on entertainment and catering (van der Westhuizen, 2014: 72). As Lulama Xingwana’s subsequent security of employment tenure in the position proved, non-performance has never served as a primary motivation for dismissing Ministers from their posts, which points to other variables at play in this decision and the Women’s League influence and stature within the party was probably leveraged in order to ensure Mayende-Sibiya’s dismissal in exchange for continuing support of President Zuma.

Helen Lamoela, a DA MP and the Shadow Minister for Women, Children, Youth and People with Disabilities (WCPD) expressed absolute contempt with the Ministry, stating quite plainly

that she had 'never witnessed such a massive waste of resources in my life'.[12] The Portfolio Committee on Women, Children and People is widely considered the political outcome of an elite patriarchal bargain between the ANC Women's League and Jacob Zuma that essentially sacrificed gender equality on the altar of patronage and social conservatism. In a clear display of the patriarchal bargain concluded between President Jacob Zuma and the ANC Women's League on the eve of the ANC's National Conference held in Polokwane, it was clearly intimated that the Women's Ministry had been given to the ANC Women's League as a token of President Zuma's gratitude of their support for his bid to gain the presidency of the ANC. Since 1994 the Women's League has failed to articulate a set of consistent pro-equality arguments, has not been able to provide clear political leadership for the women's movement and 'it has dramatically fallen out with feminists even within its own party' (Hassim, 2014: 17).

The 1996 Constitution 'determines first of all that although there is no full separation of executive and legislative powers, there is a certain independence legislature and executive'.[13] The executive branch and legislative branch of government can never realistically be entirely separate entities in a parliamentary democracy. In the South African context however where members of the Cabinet are chosen from Parliament and simultaneously serve in the Executive and National Assembly, the use of the state to reproduce the ANC's legitimising narrative has become more noticeable. Executive dominance of the legislative branch of government is a dimension of this trend and undoubtedly plays a role in the partisan nature of parliamentary politics and the use of resources to pursue the ANC's agenda. It has become increasingly difficult to identify where the South African post-apartheid state ends and the ruling political party begins. At the end of 2013, Democratic Alliance (DA) Leader of the Opposition in Parliament Lindiwe Mazibuko issued a statement complaining about the increasing conflation between ruling party and state that was personified by the state-financed launch of the Saldanha Bay Industrial Development Zone, where 'the ANC bussed in supporters and handed out party t-shirts to attendees as though it was a political rally' (Mazibuko, 1 November 2013). While the trend has become more distinct as electioneering

[12] Lamoela, Helen. Interview, Cape Town. 18 September 2013.

[13] Section 8 (5) of the Constitution of the Republic of South Africa.

before the 7 May 2014 has gained momentum, it has been a definitive feature of state functions for some time (Murray and Nijzink, 2002).

Denise Walsh (2010: 186) further argues that 'the rise and stall of gender justice in South Africa underscore[s] the limits of democratic politics for women's rights'. The failure to extend the formal gender equality guaranteed by the South African to a transformative, substantive gender equality reflects the failure to extend democracy and needs to be recognised within the failure of a wider democratic political project gone awry. There seems to be a consensus that the first five years of the country's post-apartheid parliament were characterised by a more robust inter-political party engagement than subsequent parliaments (Calland, 2006, Feinstein, 2009; Gumede, 2007; Leon, 2008). In comparison to the current alarming scenes of the Speaker of Parliament summoning riot police to remove opposition Members of Parliament from the National Assembly, South Africa's first post-apartheid parliament was a notably more democratic, accountable and legitimate legislative arena.

### *9.4. Feminising Parliament with a Critical Mass?*

The first session of the 2013 Women's Parliament was noticeable for the conspicuous absence of women MPs from political parties in parliamentary opposition to the ruling ANC (field notes, 21 August 2014). Opposition party members on the parliamentary Portfolio Committee for Women, Youth, Children, and People with Disabilities (Portfolio Committee on WYCPD) expressed the collective sentiment that attending these parliamentary events was effectively a waste of time, as their partisan nature negated any potential contributions from opposition MPs (focus group discussion with members of the Portfolio Committee for WYCPD, Cape Town, 17 September, 2013).

In Chapter Six, I highlighted that one of reasons for the failure of women's non-partisan caucuses in South African parliament has been the failure to institutionalise their functioning within the legislature. That this was a major concern should mean that the format and institutionalisation of the Women's Multi-party Parliamentary Caucus should respond to this problem and present a more effective parliamentary structure than previous non-partisan women's parliamentary caucuses. The issue of partisanship, however, still remains and the Multi-party Parliamentary Caucus is another structure that reflects the 'hijacking' and

monopolisation of gender-equality structures by the ANC Women's League (Makhunga, 2014).

Opposition party members on the now defunct Portfolio Committee for WCYPD derisively referred to it as an 'ANC Women's League reunion tea party' and frequently do not attend parliamentary events organised through the Caucus.[14] The first session of the 2013 Women's Parliament, a panel discussion held in the Old National Assembly of parliament, confirmed this and was noticeable for the conspicuous absence of women MPs in South African political parties in parliamentary opposition to the ruling ANC (Field notes, 21/8/2014). Opposition party members on the parliamentary Portfolio Committee for Women, Youth, Children and People with Disabilities (Portfolio Committee on WYCPD) expressed the collective sentiment that attending these parliamentary events was effectively a waste of time, as their partisan nature negated any potential contributions from opposition MPs.[15]

By the time I conducted my research in the National Assembly in 2013, the crèche that had been established by pressure from women Members of Parliament in the first post-apartheid parliament had stopped operating. A parliamentary staff member indicated to me that towards the end of its existence in parliament, it had mainly been used by parliamentary support staff and not Members of Parliament and was therefore discontinued.[16]

#### *9.4.1. Participation, Women's civil society and Parliament*

South African MPs with activist backgrounds were initially enthusiastic about the possibilities that parliament presented for addressing women interests within the state, especially vulnerable women living under traditional authorities in rural areas and those infected with HIV/Aids. This was the case in 1994, where the ANC's political party list nomination process was heavily influenced by civil society organisations and it can be argued, imposed a mandate effect on some of the representatives who entered parliament on that particular ticket. Nozizwe Madlala-Routledge recalls:

[14] Focus group discussion with Members of the Portfolio Committee for Women, Children, Youth and People with Disabilities. Cape Town, South Africa. 17 September, 2013
[15] Focus group discussion with Members of the Portfolio Committee for Women, Children, Youth and People with Disabilities. Cape Town, South Africa. 17 September, 2013.
[16] Makhunga, L. D. Fieldwork Notes. Cape Town, South Africa. June 2013 – October 2014.

> We were very strong on mandate in those days [1990 – 1994]. The mandate of the constituency, the people that they understood would have put them in parliament and, there was a very good system then where nominations for the party list, for example, the nominations for the ANC list came not only from the ANC. My own nomination came from civil society…my name was up on the civil society nominations where the ANC had asked others other than those in the party to indicate who they would like to see in parliament.[17]

Presently many women's organisations have articulated the sentiment that 'although the current South African government is dominated by former comrades, allies and activists from the liberation struggle, members of civil society organisations still question the potential for true collaboration' (Britton, 2006: 152). In the South African context, women's shifts from the ranks of civil society to parliament seemed to have largely demobilised women's initiatives and mobilisation within parliament (Britton, 2003, 2006). Where women had advocated, lobbied, and framed their demands for women's gains in a non-partisan way under the ambit of the Women's National Coalition during the transition, the proportional representation system of South African parliament made it almost impossible to articulate demands in a non-partisan or independent way.

The demobilisation of women's parliamentary activism was further augmented by two trends that occurred after the second national elections in 1999: (1) deterioration in the strategic relationship between women MPs and women's grassroots organisations, exacerbated by the decision taken by the WNC that women who had been elected to provincial and national Parliament could not be on the WNC's national committee (Horn, 1994); and (2) the exodus of close to a third of the ANC's first term of women MPs from Parliament. Most of the women who exited Parliament after 1999, like Lydia Kompe and Getrude Fester, were women with activist backgrounds who were replaced by technocratic and professionalised women politicians. A parliamentary source (interview, Cape Town, 21 August 2013) cites this as one of the major reasons for Parliament's deprioritisation of gender issues stating that:

[17] Madlala-Routledge, Nozizwe. Interview. Cape Town, South Africa. 27 June 2013.

> in the early days, there were activists who came in who were still fresh from the struggle and they wanted to change the world. Many members, they're just not the same calibre, there's an increasing professionalisation of members who are here to do a professional job … They've got a technical, professional understanding of what they're meant to do and they're going to do it.

The strategic relationship between women's civil society organisations and women MPs that defined early democratic legislative reforms such as the reform of marriage legislation and the 1998 Domestic Violence Act is largely perceived to have broken down, with women's civil society organisations presently finding it difficult to access key allies in the ruling party to champion the struggle against gender equality (Van Donk and Maceba, 1999). The momentum built by the women's movement during the political transition and democratic negotiations around entrenching women's rights in the new democratic dispensation was not sustained in the post-apartheid period.

Catherine Albertyn, who was part of the Women's National Coalition and was strongly involved in legal advocacy for the Recognition of Customary Marriages Act through the Centre for Applied Legal Studies, notes that 'it's changed so much over the past 20 years…In the nineties it was so easy because we'd been comrades in arms in the nineties, we'd worked together in the coalition…those connections were still there, at least for the first five years'.[18] Fester is skeptical of how cohesive the Women's National Coalition was in the first place, explaining that she felt that race and class were always existent cleavages that to a certain extent, were inadequately resolved.[19]

Following vibrant women's organizing during transitions, democratic consolidation have been known to lead to the demobilisation of women's organizing in developing contexts (Craske, 1996). The Women's National Coalition broad – based, multi-racial and most importantly, multi-party alliance of women's civil society organisations with membership of political party elites, with access and influence A range of women's non-governmental organisations that are considered single-issue organisations with an individual thematic mandate to address violence

[18] Albertyn, Catherine. Interview. Johannesburg, South Africa. 9 October 2013
[19] Fester, Gertrude. Interview, Cape Town. 5 September 2013.

against women, rural women's rights, HIV/Aids etc, have emerged following the demobilisation of a more broad-based cohesive women's movement (Gouws, 2014).

Many cite the lack of civil society consultation around the formation of a Women's Ministry as an indication that the parliament-civil society relationship that defined the immediate post-transition phase has largely been eroded. GAP and relationship with parliament. The 2013 Women's Parliament was dominated by the ANC Women's League and its affiliated organisations, including the Progressive Women's Movement (PWM), which seeks to position itself as an autonomous umbrella organisation and 'forum of independent organisations, in which different independent organisations of women, with different ideological backgrounds, come together around common values, common principles, common goals to change the lives of women for the better.' (Mayende-Sibiya, 9 August 2007).

Presently, South Africa's national parliament has very tenuous links to women's civil society organisations and as the 2013 National Women's Parliament illustrates, the ruling party and its Women's League are deliberately blocking any avenues within which women's civil society organisations can participate in parliament. The presence of the Progressive Women's Movement (PWM) at government meetings and forums serves to legitimise the exclusion of other more autonomous women's civil society organisations from engagement with parliament while simultaneously allowing the Women's League to appear more inclusive of civil society than it really is. Government consultation with the PWM is continuously framed as engagement with 'civil society'. A parliamentary insider confirmed this as an established 'a party alliance tactic'.[20] The PWM is not autonomous from the ANCWL, however, and their National Convenor Hlengiwe Mkhize simultaneously serves as the League's Treasurer-General (ANC Women's League, 2010; Progressive Women's Movement, 2014).

### *9.5. Legislative Committees addressing Gender Equality: Structure, Membership, Positional Power*

One of the most frequent observations about South Africa's gender equality legal framework (and South Africa's legislation in general) is that while it is extensive and enshrines a progressive legal rights regime, it is seldom implemented effectively (Albertyn, 2003; van der

[20] Interview with Parliamentary source. Cape Town, South Africa. 21 August, 2013.

Westhuizen, 2014). The implementation of government policy and legislation is the mandate of the relevant Ministry and it is the role of parliament to hold the Executive to account in the execution of their duties. The South African constitution clearly defines the optimal relationship that should exist between the executive and legislative branches of the state, unequivocally stating that 'members of Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions'.[21] Although appointed by the President of the Republic, therefore, Cabinet is accountable to Parliament as they are selected from their political party list as elected parliamentarians. In South Africa, ''oversight' and 'accountability' are two sides of the same coin – the accountability of the executive to the legislature is enforced when the legislature exercises oversight over it and scrutinises executive action' (Murray and Nijzink, 2002: 88).

While a definitive aspect of this political behaviour is rooted in an institutional culture of authority and hierarchy, the electoral system and the gatekeeper role it bestows on the political party means that: 'any rigorous parliamentary oversight by majority-party MPs places them in the difficult position of criticizing senior party leaders, who could eject them from the party and hence from Parliament' (Mattes, 2002: 24). As a parliamentary insider observed, 'members of the Cabinet are more senior [within the party], members of Parliament are more junior. It's very hard for Members of Parliament to conduct effective oversight of the more senior people within the party'.[22]

21 Article 5(2) of the Constitution of the Republic of South Africa.

22 Interview with Parliamentary source. Cape Town, South Africa. 21 August, 2013

| Portfolio Committee | Leadership | Position | Gender | Political Party Affiliation |
|---|---|---|---|---|
| Portfolio Committee on Communications | Ismail Vadi | Chairperson | M | African National Congress |
| Portfolio Committee on Trade and Industry | Joan Fubbs | Chairperson | F | African National Congress |
| Portfolio Committee on Economic Development | Busi Coleman | Chairperson | F | African National Congress |
| Portfolio Committee on Transport | Ruth Bhengu | Chairperson | F | African National Congress |
| Portfolio Committee on Science and Technology | Nqaba Ngcobo | Chairperson | M | African National Congress |
| Portfolio Committee on Water and Environmental Affairs | Maggie Sotyu | Chairperson | F | African National Congress |
| Portfolio Committee on Tourism | Don Gumede | Chairperson | M | African National Congress |
| Portfolio Committee on Finance | Thaba Mufamadi | Chairperson | M | African National Congress |
| Portfolio Committee on Mining | Fred Gono | Chairperson | M | African National Congress |
| Portfolio Committee on Energy | Elizabeth Thabethe | Chairperson | F | African National Congress |
| Portfolio Committee on Labour | Lumka Yengeni | Chairperson | F | African National Congress |
| Portfolio Committee on Public Works | Lindiwe Hendricks | Chairperson | F | African National Congress |
| Portfolio Committee on Public Enterprises | Vytjie Mentor | Chairperson | F | African National Congress |
| Portfolio Committee on Rural Development and Land Reform | Stone Sizani | Chairperson | M | African National Congress |
| Joint Budget Committee on Appropriation | Elliot Sogoni, | Joint Chairpersons | M | African National Congress |
| | Kgauta Mokgoto | | M | |
| Portfolio Committee on Correctional Services | Vincent Smith | Chairperson | M | African National Congress |
| Joint Standing Committee on Defence | Hlengiwe Mgabadeli | Chairperson | F | African National Congress |
| Portfolio Committee on Justice & Constitutional Development | Ngoako Ramatlhodi | Chairperson | M | African National Congress |
| Portfolio Committee on Constitutional Development | Patekile Holomisa | Chairperson | M | African National Congress |
| Joint Standing Committee on State Security | Cecil Burgess | Chairperson | F | African National Congress |
| Portfolio Committee on Police | Lydia Chikunga | Chairperson | M | African National Congress |
| Portfolio Committee on International Relations & Corporation | Thulas Nxesi | Chairperson | M | African National Congress |
| Portfolio Committee on Home Affairs | Ben Martins | Chairperson | M | African National Congress |
| Portfolio Committee on Cooperative Governance and Traditional Affairs | Lechesa Tsenoli | Chairperson | M | African National Congress |
| Portfolio Committee on Public Service & Administration | Joyce Moloi-Moropa | Chairperson | F | African National Congress |

| | | | | |
|---|---|---|---|---|
| Joint Standing Committee on Auditor-General | Michael Masutha | Chairperson | M | African National Congress |
| Standing Committee on Public Accounts | Themba Godi | Chairperson | M | African People's Convention |
| Portfolio Committee on Basic Education | Fatima Chohan | Chairperson | F | African National Congress |
| | | | | |
| Portfolio Committee on Higher Education | Marius Fransman | Chairperson | M | African National Congress |
| Portfolio Committee on Health | Bevan Goqwana | Chairperson | M | African National Congress |
| Portfolio Committee on Human Settlements | Beauty Dambuza | Chairperson | F | African National Congress |
| Portfolio Committee on Social Development | Yolanda Botha | Chairperson | F | African National Congress |
| Portfolio Committee on Sports & Recreation | Butana Komphela | Chairperson | M | African National Congress |
| Portfolio Committee on Arts & Culture | Simon Farisani | Chairperson | M | African National Congress |
| Women's Caucus | Beauty Dlulani | Chairperson | F | African National Congress |
| Portfolio Committee on Women, Youth, Children and People with Disability | Barbara Thomson | Chairperson | F | African National Congress |
| Portfolio Committee on private members' legislative proposals and special petitions | Setlamorago Thobejan | Chairperson | M | African National Congress |

Reflecting on the Parliament of the Republic of South Africa's role in conducting its constitutionally mandated oversight role over the executive branch of the government since 1994, Judith February (2006: 123) observed that 'it is a [oversight] role it has thus far declined to carve out for itself adequately or successfully'. According to Murray and Nijzink (2002), the South African national legislature's procedures and processes are weighted towards the principal function of law-making and 'have not been particularly active as overseers of government action'. This dynamic emerged clearly during the first post-apartheid parliament (1994 to 1999) when following the disintegration of the Government of National Unity in 1997, Members of the Cabinet were nearly always exclusively members of the ruling party. Oversight of a government department tends to be more robust when the Head of a

Portfolio Committee and the Minister of the department, that it is conducting oversight over, are not from the same political party (Calland, 1999a: 34).

The Portfolio Committee meetings on the WYCPD's inability to bring Minister Xingwana and her department to account for a dysfunctional department was disheartening, specifically because it is a department that is mandated to address the needs and interests of the most marginalised in society, namely Women, Children and People with Disabilities. The Department's record is a summation of mismanagement of funds and lack of discernible outcomes (PMG Minutes, 24 July 2013). An oversight visit undertaken by the Portfolio Committee in early 2013 not only indicated a lack of security on the premises, unsuitable physical working conditions, a shortage of computers and office equipment, but suggested gross mismanagement of funds and nepotism (PMG Minutes, 24 July 2013).

In a Portfolio Committee held on 27 February 2013, Xingwana and her department were refused an audience with the Committee after failing to submit correct documentation after being granted an extension by the Portfolio Committee to submit documents outlining the turn-around strategy for her three-year old Department in December 2012 (PMG Minutes, 27 February 2013). The department submitted an unacceptably sub-standard report to the Portfolio Committee on the morning of the day of the scheduled meeting giving its MPs little time to engage with the documentation before the oversight meeting.[23]

Locating the lack of ANC women MPs willing to be vocal in a context where women privilege the politics of survival, a parliamentary source argues that 'people don't speak out, they know what, at the end of the day, puts bread and butter on their table'.[24] When speaking about the political behaviour of her ANC colleagues on the Portfolio Committee for WCYPD, IFP opposition MP Liezl van der Merwe concurred, asserting simply that 'the nature of our political system doesn't allow for Members to speak out' (interview, Cape Town, 17 September 2013). Very few avenues are open to express dissent in a way that impacts the substance of legislation or contributes to genuine parliamentary oversight of national line

[23] In order to facilitate effective and informed oversight, the Rules of the Parliament of the Republic of South Africa state that a report must be submitted to the relevant Portfolio Committee Members at least 48 hours before a Portfolio Committee meeting (Parliament of the Republic of South Africa, 2004).
[24] Parliamentary Insider. Interview, Cape Town. 21 August 2013.

ministries, especially for individual women from the ruling party. In this way, ANC Members of Parliament have adopted strategies and mechanisms to try and articulate their views in ways that detract from expressing dissent. These can be considered 'weapons of the weak' as women attempt to influence the debate with diminished resources at their disposal while still playing by the rules of the game and ensuring their own political survival, namely that they stick to the party line.

Although Minister Xingwana apologised on the Department's behalf and two ANC MPs were the only Members of the Committee to argue otherwise, in a rare display of non-partisanship Chairperson Dorothy Ramodibe, who is significantly junior to Minister Xingwana within the political party, ejected the departmental delegation (PMG Minutes, 27 February 2013). Since then, Chairperson Dorothy Ramodibe has been less vocal and assertive in her criticism of the Department and her later engagement with the Ministerial delegation confirms a parliamentary insider's claim that she had been 'sanctioned by the party' for her criticism of a party member that outranks her.[25]

This represents a shift in the political landscape from the first post-apartheid parliament to the present situation, where public contestation has significantly diminished. Locating the lack of ANC women MPs willing to be vocal in a context where women privilege the politics of survival, a parliamentary source argues, means that 'people don't speak out, they know what, at the end of the day, puts bread and butter on their table'.[26] When speaking about the political behaviour of her ANC colleagues on the Portfolio Committee for Women, Children, Youth and People with Disabilities, Inkatha Freedom Party (IFP) opposition MP Liezl van der Merwe concurred, asserting simply that 'the nature of our political system doesn't allow for Members to speak out'.[27]

An issue that emerged with salience was that of parliamentary oversight of corresponding line departments. The South African political context mandates that after an election, the National Assembly elects a President who forms his Cabinet from MPs meaning that Ministers of Departments serve two roles simultaneously. They are Cabinet members of the Executive

[25] Interview with Parliamentary source. Cape Town, South Africa. 21 August, 2013.
[26] Interview with Parliamentary source. Cape Town, South Africa. 21 August, 2013.
[27] Interview with Liezl van der Merwe. Cape Town, South Africa. 17 September, 2013

branch and Members of Parliament, simultaneously accountable to the President. The difficulty of parliamentary oversight is exacerbated by the detrimental effect of ANC internal politics, specifically party hierarchy, on accountability and independent parliamentary oversight of government departments (Gumede, 2007; Lodge, 2003; Lotshwao, 2009).

Since 1994, ruling party hierarchisation has negatively affected accountability, specifically the crucial role of parliamentary oversight undertaken through the parliamentary committee system where 'ANC parliamentary behaviour has been rather obviously constrained by deference to senior leadership' (Lodge, 2003: 165). Attesting to its marginality and lack of influence within the political system are the particular ministers who have been chosen to head the Department. The position of the Chairperson within the ruling party reflects the marginality of the Portfolio committee within the parliamentary system. Dorothy Ramodibe is an ANC backbencher who is relatively senior within the ANC Women's League but not within the political party itself.

### *9.5.1. Critical Actors: Opportunities and Constraints*

The mass exodus of Members of Parliament after the first post-apartheid parliament had a gendered impact on parliament. Interestingly, it seems that the individuals who have had the most resistance to the ANC's internal culture of obedience to the party line, and have emerged as 'critical actors' in the parliamentary arena have been individuals whose 'politics of principle' were established by participation in anti-apartheid struggle activism within the country within the UDF. The term 'critical actors' operates on two levels in this context: an individual who is critical or opposed to a stated platform or someone who is important or central to a process. The most critical women were, in fact, 'gender activists [who] had come through the ranks of the internal women's organisations and their positions in the ANCWL were not strong.' (Hassim, 2014: 122). These include women like Pregs Govender, Barbara Hogan and Nozizwe Madlala-Routledge who were effectively removed from government for taking principled stands rooted in activist sensibilities. Catherine Albertyn, who worked closely with ANC women in the Women's National Coalition, noted that the exile women

were particularly powerful.[28] They also represented the cohort of the ANC who had been most inculcated with the culture of obedience and following the party line in exile.

The ANC Women's League's relationship to feminism can be described as consistently inconsistent. 'Some of the ANC's most vocal feminists have not been members of the ANC Women's League including Dr. Frene Ginwala and Brigitte Mabandla. The instrumentalisation of women elites, their participation in national representative institutions, and most importantly their role in the reproduction of the 'struggle narrative' forms an integral aspect of the ways in which the ANC legitimize their political power and authority to govern. It is *not* an unsymbiotic relationship devoid of individual and collective agents. Women are active participants in ruling party/state conflated patronage politics and historically women's wings within parties have facilitated this type of politics and acted as institutions of patronage (Tripp, 2001), with the ANC Women's League being no exception.

In as much as critical actors are bargaining resources in articulating demands for progressive gender outcomes, critical opponents especially powerful ones can constrain women's bargaining power to the point where it is diminished. In keeping silent, ANC women implicitly gave their consent to … choosing the politics of survival over the politics of principle. Women with the most bargaining power and influence within the ruling party, effective kingmakers chose not only the path of least resistance but the path of least principles. While widely acknowledged as a gender-champion, Thabo Mbeki did immeasurable harm to government and the ANC's ability to address South African women's urgent needs, most notably through his defensive racialisation of the gender-based violence discourse and more widely acknowledged, his policy of HIV/Aids denialism.

### *9.6. Conclusion*

A definitive sense of collective women's political mobilisation in South African parliament, promoting a women's empowerment and gender-equality agenda does not exist anymore. The gradual erosion of a parliamentary commitment to the promotion of gender equality was accompanied by a mutually reinforcing shift away from the ANC-led government's commitment to democratic ideals. This can be seen to have accompanied the post-1994

[28] Catherine Albertyn Interview.

process of political party institutionalisation that now exists as a strongly partisan adversarial parliamentary engagement between the ANC and its significantly weaker opposition parties. This represents a shift in the political landscape from the first post-apartheid parliament to the present situation, where public contestation has significantly diminished. In addition to the serious consideration of a profoundly gender-unequal specifically the shift to traditionalism and its socially conservative narrative hat had become more salient since Zuma's election as President.

The conflation of ruling party and state has occurred to the detriment of accountability and responsiveness to the needs of ordinary citizens and, most worryingly in the absence of gender equality champions who actively advocate for gender equality and women's empowerment in the site of the legislature, the lack of sustained and collective leadership on gender equality and women's right which have been ghettoised to a consistently underperforming governing Department tasked to deal with the country's most vulnerable groups. While inter-political party engagement in the South African Assembly is seen as more collegial in committee meetings, the plenary sessions have on occasion elapsed into full-out hostility between ideologically and detracted political resources away from significantly more pressing governance issue within South Africa, like HIV/Aids and gender inequality.

Certain interests groups; trade unions, religious organisations, traditional authorities; have the ability to conclude bargains with the state that are completely antithetical and potentially regressive to women because they offer the state more favourable terms than women political elites do or in cases where bargains have been reached that significantly propagate political party agendas. As this chapter showed, traditional authorities were able to offer the South African government more favourable terms in meeting their demands than women were.

# CONCLUSION (CHAPTER TEN) – BARGAINING WITH PATRIARCHY IN POST-GENOCIDE RWANDAN AND POST-APARTHEID SOUTH AFRICAN PARLIAMENT

***'The institution of patriarchy is not without its cracks'***

***Sylvia Tamale (1999: 114) – When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda***

***'However plausible it is to say that male-dominated assemblies will not adequately address the needs and interests of women, it cannot be claimed with equal confidence that a more balanced legislature will fill this gap'***

***Anne Phillips (1995:71) – The Politics of Presence***

## *10. 1. Introduction*

This chapter forms the conclusion to my study and responds directly to the secondary research questions posed in my introductory chapter, all of which have a specific focus on an aspect of the relationship between women's descriptive representation, women's substantive representation and legislative outcomes addressing gender equality. My doctoral thesis argues that interrogating the ways in which women's parliamentary politics and gendered parliamentary institutional environments fostered the bargaining and negotiation of favourable elite patriarchal bargains by women reveal crucial insights about the relationship between women's descriptive representation, women's substantive representation and the different forms it takes in various institutional contexts. As the basis of comparing women's post-transitional parliamentary politics between the two sub-Saharan African parliaments of post-genocide Rwanda and post-apartheid South Africa, I heuristically explored the different ways in which gender-related legislative outcomes concerning marriage and divorce were passed.

Based on the politically progressive levels of women's political representation in Rwanda and South Africa and the argument that increased female representation in formal decision - making structures lead to parliamentary outcomes that improve women's status in their

societies, it would be logical to assume that parliamentary outcomes addressing gender inequality in Rwanda and South Africa would be related to the high levels of women in these parliaments and specifically, the role played by women's parliamentary politics. My study shows that this particular relationship is not quite as simple.

### *10. 2. Rwanda: Women as central to Ndi umunyarwanda*

Despite written accounts (Burnet, 2008; Herndon and Randell, 2013; Kayumba, 2010, Longman, 2006; Powley and Pearson, 2007) and some interviewee claims that the RPF's current promotion of gender equality is a continuation from their nationalist struggle, evidence indicates that this is overstated.[1] Three further points substantiate my argument about the post-genocide emergence of the centrality of the RPF's promotion of women's political participation and gender equality. Firstly, there is an absence of any allusion or explicit reference to gender equality and women's rights in the Rwandan Patriotic Front's founding manifesto, the Eight Point Programme. Secondly, the organisation did not have a formalised women's structure *within which women politically mobilised as women for gender equality* within its organisation during its time in exile. Rwandan political parties, even the so-called opposition PSD and PL, do not have influential women's wings either. The RPF Women's League, which is more concerned with political mobilisation on the ruling party's behalf, was only launched in November 2013, nineteen years after the organisation became a political party (Tabaro, 17 March 2013).

The Rwandan Patriotic Front's current gender ideology was constructed from Rwandan women's changed location within their own societies and the opportunities for political legitimisation offered by women's re-orientated post-genocide roles for the Rwandan Patriotic Front. These were re-orientated roles that I argue, not only offered women favourable terms for their own inclusion in Rwanda's political sphere but also provided a modicum of

[1] The RPF's cohesive ideology was issued as a political manifesto called the 'Eight Point Program' in 1987. Beyond demanding the repatriation of Tutsi refugees to Rwanda, the RPF articulated 'national unity, democracy, an end to corruption and nepotism, a self-sustaining economy, improved social services, a national military, a progressive foreign policy, and an end to the system which generates refugees' (Reed, 1995: 49). Although it espoused a distinctly modernist orientation, it made no implicit or explicit reference to women or gender ideology as a means or an ends to its political goals.

associational autonomy to pursue women's interests through the state, incentivising both. Additionally women's legislative outcomes based on strategic interests in the Transition Assembly and in the post-transition period were made possible by the associative directed action of the RPF and its allocation of political resources towards promoting gender equality. With the political resources bargained for, Rwandan women were able to attain a 30% legislative quota for women in public institutions (2003 Constitution of the Republic of Rwanda), legislation establishing equal inheritance rights for men and women (1999 Inheritance and Succession Law) and legislation abolishing polygamy and outlawing gender-based violence (2008 Gender-based Violence Act).

Laura Herbert (2015) argues that women's success in attaining gender equality legislation in Rwanda cannot be separated from the ruling regime's authoritarianism and promotion of women's rights in a setting where human rights are frequently eroded. The high presence of women in Rwanda's parliament illustrates the singular determination to include women in the post-genocide political order that I argue is pre-meditated, strategic and calculated. The political significance of the RPF's military victory is that the country's electoral system can be seen to closely reflect the priority interests and agenda of the ruling political party and the institutional basis of its reproduction of political authority.

Rwanda's transitional period (1994 – 2003) was a crucial era of institutional design and building that directly coincided with the post-genocide transformation of gender relations within wider Rwanda society. The complete destruction of the pre-genocide Rwandan state and the illegitimation of the previous Rwandan regime through its association with genocide, meant that the engineering and construction of new state institutions was necessarily possible. This process occurred at the same time as 'women [were] actively participating in state reconstruction, [and] they had the opportunity to directly participate and influence the process of government and institution set up' (Kayumba, 2010: 41). The Rwandan Patriotic Front had greater influence and ability to demand and obtain institutional changes and electoral rules that would benefit their consolidation of power after 1994 than the ANC, who had greater political legitimacy but would still need to maintain a constituency that was, and remains hostile to gender equality claims on the state. As chapter four illustrates, women's majority

presence in Rwanda's parliament therefore reflects their centrality in the reproduction of the ruling party's authority in an electoral system unparalleled in the degree to which it has deliberately designed women's inclusion.

The gender equality ideology currently recognised as the Rwandan government's current hallmark, namely its prominent commitment to women's empowerment and high participation of women in politics, was borne of the realities of post-genocide Rwanda. The 1994 Rwandan genocide represents the most important and decisive political opportunity facilitating post-transition gains for Rwandan women. There was not a single interview or conversation that I had while in Kigali about women's representation in parliament that did not indirectly or directly reference the genocide and it can be said, with absolute certainty, to have triggered a set of political development that provided multiple entry points for Rwandan women's ability to access the formal political arena in high numbers.

Rwandan women were able to achieve impressive gains for gender equality through civil society organisations by organizing as women following the 1994 genocide (Burnet, 2012; Kayumba, 2010).

The complex consequences of the 1994 Rwandan genocide need to be construed of not just in terms of a change in the discursive politics of ethnicity and elite turnover but equally, as a 'gendered' outcome of a conflict that would represent a profound shift in gender relations and the redefinition of women's roles that significantly blurred the constructed cleavages between the ethnicities (Burnet, 2008, 2011, 2012a, 2012b; Bauer and Burnett, 2013; Kayumba, 2010; Powley and Pearson, 2007). The RPF essentially designed the terms of its own reproduction of power through a constitutional drafting process that it led, an electoral system whose design it engineered and the deliberate location of women at the centre of the reproduction of its legitimizing narrative through its electoral system (Zorbas, 2009, 2011; Banks, 2008).

The currency of ethnic identity and its claims on the state were effectively neutralised through a complex strategy of de-ethnicisation which is *heavily* reliant on women's participation in the public domain as non-ethnic individual and collective actors. Shireen Hassim (2009: 222) notes that in 'both Uganda and Rwanda, women are constructed as a group that stands outside ethnic categories'. The discursive formation of women as non-ethnic political actors is reified

by the invocation of the post-genocide reconciliation roles played by women and their ability to surmount Tutsi/Hutu divisionism. According to Schwindt-Bayer and Mishler (2005), the presence of women in the state legitimises political roles and the political action produced in political institutions. It is a reliance on women for political legitimacy that translates into the bargaining power and collective agentic power leveraged by women political elites to pursue a group agenda for women. The construction of a unified Rwandan nation without an ethnic divide legitimises the right of the Rwandan Patriotic Front to govern Rwanda and retrospectively validates its national liberation struggle. Most importantly, it authenticates and legitimizes its present political authority, sustains a 'gendered' political strategy and discursively constructs and reproduces a national identity in the public sphere that rejects ethnicity in favour of 'Rwandan-ness' and *ndi umunyarwanda.*

The gendered organisation of the public sphere, women's location within it and the attribution of an apolitical and technocratic gender mandate to women in the Rwandan political space *allows* the reproduction, legitimisation and dominance of the ruling party's political, social and economic narrative within the public sphere. The widespread attribution of a neutral politics to women's individual and collective political agency paradoxically allows women to obfuscate their advancement of a particular political agenda. The Rwandan Patriotic Front's 'gendered' political strategy, however, not only seeks to depoliticise ethnicity. It also discursively constructs and reproduces a national identity based on 'Rwandan-ness' and an acknowledgement of women's empowerment and roles in the post-genocide Rwanda that accommodate women's political aspirations, allows elite women to negotiate certain legislative and political outcomes while reciprocally allowing the RPF to politically legitimize its authority (Burnet, 2011; Kayumba, 2010).

Women's prominent presence in the Rwandan state is not an incidental effect of electoral rules designed for other purposes but a mutually reinforcing gender pact between women political elites and the Rwandan Patriotic Front. Over the past two decades it has seen the RPF act against the patriarchal intransigence of its own society to pursue significant gender equality outcomes for women that included the transformative 1999 Inheritance Act. While women's centrality in the reproduction of the Rwandan Patriotic Front's legitimizing narrative

is important to the ruling political party and women are able to exert significant bargaining leverage, my argument about the intrinsic connection between women's symbolic representation and relative political power and the mutually reinforcing way it advances women in the *public and private arena* is what Rwandan women are bargaining for and in a society that significantly valorises motherhood, reciprocity of this arrangement is clear. The Rwandan government is not elusive about what it expects from women and their location is made clear by government statements issued by the Ministry of Gender and Family Promotion that urge and suggest that 'women should leverage their privileged position of being the heartbeat of every household to promote the *'ndi umunyarwanda'* programme in their respective families'.

### *10. 3. South Africa: A democratic and gendered dream deferred*

The asymmetry that currently exists between gender inequality and women's high presence in South Africa's government has been glaring. Particularly disappointing has been the poor quality of recent women's political leadership in a country where a rich historical legacy of feminist activism achieved substantial gains for women outside the state and in the formal political arena. It cannot simply be described as a 'backlash' or an absence of women MPs responding to a gender equality agenda because this explanation does not adequately capture why there have been attempts to reverse gender-equality gains made during previous post-apartheid administrations. Potentially regressive government proposals like the Traditional Courts Bill, the Traditional Leadership and Governance Framework Act and the 2004 Communal Land Rights Act have been considered and/or passed, all of which threatened gender equality through attempts to promote customary law and traditional authority at the expense of women's rights and agency.

From 1994 to 1999, the South African parliamentary arena was situated as a pivotal site for advancing crucial legislative gains for women's empowerment and gender equality. Beyond the success of the Women's National Coalition during the negotiated transition, parliament served as another crucial arena in which women's cross-partisan and non-racial political mobilisation was to yield concrete outcomes for women. The first post-apartheid parliament was defined by progressive gender equality legislative outcomes that established the African

continent's most gender progressive legal framework that included the right to the unconditional termination of pregnancy (1996 Choice on Termination of Pregnancy Act), the legal recognition of polygamous marriages (1998 Recognition of Customary Marriages Act), legislation protecting women from domestic violence within their homes (1998 Domestic Violence Act) and legislation enabling women to claim child support from fathers (1998 Maintenance Act).

From 1994, South African parliament transformed from a representative arena that passed the most progressive gender equality framework on the continent to a space where a law that threatened to disadvantage a majority of women living in rural areas was being seriously considered. Most pertinently, this parliamentary environment developed as women's representation in parliament actually increased. The South African case cruelly illustrates the theoretical shortcoming of the critical mass thesis. It was in the first post-apartheid parliament that where women were to accomplish their most notable achievements and women's pro-gender equality leadership actually waned as the number of women in parliament *increased.* This requires extending Dahlerup's argument (1988) that 'critical acts' may be more important than 'critical mass' by arguing that 'critical parliamentary institutional contexts' enhance the latter two.

Four years after the inauguration of South Africa's first democratically elected government, Dan Connell (1998: 203) observed that '[a] key test for South African women lies with whether these parties are able (and willing) to challenge the power of the chiefs and tackle 'traditions' that continue to hold women in virtual bondage, when such a move could play into the hands of their political opposition'. With the benefit of hindsight, South Africa can be seen to have failed that key test dismally and were ironically betrayed by the same senior political elites who had negotiated the gender pact in the first place.

In hindsight, the end of South Africa's first apartheid parliament and Thabo Mbeki's election as President of South Africa in 1999 can be seen to have heralded the end of South Africa's liberal moment as 'the power of the second parliament ebbed and debate conditions declined under Mbeki' (Walsh, 2010: 188). As my dissertation shows, women were able to achieve their gender transformative gains in the first post-apartheid parliament due to an intersection

between favourable bargaining, negotiation and a collective and non-partisan parliamentary feminist activism that included individual gender champions with influence in their political parties. Both of these aspects of parliamentary politics began to erode after 1996. A more conservative, traditional leadership-aligned contingent of the ANC gained ascendency within the ruling political party, while autonomous critical actors and gender-equality champions were effectively muzzled. A consensus exists that while South Africa's first years as a democracy inaugurated far reaching and substantive gender equality legislative outcomes for women, '[t]his series of gender reforms sputtered to an end despite continued pressing need for action' (Walsh, 2010: 157).

I am not aiming to establish the first post-apartheid parliament and South Africa's subsequent parliaments as complete binary opposites of democratic practice. I am also not suggesting that the first post-apartheid parliament was a deliberative utopia and model parliament. I do not subscribe to Calland's notion (2006: 91) that those years (1994-1999) represented the 'Golden Age' of South African parliament. Beyond the fact that the authority to formulate policy and legislation has been centralised in Luthuli House and concentrated in the Executive branch of government, alternative explanations for this particular development exist. Firstly, the national legislature was a central political arena in the immediate post-apartheid period because it was in this particular site that apartheid was being dismantled. Apartheid was sustained through an intricate web of legislation that systematically eroded human rights. The fact that this system was 'made' through legislation meant that it would have to be 'unmade' through legislation, making parliament a central political arena for policy and legislative formulation during the first post-apartheid parliament.

While women in parliament were never truly able to overcome their identity and ideological cleavages, in a way the first post-apartheid parliament *sanctioned* women's non-partisan collective action as a way to articulate these interests. Although multi-party women's caucuses in South African parliament like the Parliamentary Women's Group and Women's Empowerment Unit never really functioned coherently, their existence along with the Joint Monitoring Committee indicated approval of its agenda within parliament, an underutilised institutional avenue that unfortunately fell victim to South African parliament's virulent

partisanship. Throughout the duration of the first post-apartheid parliament, the government's allocation of political resources to promoting women's status in South African society through advocating for gender equality was expressed through a range of parliamentary outcomes that constituted tangible gains for women's rights and strategic interests in key areas, namely reproductive health, marriage and domestic violence.

Post-apartheid South Africa defies many of the paradigms that have been formulated regarding the correlation between the presence of women in formal government and certain dimensions of governance, such as political transparency and accountability (Shvedova, 1998). The ANC-led government promotes the presence of women in formal government, leadership positions for women while simultaneously pursuing an overt anti-gender equality agenda defined by traditionalism, a lack of political will and apathy towards addressing the dire social ramifications of gender inequality. The increased presence of women in ANC leadership positions additionally legitimises the government's response (or lack of response) to issues affecting women and provides a chimera of commitment to gender equality.

### *10. 4. Political Transitions: Political Opportunities and Women's Mobilisation as Gendered Political Actors*

Political transitions that manifest in representative institutional change through women's activism and feminist claims for institutional presence and representation play a crucial role in feminising post-transitional parliamentary spaces. By the early 1990s, the African continent had provided women in South Africa and Rwanda with ample evidence of women's failures to capitalise on the political opportunities created by their own national processes of political instability, conflict and change. In both Rwanda and South Africa, however, women activists within the state and political organisations involved in political transitions mobilised women as women in order to advance crucial guarantees for gender in their country's post-transition constitutions, gender machinery, policy and most crucially, legislation (Meintjes, 2003: 140).

The circumstances under which women's high descriptive representation was attained in both settings also reveal important dynamics regarding the ways in which political parties accessed the state in 1994 and subsequently legitimized their authority and pursue their narratives within the state, through ruling party dominance of the parliament institution. Rwanda and

South Africa's respective transitions accorded very different degrees of legitimacy and political capital to the principal actors involved in each setting and capture the gendered nuances and immanent possibilities between regime change as revolution and regime change as reform. The fundamental differences between the modalities of these transitions were the balance of power between political actors, the degree to which new actors could influence post-transition institutional arrangements, and the degree to which women's activism could maximise political opportunities and surmount constraints in mobilizing for the attainment of gender-equality outcomes in their parliaments.

Keeping in mind that it is easier to create than to transform state institutions, the fundamental difference between the Rwandan and South African transition was essentially the divergence between political change within a barely existent state and an established state, respectively and the degree to which the ruling political party could unilaterally impose its narrative on state institutions. My research findings are consistent with Paxton and Hughes (2007) who found that post-conflict transitional environments which are the consequences of a war or a revolution that result in regime change and complete overthrow of a central government like that of Rwanda, are more conducive, not just to incorporating women into politics but to incorporating gender equality interests into *newly created* political institutions and structures than post-conflict dispensations based on power-sharing agreements or negotiated settlements such as South Africa. The Rwandan case illustrates that 'the most important implication of transition by overthrow is that the new ruling forces will have the widest discretion in directing it' (Shain and Linz, 1995: 18, cited in Rafti, 2008: 9). In contrast, the 'transition to democracy in South Africa since 1990 offers a valuable opportunity to study processes of democratisation in a context in which political institutions were relatively well established (despite their racially exclusionary nature under apartheid)' (Pottie, 2001: 25). Post-apartheid South Africa inherited an uninterrupted state and its institutions within which deeply ingrained institutional contexts and their accompanying 'memory' existed.

In the previous chapter, I showed that that the Rwandan Patriotic Front (RPF) came to power with limited political legitimacy but a relatively high degree of latitude and political capital in moulding a post-conflict state in which it could singularly pursue its political party interests.

South Africa's transition, on the other hand, was a negotiated settlement where the African National Congress (ANC) enjoyed a higher degree of political legitimacy but a limited ability to unilaterally dictate the terms of the post-conflict state and demand institutions that would serve their political interests after the transition, thus reflecting compromise.

Situating the Rwandan electoral system as a consequence of the politics of intentionality and the South African electoral system as a consequence of the politics of compromise is useful in understanding the institutional opportunities that lead to high women's descriptive representation and the inherent possibilities for women's substantive representation embedded in these institutional opportunities. The Rwandan Patriotic Front had considerable discretion in the institutional design of the post transition Rwandan electoral system established in 2003 and their electoral system reflects an overwhelming intentionality in the inclusion of mechanisms to increase women's representation, illustrating the importance of women's inclusion in the formal political arena for the political party.

The high level of women's descriptive representation in Rwanda and South Africa reflect the favourable gendered outcomes of a complex set of dynamics embedded in each state's post-transition institutional configurations, electoral system and their articulation in each state's political system. The symbolic importance of women's participation represents a powerful bargaining resource for Rwandan women and women are able to leverage their support for the ruling political party and conclude favourable patriarchal bargains for women. The ruling political party allocated considerable political resources which reflects the more central the role of women and promoting *certain* women's interests are to the overall legitimacy of a political party within a society, the more conducive the political system and its institutions will be in incorporating women's interests in representative institutions.

### 1. *How has the relationship between the respective parliamentary institutional contexts of post-transition Rwanda and South Africa and their women Members of Parliament influenced and affected women's parliamentary politics, specifically regarding pro-gender equality legislative outcomes?*

Parliament's location in the wider political system is important in assessing the prospects of favourable elite patriarchal bargaining for women MPs. A political system that has been able

to clearly articulate a clean distinction between parliament and political parties has never existed anywhere and Sonia Alvarez (1990: 22) asserts that a 'regime's policies concerning gender form part of the structural and ideological grid upon which state power is based'. Parliament as an arena does not operate in isolation from the state, its government and represented political parties and the gender relations of the wider society in which it is located. Women and gender equality politics are not separate to the realpolitik of national politics with deep consequences for the terms of elite patriarchal bargains, which resonate beyond the formal political arena. As one of the key political institutions metonymic of the state, therefore, the national legislature can be seen a microcosm of a society's wider political developments (Salih, 2005; Thelen, 1999).

As the primary site of political party negotiation over competing interests, the national legislature reveals important shifts that have emerged regarding the government's prioritisation and allocation of political resources to competing political interests and constituencies. Parliamentary models and their regulation of political party engagement affects women's representation in parliament because they mediate the possibilities of women's collective action by mediating partisan engagement. In parliaments significantly influenced by the Westminster model, adversarial partisan engagement tends to undermine women's non-partisan mobilisation while in consensus parliaments, non-partisan engagement is fostered through an emphasis on bargaining and compromise and a less virulent manifestation of partisan-ship. This proves consistent in South Africa and Rwanda. Rwanda's consensus model parliament facilitates the kinds of political interactions that result in women's cooperative constellations, which have been established as bargaining resources conducive to concluding favourable elite patriarchal bargains for women. The Westminster model of parliament, its adversarial political party norms and proceedings have been recognised as particularly masculine and patriarchal (Rai and Jones, 2014; Sawer, et al., 2006; Tamale, 1999). The dominance of the ANC in South African parliament is easy to observe because political parties are cohesive and differentiated. In Rwanda, it is more difficult to observe because the RPF's political narrative is totalizing and partisanship is discouraged. The lack of political party cohesion within the Rwandan Chamber of Deputies leads to individual legislators exercising significantly more political autonomy and individual choice

as parliamentary representatives than the South African Westminster model of the National Assembly, within the parameters of the RPF's narrative.

The most important dimension of plenary time and its ability to act as a bargaining resource and platform for pursuing interests through the Floor are the procedures and processes governing its allocation and whether or not significant barriers to entry exist in accessing the platform to speak. The scarcity of plenary time establishes it as a political resource in parliament subject to allocation (Cox, 2006). This means that it is a bargaining resource that is needed to successfully pursue political interests and conclude elite patriarchal bargains within parliament. Similarly to agenda-setting power, the allocation of plenary time within the national legislature resides in certain offices and positions, in this sense it is solely at the discretion of the Speaker of Parliament. When a political party represented in parliament enjoys a significant majority, parliamentary procedures and processes to engage with the majority party become increasingly important in asserting opposition, especially in Westminster model-parliaments. If they are usurped like they have been in the South African National Assembly, opposition parties simply have less resources to bargain with.

Rwanda and South Africa's legislative committee systems are very different. South African parliament adheres to a single portfolio committee structure with National Assembly portfolio committees that directly mirror the existing line departments of the various ministries of the Executive branch. In contrast, Rwanda's clustered multi-portfolio structure has a range of parliamentary sub-committees thematically congregated under a Standing committee. Clustered committees have advantages and disadvantages dependent on the size of the parliament and the number of line ministries on which it exercises oversight on. They do, however, allow a more concentrated focus on their thematic area because they can devote more time to their Standing Committee. For example, Standing Committee meetings in the Rwandan Chamber of Deputies occur every day from 9am to 12pm and a Member of Parliament can only be a member of one committee. This significantly reduces scheduling and programming conflicts which have been a recurring problem in South African parliament where MPs are members of multiple single-portfolio legislative committees, some of which meet at the same time. Clustered committees also enhance specialisation. Interestingly, the

need for these enhanced functions have been recognised and according to Calland (1999a: 31) ‘former ANC MP Ian Phillips recommended the rationalisation of parliamentary committees into larger, broader clusters with more sub-committees to look at particular issues as they arise’.

The allocation of leadership positions and ordinary committee assignments of legislative committees reflect a complex range of gender asymmetries within the parliamentary institution. Women tend to be under-represented in the leadership positions of ‘hard’ portfolio legislative committees and when represented, typically hold leadership positions in institutionally marginalised portfolio committees related to ‘soft issues’ like education and social development (Duerst-Lahti and Kelly, 1995). The allocation of prestigious committee assignments corresponding to the Finance, Justice and Defence portfolio (power legislative committees) are very competitive and certain portfolios are more likely to be assigned to senior members of political parties who tend to be men (Heath, et al., 2005: 421). When women do constitute the leadership of legislative committees, they tend to be from the majority party represented in parliament and therefore pursue their political party agenda. In sub-Saharan Africa, the majority political party represented in parliament overwhelmingly corresponds to the ruling political party in government. Once again, the importance of ruling political parties with progressive gender-equality mandates and political will to promoting women’s rights is illustrated as imperative for the conclusion of favourable elite patriarchal bargains.

Another important factor that affects the status of women and gender-equality legislative committees are the positions of their chairpersons within parliament and the political party system (Piscopo, 2014). The women negotiating patriarchal bargains within their political parties, strategizing, negotiating access to political agenda and articulating demands to the senior political and formal political arena tend not to be the rank-and-file membership of the party but women who have spent considerable time within the party and are considered senior party elites. Back-benchers or junior members of the political party are less likely to have the bargaining power necessary to effectively negotiate favourable patriarchal bargains on

women's behalf. Ironically but rather unsurprisingly, women and gender-equality legislative committees led by men are less likely to be marginalised within the legislature.

Comparatively, Rwanda's women and gender-equality legislative committee is far more favourably placed for two reasons. The Standing Committee for Political Affairs and Gender is led by Honourable. Alfred Kayiranga, a male Deputy who accessed the Chamber of Deputies through the Rwandan Patriotic Front. Alfred Kayiranga is a senior Member of the party and is influential enough to broker deals with the party hierarchy. The present Chairperson of the Portfolio Committee for Women in the Presidency, Ms. Thandi Memela, does not appear on the ANC's National candidate list and appears at number 14 on the provincial list for Kwa-Zulu Natal but remains a backbencher within the National Assembly. She is relatively senior to the previous Chairperson however and Dorothy Ramodibe was previously an ANC junior backbencher before her appointment.

Another factor that affects women's parliamentary politics is their relationships with women's civil society organisations. The exodus of women from civil society to the parliamentary arena in Rwanda's transitional parliament and South Africa's had different effects on national gender politics in the Rwandan and South African context and can be seen to have resulted in a 'top-down' parliamentary led mobilisation of women in Rwanda and a 'bottom-up' civil society mobilisation approach in South Africa that positioned lobbying and engagement with policy and legislative processes in each respective setting very differently. In Rwanda, the women's organisation's leaders who had had prior experience with lobbying and advocating government for women's gains became parliamentarians in high numbers after the 2003 parliamentary elections leaving a generation of new leaders that were widely perceived to be inexperienced at the women's advocacy and lobbying that was required to engage with parliament as a cohesive women's constituency (Burnet, 2006; Longman, 2006).

### *2. How do representative political parties in the South African and Rwandan parliament mediate women as political actors in parliament, specifically in relation to facilitating the processes and outcomes related to women's substantive representation?*

Women, as a collective and mobilized social group, do not participate in all political organisations on the same terms and the ways in which women participate in the same

organisation can vary significantly over time, 'with the proviso that the degree of direction involved can vary substantially, as can the forms taken by the directing authority' (Molyneux, 1998: 229). In other words, the forms of directed action that inform women's collective mobilisation within political parties do not only vary according to political party and context, but can vary within the *same* party over time. Shifts in the type of directed women's mobilisation can change with changes in political party leadership, organisational culture and most noticeably, the number of women within the party who explicitly identify as gender champions, have a feminist consciousness, and act in the interests of women.

The instrumentalisation of women elites and their participation in national representative institutions forms an integral aspect of the ways in which political parties legitimize and reproduce their political power. In the post-colonial and post-conflict sub-Saharan African state, nationalisms largely reproduced by ruling parties to legitimize their authority, becomes the mechanism through which a party's political narrative and subjectivities are manifested in government and its institutional politics through nationalist discourse. The comparative centrality of the Rwandan Patriotic Front (RPF) and African National Congress (ANC) gender ideology within both parties' overall political legitimizing narrative and the terms on which this legitimizing narrative is reproduced within state institutions, specifically parliament, impact a range of political outcomes. I argue that the more central the role of promoting women's interests are to the overall legitimacy of a ruling political party within a society, the more conducive the political system will be to incorporating women's claims on the state, specifically in representative institutions. Simply put, the Rwandan Patriotic Front's gender ideology is more central to its legitimizing political project than the African National Congress' and the 'mapping' of this narrative onto parliament is more extensive.

Gender equality outcomes in the Rwandan state are significantly abetted by the lack of influence and absence of conservative interest groups that would typically oppose the advancement of women. Rwanda has no traditional authority structure within the country to enforce cultural values and as Chapter Four illustrated, the Catholic Church's influence after the genocide was considerably weakened by its widespread complicity in atrocities. Pregs Govender (2005: 85) highlights an important dimension of contending interest articulation in

the South African context that is equally applicable to Rwanda and other political contexts, namely that 'the underlying problem is that South Africa's democracy has had to balance the demands of many competing interests, within and outside South Africa's borders. These are often represented by groups much more powerful and certainly much wealthier than black working class and poor women'.

The politics of post-colonial Africa have consistently shown that access to the resources of the state, whether they have been material resources such as service delivery or normative resources such as social capital, have consistently been mediated by patronage politics with the political mobilisation of identity, including gendered identity, playing a crucial role in patronage networks (Bayart, 2009). Gender, therefore, exercises a distinct dimension of how power is allocated and utilised not only in society, but also within the process and relationships that encompass the state and the government's use of the state to legitimise its authority (Ndulo and Grieco, 2009). Patronage politics in Rwanda and South Africa exert different political outcomes with particular manifestations for parliamentary politics and their outcomes. Conversely, they constitute a set of disincentives for legislators to devote equal or greater time to the collective functions of legislatures, which when performed effectively, contribute to the autonomy and relative power of parliament.

Aili Mari Tripp (2013: 531) argues that 'many authoritarian African states women's rights have become an arena for the distribution of state patronage and the emergence of clientelistic networks'. This is essentially true with two provisos. Firstly, gendered state patronage is not exclusive to authoritarian states and equally manifests itself in democratizing states. Secondly, clientelism erodes autonomy but it does not negate agency and patronage establishes *a patron and client.* This is *not* an unsymbiotic relationship devoid of women's individual and collective agency. The ANC Women's League and the women involved in politics in Rwanda from across the political party spectrum, have not been an exception to the type of women's political participation that has characterised representational politics in other post-colonial African states like Zimbabwe, Zambia and Malawi (Geisler, 2004; Goetz and Hassim, Tamale, 1999; 2000; Tripp, 2001; 2012). Women are active participants in ruling party/state conflated patronage politics and historically, women's wings within ruling parties,

particularly in post-colonial African contexts, have facilitated this type of politics and acted as institutions of patronage (Tripp, 2001). As Tripp (2001: 41) argues, through the mechanism of 'dangling patronage in front of organisation's leaders, the state was able to keep them focused on what they could gain personally rather than addressing real issues or the broader interests of the leadership'.

Sylvia Tamale (2000: 11) highlights the politics of party patronage as a distinct disadvantage in the articulation of women's interests by women parliamentarians within political parties, stating that 'with husbands, brothers and fathers occupying some of the most powerful positions in the country, do they have too much at stake to query certain practices, let alone take action to oppose the power structure'. I am not wholly in agreement with Tamale's assertion. Patronage politics are not always disadvantageous to women. The issue of patronage politics highlights the importance of government's political will towards gender equality and the need for political party agendas and ideologies to respond to gender equality mandates. Although overwhelmingly so in the South African context, partisan politics and indiscriminate party loyalty have not been consistently disadvantageous to the pursuit of gender-equality objectives in parliament and their differentiated impact on substantive women's representation can largely be seen as ambiguous. In the Rwandan context, the effects of women's patronage politics are less clear but not as wholly destructive.

### *10. 5. Conclusion*

While the increased representation of women in parliament in contemporary Rwanda and South Africa *has* resulted in parliamentary outcomes that address key aspects of gender inequality in each country's respective societies, my study found that the relationship between the Rwandan parliamentary context and women MPs manifested into far more substantive women's parliamentary politics than the relationship between the South African parliamentary environment and its women MPs. There is no automatic relationship between the numbers of women in parliament and women's substantive representation despite the perceived relationship between women's presence in the state and the enactment of gender equality outcomes explored in this thesis.

Women's entry into the state as advocates of women's rights and gender equality is the beginning of a protracted war with many battles, the successes of which are defined by strategy, negotiation and bargaining within which women are initially disadvantaged. An important dimension of the critical mass paradigm and the politics of presence argument is that women can change legislature cultures, parliamentary agendas and priorities and outcomes, if present in the legislative arena in numbers that can foster the collective mobilisation required. Women and their constituencies have been bitterly disappointed and have discovered, according to Diaz (2005: 2250), that '[a]n institution such as parliament has a strong regulating capacity, its own logic, a strong inertia, very little room for innovation and many ways to socialise or assimilate dissidents'.

Ultimately the divergence in legislative outcomes and women's substantive representation in Rwanda and South Africa, after their first respective post-transition parliaments, lies in the divergence between the political opportunities afforded by political organisations and their wider institutional settings which circumscribe the bargaining resources and incentives available in women's negotiation of favourable elite patriarchal bargains. This thesis demonstrates that Rwanda and South Africa's respective political transitions were able to establish similarly high levels of women's descriptive representation in parliament but institutionalise different forms of women MP's substantive politics within each context. The foundations of Rwanda's success in pursuing a favourable parliamentary context with embedded political opportunities and incentives for the negotiation of favourable elite patriarchal bargains can be seen to have been initiated in the immediate post-genocide period.

This study found that the relationship between women political elites and their parliamentary environments in post-genocide Rwandan were more conducive to the negotiation and conclusion of favourable elite patriarchal bargains than the relationship between the post-apartheid South African parliamentary environments and its women MPs. The sources of this political convergence are multidimensional and rooted in the confluence of a number of different factors that ultimately culminate in one conclusion: the different bargaining resources and incentives available to women political elites when negotiating and enacting substantive representation.

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## *Interviews*

### *Rwanda*

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2. Gahondogo, Athanasie. Interview. Kigali, Rwanda. 14 May 2014.
3. Gatabazi, J-V. Interview. Kigali, Rwanda. 28 May 2014.
4. Kabuye, Rose. Interview. Kigali, Rwanda. 14 February 2014.
5. Kayiraga, Alfred. Interview. Kigali, Rwanda. 18 March 2014.
6. Muganza, Angelina. Interview. Kigali, Rwanda. 17 February 2014.
7. Mukabalisa, Donatille. Interview. Kigali, Rwanda. 23 May 2014.
8. Mukantabana, Rose. Interview. Kigali, Rwanda. 18 February 2014.
9. Nyirarukundo, Ignatienne. Interview. Kigali, Rwanda. 3 March 2014.
10. Nkusi, Juvenal. Interview. Kigali, Rwanda. 3 December 2013.
11. Nyandwi, Joseph Désiré. Interview. Kigali, Rwanda. 11 February 2014.
12. Ruha, Gaston. Interview. Kigali, Rwanda. 17 March 2014.
13. Safari, Theoneste. Interview. Kigali, Rwanda. 11 March 2014.
14. Shyaka, Anastase. Interview. Kigali, Rwanda. 18 February 2014.
15. Rutaremara, Tito. Interview. Kigali, Rwanda. 7 February 2014.
16. Tengera, Francesca. Interview. Kigali, Rwanda. 27 May 2014.
17. Bwiza, Connie. Interview. Kigali, Rwanda. 28 May 2014.
18. Nyirasafari, Esperance. Interview. Kigali, Rwanda. 10 June 2014.
19. Uwinmulinga, Yvonne. Interview. Kigali, Rwanda. 10 June 2014.

***South Africa***


1. Albertyn, Catherine. Interview. Johannesburg, South Africa. 9 October 2013
2. Camerer, Sheila. Interview. Wellington, South Africa.19 August 2013.
3. Botha, Sandra. Interview. Johannesburg, South Africa. 23 October 2013.
4. Dudley, Cheryllyn. Interview. Cape Town, South Africa. 30 July, 2013.
5. Fester, Getrude. Interview, Cape Town. 5 September 2013.
6. Lamoela, Helen. Interview, Cape Town. 18 September 2013.
7. Mabandla, Brigitte. Interview. Johannesburg, South Africa. 4 August 2013.
8. Madlala-Routledge, Nozizwe. Interview. Cape Town, South Africa. 27 June 2013.
9. Maitse, Teboho. Interview. Johannesburg, South Africa. 4 June 2013
10. Mbatha, Likhapa. Interview, Johannesburg. 7 October 2013.
11. More, E. Interview, Cape Town. 18 September 2013.
12. Ntapane, Stanley. Interview, Cape Town, South Africa. 30 July 2013.
13. Semple, Janet. Interview, Johannesburg, 17 October 2013
14. Shozi, Mfanozelwe. Interview, Johannesburg, 12 June 2013
15. Van der Merwe, Liezl. Interview, Cape Town. 18 September 2013.
16. Van der Merwe, Koos. Interview, Cape Town. 13 August 2013.
17. Vos, Suzanne. Interview, Cape Town. 23 July 2013.
18. Parliamentary Insider. Interview, Cape Town. 21 August 2013