THE WALLS WE CAN'T SEE

Public Policy Lethargy on Women's Political Participation in Kenya

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HEINRICH BÖLL STIFTUNG EAST & HORN OF AFRICA

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Neo-Patrimonialism, Patriarchy and Politics of Women's Representation in Kenya

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Key Points

- This paper offers a critical examination of how the patriarchal and neo-patrimonial nature of the state, coupled with related practices such as clientelism and corruption, the politics of exclusion and marginalization, as well as governmental manipulation, co-optation and subversion, influence and/or impede women's participation in national politics.

- In Kenya, femocracy has not only ensured that only elite women benefit from patronage networks, but also helped reinforce patriarchal social systems. This stems from the fact that the femocrats assume the right to represent all female citizens and their concerns, while in fact endorsing their husband's and/or male relations political agendas.

Summary

Obstacles to women's political participation exist throughout the world in prevailing social and economic regimes, as well as in existing political structures. Although there has been improvement in recent years, minimal progress throughout the world means that the ideal of parity remains distant. The paper argues that neo-patrimonial logic and practices, coupled with patriarchal tendencies and norms have been instrumental in limiting women's participation in governance in Kenya and generally in Africa.

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INTRODUCTION

The gender quota conundrum is, in reality, a reflection of what in policy circles are called wicked problems – issues that are not easily solved because they are so entwined in a multitude of cultural, social, political and gender politics. The Kenyan state's ambivalent [i] response to "the two third gender principle problem", in many ways, reflects the anomaly of gender politics in Kenya, and indeed, many Third World African states. Despite being a signatory to a wide range of international agreements on women's/human rights that recognize women's right to equal representation, as well as Kenya's 2010 Constitution,[ii] the state has shown little interest thus far in fulfilling its legal obligations by ensuring women's full participation in governance. On the 8th of October 2012, the Attorney General of Kenya filed a request for an Advisory Opinion as to whether the two-thirds gender principle was to be realized by the first general elections under the new Constitution in March 2013, or over a longer period of time. On 11th December 2012, the Supreme Court by the Majority delivered a decision that the two-thirds gender principle under Article 81 (b) was to be achieved progressively. The Supreme Court mandated Parliament to enact a law by 27th August 2015, to give effect to the two-thirds gender principle under Article 81(b). To date, the Kenya government has not done much to ensure compliance.

An analysis of the structures and processes of law-making on women's issues reveals deeper institutional values and ideologies that have significant implications for gender power and equity. To study the women's participation in politics in Kenya, therefore, is to unravel the complex politics of 'woman' in the African context. This complex politics has roots in the historical and contemporary structures of the state, informed as much by colonialism, autocratic rule and recent democratic politics, as by social and cultural values steeped in patriarchy. This paper offers a critical examination of how the patriarchal and neo-patrimonial nature of the state, coupled with related practices such as clientelism and corruption, the politics of exclusion and marginalization, as well as governmental manipulation, co-optation and subversion, influence and/or impede women's participation in national politics.

BACKGROUND TO NEO-PATRIMONIAL AND PATRIARCHAL POLITICS IN AFRICA

The concept of neo-patrimonialism has been noted to mean different things to different scholars (Erdmann & Engel, 2007). Bratton and van de Walle (1997), for example, understand it[iii] to be a hybrid regime consisting of, on the one hand, an exterior modern, formal, rational-legal state-like apparatus, and on the other hand, a patrimonial spoils network in which centralised elites mobilise political support by using their public position to distribute jobs, rent-seeking opportunities, and resources as personal favours. Clapham (1985, p. 48) says a

using their public position to distribute jobs, rent-seeking opportunities, and resources as personal favours. Clapham (1985, p. 48) says a neo-patrimonial state is "a form of organisation in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal grounds". Somewhat differently, Chabal and Daloz (1999, p.16) describe the modern African state as "no more than a décor, a pseudo-western façade masking the realities of deeply personalised political relations." What is in agreement in these definitions is that in African neo-patrimonial states, political power is personal and politics is a type of business wherein political positions give access to economic benefits (Bach & Gazibo, 2012; Fatton, 1990).[iv]

Some researchers have located the origin of neo-patrimonialism in the colonial experience (Mamdani, 1996; Pitcher et al., 2009).[v] These scholars argue that the colonial era exerted so much influence on societies in Africa that contemporary governance in the continent bears little resemblance to that of the pre-colonial societies. Englebert (1997, p. 768) has for example claimed that the contemporary problems in African states derive "from the very exogeneity of the state, its lack of embeddedness, its divorce from underlying norms and networks of social organisation." For him, the different values of the imported colonial state gave rise to a perception of illegitimacy in the minds of the colonised people, and consequently the belief that it was available for plunder (Englebert, 1997). As Achembe (1960, p. 30) observes, local people came

to view the state as "an alien institution and people's business was to get as much from it as they could without getting caught."

The European idea of a monocultural nation-state left most post-colonial African states with the dilemma of how to unite ethnically and sometimes religiously plural societies (Chatterjee, 1993; Dia, 1996). Moreover, the numerous tribal patrimonial kingdoms encouraged by the colonialists' system of indirect rule[vi] had led to the emergence of extremely powerful individual local intermediaries[vii] who acted to limit the post-colonial state's infrastructural power (Bayart, 1993). In a bid to homogenise the otherwise heterogeneous groups, African leaders sought to centralize both the state and power, leading to the emergence of neo-patrimonial states.

Researchers have argued that because diverse pre-existing institutions were disrupted or constituted by colonialism, they could not generate loyalty and ownership among Africans. To compensate for the low or weak initial political legitimacy, post-colonial African leaders adopted neo-patrimonial and clientelistic strategies which temporarily afforded them the necessary "instrumental loyalty" of competing elites (Dia, 1996; Englebert, 2000). As Chabal (2002) observes:

At its core, neo-patrimonial rule is governance based on assembling political supporters through patronage rather than issues. Although policies remain important, they are chosen on the basis of assembling clients rather than on appealing to citizen preferences.

The introduction of neo-patrimonialism and the transfer of authority to local male leaders through the system of indirect rule had two major effects relevant to this paper. Firstly, because the local leaders were foisted upon communities, the leaders felt no responsibility to the communities. This engendered a system in which access to government came to be seen as an opportunity for advancing self-interest rather than the interests of the community (Njoku, 2005).

Secondly, the system of indirect rule used by the colonialists to govern colonies facilitated colonization of the domestic realm, enabling local male leaders to manipulate meaning and redefine relationships, particularly with regard to women's roles, women's sexuality, marriage, divorce, adultery, and childbirth (Amadiume, 1987). Under the guidance of the colonial state, local leaders engineered the establishment and institutionalization of the gender discriminative laws, which legitimised not just the exclusion of African women from political life, but also their subordination in the private sphere. This set in motion the process wherein gender reforms continue to be motivated by a desire to strengthen elite, patriarchal political power. Charged with adjudicating according to customary law, African chiefs and male elders invented customs that expanded their powers vis-a-vis women (Geisler, 1992; Mbilinyi, 1988; Parpart, 1988; Shadle, 2003). Consequently, what was codified as customary law emphasized the rights and authority of males and elders while also emphasizing the powerlessness and deference of women and junior men. Most affected were laws in the area of personal law in regard to matters touching on gender relations in the context of marriage, divorce, inheritance, child custody, and property rights within marriage (Chanock, 1982; Schmidt, 1990).

These laws reduced women's access to productive resources, such as land and the labour market, which reinforced the capture of female labour for the benefit of male patriarchs, capitalism and the state. On their part, colonial officers accepted this version, of course with their own input,[viii] because they recognized that colonial order depended on male elders maintaining local control. Further, the authority of local leaders was enhanced by the establishment of the Native Authorities and Native Authority Courts to enforce the reconstituted customary law (Parpart, 1994).[ix]

Women's position was worsened by their loss of land to white settlers, the introduction of Hut and Poll taxes,[x] and the subsequent migration of male labour. The colonial state-imposed taxes, intended to coerce African men into finding jobs on settler farms or in urban areas in order to be able to pay their taxes (Kitching, 1980), led to a massive male out-migration. This resulted in women becoming indirectly responsible for men's tax obligations as husbands

and sons commonly spent longer periods of time away (Oduor & Kabira, 2000). Women's labour time thus became over-utilised as they had to maintain agricultural production in the absence of their men, in order to feed themselves and their children. The new policies had the effect of laying the legal groundwork for social, cultural and economic changes in African women's roles. For example, the fact that the colonial labour market favoured male employees made men the primary income earners which in turn altered the gender identities of rural African women as they were no longer the primary source of income or wealth. This, on the one hand, lifted men from traditional economies to tangible economic endeavours, while on the other it relegated women to the private world of unpaid domestic work on production and human reproduction. This scenario not only altered gender power relations and marginalized women further, but also demonstrates the co-optation of gender relations and elite control of women in the interests of state and patrilineage.

It should, however, be clear that the colonial era did not invent female subordination. Although older males tended to have more political authority and access to productive resources than women in pre-colonial African societies, women had considerable autonomy that helped dilute tendencies towards male dominance (Robertson & Berger, 1986). In some communities, women had parallel authority structures to those of men, and these enabled women to have control over their own spheres of activity. Furthermore, women's role as agricultural producers and as social and biological reproducers gave them forms of power and status, and hence they were not merely passive victims of male dominance. They possessed the latitude to exert influence on daily life, land ownership, religious rituals, and even the political realm. The coming together of the two cultures can thus be said to have engineered a situation where gender relations were modified and distorted to fit the changed circumstances. In the words of McClendon (1995, pp. 535-536), "the cloth of female subordination was resewn in a new social order" as the gender power of patriarchy within traditional cultures reinforced that of colonialism.

The African state and ruling elite have failed to pursue women's empowerment because they too benefit from patriarchy. Obbo (1980) has noted that because Africa's elite depend heavily on the patriarchal family production system to generate the surplus that they expropriate for their own power and riches, they have not shied away from actually using state institutions to support and sustain African patriarchy. For example, although a majority of African states have put in place legal frameworks for women's equal rights to land, structural, cultural and economic constraints continue to limit women's access to and control over land (Harrington & Chopra, 2010). This observation is reiterated by Sara Longwe's (1994) claim that gender inequality does not arise from any accidental or irrational imbalance. Rather, it is intrinsic to a system of patriarchal control, which is operated by men for their own benefit.

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Of particular importance in this paper is women's exclusion from political leadership opportunities and resources at all levels of government, with less than one in five parliamentarians across the world being women (McCann, 2013).

NEO-PATRIMONIALISM, PARTRIACHY AND WOMEN'S POLITICAL REPRESENTATION

An obvious consequence of the resultant male dominance in social, economic and political life was, and continues to be the exclusion of women from the same. Of particular importance in this paper is women's exclusion from political leadership opportunities and resources at all levels of government. In addition to entrenching and legitimating patriarchal norms, post-independence Kenya's paternalist patriarchal government also structured politics in a way that limited, if not prevented, the potential for women's leadership. Politics and the state were dominated by a predominantly male ruling political class that was also unapologetically masculinist (Nyokabi, 2008). In an attempt to achieve hegemony, the post-colonial state also used women's subordination and the ideology of male domination as unifying factors that could galvanise support from men as a group, alongside the adoption of neo-patrimonial politics.

Despite the low legitimacy and tribal politics that divided the ruling classes, a unifying male ideology helped shape alliances between African state institutions and patriarchal kin and family structures to perpetuate customary traditions that were discriminatory towards women. [xi]

Using a similar argument, Fatton (1989) has argued that the marginalisation of women in Africa was a result of ruling class hegemony in post-colonial African states. Lacking legitimacy as a result of having inherited the colonial legacy of "bureaucratic authoritarianism, pervasive patron-client relations, and a complex ethnic dialectic of assimilation, fragmentation and competition" (Berman, 1998, p. 305), the ruling class concentrated on defending their interests at the expense of subordinate groups, among them women. In that process, gender was used as "a means to consolidate the closure of classes" which partly involved the ruling class blocking entry to independent and autonomous women by eliminating their independent groups of representation and by reducing their participation in decision-making (Fatton, 1989, p. 47-57).

This meant that post-colonial African leaders reneged on promises made to address women's concerns and gender equality during the nationalist struggles. In fact, rather than sharing with women the fruits of liberation, successive post-Independence governments across Sub-Saharan Africa sought to re-domesticate women and to construct the real African woman (as opposed to her Western emancipated counterpart) as the embodiment of tradition and a symbol of African nationalism. This construction was also generally accompanied by morality discourses that focused on women's sexuality, which became central to notions of nationhood and national belonging. The discourses idealised motherhood to the exclusion of women's other social, economic and political roles, and as

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Obbo (1989) has noted, discourses about the proper woman and her reproductive potential were also crucial to notions of national belonging.

The unfavourable impact of patriarchy and male domination in structures of power has been exacerbated by the neo-patrimonial nature of Kenyan politics. By creating an environment in which state power is sought for personal enrichment (Cammack et al. 2007), the agenda of most politicians and political parties has been to gain power, which is sustained through the allocation of public positions to political supporters and the distribution of public resources amongst ethnic power bases that in turn provide political support and legitimacy (Dorman, 2006). Because these patron-clientele relationships often have a gender element in their composition and operation, and negotiations are normally done outside the public forum, Kenyan women as a group have largely been excluded as benefactors in state-linked clientelism (Tripp, 2001). Instead, male political elites at the national level maintain power through collusion with male leaders of sub-national ethnic and religious groups. Elections are therefore unusually competitive and some candidates engage in electoral malpractices such as violence and bribery to win. Additionally, women often lack financial resources to run a campaign or to buy themselves into male-dominated clientelistic networks that control elections. All of these factors prevent women as a whole group – despite their class and ethnic differences – from exercising their constitutional right to vote and participate in politics.

Women's exclusion has meant women remain largely unrepresented in state governance, which has in turn allowed women's issues to be sidelined (Fatton, 1989). For example, besides Rwanda, which boasts of more than 50 per cent female representation in Parliament, followed by South Africa with 46 per cent, many countries in the continent lag far behind (Devlin & Elgie, 2008). The Sub- Saharan region is noted to have a female Parliamentary representation of about 20 per cent (Yoon, 2011). While there has been a sprinkling of women in Kenyan politics, they have been too few and have either been socialized into an androcentric political ethos, or too connected to the ruling class through femocracy to be of significant use to the larger majority of Kenyan women. Mama (1995) defines femocracy as:

An anti-democratic female power structure, which claims to exist for the advancement of ordinary women, but is unable to do so because it is dominated by a small clique of women whose authority derives from their being married to powerful men, rather than from any actions or ideas of their own.[xii] (1995, p. 41)

To Mama, femocracies exploit the commitment of the international movement towards greater gender equality in the interests of a small female elite. In Kenya, femocracy has not only ensured that only elite women benefit from patronage networks, but also helped reinforce patriarchal social systems. This stems from the fact that the femocrats assume the right to represent all female citizens and their concerns, while in fact endorsing their husband's and/or male relations political agendas (Gouws,

2004). This is more so because almost all female political leaders often are by class or marriage, associated with the ruling elite. For example, in December 2001, the ruling party KANU introduced a parliamentary motion aimed at reducing the number of female nominees to the East African Legislative Assembly (Nasong'o, 2005). [xiii] Three KANU-nominated female Members of Parliament, one of them the leader of Maendeleo ya Wanawake Organisation (MYWO), absented themselves from the vote while a female nominee of another party actually voted for the motion. It is possible that the Kenyan women leaders' failure to champion the women's agenda is related to the fact that in a majority of cases, the appointments of women to leadership positions is no more than political tokenism and patronage intended to serve elite interests. Consequently, the women leaders' political and policy influence is dependent on their connection to the patron, rather than on their seats in the legislature. As Njoya (2008) argues, for as long as Kenya's political systems and structures are guided by what he refers to as flawed masculinities, the few women who manage to get into politics are unlikely to alter gender relations since they get malestreamed. It should not be assumed that placing women into positions of authority automatically translates into a move towards gender equality, justice and peace.

In 1997, Zipporah Kittony, the leader of the largest women's organisation in Kenya and a relative of President Moi, urged women to vote for Moi because Kenyan women were not yet ready to rule the country (Aubrey, 2001).

She told the female Presidential candidate, Charity Ngilu, that Kenyans still needed the fatherly guidance of the then president, Daniel arap Moi (Juma, 2003).

The women's movement in Kenya has in the past been constrained by authoritarian neo-patrimonial governments that have not shied away from co-opting them and/or their leaders into state feminism. President Moi, at the height of his power, ordered the affiliation of the Maendeleo Ya Wanawake Organization (MYWO), the oldest and largest national non-governmental organization for women, to KANU, the ruling party (Tripp, 2001). The co-optation and placing of this organisation under the leadership of a fervent supporter of the ruling party introduced sycophancy and allowed the state to control the agenda, which in turn reduced its political role. Because the co-optation also involved older, less educated middle class women, it created what may be referred to as "state feminism", wherein the state is able to mobilise women on its own terms rather than offering them an opportunity for representation in governance. Nzomo (1996) has noted that ruling-party affiliated women's organisations not only found it difficult to establish their own independent agendas, but their focus was narrowed down to a set of development issues such as nutrition, health, women's morality, childcare and homemaking skills, in addition to dancing for the President and his supporters at political rallies.

Additionally, the co-optation also refocuses women's mobilization from supposedly political issues to a narrow set of issues which at times result in a focus

on women's morality. In some instances, African states have responded to international pressure by setting up politically correct institutional mechanisms that have largely been placed under the control of handmaidens of the ruling elite, whose feminist understanding is often limited (Meintjes, 2010). In cases where the women's movement has survived, interaction with the state has led to the replacement of radicalism with the idea that the movement could make strategic gains by prioritizing winnable demands from the state, while ignoring more contentious issues.

AFFIRMATIVE ACTION AND WOMEN'S REPRESENTATION

The Kenya Constitution 2010 entrenched the principle of affirmative action, intended to ensure the equal participation of men and women in governance. Although research into the benefits of increased women's presence in Parliament is inconclusive, studies have shown that female political leaders not only bring to politics their own perspectives, experiences, and expertise, but are also more likely than men to prioritize women-favourable legislation regarding education, health, child care, and violence against women (Tripp & Kang, 2008). In fact, according to Fraser-Moleketi (2012):

A political system where half the population does not fully participate limits the opportunity for men and women to influence and benefit from political and economic decisions.

Feminist research has shown that when women get into leadership and management positions, they can bring a different perspective on political leadership. For example, writing about women legislators in the United States of America, Neuman (1998) and Epstein et al. (2005) have noted that it was only after women joined Congress that issues such as health care, child care and support, sexual harassment, domestic violence and gender-based wage differentials among others, were given priority.

Affirmative action in Kenya's Constitution is in the form of gender quotas. Quotas are a form of affirmative action or equal opportunity measure designed to address the slow pace of change in the participation of women and minority groups in areas of society where they are historically underrepresented, including employment, education and in political institutions (McCann, 2013). To promote the involvement of women in national decision-making processes, Article 81(b) of the 2010 Constitution provides that "the electoral system shall comply with the following principle: not more than two thirds of the members of elective public bodies shall be of the same gender." To ensure compliance, Article 27(8) further demands that the state take legislative and other measures to implement the principle of Article 81(b). These provisions are particularly important because women's exclusion from policy-making state institutions has in the past led not just to the adoption of policies that favour men at the expense of women, but also to the marginalisation of issues affecting women.

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The Constitution reserves 47 seats in the National Assembly for women, as Article 97(b) requires one woman to be elected from each county by the voters of the 47 counties. This is in addition to and does not bar women from vying for positions in the 290 constituencies and for the 12 political party nominations. In the Senate, Article 98 provides that 16 women members be nominated from political party lists. These members are additional to any women elected directly from counties. Two more women are nominated to represent youth and persons with disability. Seemingly, the constitutional provisions for same gender representation are so clear that it is virtually impossible to miscomprehend them in any way.

Following the 2013 general election, the numbers of women elected through the normal elective process were dismally low. Only 16 out of 290 female Members of Parliament were elected. A further 47 women were elected on women's only seats and another 5 nominated on special seats making a total percentage of female MPs 20.5%. In Senate, not a single woman won a senatorial seat but 18 women were nominated out of a total of 68 Senators. At the County assembly level, only 85 (5.86%) women were elected County Ward Representatives but a further 24.2% were nominated to attain the required 30%. Not a single woman was elected governor and there continues to be no female governor in the country. However, the Kenya state continues to remain silent although the Constitution requires the government to take measures to implement the 2/3 gender principle.

Furthermore, as noted earlier, although the August 2015 deadline for the achievement of the gender principle is fast approaching, a working formula has yet to be developed.

Although the Constitutional requirements for women's representation were not met except at the County Assemblies, it is worth noting the increased number of women in the legislative bodies. It would be expected that the articulation of women's and gender issues by the women's representative would increase in comparison to yesteryears. This has however not been the case. On the contrary, women's representatives have been accused of serving their own interests, more or less like male politicians, at the expense of the group they were supposed to be representing. The women's representatives have also been accused of working with the parties that nominated them, again at the expense of women as a group.

While Kenya's case is still recent and there is lack enough information on which to rate the female representatives, studies in some African countries have shown that although the quota system in countries such as Rwanda and Uganda has significantly enhanced women's presence in representative politics, the ability of the nominated women to influence public policy has been curtailed by patronage (Goetz, 2003). Because women appointed through quotas tend to owe their allegiance to the party leaders who nominated them, they have been unable to champion women's interests, especially if the issues are not supported by

the generally male party leadership. In fact, in Uganda, women representatives have been forced by the ruling elite to support bills that are discriminatory towards women (Goetz, 2003). It is therefore possible that the performance of female representatives in the Kenyan legislature will be constrained by the same partisan loyalties as male MPs, as discussed earlier.

CONCLUSION

Neo-patrimonialism in Kenya has historically, as shown in this paper, relates to the centralization of power within the executive arm of government, and the resultant use of this power to acquire and reward supporters. Not surprising, the 2010 Constitution drastically reduced the powers of the executive and strengthened the Parliamentary and judicial arms of government. There has been achievements to this end can be seen. With regard to women's representation, although I agree with some of the arguments against gender quotas, and specifically the observation that adding women to existing social and political structures may do little to eradicate the discrimination and inequities from which they perennially suffer, I support the affirmative action principle as stipulated in Kenya's Constitution. Such provisions mark the potential for institutional transformation, even if their realisation may require additional systemic and structural changes.

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i   The Kenyan state has not expressly spoken against the two thirds gender principle but has also not acted to implement the constitutional provision providing for it.

ii   To promote the involvement of women in national decision-making processes, Article 81(b) of the Constitution provides that "the electoral system shall comply with the following principle: not more than two thirds of the members of elective public bodies shall be of the same gender." Additionally, to ensure compliance, Article 27(8) further demands that the state take legislative and other measures to implement the principle of Article 81(b).

iii   Social scientists add the modifier neo- to patrimonialism to distinguish what they regard as a modern variant of Weber's (1947) ideal type with one in which patrimonial logic characterized by patronage, clientelism, and corruption prevails (Pitcher et al. 2009).

iv   Some researchers, such as Erdman and Engel (2007), have noted that significant elements of patrimonialism survive and thrive even in the most highly industrialized present societies.

v   It should be noted that some scholars have located the origin of neo-patrimonialism in pre-colonial patterns of behaviour in which patrimonial considerations are presented as having been paramount (Chabal & Daloz, 1999; Ekpo, 1979). Some other researchers also see the reality of contemporary Africa as being the product of both pre-colonial and colonial practices (Dia, 1996; Kohli, 2004).

vi   As a result of scarcity of money and manpower, British colonialists ruled through local tribal leaders, particularly chiefs, to implement colonial policies (Berry, 1992; Jua, 1995).

vii   Mamdani (1996) has noted that indirect rule resulted in decentralized despotism, in which local chiefs were granted increased power with often weakened downward accountability.

viii   In accepting what could constitute customary law, colonial administrators introduced a repugnancy test which they used to gauge which African practices were inadmissible (Ndulo, 2011). However, the colonial administrators' choice for what was repugnant has been criticised because provisions that were struck out were mainly those that empowered women and were contrary to the Victorian views as to the role of women in society. For example, practices that were declared repugnant included woman-to-woman marriage and paternity rules. Surprisingly, many contemporary contentious issues such as female circumcision, polygamy and discriminatory inheritance practices were not challenged.

ix   The government established two parallel court systems, one under the administration for Africans and another under the judiciary for others such as Europeans (Mamdani, 1999). African courts handled customary law disputes, involving matters such as bride-wealth, adultery, runaway wives and daughters, minor assaults, theft and land, while disputes involving whites or Asians, and other more serious offenses such as rape and murder, were heard by magistrates. Muslims could take their disputes to the local Islamic court (Shadle, 1999, 2008).

x   The 1901 Hut Tax Regulation imposed a tax, payable in kind or labour, upon every native hut in British East Africa.

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xi   A good example is the 1969 repeal of the Affiliations Act, which had allowed unmarried mothers to legally demand that the fathers pay for children they have outside wedlock. During debate in Parliament, male Members of Parliament who were otherwise divided on tribal politics employed a rhetorical strategy pitting the traditional against the modern and the customary against the civil, to galvanize support from men as a group and therefore institutionalized a law that preserved men's privileged legal position, while disempowering women (Thomas, 2003).

xii   It is important to distinguish this definition from the Western conceptualization. Eisenstein (1996), who first conceptualized the term femocrats in relation to Australia, argues that feminist bureaucrats representing feminist goals bring feminism into state institutions, thereby promoting the feminist gendering of policies. To her, Australian feminists succeeded in making women's issues like child care and domestic violence part of the mainstream political agenda.

xiii   The East African Legislative Assembly is an organ of the East African Community established under Article 9 of the Treaty for the Establishment of the East African Community. The East African Legislative Assembly has 27 selected members, 9 from each of the three partner states. Assembly rules require political parties to ensure that at least a third of their nominations to the East African parliament are women. The gender aspect proved inconvenient to the Kenya African National Union (KANU) ethnic/regional based nominations and the party sought an amendment to the rule, with the result that it nominated one instead of two women (Nasong'o, 2005).