

# THE WALLS WE CAN'T SEE

Public Policy Lethargy on Women's Political Participation in Kenya

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## Women's Experiences In The Creation Of New Societies In Kenya

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### Key Points

- The critical mass theory argues that for women in the institutions of leadership to make a difference, the number needs to be around 33 per cent. With this critical mass of women's representation, there would be change in the policy agenda that would reflect more accurately the different practical and strategic needs of society.
- It was women created national momentum on Affirmative Action with the general public, in both print and electronic media.
- Women need to clarify their ideology, and philosophy, knowledge gained from our experiences and use the flexible and inclusive structures that they have created at the national and grassroots levels.

### Summary

This paper summarises the measures women undertook in order to enshrine affirmative action in the constitution and the justifications for the efforts that they made. It argues that women must consolidate these gains by learning from the past, identifying a clear objective for future advocacy and working together to achieve that goal. It demonstrates that having an increased number of women in parliament has a qualitative impact on the actions of the legislature. It proposes proportional representation as a possible goal that the push to increase the number of women in parliament can work towards.

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### INTRODUCTION

“Experience is what you get looking for something else” Mary Pettibore an American writer

Affirmative action has been an important tool to help women negotiate their way to the centre of the country's political, social and economic management systems and decision making positions.

After the national women's conference in February 1992 (Kabira: 2012), a new impetus was born when women across political divides begun a walk together towards lobbying and advocating for affirmative action. It became the overall political rallying call that kept women together most of the time, irrespective of their ethnic, cultural, regional differences, clan, educational status, marital status and age differences among others. Women at all levels offered their time, their services and their skills towards lobbying and advocating for this strategy.

In 1997 by Hon. Phoebe Asiyo, among the very few women in parliament at the time, proposed an amendment to the constitution to increase women's representation in the national assembly. The motion was overwhelmingly defeated but this defeat gave birth to Women's Political Caucus, deliberately called political because it was very clear to the women that the political institutions of the day were not willing to open up and give women space in their political institutions.

Hon. Beth Mugo who was a member of parliament in the same parliament tabled the same motion in the year 2000. The motion was adopted and sent to Constitution of Kenya Review Commission (C.K.R.C) that was already preparing activities towards review of the constitution. In the meantime, the women through the Women's Political Caucus and other women's organizations had been busy lobbying, advocating and demanding for their rights in political and appointive positions (Kabira:2012). This struggle culminated in the women's provisions in the Kenya Constitution 2010.

The idea of the 30 per cent was specific, measurable, achievable, realistic and time bound i.e. SMART. The choice of the one third of representation in all institutions was easy to remember and to measure women's successes or losses. The clarity of what the women wanted and the capacity to measure what it is they wanted began to bear fruits even before the many gains of the Kenya constitution 2010 came about.

These fruits include the presidential directive of 2006 that directed that women be 30 per cent requirement in public service, Affirmative Action for girls at university which directed that the higher institutions of learning introduce admission of girls with one mark less than the threshold in order to increase their numbers in the universities, as well as greater awareness of political parties for the need for affirmative action.

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Women looked to South Africa, Uganda, Tanzania and many other countries for inspiration and experiences. They brought those women with experience in the sub-region such as Winnie Byanyima a member of the Ugandan parliament and a former leader in the liberation struggle of Uganda, Maria Matebe a great lawyer and gender advocate and former cabinet minister in the Government of Uganda, Gertrude Mwangela from Tanzania former president of African Union and who played a major role in the leadership UN Women's conference in Beijing among others.

These leaders shared their experiences in their countries and the struggle became sub-regional and national struggle. There could speak about their countries. It became a sub region and national struggle.

### THE CRITICAL MASS THEORY

In her *Women in Politics* publication (2002), Prof. Maria Nzomo, introduces the idea of 33 per cent as the critical mass necessary to make any significant impact in any decision making bodies. The critical mass theory argues that for women in the institutions of leadership to make a difference, the number needs to be around 33 per cent. It argues also that with this critical mass of women's representation, there would be change in the policy agenda that would reflect more accurately the different practical and strategic needs of society.

It is therefore in the interest of communities and nations to push for increasing women in decision making positions at all levels. Furthermore if women are not convinced of the rationale behind the affirmative action theory they cannot have the collective energy, vision and commitment for the implementation of not more than 2/3 rule. They must believe that the 47 women are good for parliament and that their presence makes other women outside parliament, see that they too can be in leadership. Audre Lorde said:

*"The master's tools will never dismantle the house...The true focus revolutionary change is never merely the oppressive situations which we seek to escape, but that piece of the oppressed which is planted deep within each of us and which knows only the oppressors' tact the oppressor's relationship".*

*Thus women in parliament must understand that the house they find themselves in is the master's house, and women outside parliament must also understand that the master's tools cannot bring down the master's house.*

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### WHAT DIFFERENCE CAN WOMEN BRING TO PUBLIC POLICY AND INSTITUTIONAL CHANGE?

According to **The Global Gender Gap Report 2013**, of the 110 countries measured since 2006, 86 percent have improved their performance every year while 14 percent have shown widened gaps. Annually the four top countries have been Iceland, Finland, Norway, and Sweden, largely because of long-standing equality in education and health; and the large proportion of women in the labor force, with small salary gaps and strong representation in high-skilled jobs (see data visualization for overall and selected rankings).

Report authors propose that closing gender gaps is important not only from an equity perspective, but also from an economic one: research shows that investments in women's education and use of female talent boost a country's competitiveness.

Countries that have closed education gaps and have high levels of women's economic participation demonstrate that their investment in education has returned strong economic growth, although gaps still persist among this group in senior positions, wages, and leadership.

Report authors argue that a main driver of strong economic performance is the innovation that comes from creating a diverse environment in the workplace.

They cite the benefits of more women working: The talent pool across leadership positions is larger, women's decision making tends to be less risky, and gender-equal teams may be more successful.

According to Dee Dee Myers, *'Why Women Should Rule The World'* both Democratic and Republican women in the United States are more likely than their male counterparts to initiate and fight for bills that champion social justice, protect the environment, advocate for families, and promote nonviolent conflict resolutions. They also focus on issues like transportation, agriculture, and arms control, just like men but women 'raise issues that others overlook, pass bills that others oppose, invest in projects that others dismiss, and seek to end abuses that others ignore'.

Studies have also shown that companies with more women in senior management positions are more profitable. Women provide an enormous and often, untapped source of talent and bring a different perspective which by definition creates more opportunities. More women in elective offices would produce better decisions: they bring their own life experiences, and women's life experiences are different from men's: not better not worse; different. This brings better policies.

As women slowly gain power, they reshape the agenda. A multitude of studies show that when women control the family funds, they generally spend more on health, nutrition and education-and less on alcohol and cigarettes.

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The effects extend beyond the family. Women, when empowered, when they can speak from their own experiences of their own lives, they often address different, previously neglected issues. And families and whole communities benefit.

An educated woman also produces large and measurable benefits. First, it substantially lowers child mortality rates, particularly for girls, in ways that educating men or reducing poverty do not. In addition, educated women tend to have fewer children; provide better health, nutrition, and education to their families; earn more income. In countries where the women were in control of public resources, they tend to spend less on the military. Women's particular experiences continue to shape not just their points of view but their actions. Have a different perception of the world since they experience it more differently.

### **CREATING THE NATIONAL MOMENTUM FOR WOMEN'S INTEREST**

The concerted efforts and utilization of all available human resources, skills and expertise as well as financial resources from the various women's organizations and development partners was used to promote affirmative action struggle. Women need to advocate for the implementation of article 27 (8) of the Bill of rights.

It was women created national momentum on Affirmative Action with the general public, in both print and electronic media.

They built partnerships and collective ownership of the strategy, particularly for women's representation in parliament, county governments and appointive positions for all Kenyan women, through speaking the same language at the national and at the grass root level.

They lobbied political parties, all MPs using face to face methods; held round table discussions with small groups of MPs and wrote letters, memoranda and even petitions. Over a weekend in 2006, women collected one million signatures calling for amendment to the constitution to create space for women.

They in addition, collected 42,000 petitions from the 210 constituencies and took them to the speakers of the National Assembly who noted that nothing like that had ever been done in parliament.

Apart from lobbying for representation in the political leadership, women also looked at existing affirmative action programmes and actions such as the lowering of one mark for entrance to public universities and deliberate Affirmative Action for specific regions which are either geographically marginalized or lack resources.

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They noted that the state had often taken special measures to stimulate development. This was reflected in school feeding programmes, provision of extra resources to the constituency fund in some areas, utilizing the equalization principle hardship allowances for teachers and the quota system in the education sector, among other initiatives. They demonstrated that Affirmative Action has been utilized for the benefit of many other categories of people and therefore there was no reason why it would not be used to address historical and cultural discrimination against women.

### **CREATING NEW KNOWLEDGE FOR EMERGING SOCIETIES**

Having found themselves in male dominated spaces such as parliament, the Senate, county assemblies and regional institutions, women have to begin doing things differently in order to transform these institutions and make them homes for both men and women. It has become clear that participatory democracy must take into consideration the voices of those who will be affected by decisions being made.

Conscious and deliberate steps must be taken to ensure that even the minorities or any other groups that are traditionally marginalized are included in decision making so that they can shape decisions that affect them.

Kabira, 2012 notes that women's groups that have come together for decades and bought properties as groups such as Nyakinyua Women Group, Utheri wa Lari, among others have developed new ideologies that do not subscribe to the politics of impunity, masculine philosophy of the management and political and power struggles guided by self interest that are reflected particularly in our political institutions.

The women's movement in the 90s and the first decade of the 21st century, clearly demonstrates that women can work across ethnic lines, age and status in order to move a nation forward. The results of this movement are reflected in the Kenya Constitution 2010. There is need to reflected on the philosophy, norms and values that guided women in these 20 years and how their capacity to negotiate, empathise, promote servant leadership, among other qualities contributed to the realization of their goals although not fully.

Proponents of the traditional definition of democracy for centuries did not see or even consider that the concept and the reality of its implementation excluded majority of the people. Thus it is not enough to enter these institutions whose masters have been male or even to imagine that the master's tools will help dismantle the oppressive structures. Women must ensure that they have strategies that will transform the institutions, policies, management systems, rules and regulations so that they create new societies, new values and generate more inclusive democratic ideals.

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In the struggle for greater representation, Kenyan women looked to other countries that have used different systems for increased women's representation at different levels. According to women's right series W-10 Leslie (2006), Ethiopia, Tanzania, Uganda and Rwanda have been able to use the quotas to increase their participation in political institutions such as parliament.

The series also indicates that in Germany, the Green party introduced quotas in 1980, the social Democrats in 1988, and the Christian Democrats in 1996. Candidate quotas are adopted more frequently under the proportional representation (PR) systems but they have a position of female representation regardless of the electoral systems and a greater impact on the party quotas.

The introduction of systems involving PR for elections to the Scottish Parliament and National Assembly for Wales and European Parliament obliged participating parties to adopt a list system (Fawcett, 2006).

As of 2006, 90 countries had used special measures to ensure greater representation of women in parliament.

The 10 highest ranking countries in terms of women's representation use proportional representation in their electoral system using party lists, and it can be argued that party lists offer more opportunities for women to be included without simultaneously excluding men (Fawcett:1966).

All categories of women must build linkages to support that the struggle for realization of article 27 of the Bill of Rights.

Increasing the number of women in politics in Kenya can introduce better politics for everyone and move away from harmful "first past the post" electoral systems. If we believe that there should be a different system of electing leaders in Kenya, a system that is less aggressive, less violent and less divisive, we need to make it our agenda to bring in the new system. The idea that politics is a dirty game, that you have to bribe, you have to have your local militia, you have to collect all the dirt you can get to use against your opponent is not insurmountable. The struggle must continue for it is a process that would lead to a better social order.

Proportional representation for instance could humanise the political system and expand democratic space to various members of the society. Minority communities, persons with disability and women, among other marginalized groups, would also benefit. It is recognition of the fact that some of these minority communities will never find representation on the policy decision making bodies because of their numbers while for others, it is because of the nature of institutions, culture and lack of economic power. Yet, we recognize that the experiences of these groups will enrich our institutions of governance and also take the interests of those communities into consideration at all times.

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Women made critical choices in their struggle for constitutional reform. They can do it again. The knowledge they have created through walking together in difficult times must be utilised to guide their move to the next level, that of transforming local, national and regional institutions. We need to reflect on women's movements, their experiences and ensure that these experiences are used to transform our societies, our political, economic, religious and cultural institutions.

We must focus on this collective energy as we struggle for the implementation of not more than 2/3 rule. As Adrienne Rich (1958:186) wrote "only when the centre of gravity is shifted will women really be free to learn, to teach, to share knowledge, to explore, to scrutinize and to convert knowledge to power". We are still trying to shift the centre of gravity. Women need to clarify their ideology, and philosophy, knowledge gained from our experiences and use the flexible and inclusive structures that they have created at the national and grassroots levels. We need to translate the knowledge we have generated into power.

It is also to women's credit that we have come together at crucial moments, even without resources, and have coordinated ourselves to push an issue we were passionate about (Kabira: 2012).

Women must continue the journey through action and reflection and utilize strategies that have kept us together at critical moments.

## CONCLUSION

Learning from their collective struggle helps them on their second part of the journey. Women need to build on women's experiences and knowledge of the last 25 years in particular and identify strategies that worked, accept and validate their experiences and knowledge, acknowledge the legitimacy of their experiences and make women the starting point as they walk the next part of the journey.

### REFERENCES

*Achebe C. (1958). Things Fall Apart. United Kingdom: William Heinemann Ltd.*

*Basu Amrita ed. (1995). The challenge of Local Feminisms, Women's Movement in Global presentation. Boulder Colorado: West view publisher.*

*Boulder et al. (1991). Pocket Manual for Negotiators and Moderators. Cape Town, South Africa: Centre for Conflict Resolution.*

*Clark, (2006). Affirmative action-Gender Representation in parliament: quotas, Political parties and reserved seats.*

*Ginwala, F. (1998). Women in Parliament Beyond Numbers. Sweden: International IDEA Publication Office.*

*Kabira W.M Gitulo. (1998). Affirmative Action: The Promise of a New Dawn Nairobi, Kenya: CCGD Publication.*

*Hunman, N. (2005).Representation and Affirmative Action: Fawcett.*

*Kabira, W.M & Nzioki, E.A. (1994). Celebrating Women's Resistance. Nairobi, Kenya: New Earth Publications.*

*Kabira W. M. (2012). Time for Harvest: Women and Constitution Making in Kenya. University of Nairobi Press, Nairobi Kenya*

*Spender, D. (1995). For the Record: The Making and Meaning of Feminism Knowledge London: Women's Press Ltd.*

*Weekes K. (2011). Women Know Everything. Quirk Books, Philadelphia.*