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# PERSPECTIVES

Political analysis and commentary from Africa



## THE POWER TO PARTICIPATE:

### BUILDING FEMINIST POLITICAL INFLUENCE IN AFRICA

 HEINRICH  
BÖLL  
STIFTUNG

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# Editorial

Over the last five decades, successive African governments have promised their citizens dignity, equality, human rights and a better life. However, progress to achieve these ideals remains hampered in various respects, of which gender inequality is undoubtedly one of the most severe.

Women in sub-Saharan Africa constitute 60 percent of persons living with HIV/Aids; make up the greater portion of vulnerable and unemployed workers; and are less likely than men to inherit, have access to capital, and own land. Women also head the majority of poor households. In South Africa, 45 percent of female-headed households are poor, while in Malawi there are three poor women for every poor man. Women on the African continent are also subject to pervasive gender-based violence, harmful cultural practices and early marriages.

Meanwhile, women provide approximately 70 percent of agricultural labour and carry the greater burden of care and housework, attesting to the pervasiveness, cross-cutting nature and widespread impact of power disparities between men and women on the continent.

These examples show that women's lack of decision making power over their lives and bodies, across both public and private spheres, amounts to a violation of the principles on which the fight to end colonialism was premised. This powerlessness also raises questions about the validity of the continent's democracies. Responsive and accountable forms of governance demand women's participation and representation.

The centrality of gender equality to democracy and development agendas has been affirmed by a multitude of international instruments and trends over the last four decades. From the late 1970s, the creation of national gender machineries - commissions, policy units and ministries - have aimed to fast-track gender equity by ensuring the consideration of women's needs in policy formulation and development interventions. After the 1990s, with the conclusion of many African conflicts, a renewed commitment to democracy introduced instruments to accelerate the entrance of women into formal political institutions, and hence their participation in political decision making. Diverse,

vibrant and innovative women's movements across the continent have been central to realising these changes.

By some accounts, results have been striking. Gender machineries and national gender policies and budgeting initiatives are regular features of Africa's political institutional landscape. Barely two decades into democracy, both Rwanda and South Africa have surpassed developed countries in terms of equitable gender representation in political institutions. Both have attained "critical mass": the magic threshold beyond which women's presence in political institutions should translate into influence. However, these two countries make clear that the combined force of critical mass and gender machineries does not consistently translate into gender-responsive governance - governance that actively works to correct social, economic and cultural gender imbalances.

It is becoming clear that democracy and the advance of gender equality are intertwined, and that a more comprehensive approach is required to ensure political accountability and responsiveness to women. Women's presence in political structures needs to be considered in relation to the power of citizens' voice in general, and of women's in particular; the influence of social and women's movements and their relations with one another; the nature and culture of political parties; and the norms and capacity of state institutions.

The articles brought together in this edition of *Perspectives* address some of these considerations. They reflect on the strengths and shortcomings of strategies for fostering gender-responsive political governance. We hope that these lessons and reflections can help map a way forward by inspiring debate about the efficacy of these strategies.

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## Conversation

# Building Alliances in the Women's Movement

## The Challenges of Feminist Mobilisation in Nigeria

**T**he Nigerian women's movement has a rich history that dates back to British colonial rule in the early twentieth century. Sokari Ekine and Emem Okon discuss the historical legacy of women's activism, and the post-independence period of formalisation and movement building through to the successes and challenges the movement faces today.

**Ekine:** Let's begin by discussing the successes of the Nigerian women's movement.

**Okon:** There have been so many, but to name some of the major highlights: Nigeria is a country with over three hundred linguistic and culturally independent nationalities, so women's organisations mobilising across ethnic and religious divides is a huge achievement. Other successes have been in challenging some local patriarchal cultural practices, such as through legislation prohibiting female genital mutilation [FGM] and maltreatment of widows, and laws against domestic violence in many of the states in the federation.

On a more direct political level, the women's rights movement has publicised the issue of gender budgeting at the state and national levels; campaigned for increased participation of women in politics; created awareness about the Convention on the Elimination of All Forms of Discrimination against Women [CEDAW] and other women's international human rights instruments; and contributed to compiling periodic and alternative reports to the CEDAW committee on the status of women.

These are some of the more recent gains. But there is a considerable history of activism by women in Nigeria.

**Ekine:** Yes – the two most important acts of resistance in Nigeria's history are the Aba Women's War of 1929 and the Abeokuta women's protests of the early 1940s. Both protests centered around market women – the colonial imposition of unfair taxation and indirect rule in southern Nigeria.

In the Aba Women's War, which lasted nearly two months, market women gathered at the "native administration" centers in Owerri, Calabar and towns across southeastern Nigeria. They were there to protest against taxes imposed by warrant officers, who were seen as bullies on the payroll of the colonial masters. The women – some twenty-five thousand strong in places – attacked the colonial system: prisons, courts and European-owned shops, as well as the warrant officers themselves. They were able to force the colonial authorities to drop the taxes and curb the warrant officers.

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Their actions were important because this was a women's revolt against injustice and also because it was the first notable challenge to colonial authority. This show of resistance must have influenced the movement for independence, which was largely led by men.

During the Abeokuta market women's protests, women revolted again against colonial taxes and the failure of the traditional rulers to defend their demands or to challenge the colonial masters. Taxation was a particularly sore issue for the women of Abeokuta: girls were taxed at age fifteen (boys at sixteen), and wives were taxed separately from their husbands, irrespective of their income. The women considered the tax "foreign, unfair and excessive", but they also objected to the method of collection.



Sokari Ekine

Sokari is a Nigerian feminist, writer and social justice activist. She is the founder and principal author of *Black Looks*, an online journal where she writes critically on Africa and the African diaspora, focusing on intersecting forms of oppression, marginalisation and discrimination.

The educator Funmilayo Ransome-Kuti learned of the women's struggle and formed the Abeokuta Women's Union [AWU]. The AWU became a huge dues-paying organisation, with some twenty thousand women as members. It was highly disciplined, and was able to organise huge demonstrations.

The anti-tax protest action was a long and protracted one, consisting of mass demonstrations and refusals to pay the tax. Ransome-Kuti led training sessions, showing women how to cover their eyes, noses and mouths with cloth when tear gas was thrown. She also instructed them to pick up the tear gas canisters and throw them back at the police. The women were unable to get permits to protest, so they called the demonstrations "picnics" or "festivals". The anti-tax protests took a large toll on the women, but they stuck with it and eventually had their demands met.

Then in the 1980s, you have the many women's uprisings in the east of the country – particularly in the Niger Delta – against environmental degradation caused by the oil industry. These included the Ogharefe women's uprising of 1984, a small localised protest against the foreign-owned Pan Ocean oil company; and the Ekpan women's uprising of 1986, in which thousands of women demonstrated against the state-owned Nigerian National Petroleum Company [NNPC].

Moving into the 1990s, you have the whole Ogoni women's movement, which was closely associated with the Movement for the Survival of the Ogoni People [MOSOP] led by the late Ken Saro-Wiwa. The women were organised in the Federation of Ogoni Women [FOWA] and were at the forefront of demands for autonomy and control of resources in Ogoni land. Into the 2000s you have the movements in Rivers, Bayelsa and Delta States.

**Okon:** In terms of issues, the rallying points for these actions have been the exclusion of women from decision making processes at all levels. This is a common problem for women in all contexts in Nigeria, be they religious, ethnic, political or social. Campaigns for increased women participation in decision making processes have used human rights instruments such as the International Covenant on Civil and Political Rights [ICCPR], the Beijing Platform for Action [BPfA], the CEDAW and the National Gender Policy. This has led to campaigns for the domestication of the CEDAW and the adoption of an affirmative action policy.

As mentioned earlier, other rallying points have been harmful traditional practices against women and violence against women.

Interestingly, in some of these cases we've seen solidarity on the basis of gender trumping solidarity on the basis of ethnicity.

**Ekine:** Yes, for example in the Niger Delta in 2002, when some six hundred women from across generations and ethnic nationalities – Ijaw, Itsekiri and Ilaje – came together in an alliance with youths. The women led the protest against Chevron Oil at the Chevron Escravos facility near Warri, demanding jobs for their sons and husbands, investment in local infrastructure and a cleanup of environmental damage caused by oil exploration. For ten days the women refused to move, blocking the production of oil.

This was a huge achievement, because the ethnic nationalities had been in conflict with each other for many years over the meagre resources handed out by government and oil companies. As in similar inter-ethnic protests (such as those in Aba and Ekpan), the women were able to suspend years of infighting between youths of different ethnicities, and come together in an act of sisterhood and solidarity with their young male allies.

In 2010, women from the Jos area of Plateau State joined to protest against the lack of state protection during ongoing acts of violence. More recently, during the 2011 elections, women came together to protest against outbreaks of post-election violence in the country's northern states.

Overall, women have engaged in community dialogue and mobilisation to raise awareness among community members, especially with regard to women's participation in decision making processes. Key advocacy areas are the relationship between indigenous communities and multinational oil companies; HIV/Aids; environmental violence; and militarisation of the Niger Delta region, which has led to considerable sexual violence against women and girls.

In many of these actions, women from the Christian south and women from the Muslim north have worked together. This has surprised some observers, who see these groups as fundamentally opposed on various levels.

**Okon:** As you know, the description "Christian south and Muslim North" is not an accurate one. There is a substantial Muslim population in the



**Emem Okon**

Emem is a women's rights activist and advocate from Nigeria's oil-impacted Niger Delta region. She is the founder and executive director of Kebetkache Women Development & Resource Centre, which works to empower women and provide a platform for them to be heard.

southwest (many of whom have intermarried with Christians), which has no ethnic connection to Muslims in the north.

Women from the north and south have always worked together. Women in Nigeria [WIN], a pan-Nigerian feminist organisation that started in the 1980s, has branches in every state in the federation, with members drawn from different ethnic and religious groups as well as from across the urban and rural divide. During the military era, Nigerian women mobilised under the auspices of WIN to campaign against oppressive military regimes and human rights violations. A number of actions took place on issues such as violence against women, girl-child marriages in the north, forced marriage and prostitution in the south, FGM, widowhood practices, inheritance rights and rape.

The National Council of Women Societies [NCWS] is another platform where Nigerian women mobilise across the north-south dichotomy. The NCWS also has branches in every state in the federation.

There has been a tendency to react to crisis rather than developing medium- to long-term strategies and working towards movement building.

Women from both north and south have mobilised to contribute to the constitution reform process under the auspices of the Gender and Constitution Reform Network [GECORN]. They have worked together against women trafficking in the north and south of Nigeria, and in the “Healing Our Tragedy with Dignity” programme. This was a national campaign against the irregularities of the 2007 elections, which included protest actions. Women have also worked together in the campaign for the CEDAW.

Another important unified response came when northern and southern women were unanimous in the campaign against the death sentence by stoning, under Sharia law, of Amina Lawal for alleged adultery.

So historically, there has been quite a bit of collaboration amongst Nigerian women working

for women’s rights. What would you say are the challenges still ahead for feminist mobilisation?

**Ekine:** An examination of the past twenty years of protests reveals that results have been limited. This is partly because of a lack of solidarity between different interest groups – workers, youths, women and traditional rulers – and also between the many nationalities in the region.

Further, there has been a tendency to react to crisis rather than developing medium- to long-term strategies and working towards movement building. At times when alliances were built, it was clear that protests were stronger and sustained for a longer period. Once the alliances broke up, protests became weak.

The Nigerian Feminist Forum was formed in 2006 during a meeting of the African Feminist Forum. Though still in its early stages, it has been central to the women’s movement in Nigeria. Women’s rights activists meet annually to share experiences and adopt further strategies for action. These forums have become spaces where women discuss, amongst other things, successes and failures of working for increased participation of women in governance; sexuality issues; reproductive health rights; HIV/Aids; the status of women in society; and the commitment of government to achieve the advancement of women by meeting international obligations.

Another forum has been the Commission on the Status of Women, where Nigerian women meet with other women’s rights activists and advocates to share experiences and agree on best practices to enhance the recognition and respect of women’s rights in Nigeria.

Nonetheless, I would suggest that the lesson to be learned from the women’s actions mentioned earlier is that, first and foremost, there needs to be a great deal more frontline work with communities in the urban and rural areas. There also needs to be increased engagement with young women and men at the regional and national levels.

**Okon:** Women have used a range of strategies and platforms to maintain dialogue and solidarity, such as the National Coalition on Affirmative Action [NCAA]; the Gender and Constitution Reform Network [GECORN]; the Nigeria Gender Budget Network [NGBN]; the Mothers for Peace Rally; and the Coalition of Eastern NGOs [CENGOs], to name a few. Strategies include advocacy visits to key stakeholders, such as traditional rulers,

in cases of harmful and discriminatory practices against women and exclusion from decision making processes. Copies of existing and available policies, human rights documents like the CEDAW, BPfA and the Millennium Development Goals are given to traditional rulers and other community leaders. Advocacy visits are also paid to government officials on affirmative action issues, environmental degradation, women in armed conflict and other security issues.

## Society perceives feminists as rebels, women who have no consideration or respect for men or for society's values.

In addition, publication and documentation have been used to maintain dialogue and solidarity. Regarding the low level of women's participation in governance, records of the number of women in decision making bodies are documented, as well as their performance. Radio discussions and jingles have been used to stimulate dialogue on peace and security issues, kidnappings, cultist operations, etcetera.

A women's trust fund has just been launched to provide financial support to female politicians. This is also a strategy to maintain dialogue with government on the issue of increased women's participation in politics, and a way of maintaining solidarity among women themselves.

Both gender activists and feminists have been active in these developments. Sokari, do you think the ideals gender activists uphold are any different from feminists' analysis of the challenges facing the movement?

**Ekine:** First, it is important to state that there is no single feminism. It is diverse and constantly under discussion – which is a good thing, as it means we are always in a process of struggling against intersecting oppressions.

I don't really understand the question: are feminist and gender activist ideals not the same? If you are going to advocate and speak out against gender-based violence, gendered discrimination – in other words, against inequalities, sexism, homophobia and transphobia – then you are

speaking out against gender inequality, which is based on the cultural devaluation of the feminine and on denying the right to ownership of one's gender; of one's own body.

I think one of the problems is that in Africa and elsewhere, people have the idea that to be a feminist you must be a woman, or that you must have a particular sexual orientation; and that as a feminist you support all women. This is not necessarily the case. Men can be feminists too, and feminism is not fixed in any one time period; we need to view feminism in historical contexts. My own feminism leads me to a struggle against oppression wherever it is taking place. Overall, I believe we need to create a more inclusive feminist space, whilst at the same time recognising that we are not a homogeneous group of women or people.

But that's not necessarily how Nigerian society as a whole views feminism.

**Okon:** Society perceives feminists as rebels, women who have no consideration or respect for men or for society's values. Feminists are seen as women who want to change the course of tradition. That is true, of course, for those traditions that are oppressive towards women, such as female genital mutilation, widowhood rites, inheritance practices and so on.

**Ekine:** I also think there is a perception that feminism is a Western import that is counter to Nigerian interests. Although this is changing, particularly amongst younger women and men, patriarchal instruments and attitudes do remain in place.

## Debate

# Getting One's House in Order

### The Need for Feminists *Inside* State Structures

In her 1984 classic, *The Feminist Case Against Bureaucracy*, Kathy E. Ferguson argues that bureaucracies have a tremendous capacity to hurt people: to manipulate, twist and even damage human possibility. The modus of working in bureaucratic environments, particularly within state bureaucracies, is anathema to much of what feminism represents; thus, the personal strains on feminists working for the state should not be underestimated. State bureaucracies are not, by nature, designed to accommodate the transformative thinking that underpins feminism. Yet they remain critical sites for feminist intervention.

A major reason why feminists need to locate themselves inside state structures is because it is strategic to do so. Central to this argument is the fact that the state has at its disposal significant resources to potentially alter the quality of women's lives. Experience has shown that, where a critical mass of feminists is working within the state as pressure points for change, or when feminists are located in key decision-making positions, they can influence the drafting of public policy and impact on how public sector resources are appropriated. In the South African context, for example, Pregs Govender played a key role in the formulation of critical pieces of gender-sensitive legislation during her tenure as chairperson of the Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women. These included the Domestic Violence Act (No. 116 of 1998), the Recognition of Customary Marriages Act (No. 120 of 1998) and the Maintenance Act (No. 99 of 1998).

Feminists in civil society are critical to furthering a feminist agenda. Yet the role of feminists located in state institutions is often undervalued, and deserves additional research. Both roles are important, and should contribute to a holistic strategy for social transformation. Feminists should have a presence in policymaking; in critical decisions made by state structures; and in the allocation of state resources to

initiatives that benefit women and eradicate gender inequity. The number of feminists in state structures is therefore important. Lack of feminist presence will invariably have detrimental effects on the making of critical decisions, the drafting of public policy and the allocation of resources to service delivery. Yet it is not only numbers that matter: it is the political ideology of the feminist concerned. It is critical that her commitment to a feminist cause can withstand the type of bureaucratic trauma that Ferguson describes.

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In my experience, feminists working inside state structures have acquired a wealth of knowledge in the course of their professional lives. They have learned, first-hand, how to effectively engage with the monster that is the policy machinery. Often underestimated is the value of skills gained by those working inside the policy machinery; and of the buildup, over years, of understanding and knowledge of how the system works – where to locate strategic intervention points, how to best engage with the system, and when it is best to work against it. Often, feminists in civil society have a very basic understanding of how such systems work, as they are not in a position to acquire in-depth expertise in this regard. Those in civil society can use the skills and expertise of feminists in the state to better engage with policy processes.

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Joy Watson

Joy is a senior researcher specialising in the analysis of legislation and public policy from a gender perspective. She has seventeen years of experience in public policy analysis and women and politics. A feminist activist, Joy is the current chairperson of Rural Education, Awareness and Community Health (REACH), an NGO working with gender-based violence in the Western Cape.



# Let's Play Outside!

## An Argument for Working *Outside* the State

Consider these facts. Since 1994, the number of women in the South African Parliament has risen from 11 percent of the total to over 30 percent. Currently, over 40 percent of the most powerful decision-makers in government (the cabinet) are women.

A wide range of institutional mechanisms was established at all levels of government to advance gender-equitable policies. Unusually, feminists entered the South African state simultaneously at the levels of both elected and bureaucratic positions, and in both arenas they carried the agenda of equality. Yet in the same period that the women's movement was enjoying unparalleled success in storming the ramparts of the state, the position of poor South African women worsened. Women's life expectancy at birth dropped, staggeringly, from sixty-five in 1992 to fifty-three in 2008, close to the lowest in the world. The maternal mortality rate increased from 120.7 per hundred thousand in 1990 to 236.8 in 2008.

These are shocking statistics for any democrat – but especially for feminists, who have long argued that there is a positive correlation between increasing women's political representation and attention to women's needs. Have women's movements emphasised representation at the expense of participation and accountability? Have they mortgaged their independence for the ephemeral rewards of status?

Of course, we cannot throw out the proverbial baby with the bathwater. There can be little doubt that having more women in parliament and in politics is essential for democratisation. The state matters, and feminist politics in the state matters. However, without effective organisation and mobilisation outside the state, there is every chance that working within the state will end in elite co-optation.

Based on research into representation strategies in Uganda, Rwanda, South Africa, Sweden and India, I would argue that the terrain of state and

political parties has been a minefield for feminists. Focusing on the state has led many women's movements into strategies that are increasingly far from the lived experiences of the women they claim to represent. Many women's organisations have become development partners – handmaidens to political actors whose agendas are resistant to substantive change. They have transmuted from

Without effective organisation and mobilisation outside the state, there is every chance that working within the state will end in elite co-optation.

being political movements to acting as agents of service delivery, substituting for the state in many instances.

This role should not be downplayed, to be sure. Women's NGOs have played a vital role in ensuring that political rights are implemented. They are central to ensuring that women are supported in accessing grants and other natural resources, tackling gender-based violence and addressing the impacts of HIV/Aids. As advocates of poor women, NGOs can exercise remarkable capacity to incrementally increase budgetary allocations to poor women, and to ensure that poor women have a voice in policy formulation.

However, in order to retain this advocacy role, women's NGOs have to retain autonomy from the state, and to create the basis for sustainability independently of state patronage. Without this autonomy, they are being leveraged by, rather than reshaping, the state.

The question, then, might be: How can we strengthen representational strategies so that they advance the goals of gender equality?



Shireen Hassim

Shireen is a professor of political studies at the University of the Witwatersrand, Johannesburg. She is the author of *Women's Organizations and Democracy in South Africa: Contesting Authority* (2006), which won the 2007 American Political Science Association's Victoria Shuck Award for best book on women and politics. She has published widely in the areas of social justice, social policy and gender, and representative politics.

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Similarly, feminists in the state can use the skills and expertise of feminists in civil society to push predetermined feminist agendas.

Increased representation of women in the state apparatus does not necessarily correlate with better quality lives for women. In South Africa, for example, a significant increase in the number of women in national parliament since 1994 has not necessarily resulted in the advancement of gender equity. It is important to note that women are not necessarily likely to pursue a feminist agenda, nor to be committed to transforming the gendered social order, merely because they are women. This is why it is critical that there be an increase in state structures in the number of women and men who subscribe to a feminist agenda.

**Who are state feminists accountable to? To the state that employs them, or to a broader feminist constituency, which is not necessarily homogenous?**

On the African continent, most states have employed the rhetoric and language of gender politics. Many have even developed national gender machinery as token institutional mechanisms through which the state promises to deliver in this regard. Such machinery has been strategically used to create the impression that states are committed to promoting gender equity. In most instances, however, it is under-resourced and has no real power. It is often not underpinned by a feminist agenda, which explains its inability to address radical and transformative issues. It is, however, important that feminists do not ignore these structures. In most contexts, they are the gateways to engaging with the state on gender issues. In another South African example, many feminists did not want a ministry on women, children and persons with disabilities. Yet the reality is that it exists. It would be irresponsible to dismiss it, and not to endeavour to influence its mandate and resource appropriation.

No one pattern illustrates how feminists have negotiated positions of political and bureaucratic power (or lack thereof) in bureaucratic contexts. Nonetheless, at one point in Australia, an interesting

process of engagement emerged between women's structures and government structures staffed with feminist advisors and bureaucrats. This development began in the 1970s, when a relationship emerged between Australian women's movements and the Whitlam Labour government. This so-called femocrat strategy eventually came to be integrated into policy-making structures at the centre of government. Feminists involved in femocrat units were often recruited directly from women's organisations or had feminist credentials, and so enjoyed a fair amount of legitimacy.

Australia has offered a stark political and discursive contrast to states that have shied away from feminist engagement inside the state. Many policy initiatives that benefited women can be traced to the political concerns of the femocrat involved – her work, political history and feminist constituency. This is not to deny the equal importance of feminist pressure groups and networks outside state structures, but rather attests to the power of state feminists working in close tandem with feminists in civil society. These models testify to the fact that if properly orchestrated, state feminism can result in significant gains.

State feminists have to contend with significant internal institutional pressures. These range from hostile organisational cultures to the prevalence of patriarchal ideologies and value systems. Confronting institutionalised masculinity in such contexts can be risky, particularly when feminists are in a minority and lack structured external support. This can, at times, result in the eventual co-optation of feminists who work inside state structures. This is why it is critical that they do not work in isolation but are backed by external support.

In addition, the question of accountability arises. Who are state feminists accountable to? To the state that employs them, or to a broader feminist constituency, which is not necessarily homogenous? These kinds of questions need further discussion.

What is certain is that South Africa has reneged on many of the gains made since the transition to democracy. Institutional gender mechanisms are largely dysfunctional, and gender policy remains a paper tiger. In this context, feminist strategies need rethinking. Critical to this examination is to how to best deploy unimpeachably credentialed feminists to work within the state in close collaboration with feminists in civil society. At this point, we have nothing to lose in pursuing such an agenda.

We can learn from two widely divergent countries: Sweden and India. Scandinavian social democracies, long seen to be archetypally women-friendly, have demonstrated that the success of representation depends on more than increasing the number of women in government. Other important conditions include building a broader normative consensus on solidarity and equality, and support for the use of public resources to deal with the burdens of paid and unpaid labour. Two important factors in the success of this approach have been (a) the mobilisation of women as an electoral constituency, and (b) the careful crafting of alliances with trade unions and political parties.

In India, women's organisations in civil society have been vital to ensuring more equitable policy outcomes. There, women's organisations have mobilised outside the state to place women's demands on local councils and to ensure that budgetary allocations address the specific gendered needs of women in communities. They have used civil society agency and voice to leverage the access that became available with the introduction of reserved seats for women.

**There should not be a tension between organising outside the state and increasing women's presence in the state. Both are necessary, and ought to be complementary.**

This kind of assertive activism is often easier to exert outside the state than inside. State institutions are saturated with hierarchies and power. New entrants, like women, can find it difficult to make their way in the hostile environment created by male resistance. This is especially true at lower levels of government, where the political will to support equality may be less evident.

Women politicians often lack influence. Men are hostile or dismissive, and women are more likely to get ahead politically in career terms when they put energies into "mainstream" committees and issues rather than when they are seen to be taking up "women's" needs. Raising gender issues can be seen as a plea for "special interests". Sometimes

powerful champions for women's interests emerge, but they tend to be isolated; and as their initiatives are not institutionalised or sustained, they collapse on the departure of the champion.

So do the statistics cited at the beginning of this piece indicate the failure of representation? Of course, there should not be a tension between organising outside the state and increasing women's presence in the state. Both are necessary, and ought to be complementary. However, there can be little doubt that there has been a growing rift between women leaders and "ordinary" women in South Africa, and that the project of inclusion has been led by elites.

The route to political power is increasingly through political parties; very few experienced women leaders have found a national public voice outside of these structures. As a result, the capacities for defining feminist agendas autonomously from those of elites and the processes of holding public representatives accountable have been weakened. Where the political demands of gender equality were once posed as a central challenge to the relations of power, now the gender-equality agenda has been co-opted and turned into a technical project. Meanwhile, more thoroughgoing feminist demands for transformation of power relations have been marginalised.

Feminists would do well to reclaim their voice in the public sphere, and to embed their politics in the more open and fluid arenas of social movements. From that vantage point, they may have greater impact on changing social norms; framing policy demands on terms that are likely to shift relations of gender inequality; and ensuring that political representatives, both male and female, are held accountable for failures of policy and legislative implementation. Only then can we be sure that women's presence in the state will result in safer, healthier and longer lives for all women.

## Conversation

# Gender Policy in South Africa

**G**ender equality is enshrined in South Africa's democratic constitution of 1996, and a spate of progressive laws has since been passed to advance women's human rights. But while (especially black) women continue to carry the brunt of poverty and gender-based violence, implementation of the laws has been inconsistent and service delivery has in some cases all but collapsed. South Africa's high level of women's representation in the executive and parliament seems not to make much difference, a situation exacerbated by the lack of a coordinated women's movement.

Seeking insights into how southern African feminists think about the situation, feminist, author and journalist Christi van der Westhuizen discusses the possibilities for feminist action in South Africa today with Claire Mathonsi, who until recently was the director of operations at the Western Cape Network on Violence Against Women.



Claire Mathonsi

Claire has been active in the South African and regional women's sector for almost a decade. In that time, she has been instrumental in leading civil society engagement on the SADC Protocol on Gender and Development, and in devising programmes to empower young women in political parties. Her interest and expertise lie in policy formation, advocacy, governance and violence against women. Claire has also worked on women's networks, institutional transformation and regional integration.

**van der Westhuizen:** Research and other evidence show that government departments are not responsive to women and that civil servants are unwilling to give effect to post-1994 laws such as the Domestic Violence Act and the Choice on Termination of Pregnancy Act. Linked to this, religion, "culture" and "tradition" are entering the public discourse more, and are being used to resist women's empowerment. These moves suggest attempts at a rollback of what women have achieved since the advent of democracy in South Africa. What are your thoughts on this?

**Mathonsi:** "The state" is not this one body; there are so many actors within the state, engaging with women on so many different levels. When it comes to women and the economy, for instance, the state is working very hard and is very progressive on this score. In certain pockets in the state, we see more allies for women than ever before. We find that there are people within government who share information with us as an NGO, that attempt to further a progressive agenda and that recognise the role of civil society.

For example, last year, the Department of Justice approached the Western Cape Network on Violence Against Women to assist with stakeholder consultation and information regarding an approach to combating hate crimes against LGBTI [lesbian, gay, bisexual, transgendered and intersexed] persons. However, whether this translates into service delivery is another question. In some areas, service delivery has improved; in others, not. There have been some very slight improvements in reporting domestic violence to police, for instance, but dealing with the trauma of survivors is still a major challenge. Recordkeeping and statistics on domestic and gender-based violence are still inadequate. It depends also on the province or city, who is there and whom you are working with.

We have to look at the state bureaucracy. As feminists or women's rights activists, we haven't challenged the state enough. [The women's empowerment agenda] has lost out to a human rights discourse that the state has adopted, which says women are just an interest group, along with youth, children and the disabled. How is service delivery supposed to occur for an interest group, as opposed to women and men from birth to death?

There are fantastic initiatives happening, like the National Policy Framework for the Sexual Offences Act Working Group, but the question always comes in with implementation. It's about political will. And with women, if it's ticked off, that's it. We're not a priority anymore.

**van der Westhuizen:** What do you mean by the "human rights discourse" rendering women an "interest group"?

**Mathonsi:** Instead of dealing with patriarchal power relations, this agenda relegates women to a category: "gender" – one block in a tick-box.

When you are dealing with the liberation of women in South Africa, you can't look at them as just an interest group. [The state] is not looking at women from birth to death. Under the human rights framework, they bring everything (age, youth, disability) together,

not recognising that gender is continuous, a social construct that underlies power relations. Because it's a bureaucratic and technical exercise, substantive equality is not part of the human rights mainstreaming model.

This approach replaces substantive issues with numbers. For example, when we talk about 50/50 representation in government, we don't talk about influence. When we talk about 50/50 political participation, we don't talk about decision making. You have to ask yourself why the state and civil society are so afraid when women demand things purely for women.

**van der Westhuizen:** Laws to advance women's human rights have, in many cases, remained at the level of paper. Don't you think part of the problem is that the state does not prioritise gender as much as race? As you say, when one is born, you are sexed and that influences everything until the day you die.

When we talk about 50/50 representation in government, we don't talk about influence. When we talk about 50/50 political participation, we don't talk about decision making.

The equality clause in the constitution mentions many categories, including age and disability. But being sexed as a woman places you on a particular trajectory of discrimination and oppression from birth to death.

**Mathonsi:** [An unequal approach to gender and race] sometimes happens and sometimes doesn't. On the surface of things, you have black women at the centre of some government agendas. In policy, on paper, lip service is paid to the women question. But the question is, *which* women? It's hard for the state, because society still homogenises. We haven't moved to a point of acknowledging that there are different groups of women who want different outcomes. The state still works with that abstract profile of "MaMtambo in Tzaneen" but what about Shaun, the disabled, transgendered woman in Bredasdorp?<sup>1</sup> We have categories that qualify for action, but we still have not allowed for diversity and accepted that women are a group with different types and levels of vulnerabilities.

Regarding what you said about culture at the beginning, people will use whatever discourse they

can to advance patriarchy – whether it is "culture" or this growing cluster of men's groups that have a very problematic discourse and are very homophobic. It's all about "I protect my wife". No interrogation of masculinity happens, yet they will attack when women demand women-only spaces.

Everybody does "culture", not only black people. People have rejected our message at times because they think we are saying, "Strip culture away". But we're not saying that. We are saying, "You have to interrogate any oppression in any form from where you are". You have to take it on because things are dynamic.

**van der Westhuizen:** "Culture" is a discourse that is increasingly abused in South Africa. So-called traditional leaders have vested interests in maintaining rural women in a certain position. They have organised themselves quite well in the last few years to keep rural women in their place. It also applies to urban women. Ethnically, I am an Afrikaner, and the pressures on me to perform a certain kind of gender role are incredible.

So I agree with you that black people are not the custodians of culture. Studies have shown that English-speaking whites in South Africa, including women, see themselves as "outside of culture". But obviously there exists a very specific discourse about what constitutes "white English-speaking femininity" and what is regarded as a "real woman" in white English-speaking culture in South Africa.

**Mathonsi:** I so hear you. Seventeen years later [after the first South African democratic election], black people are still so "other", and race is still such a big issue. I fail to understand why we are not having those "lived realities" conversations.

I was telling friends the story of how my [Zimbabwean] mother – and I know in South Africa this happens, as well – became the father of my cousins after my uncle passed away. She has adopted the identity of the father, so she would sit at the table deciding about *lobola* [bride price] (not that this is perfect, because it still follows the patriarchal line). Things are fluid, and they are not black and white. But we never work to show these things. Those with big mouths and profiles run around [talking as though everything is clear-cut and unchanging].

[Moving to politics], what is interesting is that Helen Zille [leader of the Democratic Alliance and premier of the Western Cape province] gets rid of strong women. How can we hold our heads up high if we have a [Western Cape] cabinet of all men?<sup>2</sup> In the time that she has been premier, funding allocations to NGOs



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that deal with gender-based violence and women's empowerment have been dramatically slashed – not based on those NGOs' effectiveness, but because of their relationships with the previous administration. Engaging with Zille has been difficult – she seems to negate the role of NGOs in this field.

This raises the question of what is a good female leader. This is a woman who did this. I have massive respect for her because she runs a political party; massive respect because she got there. But patriarchy has us at a point where you can't criticise a woman, because her environment is already so intense. Women leaders are so regularly demonised in the media. For us to attack her ... she already experiences attacks in so many spaces. Because of this environment we haven't been able, as the feminist or women's rights movement, to challenge these women.

**van der Westhuizen:** Regarding the African National Congress [which rules nationally], there is a stark difference between the ANC Youth League [ANCYL] and the ANC Women's League. The Youth League speaks on behalf of disenfranchised, young, black, unemployed people – and, judging by their sexist statements, particularly on behalf of men. I am not seeing the same engagement from the women in the ANC, which is especially of concern when one is reminded that black women still carry the brunt of poverty and certain forms of violence.

Also, if you have a certain kind of gender identity, you are targeted for violence. The only time I can recall the ample number of women ministers in cabinet speaking out as a collective, it was to refute Winnie Madikizela-Mandela's allegation in 2001 that Mbeki in his position as president was eliciting sexual favours from them. Therefore, the only time that they spoke out was, ironically, to protect a male politician.

**Mathonsi:** When one thinks "ANC Women's League", the image that comes into one's head is that of an African mom. They understand that something is fundamentally wrong, but they understand it through the lens of women being wives and mothers. The Women's League has never taken a revolutionary stance on this issue. I don't know if it is because they are not interested, or because they are aware of their lack of power.

We have a women's ministry at the moment, and it has decided to create a structure on gender-based violence similar to the [intersectoral] SANAC [South African National Aids Council], which is chaired by the deputy president [and therefore taken seriously]. I have said that the money could be used better.

SANAC is important, but it also runs on a huge budget granted by an international donor, and managed by the Department of Health. If you don't have equivalent resources, you will set up a ghost council where the issue will not get the same recognition. Speaking to our allies in the state, you sense the marginalisation [of women's rights]. For example, the women's ministry is designed not to work. The budget isn't there.

**van der Westhuizen:** But why set it up, then? Some feminists were quite perplexed by the ANC's decision in 2007 to set up a women's ministry, given that the model has not worked in other countries. This is why the so-called gender machinery of the OSW [Office on the Status of Women], the CGE [Commission on Gender Equality] and parliament's JMC [Joint Monitoring Committee on the Improvement of the Quality of Life and the Status of Women] was created in the 1990s in the first place.

**Mathonsi:** If you read the reports on the OSW from civil servants saying, "We can't work like this, we don't have the budget or the time". It was absolute suicide. I am not excusing them, but even though the OSW sat in the presidency, when the head of the OSW asked for a report from a department's director general [DG] it wouldn't work because she is lower than the DG.

[From civil society] there was rage about this structure that didn't do anything. They might work with the [ANC-aligned] Progressive Women's Movement, so they wouldn't work with the ANC Women's League [because of ANC factionalism]. Then, say something is upsetting these bodies, CGE would say, "As an independent body, let us write something on this". But the OSW may disagree because the minister [responsible for them] would not like something to be written. Then you would have the CGE and the JMC saying, "But we are independent, you can't tell us what to do".

**van der Westhuizen:** So rather than the government creating a new ministry, the OSW should have received more money and had more say.

**Mathonsi:** With the proposal of the women's ministry, we asked, "How are you going to avoid the problems that the OSW had? Are you going to get a bigger budget and qualified staff? Will there be political commitment?"

**van der Westhuizen:** You can have exactly the same problems, whether it is a ministry or not.

**Mathonsi:** And they are having it now at the ministry. Patriarchy is insidious, and it changes and it is smart, whether you are inside or outside the system. So when we are talking about the ANC Women's League,

their identity under the ANC umbrella also makes it hard to lobby.

I work on the SADC [Southern African Development Community] Protocol on Gender and Development. With women in the state, we come up with a strategy together, quite aware of how much change they can affect. Unless we can agree on gender equality as a societal responsibility, women who enter the state – whether in the judiciary, executive or the legislature – can't be relied upon as allies.

**van der Westhuizen:** This would be a way of understanding the situation of 44 percent of parliamentarians being women, but never using their position to speak out on behalf of women. What do you think of the proposition that gender has become a resource for a few politically connected individuals to access posts?

**Mathonsi:** That may be somewhat unfair, because not everybody is politicised in the same way. At branch level, a woman may be selected for being skilled as a politician, but not because of her advancing an agenda for women.

We have to stick to the decision to set targets for the number of women in parliament. But we need quality as well. How do you get that in any political system, not to speak of a proportional representation one? What we should be asking is how we start to influence the cadre of women who are entering political parties.

**van der Westhuizen:** Is civil society aiming enough of its energies in this direction?

**Mathonsi:** The other day we tried to identify an organisation that is unashamedly working with only women parliamentarians, and we couldn't find one. But that said, if the funding environment hadn't changed, we could have capitalised on the phenomenal potential out there: women operating in tough circumstances and understanding patriarchy and understanding what is needed. But we can't harness this potential currently. With the funding pool shrinking and women's organisations closing down left, right and centre, we are not always at the coalface to respond and challenge.

In society in general, there are a lot of pockets of activism. We did focus groups in different provinces last year, and I met rural women who know their rights. They know what they want the government to do.

**van der Westhuizen:** There is incredible work happening, and a lot of it is activist work, where women are changing their communities. In terms of having a political impact, one wants to draw these women together into a movement of sorts, so that when [ANCYL leader] Julius Malema makes his sexist

comments, you have a voice that talks back. Is it a case of "we're just not there yet"?

**Mathonsi:** I don't know if it's a case of being there or not. Do women always agree with each other? Does everyone think Malema makes sexist statements? What do we expect MaMtambo from Tzaneen to say? This is not everyone's area of activism. How do we see this activism, and what should it look like? How do we make sense of this when people are grappling with survival issues, and civil society and the grassroots have changed? Do we want a women's movement that is always reactive? It might not be Malema; it could be housing.

**van der Westhuizen:** What about a loose alliance of different kinds of organisations drawn together on a national scale because they are generally all working towards women's empowerment? It should be open-ended. The issues could range from sexist discourse to housing to violence, and all other elements that women find oppressive in their lives.

**Mathonsi:** That is the model we work on at the Western Cape Network on Violence Against Women. As the secretariat, we won't take a position, but all the member organisations are free to adopt positions. We bring organisations together to understand each other's positions – for example, recently we brought the trafficking and sex work organisations together.

We also invited mainstream organisations to say what services they are providing for LBT people. Identity is a mixed bag, so when we deal with violence we can't just deal with straight people. You can raise any issue and people will bring forward their identities, their vulnerabilities. I agree it would be great to link everybody up, but you would need a secretariat or a structure that just focuses on coordination and linking; that does not adopt positions, but creates platforms for engagement.

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### Endnotes

- 1 Comment by van der Westhuizen: In official policies, particular protections and advancements of women's rights frequently involve a conflation of womanhood with motherhood – e.g., housing policies favouring single mothers; health policies favouring mothers with young children; and the child support grant, usually accessed by women who remain primary caregivers. Speeches by ministers follow the same line: women as literally "producers of the nation" are firmly on the agenda. Other women? No sign of them in official discourse. In fact, then-Minister of Arts and Culture Lulu Xingwana declared in 2010 that the depiction of black lesbians in an art exhibition was "against nation-building". Black lesbians have been targeted for killing for a few years now. There was absolute silence from the government until an upsurge in media and international interest forced it to look into the matter, resulting in the very recent plan for a ministerial task team. Will trans people be given any attention? We'll have to see.
- 2 In 2009, after Helen Zille was sworn in as premier, she was heavily criticised for appointing an all-male cabinet, half of it white.

# Women in Kenya's Political Leadership: The Struggle for Participation in Governance through Affirmative Action

## Introduction

Since Kenya attained formal independence in 1963, women have sought to effectively participate alongside men in governance and decision-making in all aspects of public life. But for the first three decades of post-colonial governance, progress was painfully slow. This was due to a combination of structural obstacles:

1. deeply embedded patriarchal socio-cultural values;
2. undemocratic institutions, buttressed by equally undemocratic and gender-blind legal and policy frameworks;
3. low levels of civic and gender awareness.

In this institutional and socio-cultural environment, it is hardly surprising that despite the active and effective role women played in colonial liberation struggles,<sup>1</sup> the first post-independence government under the late President Kenyatta did not have a single woman member of parliament. When leaders of the only national women's organisation at the time sought to engage the state over this exclusion, male political gatekeepers argued that there were no qualified women.<sup>2</sup>

The presence of women in politics and public decision-making institutions remained dismal several decades later, despite the large pool of highly educated women in the country. Thus, women in Kenya were circumscribed in advancing a gender agenda. They operated primarily within civil society, with no political space and with minimal connection to or support from the largely patriarchal state.

Kenya reverted to a multi-party political system in 1992, and formally adopted a democratic stance. But in reality, democracy in Kenya remained elusive in the context of an undemocratic legal framework and political culture. There was, however, adequate political space for political mobilisation; articulation of demands; and to some extent, engagement of

the intransigent state. This inspired the emergence of a progressive, feminist-led women's movement that has since engaged in gender activism, gender sensitisation and mobilisation, capacity-building of women political leaders, socio-economic programs for poor women, and lobbying for constitutional reform. This feminist movement – led by a cross-section of well-educated women from the academy, legal practice and national women's NGOs – spearheaded the 1990s women's movement, dubbed *the second liberation struggle*.<sup>3</sup>

Deep conviction in a direct relationship between gender equity, development and good governance has made the attainment of a 30 percent numerical presence of women in parliament a major part of this feminist struggle. Furthermore, feminist activists have argued that a critical mass of women in parliament would not only advance the gender agenda, but could also positively transform the patriarchal political culture.

This post-1991 feminist activism has generated some notable successes over the years. These have been especially evident in remarkable improvements in civic, gender and human rights awareness strategies for policy and advocacy interventions. However, there has been dismal performance in increasing women's numerical strength in all public decision-making bodies – most notably, in parliament and local government. Currently, the Kenyan parliament has only 9.8 percent women representation, trailing far behind the global average of 18.8 percent.

All the countries in the East African region have overtaken Kenya in all measures of gender equality. Over the past decade, some African countries have attained and even surpassed the critical mass threshold of 30 percent women representation in decision-making. By January 2011 Rwanda, for example, was ranked first globally in women parliamentary representation, at 56 percent. South Africa followed closely, in third position. Kenya, by



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contrast, stood at position 103 in global rankings of women's presence in parliament.<sup>4</sup>

Kenya's poor performance in regard to women's representation in political leadership stands in sharp contrast to its pioneering role in East Africa's regional post-1990, multi-party women empowerment programs. As such, it continues to raise concern at the levels of both theory and praxis.<sup>5</sup>

Yet all evidence over the last two decades points to concerted and consistent efforts by Kenyan women to gain access to the centers of power. Furthermore, women's groups in civil society have continued to engage in gender sensitisation, mobilisation and lobbying for a gender-responsive constitution that would restore women's rights and provide for affirmative action (AA). In a bid to expand their negotiating power base within the male-dominated political party framework, a few leading women politicians have diversified their political strategies by seeking and attaining the position of chairperson or "owner/ founder" of some of the smaller political parties.<sup>6</sup>

A few leading women politicians have diversified their political strategies by seeking and attaining the position of chairperson or "owner/ founder" of some of the smaller political parties.

These efforts notwithstanding, both internal and external pressure to increase women's representation in decision-making through AA have continued to mount. Thus from 1996, Kenyan women within and outside parliament have combined a push for comprehensive constitutional reforms with a collaborative strategy to have the government enact AA law under the old constitution.

### **Feminist Struggles for Affirmative Action in Kenya**

The struggle for AA in Kenya can be traced to the early 1990s. It became politically visible in 1996, when Hon. Charity Ngilu motivated for parliamentary implementation of the Beijing Platform for Action (which provided for AA). The motion did not pass.

In 1997, Hon. Phoebe Asiyo tabled the first Kenya-specific AA bill in parliament, but it also flopped – due, again, to lack of support from the male-dominated parliament.

Three years later, on 20<sup>th</sup> April 2000, MP Beth Mugo sponsored an AA draft bill through her Social Democratic Party. The bill sought to increase representation in decision-making organs – primarily in political institutions – not just of women, but also of other marginalised groups. The bill initially seemed to garner widespread parliamentary support, and was to be debated in November 2000. But on 12 October, then-President Daniel Arap Moi announced that he was opposed to AA for women, as he believed in equal opportunities for all, regardless of gender. The proposed bill was subsequently shelved.<sup>7</sup>

But the struggle for constitutional reform continued. Three years later, through concerted lobbying by women leaders, AA measures were included in the 2005 Draft Constitution, which was subjected to a national referendum held in November 2005. The draft constitution was rejected, putting AA on the back burner once again.<sup>8</sup>

The next attempt to secure an AA law was through the Constitution of Kenya (Amendment) Bill 2007 on AA, which sought to create fifty automatic seats for women in the current tenth parliament, along with an additional forty electoral constituencies. This would have more closely reflected the proportion of women in the population. The bill, tabled by then Justice and Constitutional Affairs Minister Hon. Martha Karua, was rejected on several grounds. These included purported lack of consultation, and failure to secure broad consensus both within and outside the governing party.<sup>9</sup> Some MPs also claimed discomfort with the proposed bill's focus on women to the exclusion of other marginalised and vulnerable groups, including the physically challenged, youth, and those from minority communities and religions.

In addition to male parliamentarians, a number of key male-dominated stakeholders within civil society were also opposed to the bill – among them, the Central Organisations of Trade Unions (COTU) and the Law Society of Kenya (LSK).<sup>10</sup> On the other hand, women in civil society, former MPs, women's organisations such as Maendeleo ya Wanawake, the National Women Coordinating Committee, educators, and the Media Women Association all

lobbied aggressively for the endorsement of the Constitution of Kenya (Amendment) Bill 2007.

This struggle for AA, led by feminist activists in collaboration with other gender-responsive groups and individuals, intellectuals, and women parliamentarians, was finally rewarded. In August 2010, twenty years of struggle for a new constitution yielded a very progressive legal and political instrument. The new constitution not only provides for AA, but guarantees women and men equality of rights and duties, and removes all forms of discrimination in both legal and social practice.

Topping the list of key gains for women in the new constitution is inclusion in the bill of rights of a legally binding AA principle, backed by additional protocols guaranteeing the implementation of AA through quotas and reserved seats in all appointive and electoral processes. The AA provisions bind the state to ensure access to gender equity, and provide measures to correct historic imbalances suffered by all minorities and disadvantaged groups.

Women political leaders and their counterparts in civil society are hopeful that under this new democratic constitutional dispensation, they can set an effective gender agenda. In particular, they hope to attain the long-awaited 30 percent critical mass after the 2012 elections. But will they?

The first hurdle is that, whereas the *principle* of AA is clearly embedded in the bill of rights, a simple political arithmetical calculation reveals a deficiency in the *formula* for attaining this goal in key political institutions. For example, the formula for the composition of parliament does not add up to the 30 percent critical mass threshold needed in the newly created senate and reconstituted national assembly. The combined quota strength of nominated, reserved and proportional representation seats only guarantees women 13.5 percent of national assembly seats and 26 percent of senate seats.<sup>11</sup>

Past political experience does not inspire confidence that women candidates can garner the 17.5 percent of seats required to attain 30 percent in the national assembly through the universal competitive electoral process. To bridge the likely shortfall, effective strategies need to be put in place to invoke and successfully lobby for full application of Article 27(8) of the constitution. This article provides that “the state shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or

appointive bodies shall be of the same gender”.

The second hurdle is that the implementation process so far has not demonstrated adequate political will to translate women’s new constitutional rights into reality. Barely six months into the implementation process, the optimism and hope that heralded the dawn of the new constitution is increasingly being replaced by a mixture of cautious sobriety and disillusionment.

The focus of Kenya’s feminist struggle is still on the “hows” of attaining a critical mass, rather than on assessing the extent to which the few women in parliament and other political institutions are using their positions to advance the women’s agenda.

The implementation process to date has demonstrated repeated lack of strict adherence to constitutional provisions such as the AA, let alone to the principles and provisions of inclusiveness, equity and justice. It is indeed becoming clear that patriarchal values, along with political and related institutional cultures, have remained intact – and that these are hindering the advancement of a gender agenda under the new constitution. The AA principle has already been violated in the first implementation phase of public appointments under the new legal dispensation.<sup>12</sup>

Given this emerging trend, there is concern among feminist activists that the implementation of the AA principle is likely to continue meeting resistance from the male political class, many of whom remain opposed to the principle of AA. Consequently, there have been increasing calls for greater vigilance and involvement by women in the implementation process.

So the focus of Kenya’s feminist struggle is still on the “hows” of attaining a critical mass, rather than on assessing the extent to which the few women in parliament and other political institutions are using their positions to advance the women’s agenda.

### Does a Female Critical Mass in Parliament Make a Significant Difference?

Despite emerging hurdles in the constitutional implementation process, it is indeed timely to begin to reflect on the potential impacts of a critical mass of women parliamentary representation after the 2012 Kenyan general elections. Would such numerical strength translate into influence in policy and programmatic action? Would such influence be responsive, for example, to the needs of poor women in the allocation of national budgets? Would this female critical mass help to de-masculinise the deeply embedded institutional male political culture, and replace it with a more democratic culture? Indeed, what guarantee do we have that these female MPs would have the commitment or interest to advance a gender agenda in parliament?

These pertinent questions underline a need to focus more on the *process* and *criteria* involved in selecting and electing the female beneficiaries of AA. Kenyan women should pay heed to the results of quotas for women in South Africa, Uganda and other countries that have achieved a critical mass of women in parliament.

For example, Tamale and Tripp have noted that allegiance to the National Resistance Movement (NRM) in Uganda at times hampers the ability of women MPs to support women-friendly legislation that contradicts or challenges the NRM political party position.<sup>13</sup> Goetz and Hassim caution that in South Africa, whereas AA contributes to increasing numbers of women in governance, it may undermine women's autonomy and enhance their susceptibility to co-optation and conformity with anti-feminist political practices.<sup>14</sup>

Supporting the same argument, Dodson notes that increasing numbers of women in leadership positions in United States governing institutions did not, in themselves, make a difference for women's issues;<sup>15</sup> furthermore, total numbers seemed to matter less than did the strength of the party to which the women leaders belonged.<sup>16</sup>

Lawless and Fox reached a similar conclusion in a study of women candidates in Kenya: "The suggestion that electing women candidates would generate a woman's agenda is precarious in the Kenyan case. The 19 women candidates interviewed demonstrate neither fervour, nor an affinity, for forwarding women's issues."<sup>17</sup>

A 2008 UNIFEM study<sup>18</sup> acknowledged that higher numbers of women in parliament generally

contribute to stronger attention to women's issues. However, it also noted that women's presence in government, alone, may not be enough to change public policy and resource allocation. Regarding economic governance, a 2001 World Bank report<sup>19</sup> suggested that the higher the number of women in parliaments or the private sector, the lower the level of corruption and the less likelihood that women would be involved in bribery and corruption.<sup>20</sup> But this has been challenged by an alternate hypotheses put forward by Hung-en Sung in 2003. He argued that an increased number of women in politics is not the cause of low corruption, but rather, democratic institutions and transparent political processes go along with low corruption, and the two create an enabling environment for more women to participate in politics.<sup>21</sup>

Another school of political analysts<sup>22</sup> asserts that women in leadership and management bring a different perspective to political leadership, in that they are more inclined to help solve problems associated with perpetual poverty, state-building and balanced decision-making.<sup>23</sup>

Nyokabi Kamau, in her study of ten female Kenyan politicians, argues that women bring a different perspective to politics, and that some individual women politicians contribute more than is often acknowledged. The study also asserts that the lack of a critical mass of women in political institutions has significantly constrained women politicians from effecting meaningful, gender-equitable transformations to the male-dominated culture of politics, public policy and resource allocation.<sup>24</sup>

### Kenyan Women's Perspectives on the Impact of a Critical Mass of Women in Parliament

Many Kenyan women activists and female MPs hold the view that women have made a significant difference in shaping and advancing the gender agenda, not necessarily *because* of numbers, but *despite* them.<sup>25</sup> They point out that, as the number of women in parliament began to rise (especially in the Ninth and current Tenth Parliaments), some key policy and legislative changes in favour of women have been sponsored by female MPs and enacted.

These include tax waivers for sanitary towels<sup>26</sup> and baby diapers, and the passing into law of the Sexual Offences Bill,<sup>27</sup> the Children's Act of 2002 and the Political Parties Review of the Employment Act of 2007. The latter increased maternity leave to

four months (three months' actual maternity leave and one month of annual leave). There has also been an increased focus on gender issues, HIV and Aids – especially by the minister of health, a woman who has held that position since 2003.

The Employment and Political Parties Acts were significant in that they sought to address key issues of gender-equitable representation in the socio-economic and political arenas, respectively, and to discourage gender-discriminative practices. Also attributed to female MPs has been a notable paradigm shift in gender-responsive parliamentary debates, some of which have resulted in policies favourable to the gender agenda.<sup>28</sup> These include the Sessional Paper No. 2 of 2006 on Gender Equality and Development, the National Land Policy, the National Reproductive and Health Policy, the Gender Policy in Education of 2007 and the National Policy for the Abandonment of Female Genital Mutilation of 2008–2012.

Furthermore, several women political leaders are cited as role models who have contributed significantly to women's advancement in Kenya. These women, who are also recognized globally, include Nobel Laureate Prof. Wangari Maathai,<sup>29</sup> Martha Karua,<sup>30</sup> Charity Ngilu<sup>31</sup> and Phoebe Asiyi,<sup>32</sup> among others.

### Concluding Note

Kenya is currently undergoing an important and challenging political transition, which is likely to shape and determine the nature and culture of its governance institutions and processes. The women's agenda is part of this process. As noted above, the emerging trend in implementation has to date been uninspiring, necessitating continued vigilance by the feminist groups that fought so hard and struggled so long to have key gender provisions embedded in the bill of rights. Some of these gains can be lost or indefinitely delayed during the enactment of legislation. Hence, close collaboration between women in civil society and those in parliament will be required to protect and advance the gender agenda through the new constitutional provisions.

The return to political pluralism in Kenya in 1991, as noted, did not alter the prevailing undemocratic structures and culture, nor facilitate women's access to institutions of governance. In the same way, the new constitutional dispensation cannot, on its own, guarantee the advance of a gender agenda. Even with the increased numbers of

women in decision-making envisaged through AA, the state remains gendered. Thus, increased female representation does not automatically alter the dominant male culture in governance structures, nor the inequitable distribution of political power between men and women.

While acknowledging the achievements women have made in the past decade towards enacting gender-friendly laws, one is obliged to note that women within and outside government do not always act in unison to support women-related issues. Party politics and growing ethnic identification sometimes constrain the development of common strategies on key gender issues. These challenges cannot be resolved by the provisions of the new constitution; furthermore, they could dilute the potential effectiveness of the anticipated increase in female MPs in the post-2012 parliament.

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### Endnotes

- 1 See, for example, Kanogo T, *Squatters & Roots of Mau Mau: 1905–1963*, Ohio University Press, 1987; Kanogo T, *African Womanhood in Colonial Kenya, 1900–50*, Athens: James Currey Publishers: Oxford Ohio University Press, 2005.
- 2 This point was illustrated at a brainstorming forum organised by HBF Kenya on 22nd March 2011 to honour pioneers of the feminist struggle for Kenyan women's rights by Hon. Phoebe Asiyi (first president of the *Maendeleo Ya Wanawake*, the first national women's organisation, set up in 1952). She related that when the colonial governor imposed house arrest on Jomo Kenyatta, women had fought alongside men for his release. Yet when independence was won in 1963, women were completely sidelined from governance institutions.
- 3 The first liberation was from colonial oppression. The second liberation has been a struggle for substantive structural and transformative change for democratic governance, sustainable development, equity and social justice. Some of the Kenyan feminists' political and socio-economic activities, especially in the 1990s, are well documented in Nzomo M & Kibwana K (eds.), *Women's Initiatives in Kenya's Democratization*, Nairobi: Type Design Ltd., 1993; Nzomo M, Kabira W & Oduol J (eds.), *Democratic Change in Africa: Women's Perspective*, Nairobi: ACTS Press, 1993; Nzomo M (ed.), *Empowering Kenya Women*, University of Nairobi: School of Journalism, 1993; Nzomo M, *The Gender Dimension of Electoral Politics in Kenya: Capacity-Building of Women Candidates for 1997 and Beyond*, Nairobi: NCSW and Type Design Ltd., 1997.
- 4 These figures are derived from data on 188 countries, on the basis of information provided by national parliaments by 31 January 2011 and compiled by the Inter-Parliamentary Union. See <<http://www.ipu.org/wmn-e/classif.htm>>.
- 5 Some have argued that patriarchal values pervading all political institutions of governance – political parties, parliament, local councils and government bureaucracies – coupled (until August 2010) with an undemocratic legal framework, have been major obstacles to women's presence in political governance. Others have heaped blame on the women's movement and women's organisations for their alleged failure to provide concerted, sustained support to women in politics. Still others have blamed women politicians, themselves, for poor strategies and an unwillingness to make the sacrifices necessary to engage in politics as a full-time profession. See Nzomo M (ed.), *Women in Politics: Challenges of Democratic Transition in Kenya*, Nairobi: Heinrich Boell Foundation, 2003.
- 6 Most political parties are not well institutionalised and professionalised, and so may have short lifespans. Some are

- owned by individuals who set them up or bought them from others. However, they serve as important political vehicles for negotiating a share of political power. The women MPs who lead or own parties include Hon. Martha Karua (NARC-K), Hon. Charity Ngilu (NAK) and Dr. Julia Ojiambo (LDP).
- 7 The retired President Moi is a patriarch par excellence. He is quoted as saying that “women have little minds”. Throughout his tenure as president, he believed that there was no gender imbalance in Kenya requiring redress at legal and policy levels. Thus, his rejection of the proposed AA Bill 2000 was consistent with his ideology. See *Daily Nation*, Nairobi, 13 October 2000, and *Daily Nation on the Web*, 5 September 2000 and 20 April 2000, <<http://www.nation.co.ke/>>.
  - 8 See Republic of Kenya, *The Proposed New Constitution of Kenya, 2005*, Gazette Supplement No. 63 of 2005, Nairobi, 22nd August 2005.
  - 9 For example, it was reported that two women MPs on the government side disagreed on the floor of the house during the AA debate.
  - 10 The COTU boss argued that the move was against the spirit of competitive politics, and urged members of parliament to reject the bill as an unfair amendment of the law of the land. The chair of the male-dominated LSK argued that the proposed amendment was unconstitutional and discriminative, and also amounted to fundamental change in the constitution – hence the need for a referendum vote. While male MPs blamed Karua for personalising the bill and for not engaging in the required dialogue and wider consultation in search of consensus, it was also the case that the same MPs had rejected on flimsy grounds previous AA bills tabled in parliament. The MPs also blocked the Equality and Domestic Violence Bill.
  - 11 For more details, see articles 97 and 98 of the Constitution of Kenya.
  - 12 In February 2011, President Kibaki appointed a men-only team to occupy the top judicial positions of chief justice, attorney general, director of public prosecutions and director of the national budget. Women lawyers successfully made a case for the unconstitutionality of the appointments, on the grounds that they violated and failed to abide by the AA principle. See *Daily Nation*, Nairobi, 26 February 2011, pp. 5–6.
  - 13 Tripp A.M., “Uganda: Agents of Change for Women’s Advancement?” in Bauer G & Britton H.E (eds.), *Women in African Parliaments*, Boulder: Lynne Rienner, 2006; and Tamale S, *When Hens Begin to Crow*, Kampala: Fountain Publishers, 1999.
  - 14 Goetz A.M & Hassim S, *Women Representation in South Africa and Uganda*, unpublished paper, 2001.
  - 15 Dodson D, “Making a Difference: Behind the Scenes”, in Thomas S & Wilcox C (eds.), *Women and Elective Politics*, Oxford: Oxford University Press, 2005.
  - 16 *Ibid.*
  - 17 Lawless J & Fox R, “Women Candidates in Kenya”, in *Women and Politics* 20(4), 2001, p. 70.
  - 18 UNIFEM, “Progress of the World’s Women 2008/2009”, 2008, <<http://www.unifem.org/progress/2008/politics.html>>.
  - 19 World Bank, *Engendering Development Through Gender Equality in Rights, Resources and Voice: A World Bank Policy Research Report*, Washington DC: World Bank/Oxford University Press, 2001.
  - 20 *Ibid.*
  - 21 Sung H, “Fairer Sex or Fairer System? Gender and Corruption Revisited”, *Social Forces*, 82, 2003, pp. 705-725.
  - 22 Clinton H.R, *Living History*, London: Headline, 2003; Neuman W, *True to Ourselves: A Celebration of Women Making a Difference*, San Francisco: Jossey-Bass Publishers, 1998; Maathai M.W, *Unbowed: A Memoir*, London: William Heinemann, 2006; Thomas S & Wilcox C (eds.), *Women and Elective Office*, Oxford: Oxford University Press, 2005; Wanjohi N.G, “Women Have to Vie for Role of Leadership”, in *East African Standard*, Nairobi, 2003.
  - 23 Epstein M.J, Niemi R.G & Powell L.W, “Do Women and Men State Legislators Differ?”, in Thomas S & Wilcox C, *Women and Elective Politics*, Oxford: Oxford University Press, 2005.
  - 24 Kamau N, *Women and Political Leadership in Kenya: Ten Case Studies*, Nairobi: Heinrich Boell Foundation, 2010.
  - 25 Since the early 1990s, there has been a sustained campaign for the eradication of female genital mutilation (FGM) in Kenya. Initially led by women activists in gender/human rights NGOs, this campaign has in recent years found support even among male policymakers, due to its linkage to the high prevalence of HIV/Aids. A female MP, Linah Kilimo, chairs a women parliamentarians’ association involved in the fight against FGM. It is against this background that a national policy on the abandonment of FGM was developed and approved by parliament. One of its objectives is to reduce the national prevalence of FGM by 10 percent by 2012. Since then, the Prohibition of FGM Bill 2010 has been prepared and approved by the speaker of parliament for official publication, and is expected to be tabled for debate in 2011.
  - 26 Through pressure from female MPs in 2007, the government committed close to USD125,000 in the national budget for the tax-free purchase of sanitary towels. This was intended specifically to support poor pupils and students. Many had been missing school for five days each month, resulting in poor performance and a high dropout rate. The voicing of this gender issue by women MPs in parliament led to public awareness and greater government sensitivity to women’s specific needs in budget allocation.
  - 27 The Sexual Offences Act initially received a lot of opposition from male members of parliament. It was only after much lobbying by women legislators and women’s civil society organizations that it was enacted. However, due to male opposition, some important clauses were removed – for example, criminalization of marital rape and female circumcision.
  - 28 I refer specifically to women activists, most of whom work with NGOs that promote women’s political empowerment through voter education, capacity-building of women seeking political office, and lobbying. Such NGOs include the League of Kenyan Women Voters (the League); the International Federation of Women Lawyers (FIDA-K); the Women’s Caucus, etc. Among the most vocal currently are Njoki Ndungu (a former nominated MP), Ms. Naomi Wageraka, chairperson of FIDA (K) and Alice Wahome, chairperson of the League.
  - 29 Prof. Wangari Maathai is the 2004 Nobel peace laureate and founder of the Green Belt Movement, a women-driven grassroots reforestation and sustainable development initiative that has planted more than forty million trees. An environmental and socio-political activist, she has received numerous awards, including the Goldman Environmental Prize, the Africa Prize for Leadership and the UNEP/Eyes on the Environment Award. Prof. Maathai has played a pivotal role in Kenya’s politics, and has been a powerful role model and mentor to many Kenyan women aspiring to leadership.
  - 30 Hon. Karua became the MP for Gichugu constituency in 1992, and remains a prominent national politician. Her work as a human rights advocate has been acknowledged in the form of several awards. In 1991, she was recognized by Human Rights Watch as a human rights monitor. In December 1995, the Federation of Kenya Women Lawyers (FIDA) saluted her for advancing the cause of women. In 1999, the Kenya Section of ICJ awarded her the 1999 Kenya Jurist of the Year Award, and the LSK conferred the Legal Practitioners Due Diligence Award. Hon. Karua headed the government’s team in negotiations with the Orange Democratic Movement (ODM) regarding the political dispute following the 2007 election. She was endorsed as national chairperson of the NARC-Kenya political party on 15 November 2008, and immediately declared her intention to run for the presidency in the 2012 elections.
  - 31 In 1997, Charity Kaluki Ngilu became the first-ever Kenyan female presidential candidate, under the auspices of the Social Democratic Party (SDP). She finished fifth. After the 1997 elections, she founded and led the National Party of Kenya (NPK), which she used effectively to negotiate the rough waters of Kenya’s male-dominated politics. The strength of her NPK party enabled her to join the ODM in 2007. Hon. Ngilu was subsequently appointed minister of water and irrigation in the coalition government of ODM and PNU. She previously served as minister of health.
  - 32 Phoebe Asiyu is a former goodwill ambassador for UNICEF. She is one of Kenya’s most renowned political pioneers, and a committed advocate for women’s rights for more than two decades. Hon. Asiyu has brought attention to the status of African women in all walks of life – including the oppressive conditions of domestic violence; rape; genital mutilation; forced/early marriage; denial of educational opportunities; and denial of property and economic rights. She is also a recipient of numerous international awards and honorary degrees.

# Feminism and Elections in Kenya

## Obstacles and Strategies

Like many other African countries, Kenya is a society dominated by conservative ideologies that assert, normalise and legitimate widespread gender inequality. It has made only modest progress in response to demands for greater integration of women into the political mainstream of society. Under-representation of women in politics – often associated with high poverty levels, high inequality and weak governance – therefore remains a core feminist intellectual and activist concern. Elections, a mechanism through which positive change could be facilitated, have proven an unsuccessful avenue: since the first parliament at independence in 1963 up until the current tenth parliament, only fifty (2.71 percent) of 1,846 elected members of parliament have been women.

Kenyan activists have long campaigned against women's exclusion from the political sphere. However, it could be argued that campaigns around the Millennium Development Goals have done more to create visibility around women's issues than have political campaigns based on a women's empowerment agenda. The absence of feminist perspectives during political mobilisation processes is due, in part, to the reluctance of many women and men to identify themselves as feminist, owing to widespread negative perceptions and misconceptions of the term.

The analysis presented here interrogates the obstacles inherent in utilising electoral campaigns to popularise feminist ideas and build awareness of the issues underlying gender inequality, and explores possible strategies to overcome these.

In Kenya, where issues of ethnicity, gender and class intertwine and permeate politics, the following questions may serve as basic starting points for such an analysis. First, can a distinctly feminist campaign agenda circumvent the ethnic question? And second, does feminist activism in Kenya have the tools to access conservative voters, and even win their support? It is this latter question that poses the most dramatic challenge for projects seeking to shift the

demographics and content of formal politics.

While women and gender equality benefit from greater (formal) democratisation, the extent to which these gains can be realised is influenced by existing political discourse and gender ideologies, as well as by the existence of broader socio-political movements (with which women can ally) in a particular national context.<sup>1</sup> Each of these influencing factors can be analysed individually in the Kenyan context.

### Obstacle 1: Feminism and “Politics as Usual”

To ask whether electoral campaigns can shift voting patterns, and even perceptions, suggests that personality traits contribute to voters' understanding of political attitude formation and decision making.

Conscientiousness is one such personality trait.<sup>2</sup> A number of behavioural tendencies have been observed in relation to high voter conscientiousness. Most relevant to this discussion is the finding that high scorers on conscientiousness are inclined to obey social rules calling for impulse control, making them more likely to endorse conservative stances on both economic and social issues.<sup>3</sup>

Feminism, by contrast, is a political project of transformation.<sup>4</sup> As has been argued, its task is to examine the particular ways in which power operates within and between the political, social and economic spheres of specific societies. The friction between the electorate and a women's empowerment agenda is deepened by the general observation that political candidates are best served by suggesting no radical or innovative policies, thereby not engaging voters' rational thought processes and reducing the risk of alienating potential voters.

Given Kenya's highly conservative voter base, the fact that representation has so far failed to hit its desired mark can be interpreted as reflecting the mutual exclusivity between feminist politics and “politics as usual”. At issue here is the ability of female political candidates to mediate personality traits of conservative voters, whose values may be inimical to a feminist transformative agenda.



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## Obstacle 2: State Feminism Bypasses Voters and Demobilises Support

Feminist political aspirations have rarely been presented directly to voters in Kenya. Instead, the most tested avenue through which the Kenyan women's movement has historically sought to access and influence politics has been through the state. State feminism has been defined as "activities of government structures that are formally charged with furthering women's status and rights".<sup>5</sup> It is facilitated when women with *feminist* aims have some access to women's policy machineries. Consequently, the way that access to political institutions is structured is a crucial factor in promoting a women's rights agenda.<sup>6</sup>

One such strategy, legislative quotas, has had an even higher impact than elections in increasing female representation in Kenya.<sup>7</sup> Twenty-five (17.24 percent) of a total of 145 nominated members have been women.<sup>8</sup>

Critiques of quotas are well known. One that is particularly relevant to this paper is that they curtail citizen support and mobilisation in support of true feminist gains through "window dressing" – facilitating the appointment of "malleable women who will not challenge the patriarchal status quo".<sup>9</sup> Such critiques question the extent to which quotas and state feminism affirm, rather than diminish, the power of feminist activism in the long run. Yet it is important to note that globally, only a few countries and political parties have achieved parity in gender representation without quota reforms.<sup>10</sup>

In Kenya however, state feminism has contributed to voter apathy by circumscribing the relationship between voters and feminism. This is because the quota system actually bypasses the voter, thereby minimising or altogether eliminating the ability of feminism to influence voter choice. Thus, the failure so far to increase numbers of elected female representatives reflects an interrupted interaction between voters and feminist activists, suggesting that an opportunity exists to broaden the impact of feminism among the electorate.

## Obstacle 3: Ethnicity Sets the Parameters

The political discourse in Kenya is highly ethnicised. Ethnicity plays a central role in political mobilisation, and acts as an instrument for the distribution of wealth and of political contestations. Not only do voters "select" political representatives on this basis; representatives also compete on the basis of their ability to articulate economic, social and political

issues tacitly constructed around historical ethnic contestations. Therefore, the possibility of mobilising voters through a discourse outside these parameters is severely limited, and requires an understanding of the ways in which perceptions of feminism are constructed and transmitted within this rhetoric.

An illustration of this point is the example of Martha Karua, who has formally announced her presidential bid in the 2012 elections. That her candidature can potentially insert feminist ideals into electoral politics can be inferred from the gender-progressive causes she has supported in the past.<sup>11</sup> General perceptions of Karua as a consistent, principled and progressive reformer, who has never been implicated in a corruption scandal, bear out the observation that women in leadership and management bring a different perspective to political leadership.<sup>12</sup>

Strategically, this should clear sufficient grounds for a feminist campaign around Karua's candidature; yet political commentaries continue to leverage her candidacy on the ethnic question, rather than on her reform and feminist credentials. As one analyst observes, "Her strongest and most powerful card is that unlike all other candidates, Ms. Karua is not a tribal candidate".<sup>13</sup> Another makes the observation that Karua's chances could be bolstered by a "backlash" coming from Kenyans outside the Mt. Kenya region, who, resentful of attempts by the Kikuyu elite to impose an alternative candidate on the country,<sup>14</sup> could elect a Kikuyu woman – Ms. Karua – whom this elite despises.<sup>15</sup> Interestingly, Martha Karua herself has generally avoided articulating the ethnic question in her campaigns. Some voters view this with suspicion and, while noting her principled stand on corruption and impunity, question her silence on tribalism.

As Okeke and Franceschet have noted in relation to Nigeria, party competition in Kenya tends to reflect ethnic rivalries rather than competing ideologies. This factor inhibits the insertion of gender issues into mainstream political discourse. Within the framework of male-dominated and ethnically based political parties, (Nigerian) women have historically been marginalised.<sup>16</sup>

These conditions are equally applicable to the Kenyan situation. Situating Karua's campaign outside the dominant ethnic discourse within which the politics of power, patronage and patriarchy is played out, and constructing her campaign purely on feminist democratic principles could, unfortunately,

spell doom for her. Her perceived “ethnic neutrality” is likely to be contested, and presented by political party rivals as an aberration. Rather than strengthening her candidacy, it could function to her disadvantage, particularly since negative voter perceptions of feminism prevail. More significantly, the dominant discourse of ethnic patronage trivialises discourses that fall outside its parameters and minimises issues of importance to feminists.

### Martha’s Choices

We thus return to our earlier question: does feminist activism in Kenya have the tools to access conservative voters, and even win their support? Can feminist activism forge a popular vision among voters, potentially circumventing the ethnic question? In what ways could a candidate such as Martha Karua seek to do this? I explore some ideas below.

#### Tool 1: Subverting Existing Gender Stereotypes and Engaging in Identity Politics

Key to taking advantage of voter conscientiousness is the “ability of women’s movements to identify and creatively subvert gender ideologies to their advantage”.<sup>17</sup>

In Kenya, ethnic discourses emphasise the role of women as wives and mothers. The symbol of motherhood is a two-edged sword that can be used to legitimise the control of women, but which women can also use to great effect in feminist struggle.<sup>18</sup> A poignant illustration of this strategy involves the “Freedom Corner” heroines.

In February 1992, a group of rural, elderly, Kikuyu women descended on Nairobi with a potent demand. Empowered by a tradition of female activism and collective activity, these mothers of political prisoners acted on principles of care and justice, strategically employing motherhood to demand the release of their sons. They demonstrated how women can use their status and roles, and the societal imagery associated with mothers and women, to gain strategic access to certain resources open to women. The Freedom Corner heroines also demonstrated that women’s protests may have socially transformative effects on a community, based not merely on the fact that the activists are mothers or women, but on historically and culturally specific conditions of the protest.<sup>19</sup>

The mothers set up camp at Uhuru (Freedom) Park’s Freedom Corner, went on a hunger strike and publicly stripped naked. They emphasised motherhood strategically, and used it in a new, public way to access

the political discourse, drawing widespread support and sympathy for their cause. Four prisoners were released on 24 June 1992, and when four more were released on 19 January 1993, the role of the mothers’ protest in the release of political prisoners was clearly recognised and celebrated.<sup>20</sup>

Thus, trading on established societal perceptions of women’s role is one potential strategy to advance a feminist agenda. Another could be to push female candidates to identify more openly with women as a powerful constituency in and of itself. Feminists could do this by focusing their grassroots campaigns on practical gender needs: those identified by women, within their socially defined roles, in response to an immediate perceived necessity (e.g., inadequacies in living conditions such as water provision, health care and employment). The female electorate is the majority in Kenya, and is up for grabs: the ethnic kingpins are aware of this fact and are playing the field. So, too, should feminist political activists!<sup>21</sup>

The dominant discourse of ethnic patronage trivialises discourses that fall outside its parameters and minimises issues of importance to feminists.

#### Tool 2: Link Gender to Issues That Shape Politics

Kenya’s women’s movement has also sought to advance women’s rights by linking gender to issues that shape politics. Most recently, through the constitutional debate, a key feminist concern – the right of women to choose whether to terminate pregnancy<sup>22</sup> – was brought into the public domain and fervently debated across a broad public spectrum. It was one of the issues considered “contentious” enough to stall the proposed draft constitution; thus, the passage of the document without amendments, granting Kenyan women the right to abortion, may be regarded as a major victory for feminist organising.

Using indirect methods of resistance, feminist activists have in the past also added their voices to the fight for good governance and against corruption. Many will recall the much-publicised ten-day “sex boycott” effected by a section of the women’s



movement in April 2009 to provoke a reflection on women's rights – in particular, gender-based violence – and to hold the government accountable. This act of transgression drew strong reactions from the public, but little action from the political class at the time. Whether it was an effective strategy is therefore still a subject of much feminist debate. Strategically, though, it served as a positive tool for strengthening women's voices in mainstream politics and media, and allowed women to position themselves as relevant actors in the state.

### **Tool 3: Use the Human Rights Discourse**

Other opportunities are embedded within the recent emergence of human rights networks that maintain strong feminist presence and orientation.<sup>23</sup> The past decade has witnessed the emergence of a growing continental movement against violence directed at women within African cultures. This movement also draws significant support from international coalitions for women's human rights, which have made notable progress at inserting these concerns into the international human rights discourse. The potential exists for these issues (and the discourses in which they are embedded) to contest the bases of existing gender ideology.

Unlike the elite Women in Development (WID) discourse, which is rooted in state-reinforced gender ideology, this emerging discourse focuses on women as individuals in their own right.<sup>24</sup> It addresses women's concerns about their lives and place in society, rather than social expectations regarding their capacity to look after others (children, families and community). In other words, this discourse has the potential to empower women by expanding their rights and challenging the very basis of their subordinate social status.<sup>25</sup>

The way in which the rights discourse is inserted into grassroots organising has, however, important implications for its efficacy in making feminist inroads among the electorate. In Kenya, as in many African countries, human rights gained prominence at the height of structural reforms in the early 1990s – an era remembered by many women and men as highly disruptive. The framework within which rights were communicated to the public bore implications for the way voters perceived women's rights, and by extension, feminism. In the continuing context of economic hardship, unemployment and brutal economic policies that marginalise the poor, deepening the (women's) human rights discourse

could have the effect of further alienating already disenfranchised voters.

The rights discourse, nonetheless, got an unexpected boost following the humanitarian crisis attending the 2007/08 post-election violence in Kenya. Broad coverage of human rights violations by local and international media, citizens' campaigns for peace, and reports from the local and global human rights fraternity contributed to this heightened awareness of, and engagement with, rights issues at the grassroots level.<sup>26</sup> Civil society reports documented issues such as internal displacement,<sup>27</sup> land disputes, sexual and gender-based violence,<sup>28</sup> loss of property and livelihoods, extra-judicial killings and other human rights abuses widely experienced across the country at the time. Even though some politicians tried to maintain the status quo by re-articulating these issues along tribal lines, many Kenyans remained united in their outrage at these violations.

The clamour for the current progressive constitution was also partly strengthened by renewed engagement with the human rights discourse. These are reassuring signs that on such issues as access to economic and livelihood resources (such as water, land and shelter), opportunities still exist to transcend the ethnic question by deepening economic and social rights articulated within a feminist-inspired framework.

### **Tool 4: Exploiting Voter Inclination to "Strategic Voting"**

Where the policies of various political parties are not very different from one another, voters might be less inclined to prefer one party over another. When casting a vote, citizens do not necessarily have only political preferences in mind, but might also consider the viability of the parties or candidates on offer. Put differently, they might engage in strategic voting by choosing their candidates based on performance and not political preference.

Voters' attitudes towards policy and candidates are assumed to mediate the effects of personality traits, such as conscientiousness, on vote choice. Hence, strategic voting will presumably diminish the conservative influence associated with such traits.<sup>29</sup> Strategic voting can thus provide a valuable opportunity to "sneak in" a female candidate with a feminist political agenda through the party, even though the party's policies may be not too radically different from those of other parties on the ballot.

Strategic voting is, however, not a very widespread practice in Kenya. Political parties have increasingly resorted to forming unified coalitions to oppose the

dominant party,<sup>30</sup> thus making candidate choice a function of *realpolitik* rather than of principle. The majority of these political alliances demonstrates ethnic rather than ideological appeal; in the past, they have sidelined female candidates, who have either not been considered strong representatives of ethnic interests, or whose effectiveness has been limited by informal patriarchal norms.

Yet with the new constitution adopted in 2010, the rules of the game have changed substantially.<sup>31</sup> Proposed legislation on political parties seeks to eliminate gender bias and minimise patronage through (among other provisions) regulation of political parties,<sup>32</sup> registration and supervision,<sup>33</sup> and restrictions on the use of public resources to promote the interests of political parties.<sup>34</sup> If these are effectively implemented, ethnicity will be a less powerful determining factor for coalition building, and feminism might gradually benefit from a broader articulation of ideological issues among political parties during campaigns. This, however, might still be a long shot – parties are already coalescing around ethnic considerations ahead of 2012.

#### **Tool 5: The Role of Socio-Political Movements**

Even when women are able to take advantage of strategic voting and access the legislature through political parties, their ability to influence policies may be limited by their indebtedness to the party through which they gained seats. This restraint, as analyst Shireen Hassim points out, might affect their ability to mobilise within their parties and their willingness to challenge party hierarchies.<sup>35</sup>

Women's presence in the state is insufficient to redirect public resources to policies that change the condition of women's lives. Mobilisation – and contention – outside the state is the decisive factor.<sup>36</sup> Women MPs with a feminist agenda may feel more emboldened to pursue more radical aims when they can assert deeper connections with constituencies other than the state, and claim legitimacy from voters instead of, or in addition to, the party.

The existence of broader socio-political movements with which women can ally can help deepen democratisation at the local level. Indeed, research suggests that women's movements are more likely to make policy gains when they align with political parties on the left and with other social movements.<sup>37</sup> In Kenya, women's movements have historically joined forces with other social movements, an engagement that has intensified at varying moments in the course

of democratisation since the early 1990s. The aftermath of the 2007 political violence was one such moment, which created an opportunity for women's movements to divert attention from ethnicity and direct dialogue towards women's issues.

Whereas many analyses point to a re-traditionalising of women's roles during post-conflict phases, researcher Antje Daniel argues that social and political areas of action have opened up for Kenyan women's organisations.<sup>38</sup> The 2007 conflict's relatively short duration was important in ensuring that it could be seen as a catalyst instead of a consolidation of women's traditional roles. This conflict was a kind of turning point for civil society organisations; it highlighted the destructive nature of ethnic conflicts and forced women's organisations to re-focus on their goals and their need for a collective female identity. Thus, hardened identity constructions became once more fragile during the post-conflict situation, endorsing the linkage and plurality of ethnic and female identity. These expanding areas of action gave civil society organisations greater relevancy in dealing with the conflict-ridden past. Consequently, Kenya saw more initiatives targeting gender-based violence, and an increasing commitment to a stronger shared female identity.

#### **Conclusion**

The question continues to linger: can feminist activism foster new ideas, create the basis of new unities and engender new methods of struggle in the course of democratisation? The strategies outlined above appear to constitute the most promising path towards popularising feminist ideas among the electorate.

The centrality of conservative and ethnic identity politics in Kenya is a critical hindrance for anyone seeking to expand the influence of feminism on voters. Yet the women's movement has proved adept at identifying opportunities beyond the state for dialogue with the electorate. Opportunities already exist for broader representation of women in the present, gender-progressive constitution. The gathering of political capital to equalise gender representation is a long-term process, which must be conducted in ways that affirm, rather than diminish, the power of feminist activism.

Kenya is currently beset by political anxieties, owing to the cases of powerful politicians and ethnic warlords pending before the International Criminal Court (ICC). It has also not been immune to the high-cost-of-living protests sweeping across much of

Africa. Feminist activists ought to take advantage of this environment of uncertainty by building alliances to champion issues that appeal across ethnic groups. These could very well be the openings needed to campaign for women's representation on a more explicitly feminist platform in future elections, beyond 2012.

## Endnotes

- 1 Okeke P & Franceschet S, "Democratization and State Feminism: Gender Politics in Africa and Latin America" in *Development and Change*, 33 (3), 2002, p. 442.
- 2 According to the "five factor model" of psychology, the five primary factors of personality are *agreeableness* (or friendliness), *conscientiousness*, *extraversion* (or energy), *neuroticism* (or emotional stability) and *openness*. See Schoen H & Schumann S, "Personality Traits, Partisan Attitudes, and Voting Behaviour: Evidence from Germany" in *Political Psychology*, 28 (4), 2007, p. 473.
- 3 *Ibid.*, pp. 474–78.
- 4 Hassim S, "Voices, Hierarchies and Spaces: Reconfiguring the Women's Movement in Democratic South Africa" in *Politikon* 32 (2), November 2005, pp. 175–193.
- 5 McBride Stetson D & Mazur A.G (eds.), *Comparative State Feminism*. Thousand Oaks, CA: Sage, 1995, pp. 1–2.
- 6 Okeke P & Franceschet S, *op. cit.*, pp. 455–456.
- 7 Promoting legislative quotas remains a core feminist concern, even though it also serves other, sometimes conflicting, interests that go beyond numbers. Krook summarises seven motivations for quota reform: principled stands; electoral considerations; empty gestures; promotion of other political ends; extension of representational guarantees; international pressure; and transnational learning. See Krook M.L, "Quota Laws for Women in Politics: Implications for Feminist Practice" in *Social Politics* 15 (3), 2008, p. 352.
- 8 Kamau N, *Women and Political Leadership in Kenya: Ten Case Studies*. Nairobi: Heinrich Böll Stiftung, 2010, p. 3.
- 9 See Goetz A.M & Hassim S (eds.), *No Shortcuts to Power: African Women in Politics and Policy Making*. New York: Zed Books, 2003; Huang C, "Democracy and the Politics of Difference: Gender Quota in Taiwan", paper presented at the annual meeting of the American Political Science Association, Boston, MA, August 29–September 1, 2002; Rai S, "Democratic Institutions, Political Representation and Women's Empowerment: The Quota Debate in India" in *Democratization* 6 (3), 1999, pp. 84–99; Krook M.L, *op. cit.*.
- 10 One oft-cited exception is Cuba, which, though not implementing quotas, nonetheless implements measures of positive discrimination in order to strengthen women's presence in politics. See Luciak I, "Party and State in Cuba: Gender Equality in Political Decision-Making" in *Politics & Gender*, June 2005, p. 241.
- 11 In 2007, Martha Karua sponsored an affirmative action bill that, however, failed to get enough support. As justice minister she also championed other feminist causes, such as ending impunity in sexual and gender-based violence.
- 12 Kamau N, *op. cit.*, p. 1.
- 13 Abdullahi A, "Karua Deserves to Be Kenya's Next President", *Sunday Nation*, May 1, 2011, p. 18.
- 14 Since independence, ethnic rivalry has marked the relationships between Kenya's largest tribes, in particular the Kikuyu, Luo and Kalenjin ethnic groups. A historical analysis of this hegemonic contestation of political, cultural, ethnic and economic spaces, however, goes beyond the scope of this article.
- 15 Mutua M, "Five Reasons Martha Karua Could Win the Presidency", *Nation Online*, May 7, 2011.
- 16 Okeke P & Franceschet S, *op. cit.*, p. 457.
- 17 *Ibid.*, p. 460.
- 18 See a critical analysis of the ways in which women are constituted as wives and mothers within ethnic patrilineages in Stamp P, "Burying Otieno: The Politics of Gender and Ethnicity in Kenya" in *Signs* 16 (4), 1991, pp. 843–844.
- 19 See Tibbetts A, "Mamas Fighting for Freedom in Kenya" in *Africa Today*, 41 (4), 1994, pp. 27–28.
- 20 *Ibid.*, p. 35.
- 21 Kenyan women are reported to comprise between 52 and 60 percent of the country's registered voters, and consistently have a higher voter turnout than men do. See National Democratic Institute, "Kenya: Supporting Women's Political Participation", p.1, <[http://www.ndi.org/files/82\\_ke\\_womenfp95.pdf](http://www.ndi.org/files/82_ke_womenfp95.pdf)> (accessed 12 June 2011).
- 22 The issue of abortion is highly emotional in Kenya. Those who support the right of women to choose to terminate their pregnancies argue that legalising abortion would protect women from death and injury due to backstreet abortions. Critics say abortion goes against Christian values and violates African traditions and culture, and argue that the pursuit of reproductive health rights is being pressed by Western interests.
- 23 Okeke P & Franceschet S, *op. cit.*, p. 460.
- 24 The underlying rationale of WID's approach was that women are an untapped resource who can contribute to economic development. However, while recognising the critical role of women in the development process, it did so without necessarily referring to women's subordination. Consequently, although WID interventions have been a necessary step in the right direction, this approach has proven incapable of challenging gender stereotypes and male structures of power.
- 25 Okeke P & Franceschet S, *op. cit.*, p. 460–61.
- 26 A good example of activist groups formed during this time is the Kenyans for Peace with Truth and Justice (KPTJ). This coalition of more than thirty Kenyan and East African legal, human rights and governance organisations, together with ordinary Kenyans and friends of Kenya, was convened in the immediate aftermath of 2007's presidential election crisis.
- 27 See, for example, Kenya Human Rights Commission, "Out in the Cold: The Fate of Internally Displaced Persons in Kenya (2008-2009)", 2009, <[http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/492C1B3D0060C9F9C12576F700421C7E/\\$file/Out+in+the+Cold++The+fate+of+IDPs+in+Kenya.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/492C1B3D0060C9F9C12576F700421C7E/$file/Out+in+the+Cold++The+fate+of+IDPs+in+Kenya.pdf)> (accessed 9 June 2011).
- 28 See, for example, Heinrich Böll Foundation (HBF), "Gender-Based Violence in Kenya's Post-Election Crisis", 2009, <<http://www.boell.or.ke/web/52-218.html>> (accessed 10 June 2011).
- 29 Schoen H & Schumann S, *op. cit.*, p. 477.
- 30 When a unified Kenyan opposition was able to break the long-time Kenya African National Union (KANU) party dominance in the 2002 election, this was generally perceived as a turning point in modern Kenyan political history. After two failed attempts in contesting the KANU dominance in 1992 and 1997, the opposition had finally managed to come together under one common banner. The newly built National Rainbow Coalition (NARC) incorporated all four major oppositional challengers from the 1997 contest. At the ballot box, the coalition turned out to be incredibly powerful. It won a landslide over outgoing president Moi's handpicked successor, Jomo Kenyatta; the coalition's presidential candidate, Mwai Kibaki, became the third president of the independent Kenyan Republic. After this point, Kenyan coalition building has been at the very heart of the political process. Kenyans have seen several coalitions come and go since the 2002 elections. The unity in NARC turned out to be short-lived, and its eventual demise resulted in increased ethnic tension and eventually, large-scale ethnic conflict and political instability. See Wahman M, "Policy-Blind Coalitions: Ethnicity and Political Coalitions in Kenya Under Multipartyism", paper delivered at the fourth European Conference on African Studies, Uppsala, 15–18 June 2011, p. 1.
- 31 *Ibid.*, p. 4.
- 32 Constitution of Kenya, Article 92(c).
- 33 *Ibid.*, Article 92(e).
- 34 *Ibid.*, Article 92(h).
- 35 Hassim S, "Rethinking Gender Politics in a Liberal Age: Institutions, Constituencies and Equality in Comparative Perspective", United Nations Research Institute for Social Development (UNRISD), 2009, p. 9, [http://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/307981CD212531B6C1257607004F9CFF/\\$file/ShireenHassim.pdf](http://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/307981CD212531B6C1257607004F9CFF/$file/ShireenHassim.pdf) (accessed 9 June 2011).
- 36 *Ibid.*, p. 24.
- 37 *Ibid.*, p. 25.
- 38 Daniel A, "Women's Organisations in the Post-Conflict Situation in Kenya – Recovering Social and Political Spaces", University of Bayreuth, pp. 14–15, <<http://www.nai.uu.se/ecas-4/panels/41-60/panel-60/Antje-Daniel-Full-paper.pdf>> (accessed 13 June 2011).

# ENGENDERING LEADERSHIP IN AFRICA

Democratic, responsive, accountable governance demands women's participation and representation. While evolving political systems across Africa have enhanced women's participation and representation over the last five decades, this has not necessarily transformed women's everyday lived realities.

To address this disparity, Heinrich Böll Foundation offices in South Africa, Kenya and Nigeria initiated the Engendering Leadership Project in 2010. The project provides a learning and networking platform for feminist academics, activists and political actors. It aims to foster responsive governance and accountability in furthering gender equality and a women's empowerment agenda.

One of the first fruits of this project is nine video profiles of women politicians who have applied their political platforms to advance a women's agenda. These pieces capture the challenges and complexity of advancing feminist agendas in different African political systems. They can be watched at [www.boell.org.za](http://www.boell.org.za)



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