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Title

Gender Quotas, Democracy, & Women's Representation in Africa: Some Insights from Democratic Botswana and Autocratic Rwanda

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Abstract

The 'fast track' approach for increasing women's representation in politics through the adoption of electoral gender quotas has replaced the 'incremental approach' (waiting for cultural, political and socioeconomic developments over time) in recent years. Scholars have disagreed whether increasing women's representation in sub-Saharan Africa where legislatures are weak and executives are strong is meaningless or may even undermine democracy; or increasing women's representation results in significant substantive or symbolic representation effects. This article compares two divergent cases: Botswana, a stable multiparty democracy in southern Africa and Rwanda, an increasingly authoritarian single party dominant state in east Africa. In Botswana, gender quota campaigns have raised awareness but have been unsuccessful in achieving quotas, and women's parliamentary representation is low and continues to fall. In Rwanda, a constitutional gender quota, including reserved seats combined with voluntary party quotas for women have resulted in a majority female lower house of parliament—the only such parliament in the world. These cases suggest that a democratic state is not necessarily more likely to adopt gender quotas or have more women in parliament than a less democratic one and that there are other factors that are more important in determining both. Moreover, in single party dominant systems with limited democracy, like Rwanda, elected women are able to represent women's interests. And campaigns to adopt quotas, even when unsuccessful as in democratic Botswana, can contribute to substantive and symbolic representation effects even with only limited descriptive representation. Thus, the conditions under which and the ways in which women's interests are represented must be understood broadly.

Introduction

Across sub-Saharan Africa women have joined national legislatures in remarkable numbers over the past two decades. In early 2013, Rwanda led the world in women's representation in a single or lower house of parliament, with more women than men in its Chamber of Deputies. The greatest gains have been in countries in east and southern Africa, though countries in north and west Africa are now following suit. In almost all cases (in Africa and elsewhere) some type of electoral gender quota has been used to facilitate women's greater access to parliaments (Tripp and Kang 2008). Advocates for women's increased presence in parliaments argue that women members of parliament (MPs) will represent women's interests and act as important role models; indeed, researchers have identified a host of substantive and symbolic representation effects of more women in African parliaments (Bauer 2012). Detractors have argued that national legislatures in Africa are weak and therefore women's increased presence in them may be fairly meaningless (Creevey 2006). Or, they have argued that many of those countries with more women in parliament are single party dominant regimes in which women's increased presence has been cynically embraced by dominant parties in order to increase their own support (Goetz and Hassim 2003) or has contributed to executive dominance (Muriaas and Wang 2012). Some have concluded that women's increased participation in parliaments in Africa may be undermining democracy in those countries (Hassim 2010).

Over the last two decades, following empirical developments on the ground, a vast literature has emerged chronicling women's growing presence in parliaments in sub-Saharan Africa.¹ Some of this literature has detailed the adoption of electoral gender quotas across the continent and the extent to which they have led to women's increased descriptive representation (Bauer and Britton 2006, Bauer 2008, Ballington 2004, Yoon 2004). Scholars have queried the

factors that have led to quota adoption in some countries, but not in others (Bauer 2010, Gender Links 2010, Yoon 2011a), as well as the relationships between type of electoral system and choice of gender quota (Laserud and Taphorn 2007). Some scholars (e.g., Burnet 2008, Devlin and Elgie 2008, Tamale 1999, Yoon 2011b) have sought to determine whether descriptive representation has led to substantive representation impacts (understood as advancing women's interests through the policy making process and measured in terms of policy agendas or legislative items that promote protect, or enhance women's rights and interests).² Other scholars (e.g., Barnes and Burchard forthcoming, Burnet 2011, Coffe 2011, Yoon 2011b) have investigated whether descriptive representation has led to symbolic representation effects (understood as altering gendered ideas about the roles of women and men in politics, raising awareness of what women can achieve as political actors and legitimizing them as political actors, or encouraging women to become involved in politics as voters, activists, candidates, leaders).³ Some scholars (e.g., Hassim 2010, Lindberg 2004, Stockemer 2011, Yoon 2001) have considered the relationship between democratization and the adoption of quotas or increasing women's representation. This latter literature considers several questions. Are African democracies more likely to adopt gender quotas and/or to elect more women to parliament? Are women members of parliament more able to represent women's interests in more democratic countries? Are women MPs undermining the prospects for democratization by participating in large numbers in parliaments in countries with less than democratic political systems?

To explore these questions, we draw on our expertise to compare two contrasting cases in sub-Saharan Africa—Botswana in southern Africa and Rwanda in east Africa. In early 2013, Botswana, a stable multiparty democracy since independence in 1966, had one of the lowest representations of women in parliament in Africa (8 percent); Rwanda, increasingly authoritarian

since the end of the post-genocide political transition in 2003, had the highest representation of women in parliament of any country in Africa or the world (56 percent). After giving some background on the two countries' political systems, we discuss key differences in the countries' post-independence political trajectories with a focus on the retention of the founding constitution in Botswana and the adoption of a new constitution in post-genocide Rwanda. Then, we compare efforts to adopt electoral gender quotas and their outcomes in both countries. This comparison allows us to confirm key insights from previous research, namely, that the opportunities provided by political transitions (Waylen 2007) and strong women's movement mobilization (Tripp 2001) are critical to the successful adoption of electoral gender quotas and to raising awareness of the potential gains of women's increased presence in politics. In the last two sections of the article, we examine substantive and symbolic representation effects of women's increased presence in parliaments. We find that some of the most significant accomplishments related to women's representation take place outside national legislatures. This key insight suggests that women's increased presence in national legislatures may still yield positive outcomes in terms of substantive representation or symbolic representation effects for women despite the general weakness of legislatures vis-à-vis executives in sub-Saharan Africa and despite less than democratic political systems in some African countries.

Political Contexts: democracy versus autocracy

Botswana is considered to be one of Africa's longest standing democracies. The country has been a multiparty democracy with free and fair elections held regularly since the year before independence in 1966, and it has accomplished four successful leadership transitions. Since 1998 presidents have been limited to two five-year terms. While many of its neighbors were experiencing internal wars of liberation, external aggression from South Africa, or other political

conflict or strife, Botswana did not even have a national military until the late 1970s. The country has also maintained one of the world's highest economic growth rates since 1966. With a per capita income (at purchasing power parity) in 2011 of US \$16,300, Botswana has been considered a middle income country since the early 1990s. Botswana has been strongly praised for the stewardship of its natural resources, in particular diamonds, and the use of accompanying revenues to build the infrastructure of a once impoverished territory and to educate and provide healthcare for its people. Samatar (1999) has called Botswana an 'African miracle.'

Of course the story is much more complex than this simple narrative suggests: only one political party, the Botswana Democratic Party (BDP), has ever held power, in recent years alongside a hopelessly fractured opposition (Poteete 2012); the government has been roundly criticized for its treatment of ethnic minorities (such as the Basarwa) despite the common perception of ethnic homogeneity (Good 2008); civil society is not particularly developed or encouraged (Taylor 2003); and the economic model, rather than being one of an African developmental state, has been one of a gate-keeping state which has promoted growth without development (Hillbom 2008, 2011). Still, Botswana has followed a fundamentally different trajectory than almost all other African countries. Moreover, women and girls have fared remarkably well in Botswana. Females are slightly more literate than males and attend school for slightly longer than males; indeed there are more female than male students attending the University of Botswana (Bauer and Taylor 2011: 328). Women occupy high-profile positions in the private sector, and in 2012 Botswana was tied for *second* in the world (with two other countries) – at 39 percent - in terms of women in senior management positions (www.gti.org). And yet – despite being one of Africa's showcase democracies - Botswana has one of the lowest

representations of women in parliament on the continent – 7.9 percent following the 2009 election.

Rwanda, by contrast, has the highest representation of women in parliament of any country in the world – 56.3 percent. This remarkable achievement came just over a decade after the swiftest genocide in recorded history led to the deaths of between 800 thousand and one million Rwandans, the annihilation of government institutions, and the destruction of the country's infrastructure. The current ruling party, the Rwandan Patriotic Front (RPF), came to power in the aftermath of genocide when its armed wing, the Rwandan Patriotic Army (RPA), seized the majority of the territory and brought the genocide to an end. During the transitional period (1994-2003), the RPF led a coalitionary government comprised of the political parties that had not planned or participated in the genocide: real decision-making power resided, however, within the RPF and a restrained circle of political elites. In national elections in 2003, former general and RPA head, Paul Kagame, who had been appointed president in 2001, was elected to the office, and the RPF won an absolute majority in parliament. The RPF increased this majority in parliamentary elections in 2008, and President Kagame was re-elected in 2010. Despite holding regular elections with nominal competition, the RPF- regime has become more authoritarian since the transition process began (Longman 2006:146; Reyntjens 2006, 2011). The dominant, ruling party has maintained tight reins on the legislature and silenced dissent by controlling the private media, suppressing independent civil society organizations, and destroying potential opposition parties (Reyntjens 2011).

Rwanda's 2003 constitution created government-wide gender quotas reaching all branches of government as well as all levels of government administration. The constitution states that a minimum 30 percent of women are required "in all decision-making bodies" in the

government. With the exception of the parliament, the constitution did not create mechanisms for implementing these quotas. The constitution codified into law the women's councils created at each level of government administration, from the cell up to the national level into 1998 and gave them a role in parliamentary elections. The 2003 constitution reconfigured Rwanda's parliament into two houses: the chamber of deputies with 80 seats and the senate with 26. The senate includes 14 seats elected indirectly by 12 geographic jurisdictions and the faculty of two public universities, 8 appointed by the president, and 4 appointed by the Forum of Political Organizations. Former presidents have the rights to claim senate seats adding to the total number. The senate composition must be a minimum of 30 percent women, but the constitution does not delineate how this threshold should be achieved. Presumably, the president and the Forum of Political Organizations negotiate, if necessary, to meet the quota. In the chamber of deputies, 53 seats are directly elected via proportional, closed party lists while the remaining 27 seats are indirectly elected with 24 reserved women's seats elected by district level women's councils, 2 reserved youth seats elected by the National Youth Council, and 1 reserved disabled seat elected by the Federation of the Disabled. There are no legally required gender quotas for the party lists, and no parties to date have adopted formal gender quotas. Nonetheless, since the 2003 elections parties have included significant numbers of women on their lists, especially the RPF which has won all elections by a significant majority. While the reserved women's seats represent specific geographic regions according to the election mechanism outlined in the constitution, the women elected to these seats may not live in the geographic region they are elected to represent as there are few employment opportunities in rural areas for women holding the necessary educational qualifications to become a deputy.

In the past 10 years, Rwanda has been praised for its remarkable progress recovering from the genocide, its women-friendly policies, its noteworthy economic growth, and its transparency and fight against corruption. Between 1995 and 2005, the Rwandan economy “grew at an average rate of almost 10 percent a year” (Watkins and Verma 2008: xv). Nonetheless, it remains a “low income country” according to World Bank Indicators with a per capita income (at purchasing power parity) in 2011 of US \$1,270 and 44 percent of the population living below the poverty line (World Bank Data online). Kinzer (2008: 2) highlights Rwanda’s remarkable recovery from genocide and war and characterizes it as “united, stable, and at peace.” Gourevitch (2009: 37-38) notes the government’s many achievements including security, economic growth, national health coverage, and booming tourism industry. Thanks to these significant achievements Rwanda is perceived as a leader on the African continent.

Not all observers of Rwanda are so positive. As Sommers (2012: 13-22) notes, opinions of Rwanda, President Kagame, and the RPF are highly polarized. Several scholars who have studied Rwanda over the long term have documented the increasing authoritarianism of President Kagame and the RPF (Longman 2006; Reyntjens 2004, 2011). Some analysts have interpreted the legislative gender quotas as an RPF strategy to consolidate its political power (Burnet 2008; Longman 2006; Reyntjens 2011). Many have described the ways the RPF has used the international community’s failure to stop the genocide and residual guilt over this failure as leverage to silence critics and direct foreign aid to government sanctioned activities (Pottier 2002; Reyntjens 2011). Other scholars have demonstrated that the government’s economic policies have increased economic disparities and further marginalized the rural poor (Ansoms 2008, 2009, 2010a, 2010b; Ingelaere 2010).⁴

Political Opportunity Structures: political transitions and new constitutions

In previous work, Bauer (2010) identified a set of factors that help to explain Botswana's paradox of being a model democracy in Africa yet having one of the lowest representations of women in parliament on the continent.⁵ Unlike many of the other countries with much higher representations of women, including Rwanda, Botswana has not experienced a political transition in the last 20 years, thereby missing out on the opportunity for significant transformation.⁶ So, while other African countries have written new constitutions, many of which include gender equality provisions, Botswana remains guided by its original constitution. Banda (2006: 17) notes that Botswana is among a group of southern African countries that "have merely kept the gender provisions that they were given" in British-drafted constitutions at independence. "It speaks poorly of them that they have not moved beyond that discriminatory phase." Indeed, Botswana's constitution is one in which gender equality provisions are absent, thereby limiting the extent to which political actors are able to pursue successfully policies that contribute to women's equality (Scribner and Lambert 2010: 39).⁷ This is evident with respect to the women's movement in Botswana. As Scribner and Lambert (2010: 44) observe, the women's movement has been active fighting attempts to further limit women's rights rather than pursuing greater equality for women. Moreover, legislative gains that women politicians and women's organizations have managed to achieve are generally focused on removing discriminatory legislation rather than on adding proactive measures to increase women's economic or political power (46). So between 1995 and 2009, eight of nine gender-specific laws that were passed in Botswana amended or abolished discriminatory provisions of existing laws rather than creating new ones (Scribner and Lambert 2010: 51).⁸ Such legislative gains are certainly not to be discounted, though should be seen in perspective. Finally, Botswana's constitution is one of several in Africa with exemptions for customary law; in other words, customary law, which

exists side by side with civil and common law, is exempt from equality and nondiscrimination provisions found in the constitution. In addition, there is no provision in the constitution that requires that customary law be brought into line with individual constitutional rights (Scribner and Lambert 2010: 53).

The lack of a political transition has also meant that no new electoral laws, including an electoral gender quota, have been adopted. Moreover, the use of a plurality/majority or first past the post (FPTP) electoral system in the country makes more difficult the adoption of an electoral gender quota. According to Laserud and Taphorn (2007: 28) reserved or special seats are ‘guaranteed to work’ and a ‘best fit’ for use with any type of electoral system but they are also the *only* best fit for a FPTP electoral system.⁹ Another option for Botswana might be the model used at one time in Lesotho at the local level (Mhlanga et. al. 2009), namely, that in a three election cycle one-third of constituencies are women-only contests each election. But any of these methods is a much more significant step than the more seamless voluntary party quota used by many African countries with proportional representation electoral systems, in which names are simply alternated on a party list (and individual parties may make the decision to adopt). So in democratic Botswana, without the political opportunity to adopt a new constitution or new electoral laws, the ‘less woman-friendly’ FPTP electoral system remains a significant obstacle to more women in parliament – both in and of itself and in requiring a less seamless type of electoral gender quota.

Unlike Botswana, Rwanda has undergone a political transition in the past 20 years albeit a political transition in the midst of a civil war and genocide. Rwanda’s transition began before the 1994 genocide with a political opening in 1989 (Burnet 2008: 364). Shortly after the Habyarimana regime announced a transition to multiparty politics, the Rwandan Patriotic Front,

a rebel movement founded in Uganda in the late 1980s, invaded the country on 1 October 1990. The civil war continued for several years until the 1993 Arusha Peace Accords brought an official end to hostilities and outlined a transition plan. The transition came to a sudden and violent halt on the evening of April 6, 1994 when President Habyarimana was killed when unknown assailants shot down his plane. Hutu extremists took control of the government and perpetrated genocide against Tutsi and other “enemies of Rwanda.” The RPF immediately resumed the war begun in 1990 and eventually brought the genocide to an end in July 1994 when it took control of the majority of the territory and drove the Hutu-extremist government into exile. On 19 July 1994, the RPF named a transitional government, whose composition reaffirmed (at least on paper) the RPF’s commitment to power sharing outlined in the Arusha Accords. Within a decade, a new constitution was adopted in Rwanda.

As detailed by Longman (2006) and Burnet (2008), the post-conflict period created the opportunity for the Rwandan women’s movement to lobby the new government for enhanced protections of women’s rights and for a gender quota to be included in the new constitution. The 2003 constitution reserved 30 percent of positions in “decision-making bodies” for women and instituted reserved women seats in the lower house of parliament.¹⁰ It also established the national gender monitoring office charged with monitoring gender-mainstreaming in all government entities and in government policy development and implementation. The increased political role of women in the aftermath of conflict is not unique to Rwanda; Bauer and Britton (2006) found that in many African countries women’s participation in politics has increased following political transitions, often in the aftermath of violent conflict. Examples from across the continent include Liberia where Africa’s first elected woman president has appointed large numbers of women to her cabinet (Adams 2008; Fuest 2008) and South Africa (Britton 2005)

and Uganda (Tamale 1999) where women serve in significant numbers in both the executive and the legislature.

The Adoption of Electoral Gender Quotas: importance of women's movement mobilization

Dahlerup and Friedenvall (2005) have summarized the way in which 'taking the fast track' to parliament – through the adoption and use of electoral gender quotas – has come to replace the 'incremental approach' (waiting for cultural, political and socioeconomic developments over time) to gaining access to women's increased political representation across the world in recent years. In sub-Saharan Africa, countries with plurality majority electoral systems have tended to adopt reserved or special seats while those with proportional representation electoral systems have tended to rely upon voluntary or legislated party quotas (Bauer 2008). In some countries, such as Rwanda, more than one type of quota is used.

In Botswana, there have been discussions of adopting electoral gender quotas, but no success. Electoral reform, including the adoption of gender quotas, was explored at national conferences in Gaborone in 2002 and 2006 (EISA 2006), among others; the women's organization Emang Basadi led a significant mobilization around the adoption of electoral gender quotas in the late 1990s (Bauer 2010: 58). More recently in 2009, one woman member of parliament, Botlogile Tshireletso, proposed that the number of specially elected seats in Botswana's National Assembly be increased from four to eight and that some or all of them be allocated to women. This effort was defeated primarily for two reasons – because it was seen as taking a piecemeal rather than a comprehensive approach to the issue of women's underrepresentation and because it was viewed as an attempt by the BDP to further increase its majority in parliament (Bauer 2010: 60). The discourse of the opponents was revealing: Barolong paramount chief Lotlamoreng Montshiwa argued in the House of Chiefs that the

Botswana constitution is very clear that everybody is equal and wondered why the government would want to give women special treatment. Opponents of any type of quota to increase women's representation in Botswana's National Assembly easily held sway. Another reason that MP Tshireletso did not succeed in her attempt to have specially elected seats increased in number and reserved for women may have to do with a weakened women's movement. This is another way in which Botswana differs from those countries with more women in their parliaments. While a women's movement, under the leadership of Emang Basadi, was very active in the country from the late 1980s to the early 2000s (Leslie 2006), by the time of the 2009 general election ordinary Botswana were asking whether women had 'stopped talking' (Bauer 2011). Not surprisingly perhaps, women's greatest electoral wins were in the 1999 and 2004 elections (17 and 11 percent respectively) when women's movement mobilization was at its peak. The 2009 election results marked a dramatic decline in women's representation in Botswana's National Assembly.

Following the genocide in Rwanda, women civil society leaders quickly got to work rebuilding their associations and assessing the needs of their membership, which had been decimated in the genocide (Burnet 2008, Newbury and Baldwin 2001). The Rwandan women's movement did not start from scratch after the genocide but instead built on the experience it had acquired before the genocide. In the late 1980s, women civil society organizations (CSOs) grew from the cooperative movement in Rwanda and thrived with support from international aid (Newbury and Baldwin 2001). After the genocide, surviving CSO leaders used their past experience to rebuild. Beyond meeting the most basic needs of food, shelter, and medical care, their needs assessment of their members identified that the most pressing legal issue was the need to protect women's inheritance and marital property rights (Burnet 2008, Kanakuze 2004).

Before gender quotas were on the agenda, women CSOs and civil servants in the Ministry of Gender and Women in Development (known by its French acronym MIGEPROF) joined forces with the few women MPs appointed in the transitional national assembly to lobby for changes in the inheritance laws to help protect girl children and women's rights to property and land. Beyond their public advocacy women engaged in behind the scenes lobbying with male "deciders" (i.e., men with real political power in the appointed transitional government whether or not they had official positions) who were their husbands, brothers, brothers-in-law, sons, or fathers. Their strategy succeeded in 1999 when a new law on marital property regimes, commonly referred to as "the inheritance law," was ratified. The law enhanced women's property rights in marriage and extended inheritance rights to girl children. The Rwandan success was unique as a similar law in neighboring Uganda languished in parliament, thwarted by male MPs and even the president due to what they perceived as an "infringement" on their rights (Tripp 2004).

Women CSO leaders' connections to the international women's rights movements were a significant factor in Rwanda's success in placing gender quotas on the agenda and lobbying for their adoption. Rwandan women's connections to the international women's movement gave to them skills, exposure to the cutting edge women's policy agenda, and access to UN agencies and international aid organizations that wanted to direct funding to assist women. With this support and in response to the unique post-genocide situation of women and children, women leaders in the government and in civil society identified a gender policy platform for Rwanda that emerged from the Fourth United Nations World Conference on Women in Beijing, China in 1995.

An opportunity arose when Judithe Kanakuze, an experienced leader in the Rwandan women's movement, was appointed to the constitutional commission in 2001. As the only

female member of the commission, she doggedly advocated for increased constitutional protection of women's rights and has been credited with the idea to include gender quotas in the new constitution. Formal lobbying by women's CSOs, and perhaps even more importantly individual woman-to-man lobbying behind the scenes as they had done during their advocacy for the inheritance law, gradually swayed the male members of the constitutional committee who originally opposed the idea. Advocacy by MIGEPROF and women's CSOs helped ensure the constitution included explicit language codifying men and women's equality, providing for gender quotas in all "decision-making bodies" of the government, and creating reserved seats for women in the lower house of parliament.¹¹ The important role of the women's movement in quota adoption is not unique to Rwanda: Tripp (2001) has noted the powerful role played by an autonomous women's movement in Uganda in securing gains for women in the constitution and in parliament.

Impacts of More Women in Parliaments: substantive representation effects

In spite of the low representation of women in parliament in Botswana, some substantive and symbolic representation effects have resulted from the women's movement lobbying for and the public discussion generated around the issue of gender quotas. In the case of the substantive representation of women's interests, this situation has been described as 'substantive representation without descriptive representation'¹² and is mostly likely due to a heightened awareness of women's interests brought about by the demand, even if unmet, for greater women's representation.¹³ In interviews in Gaborone in 2009, women MPs pointed to a few legislative accomplishments despite the many challenges of being so few women in parliament, and contemplated what more they might be able to do with more women in parliament. Gladys Kokorwe claimed responsibility for introducing (and then reintroducing) the 2008 Domestic

Violence Bill – the first time that a private member had sponsored a piece of legislation in Botswana – and then shepherding it through the National Assembly. Botlogile Tshireletso noted how she and other women MPs such as Margaret Nasha worked to see the 2009 Children’s Bill passed despite stiff opposition from men MPs. Sheila Tlou observed the critical role that the few women MPs played in convincing their male colleagues to pass both the Domestic Violence Bill and the 2004 Abolition of Marital Powers Act. On the whole, Moggie Mbaakanyi predicted that if there were more women in parliament “laws would be more balanced. That laws that attend to the family would be given priority.....”¹⁴ These substantive representation effects were achieved even though advocacy for gender quotas failed.

In Rwanda, the impact of gender quotas and increased women’s representation in the legislature has been mixed. The majority of legislative and policy achievements to protect or enhance women’s rights and interests to date occurred before the creation of gender quotas in 2003, including classification of rape or sexual torture as among the most serious crimes in the genocide statute, additional rights for pregnant and breast-feeding women in the workplace, a law delineating children’s rights that included all the rights listed in the United Nations Declaration on the Rights of the Child, and the constitutional mandate for gender quotas (Burnet 2011: 310; Devlin and Elgie 2008: 249; Powley 2005). Powley and Pearson (2007) argue that the meager increase in women MPs in the national assembly appointed as part of the transitional government in 1995 made it possible for more ‘behind the scenes’ representation in the sense of the issues discussed by the parliament and decision-makers in the government. Following the 2003 parliamentary elections that brought significant numbers of women into government, women MPs struggled to define a set of policy initiatives that could unify them and for which they could advocate freely. Given that women MPs, whether they were in reserved seats or not,

were more beholden to the RPF political party than to those who elected them, they tended to support legislative proposals emerging from the executive and avoid tackling issues perceived as contentious (Burnet 2011: 330).¹⁵ Furthermore, the elite women elected to reserved women's seats or named on party lists had few ties to rural Rwanda, lived in urban areas, and shared a different set of interests than rural women, especially rural women farmers. When a new land policy and land law came up for debate in 2003 and 2004, MIGEPROF and the Forum of Rwandan Women Parliamentarians (FWP) did not acknowledge the law's significant gender-implications. MIGEPROF and the FWP deemed land an issue "for all Rwandans" as opposed to a women's issue despite the reality that the vast majority of women are subsistence farmers whose customary land rights were mediated by men (Burnet and RISD 2003). Their unwillingness to advocate for women on a potentially contentious issue of vital significance to rural women disappointed many women outside the government and served as further proof to rural women farmers that the parliament had little relevance to their lives (Burnet 2011; Pottier 2006). Some Rwandans perceived this stance as an example of urban elite women putting their interests ahead of less educated, and often poor, rural women. Similarly, in 2009 the majority female parliament approved a new labor code that increased the work week from forty to forty-five hours increasing the burden on working mothers significantly although it increased the paid maternity leave benefit (Republic of Rwanda, 2009b). These proposals emerged from the executive as part of a set of initiatives to gain "business-friendly" status for Rwanda.¹⁶ Many Rwandans viewed the women MPs' vote on the labor legislation as an example of women MPs putting their individual interests (i.e., retaining their salaried positions in the government) ahead of all citizens' interests. Urban elites cited the vote as an example of "politics as usual," meaning the legislature rubber-stamped whatever laws the executive branch mandated (Burnet 2011: 314).

Eventually, the FWP succeeded in establishing a legislative agenda to tackle children's rights and gender-based violence (Burnet 2011; Pearson 2008; Powley 2008a; Powley and Pearson 2007). The FWP took the lead in crafting several pieces of legislation to increase protection of children's rights (Powley 2008). In 2001, before the creation of the gender quotas, women MPs advocated for a children's rights bill that guaranteed virtually all the rights codified in the UN Convention on the Rights of the Child once again making Rwanda a leader on the continent. Following the 2003 gender quotas, women MPs continued to champion children's rights by advocating for legislation criminalizing prostitution for clients (and not only prostitutes), championing HIV screening and treatment, and raising awareness about child sexual abuse (Powley 2005: 17). In 2006, the FWP found a unifying women's issue, gender-based violence (GBV), and wrote a new law. The GBV bill was one of the first pieces of legislation that originated in the parliament instead of the ministries. Like the gender quotas, the GBV bill was an issue initially taken from the international women's movement platform, and Rwanda was one of the first countries in the world to craft and pass anti-GBV legislation. The GBV bill was delayed in committee for nearly two years as the final language was hammered out in consultation with MIGEPROF and the president's office, but it eventually became law in 2008 and added important protections to women's, as well as children's, rights and made domestic violence, including marital rape, illegal under Rwandan law (Republic of Rwanda, 2009a). Although the substantive representation effects that have accrued to date are limited, the increased representation of women in the legislature has broadened the political debate. For example, in late 2011 several women MPs introduced a discussion about potentially legalizing abortion to protect women's rights to their health. A revised penal code currently under consideration legalizes abortion in limited circumstances, including rape.¹⁷

Impacts of More Women in Parliaments: symbolic representation effects

As for symbolic representation effects, there appears to be some evidence from Botswana that, even in their small numbers, women MPs are serving as role models and inspiring other women to become more engaged in politics and raising awareness of what women can achieve as political actors. This is apparent, for example, in the emergence over the past decade of women chiefs in a country in which historically women have never served as chiefs in their own right, only as regents. Matemba (2005) suggests that “the recent appointment of women as chiefs should be understood within the wider context of the tremendous and noteworthy progress the country is making in promoting the status of women in social, economic and political life.” This was confirmed in interviews conducted throughout Botswana in 2009 and 2011. For example, Balete paramount chief Kgosi Mosadi Seboko, the first woman paramount chief in the country, reported that her people and other ‘tribal leaders’ did not see a problem with her becoming chief in the early 2000s because women were already serving as members of parliament and one woman was even the minister of local government, to whom chiefs report. As Kgosi Seboko observed, with women in government, leading schools and even churches, people “asked themselves.....if women can do it in other spheres then what is wrong with a woman being a chief? So they were quite happy with me coming in.” Kgosi Rebecca Banika, Botswana’s first woman member of the House of Chiefs, noted that whereas women might once have hesitated in asserting a right to become chief that has changed in recent years: “The role models are there, so others can copy from them.” Kgosi Fredah Mosojane concurred that things are changing slowly in Botswana and with reference to women chiefs, as an awareness of gender equality takes hold across the land.¹⁸

In Rwanda, gender quotas have had numerous, significant symbolic effects as Burnet (2011) identified. These symbolic representation effects penetrated to the grassroots level and changed numerous aspects of social, economic and political life in Rwanda. First, quotas had a widespread impact in changing ordinary Rwandans' perceptions of women as political leaders. In Rwanda today, unlike in the past, women who serve as local government officials, mayors, MPs, senators, and ministers are respected in the same way as male government officials. Second, the increased descriptive representation of women increased the political and social agency of women (Burnet 2011: 330). Women speak out more often in public meetings, and their views cannot be summarily dismissed because of their gender as they may have been in the past (Burnet 2011: 317-8). Since the creation of gender quotas, women and girls have greater access to education. At the primary level, Rwanda has achieved gender parity, and the gender gap at the secondary and tertiary levels is closing (Burnet 2011: 318-9). Women in Rwanda discovered increased autonomy as "economic subjects" and enjoy greater involvement in decision-making over domestic resources (Burnet 2011: 319), a finding Tripp and Kang (2008) identified as a common impact of gender quotas in their comparative study. In sum, there has been a general change in the status of women in Rwandan society thanks to the increased representation of women in Rwanda. In short, "women have found respect" in their families and in their communities (Burnet 2011: 320-1).

Conclusion

Significant challenges remain in both countries. Botswana must contend with a FPTP electoral system - considered to be the least 'woman friendly' electoral system and the most difficult one for finding an acceptable electoral gender quota. Notable African countries without electoral gender quotas (and very low percentages of women in parliament) such as Liberia, Ghana, and

Nigeria all have FPTP electoral systems as does Kenya which struggled mightily to find a gender quota that all could agree upon. In addition, with so few women in the National Assembly, Botswana has not adopted a gender budget initiative as several neighboring countries have done. Bothale (2011) argues that the lack of gender responsive budgeting in Botswana has had negative consequences for equality in resource allocation and for the empowerment of women. Moreover, women MPs in Botswana continue to be hampered by their small numbers despite a few accomplishments. They complain of being repeatedly badgered and harangued by their male counterparts in the National Assembly when trying to introduce motions or even speak on the house floor.¹⁹ This is in contrast to cases like Tanzania (Yoon 2011) and South Africa (Britton 2005) where much improved political cultures within legislatures have been reported since more women have joined.

In Rwanda, despite the positive symbolic representation effects, the increased representation of women in the government “has not led Rwandan citizens to perceive the government as a more democratic institution” (Burnet 2011: 327). Furthermore, increased female representation has not ushered in a more democratic era in Rwandan politics. The government under the leadership of President Paul Kagame and the RPF political party remains autocratic. The 2010 presidential elections brought severe repression of the independent media, civil society organizations, and potential opposition parties. Parliamentary elections are currently scheduled for later in 2013. At this time, it is unclear whether these elections will be more democratic or bring further repression. It is also unclear whether the unprecedented numbers of women in non-reserved seats in the lower house of parliament will continue. The vast majority of women in directly elected seats are members of the RPF. Given that neither the RPF nor any other

registered party has written gender quotas into their statutes, the number of women included on the party lists relies on the good faith of party leaders.

With no political transition, Botswana has missed the opportunity to rewrite its constitution and adopt an electoral gender quota – and with a FPTP electoral system, no quota and a quiet women’s movement, potential women candidates stand little chance of winning election against many obstacles. An ill-conceived attempt to transform four specially appointed seats into eight reserved seats for women was easily quashed in 2009. No ‘gender lens’ is used in Botswana to review the national budget or individual pieces of legislation and women MPs complain loudly about a political culture within the National Assembly in which their motions are not welcome and voices often not heard. A few women MPs have identified some legislative accomplishments that constitute a substantive representation of women’s interests, though such achievements have more often been about undoing discriminatory provisions of existing laws than about enacting progressive new ones. Outside the national legislature, at least one important instance of women becoming more engaged in politics as a result of women’s presence in the National Assembly and in cabinet – and of ordinary Botswana endorsing that move (a symbolic representation effect) - has been identified – namely, women asserting the right to become chiefs.

In Rwanda, legislative gender quotas and voluntary party quotas have dramatically increased the representation of women in government since 2003. More women in government have not led to increased democracy in the short term, and only a few substantive effects of women’s representation have accrued to date. When women find a politically safe issue that can unify them, however, they advocate for it to effect change. While they do not always find consensus, increased representation of women has widened the policy issues that come up for debate to include those that primarily concern women, such as gender-based violence and

abortion. In a male-dominated legislature, these issues would be unlikely to be debated. In addition, women members of the government, whether MPs, local officials, or civil servants, are gaining valuable legislative, administrative, and policy-making experience that will prepare them to make a significant contribution to the substantive representation of women should Rwandan politics become more liberal in the future. The gender monitoring office ensures that not only the national budget but that all branches and levels of government administration apply a ‘gender lens’ to their policy agenda and implementation. In addition, widespread symbolic representation effects have transformed the perception of women, and their capacities as leaders, in Rwandan society. All the way down to the grassroots level, in village (*umudugudu*) councils, the opinions of female elected officials are respected and given serious consideration whereas merely 10 years ago they could be summarily dismissed because of the gender of the speaker. Even in their families, women are perceived as competent managers of family resources who deserve an active role in decision-making. These changes can be perceived as increasing democracy, when it is understood in its broadest sense. Finally, Rwanda is contributing to the diffusion effect of quotas both passively, as a success symbol of quotas, as well as actively. In February 2007, the FWP hosted an international conference, “Gender, Nation Building: the Role of Parliaments.”²⁰ Supported by the United Nations Development Programme, the conference brought over 400 delegates from around the world to Kigali to discuss the role of parliaments in promoting gender equality as a fundamental component of development. Thus, the symbolic effects of gender quotas can play a role in the broader social change that may lead to democratization.

In both countries, then – democratic Botswana with few women MPs and autocratic Rwanda with many women MPs - women MPs have sought against many odds to represent women’s interests substantively and have occasionally been successful in doing so. Women’s

movement mobilization in Botswana along with a few women MPs, though unsuccessful in winning a quota campaign and in electing more women to parliament, still contributed to a greater representation of women's interests than would otherwise be the case. In Rwanda, where women outnumber men in the Chamber of Deputies, women's interests have been represented in the legislature even though women MPs, whether in reserved seats or not, support a dominant party regime and thus potentially contribute to a more authoritarian politics in the short term. In both cases some of the most interesting and transformative (symbolic representation) impacts are taking place far outside of the national legislature. This important finding should allay the concerns of those who would argue that increasing women's representation in national legislatures in Africa is useless because the legislatures are largely subservient to executives. Even in a single party dominant state, such as Rwanda, where the legislature is perceived by many as having only "rubber stamping" powers, women MPs can introduce legislation that enhances protections of women's rights and can provide issues for the legislative agenda.

A much larger question concerns the role that African women MPs, especially those elected on gender quotas, are playing vis-à-vis democracy across the continent. When Phillips (1998) asked why it should matter who our representatives are, she offered three arguments for gender parity in legislatures: achieving justice (i.e., it is unfair for men to monopolize representation); representing interests that would otherwise be discounted; and changing the composition of elected assemblies as a way of enhancing democracy. She also noted providing role models as another, less compelling, argument. A decade later, Hassim (2010) noted that substantial expectations have been raised around the use of electoral gender quotas. She went on to ask what, if anything, the quotas had achieved with regard to deepening liberal democracy overall. Her conclusion, after examining the Rwandan, South African and Uganda cases, was

that “while quotas do well in fast-tracking women’s representation, they do very little to enhance the conditions of substantive democracy.”²¹

We would argue that the premise that more representative elected assemblies will lead to enhanced democracies assumes that the starting point is a fairly well established democracy and not a single party dominant regime, whether somewhat democratic or more authoritarian.²² Moreover, deepening democracy in Africa, where single party dominant regimes remain common – even in the wake of the 1990s political transitions – is an extremely fraught undertaking that scholars and practitioners alike have wrestled with for decades. Deepening democracy is a task that electoral gender quotas and the women elected on them cannot be expected to accomplish on their own, though in making legislatures more representative of their constituents and more receptive to a broader range of interests and in having impacts far beyond legislative chambers, they are making a significant contribution.

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Endnotes

¹ A similar literature has emerged to chronicle women's increased presence in national legislatures around the world. See Dahlerup (2006) and Franceshet, Krook and Piscopo (2012) for overviews of that literature and those developments.

² This understanding of substantive representation is taken from Franceshet, Krook and Piscopo (2012: 15-16).

³ This understanding of symbolic representation is taken from Franceshet, Krook and Piscopo (2012: 17-18).

⁴ The latest data from the Rwandan government, however, indicate that poverty has been reduced by 12 percent in Rwanda since 2006. "Poverty Down by 12% - survey" by Edmund Kagire and Gertrude Majyambere. *The New Times* online edition, February 8, 2012, accessed at http://www.newtimes.co.rw/news/views/article_print.php?i=14894&a=49835&icon=Print, 20 May 2012.

⁵ Other issues not covered in this article include the 'usual barriers to women's participation in politics,' and the role of political parties as gatekeepers, in particular in plurality majority electoral systems. See Bauer (2010: 60-65).

⁶ See Waylen (2007) on the importance of political opportunity structures, usually during political transitions, for improving the descriptive and substantive representation of women.

⁷ Longtime University of Botswana law professor and senior administrator Bojosi Otlhogile (1998: 161) argues that the Botswana constitution's silence on gender equality "was a deliberate exclusion rather than an omission."

⁸ During this period laws governing citizenship, criminal procedures and evidence, the penal code, property, employment, the public service, marital powers and maintenance for children were all amended. New laws were adopted regarding domestic violence.

⁹ Matland (2006) observes that less democratic states are more likely to adopt reserved or special seats than any other type of quota; indeed it also appears that more democratic states are less likely to adopt reserved or special seats.

¹⁰ The Rwandan quota system is complex, comprising reserved women's seats (N=24) in the lower house of parliament and the constitutionally-mandated quota of 30 percent women in "all decision-making bodies" fulfilled through a combination of appointments and elections depending on the institution. Since 1994, political parties have pursued voluntary quota systems as a way to maximize women's presence in the legislature, executive, and district and local governments. See Burnet (2008), Devlin and Elgie (2008), Powley (2003, 2008b), and Pearson (2008) for a detailed description of Rwanda's quota system.

¹¹ Clause codifying equality between men and men included in article 10 of the Preamble, clause establishing equality of men and women in marriage in article 26 (added through amendment number 3 in August 2008), clause creating gender quotas in all decision-making bodies of the government in article 9 of Chapter 2, and clause creating reserved women's seats in article 76 as amended in 2010 by amendment number 4.

¹² Personal communication with Judith Van Allen at African Studies Association annual meeting.

¹³ Another take on this idea is that critical 'acts' might be more important than critical 'mass' (Childs 2006).

¹⁴ Author interviews with women Members of Parliament: Gladys Kokorwe, Botlogile Tshireletso, Sheila Tlou, Moggie Mbaakanyi, Gaborone, 2009.

¹⁵ Elections in Rwanda are an orchestrated affair (Burnet 2008: 366), and the RPF vets all candidates in elections at every level of government via the Forum of Political Organizations (Burnet 2011: 310).

¹⁶ In the World Bank's, "Doing Business 2012" report, Rwanda was ranked the top business friendly nation in east Africa (www.doingbusiness.org).

¹⁷ "Penal Code is more than just the abortion clause," by James Tasamba, *The New Times* online edition, May 24, 2012, accessed at

<http://www.newtimes.co.rw/news/index.php?i=15002&a=53993>, 24 May 2012.

¹⁸ Author interviews with women chiefs: Mosadi Seboko, Ramotswa, 2009, Rebecca Banika via telephone in Pandmatenga, 2011, Fredah Mosojane, Mosojane, 2011.

¹⁹ Interview with Margaret Nasha, 2009: "You are not even allowed to present your motion because there will be shouting left, right and center, confusing you, derailing you and they know they can get away with it because there are only six of us and 50 something of them." Interview with Botlogile Tshireletso, 2009: "It is very difficult for us to debate in that parliament, if you are debating you are interrupted, so many clarifications, so many questions, you know, we are in for it."

²⁰ "Women parliamentarians' international conference under the theme 'Gender, nation building and the role of parliaments'," UNDP-Rwanda website, 23 February 2007, accessed at http://www.unrwanda.org/undp/Newsroom_story11.html, 8 August 2007.

²¹ Hassim is concerned at two levels: whether quotas lead to increased democratization of institutions of political representation (parties and legislatures) and whether they facilitate the representation of women's interests. She concludes, based on the cases of Rwanda, South Africa and Uganda that much depends on the strength of women's organizations in civil society and on strong relationships between women activists and leaders in political parties. Our conclusions are similar.

²² In his recent study, Stockemer (2011) looked the other way round – at whether more democracy in Africa has led to more women in legislatures. He (12) did not find "that democracies have more female deputies than non-democracies," but does acknowledge that it may be "still too early to say whether these short-term negative effects [of democratic transitions on women's representation] will be reversed in the long run." These findings echo those of Fallon, Swiss and Viturna (2012) who suggest that it is not democracy, but the democratization process that matters most for women's legislative representation in the developing world.