

Women and Political Governance in Africa: A Feminist Perspective

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1.0 Introduction

The centrality of gender equality and equitable participation in governance and development agendas of all countries, has been affirmed by numerous international instruments, including the conventions on: the *Universal Declaration of Human Rights* (1948) the *Political Rights of Women* (1952); *Economic, Social and Cultural rights* (1966); *Civic and Political Rights* (1966); *CEDAW* (1976); *Beijing Platform of Action*(1995); *Security Council Resolution 1325*(2000) and *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*(2005).

During the four decades since the declaration of the UN Decade for women(1975-1985), African governments have experimented with a variety of gender focused structures and institutions- machineries, commissions, gender ministries, departments and gender desks- all set up to promote women's rights empowerment and welfare, minimal progress has been made. Instead, it is becoming increasingly clear that democratic culture, values and norms that can advance gender equality and social justice are lacking, and that more transformational approaches are required to ensure political accountability and responsiveness to women and other disadvantaged groups. It is also becoming increasingly clear that women's mere presence in political institutions does not necessarily translate into power and influence in political governance. As the cases of Rwanda, South Africa, Mozambique, Uganda, Tanzania, and Burundi demonstrate, the emerging challenge in respect to women's participation in formal (State) political governance is being in power but without having and/or exercising power. On the other hand, as the Kenyan case demonstrates, women have learnt to utilize political spaces outside the State as alternative avenues of participating in governance.

The failure of various national gender machineries and various "gender mainstreaming" experiments with women's needs over the last four decades, is an indication that there persists unresolved structural impediments in the governance

system, that are impervious, unresponsive and tend to block gender equality and democratic justice initiatives. And yet, as Nerd (2011) cautions:

Women's lack of decision-making power, in both public and private spheres, amounts to a violation of the globally recognized principles of justice, equality and freedom and raises questions about the validity of the African State's claim to democratic governance. Responsive and accountable forms of governance demand women's effective participation and representation.

This study seeks to examine and analyze the different ways in which African women leaders in their respective capacities in civil society, political parties and in government/State institutions have experienced, participated and impacted on Political governance; as well as the various social-cultural, economic and political contexts and experiences that have informed and shaped that participation. Using a feminist a perspective, this paper underscores women's agency but also notes the persisting power of patriarchal values and norms that privilege the male gender on matters of governance in general and political governance in particular. Patriarchy remains embedded in most institutions, both private and public, and constitutes a major impediment to women's access and effective participation within formal political institutions (parliaments, the executive and political parties) and without (for instance, in civic society groups).

Using examples from selected African countries (but with a greater focus on Kenya), the paper makes the case that while historically women have engaged with governance, using different strategies and resulting in different types of impacts and specific outcomes, the overall capacity of women political leaders to access and influence political governance institutions remain circumscribed. In this connection, I argue that participation and impact largely depend on:

- the nature and pathway of access women have to formal political structures;
- the specific socio-cultural values that inform an individual's woman's perception of herself as a leader;
- the size of the numerical presence/physical numbers of women in political office; and
- the nature of the institutional norms and practices existing in governance

institutions¹

2.0 Conceptual Framework

The two key concepts underlying this study are Governance and Feminism. The latter constitutes the theoretical perspective and informs the assumptions articulated above and the analysis in the remaining part of this paper.

In general usage, the concept of Governance is viewed as the political, economic and administrative management of public affairs, that encompasses the mechanisms, processes, and institutions through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations (UNDP, 1997 & Hyden, 1999). Political governance is that aspect of governance that entails managing of public affairs within the framework of political institutions (e.g. Parliament Executive Judiciary and Political Parties), and by persons duly elected by a country's citizens to constitute a government and administrative structures for advancing the various interest of citizens, for a specific period of time. Government in this case denotes the formal- legal institutions of the State within which formal political authority resides and acts to shape and define governance processes and outcomes.

From a feminist standpoint, meaningful governance should be inclusive, accountable, gender-responsive, and representative of the diversity of interests of the governed. Responsive and accountable governance thus demands gender equitable participation and representation. Such governance should also seek to promote justice for and human well being for all.

Feminism² and Feminist Perspective is both an ideology and a theory. As a political ideology Feminism emphasizes women's agency as actors that daily makes enormous contributions to society and challenges the patriarchal institutional frameworks, structures, processes, norms and values that constrain and impede women to effective utilization of their capacities for effecting transformative change. Feminist ideology is thus concerned by *the marginality of women's presence* and

¹ Cf. Phillips:1995; Hassim: 2006; Tripp:2000; Tamale: 1999; Nzomo: 2003, 2011 & 2012)

² This paper takes note of the fact that there are many strands of feminism(s) that are variously labeled: *liberal feminism, radical feminism, standpoint feminism, African feminism* and even *third world feminism*. This paper takes an eclectic approach to feminism that combines the various points of convergence of various strands, into one hybrid perspective that is employed in this paper,.

~~their lack of~~ effective participation in high *level* decision-making positions where crucial and weighty decisions are made on matters ranging from declarations of war and peace on the one hand and allocation of national budgets on the other. Feminism thus underscores the need for fuller inclusion and effective participation of women in key decision-making, as a pathway to set and realize gender and democratic agendas. Feminist action thus insists on political space for women to speak their views and experiences with their own voices; tell their own stories and define themselves and the world as they see it. Feminist activism thus consists of programs and strategies aimed at transforming social- cultural values, economic and political structures and systems, to make them conform to the principles of gender equity, equality and social justice.

As a theory, Feminism argues that traditional scholarship has excluded from its fundamental theories; events and concepts, the experiences of most women and has a restricted knowledge building to a male centric definition and perspective of what is considered relevant. Feminist scholarship thus makes a case for the *inclusion* of the voices, experiences and perspectives of women on all issues of concern to society. It thus seeks to give visibility to women's voices, by injecting a female perspective to theories, events and concepts.

Feminism therefore is an important theoretical and ideological tool that provides women with an instrument for challenging gender based oppression and advocate for a more inclusive socio-economic and political agenda. It also has the ability to accommodate women's social diversities and identities which should be accorded space and voice to engage in social development and political change. Based on this perspective, the paper argues that the barriers women encounter on the pathway to political office and which seem to follow them while in office, can largely be understood within the context of the male centric cultural norms and values that are embedded in governance institutional culture (including the political rules of engagement) that demand either adaptation and conformism or exclusion. Similarly, the expectations society has of women in political leadership are informed by the same patriarchal values. Women are expected to carry the burden of representing and delivering on all social welfare needs, including the women's and children's agendas and all disadvantaged peoples. At the same time, they are expected to maintain higher ethical, aesthetic and moral standards than their male counterparts.

3.0 Women's Experiences with Political Governance in Selected African Countries

3.1. Overview of Affirmative Action (AA) quotas as an instrument for accessing governance institutions

Research on women's participation in political governance across the world has shown that without AA measures to increase the number of women in political office, numbers of women in political governance can and do remain extremely low for decades. Such is the case of Kenya that currently stands at position 113 globally in women parliamentary representation index, with only 9.8 per cent of MPs being women. Indeed, the significant increase of women in political governance globally in 21st century has been primarily due to a positive combination of gender quotas, electoral systems, and democratic status³. The positive impact of gender quotas on women's representation is also widely accepted (*Dahlerup 2006; Krook 2009; Tripp and Kang: 2008*). For example, Legislative quotas — either in the form of reserved seats, voluntary party quotas, or compulsory quotas through legislation has had an impact on the gender *composition*, by increasing women's representation *in* national legislatures worldwide (*Bauer: 2004, Britton: 2005, Geisler: 2004, Goetz and Hassim: 2003, Tamale: 1999, Tripp: 2000*).

Furthermore, research also indicates that the PR electoral system is most effective for the attainment and implementation of quotas. In this regard, by 2011, out of the 26 countries worldwide that had attained at least 30 per cent representation of women in national parliaments, all had adopted some type of gender quota and 18 of them had PR electoral systems. Out of the 26 countries that had attained this 30 per cent gender threshold, eight (8) of them were African countries, led by Rwanda—that also leads in the world with 56.3 per cent women's representation. The others are: South Africa, Senegal, Mozambique, Angola, Burundi, Tanzania and Uganda. Except for Tanzania, Uganda, and Senegal, all have PR electoral systems and had previously major conflicts/wars and had adopted gender responsive national constitutions before the adoption of quotas. The ruling party dominance is also evident in all cases. Taken as a proportion of global average, Africa as a region not only has the highest number of countries that have

³ Cf. *Paxton: 1997; Tripp and Kang: 2008; Goetz and Hassim 2003, Tamale 1999, Tripp 2000*

met the UN threshold of 30 per cent women in political governance but also houses Rwanda-the country that leads the world in this regard.

This phenomenal increase of women in political governance in Africa, occurring mainly in the last 15 years, has attracted enormous interest among researchers and policy makers. The main preoccupation in analysis has been centred on seeking to assess the impact of the numbers through quotas, which I briefly examine below.

3.2. Impact of African women's participation in governance: quotas & beyond

Most of the research carried out to date on the impacts of women's participation in governance through quotas, reveal that there are positive and negative impacts of women's participation in governance through quotas. While they all agree that a quota system is a necessary AA measure for fast tracking gender equitable *formal* political representation and providing a platform for women to participate in governance, they view the outcomes of that participation as a double edged sword.

For example, they note that in certain contexts, quotas have been shown to contribute to transformative effects of women's participation in political governance and hence may serve as a catalyst for democratic development and positive transformation of governance institutions. This notwithstanding, because quotas have been implemented in both undemocratic and democratic political systems and contexts, they could be used by undemocratic regimes to legitimize authoritarian rule. This viewpoint goes further to argue that a gender responsive Constitution alone, is not enough to secure gender equality and democratic governance or to shape women's mode and impact of participation. The specific socio-cultural, economic and political context in which women leaders find themselves, determines how and with what impact they participate. In other words we need to go beyond quotas and state-centric locations, to find the various ways and political spaces within which women participate in governance. Good examples in this regard include Rwanda, South Africa, Uganda and Kenya, which are examined in the next section.

3.3. Rwanda

Rwanda is a classic case that demonstrates that socio-economic and political context in which women experience and participate in governance shapes their

behavior and outcomes. Rwandese case also reminds us to be sensitive to the multiple social identities of women that in various contexts determine differential modes of action, in a manner that may defy the stereotypical roles and expectations we have of women. Rwanda too, along with several other African countries that have attained the minimum 30% women's quota in key governance positions, provide an important lesson on the difference between being in power and having and/or exercising power.

Studies conducted on Rwandese women's leaders' participation in political governance (*African Rights: 1995; Sharlach: 1999; Powley: 2003 & 2005; AWC: 2010; Wilber: 2011*) reveal two diametrically different modes of women's participation in governance. On the one hand we have women previously perceived to be peaceful, maternal and empathetic turning into killers and perpetrators of the 1994 genocide, alongside men in the Hutu led government- largely through complicity and compliance but also in some cases, actual participation in killings. Some analysts argue that if there had been more women in power at the time, such women leaders could have prevented the others from participating in the genocide. But would greater numbers of women in political leadership have made a significant difference in such a socio-political context? Part of the answer to this question lies in post – genocide Rwanda's political structures and processes

Post genocidal Rwanda political governance system, unlike its predecessor, sought through the 2001 Constitution and legislations; to establish a legal framework for democratic system of governance (albeit with some shortcomings) that is inclusive of various special interests, especially women's participation in political governance. Accordingly it provided in the constitution for a PR electoral system with a *mandatory Constitutional quota of 30 per cent women* (elected through a women only ballot) in all government decision-making bodies; an additional youth ballot and an open ballot for all. In addition, the ruling party-Rwandan Patriotic Front (RPF) – with full support of *President Kagame*, made an explicit policy decision to support and prioritize women's political presence in government structures.

Powley (2003 & 2005), Longman (2006), McCrummen (2008), and Wilber (2010), however draw our attention to the combination of factors, including regime interests,

the international environment,⁴ the *gender demographic* (with women comprising about 70 per cent of the country's population following the 1994 genocide) and the citizen's need and desire for rapid reconstruction and return to normalcy, that contributed to the measures that led to Rwanda's success story and especially the fantastic increase in numbers of women in politics and other public decision making positions. On this, scholars concur that Rwanda's success story is a product of the *specific socio-economic and political circumstances and consequences of the genocide*.

Scholars such as McCrummen: (2008) go a step further to argue that despite women outnumbering men in the current Rwanda government, *they are in power but without power*, since the real power in Rwanda is centralized around the presidency. Thus for example, given the post genocide gender demographic, it was politically expedient for the country's President to facilitate a high percentage of females to access leadership for the purpose of advancing regime interests, under the guise of "Equality and Reconciliation." It has further been noted that, the majority of women in the reserved 30 per cent quota seats, are members of RPF that controls about 70 per cent of the parliamentary seats; hence such women politicians are likely to be more accountable to the RPF than to a women's constituency on behalf of whom they advance a gender agenda. In addition, others have questioned the country's democratic credentials, and pointed out the RPF political party dominance and increasing political intolerance to opposition politics and voices of dissent. In this connection, annual global surveys on the state of freedom around the world, conducted by an International NGO-Freedom House- have since 2004 consistently, ranked Rwanda as 'not free', and expressed concern about political rights and civil liberties in that country. Furthermore studies show that patriarchy in Rwanda has not been eroded or significantly reduced, and that the great majority of Rwandan women remain disadvantaged vis-à-vis men with regard to education, legal rights, health, etc. In this connection, Longman (2006); argues that the increase in women's representation in parliament has served more as an instrument of legitimizing and preserving the incumbent RPF regime in power. And under such circumstances, as Hassim, (2010:20) points out; women who go against the President may see the end

⁴ For example, the beginning of the post genocide reconstruction of Rwanda coincided with the coming into force of the 1995 Beijing Platform of Action, which required governments to attain a minimum of 30% women in political decision-making posts. Thus, western donors supporting Rwanda's reconstruction expected compliance with BPA.

of their political careers. This then puts Rwandan women and the women's movement in a precarious position, as they owe their ability to participate in political institutions primarily to a political party that is being viewed as undemocratic.

What emerges in respect to women's participation in political governance in pre and post genocide Rwanda is that women's experiences and modes of participation in public affairs of their countries do not always and should not always be expected to conform to societal gender stereotypes, given their multifaceted social identities and experiences. Furthermore, the institutional/ governance context in which they participate, as well as the regime interest interests of the incumbent government determine the way women act in different contexts.

3.4. South Africa and Uganda

The experiences and impacts of women with governance in South Africa and Uganda reveal similar patterns of women's participation in political governance to that of Rwanda. Tripp, (2000) Tamale, (1999 & 2003) in their analysis of the impact of quotas in Uganda, and Hassim (2010; 2003) for South Africa, show that women MPs often find it difficult to mobilize within their parties and advance gender equality platforms and/ or are unwilling to challenge their respective political parties that brought them to power and to whom they owe greater allegiance than a women's constituency. The studies also argue that the increase of women in political governance through quotas in these three countries disguise and legitimize various shades of authoritarianism and undemocratic governance, as well as enhance the political survival of the ruling regimes. In a political context of rising authoritarian tendencies under powerful presidencies and single party dominance, some women MPs are said to have colluded in the politics of silencing opponents of the ruling parties, both men and women. This compares with Rwandese women, who collaborated with the patriarchs in the pre-genocide government, to silence their opponents by killing them.

Tamale and Tripp (*ibid*) have also noted that in the case of Uganda, allegiance to the ruling National Resistance Movement (NRM), had hampered the ability of some women MPs to support legislations that contradicted or challenged the NRM political party position (Hassim, 2010:14). A former MP and radical feminist, Miriam Matembe (2000) expressed similar a concerns, noting that despite the AA gender quotas and a

good constitution, women in key decision-making women in Uganda, were still being patronized by President's Museveni's NRM government and had yet to attain substantive gains, for example in respect to laws on domestic violence and sexual offences.

Similarly in the case of South Africa, Hassim (*ibid*) notes those women's leaders' room for dissent within the dominant ruling party ANC is limited and cultural norms and values continue to hinder women seeking gender equality and justice. Furthermore since South African gender quota is a voluntary ANC party quota, it renders women vulnerable and dependent on the continuing good/ political will of the dominant forces within the ANC.

The experiences of women in Rwanda, South Africa and Uganda signify that the dominant presence of patriarchy in governance institutions (parliaments and political parties) easily subdue the assumed power that derive from women's numerical strength and presence in formal governance institutions. This experience also dispels the false assumption that quotas automatically lead to increased engendering and democratization of the institutions of political representation; in particular political parties and legislatures. This leads Hassim (*ibid*) to conclude that quotas may fast-track women's representation, but they may not fast-track equality or democracy, thus reminding us that there is no automatic link between socio-economic development and political representation. Rather, where quotas are adopted in undemocratic systems, they could have negative impacts on deepening democracy and women in government can get co-opted and become collaborators in restricting political rights of dissenting voices(*Hassim: Ibid:8*)

3.5. Kenya: Women's Participation in governance without quotas

Kenya women's experience with political governance displays similar patterns to the four African countries reviewed above, especially in respect to the determining role of patriarchal and undemocratic governance context within which women political leaders participate. But unlike the other three, Kenya has not yet attained the 30 per cent quota of women representation in Parliament; neither has it experienced conflict/war of the magnitude endured in the other three countries prior to the adoption of gender quotas. Furthermore, while the other three have one

dominant political ruling political party, Kenya has since 1992 had many parties, with no single party dominance for any length of time. In fact the trend since 2002 is towards coalition formation among political parties. Although all five countries have women leaders participate in governance both within the state and outside the state, in Kenya, most of women's political action and engagement in governance has taken place outside the state , due to its specific political history, which I discuss below.

Most studies on gender dimension of political governance in Kenya reveal broad convergence on the core structural obstacles that combine to impede women's access and influence in formal politics and governance, including: (i) deeply embedded patriarchal socio-cultural values; (ii) undemocratic institutions, buttressed by equally undemocratic and gender blind legal and policy frameworks and (iii) low levels of civic and gender awareness and (iv) women leader's inadequate skills for framing, packaging and articulating feminist messages in a manner that integrates it within the overall societal agenda⁵. However, it must be acknowledged that most women leaders do set some kind of an agenda as part of the process of seeking political office, although few female politicians articulate it in feminist terms, due to the predominantly patriarchal political context that remains intolerant to a feminist agenda/ideology. Furthermore, there have been cases when women's political leadership had influenced and engendered the legislative and political agenda. Others caution that electing women to political leadership positions does not necessarily mean that the women's agenda will be advanced. Rather, some elected women find themselves assimilated into the patriarchal structures as they strive to fit in, rather than lobby for the engenderment and democratization of Parliament and other governance institutions⁶. Some also underscore AA strategy as an important instrument for gaining access to political leadership but argue that it cannot replace the political work needed to influence governance processes in a transformative women friendly manner (Nzomo: 2011, op. cit. Wanyande: 2003, Omtatah: 2008). These scholars argued that the failure to attain a "critical mass" of women in formal political governance despite all efforts, led over the years to the conviction that the only solution to this quagmire lay in the provision of constitutional AA measures to serve as a core mechanism for unblocking the pathway to women's access and

⁵ See Nzomo: 1989;1991; 1992;1996; 1997; 2003; 2011 ;2012; Kamau: 2008, 2009; Kabira and Nzioki:1993; Stamp:1991,

⁶ See Nzomo:2003, 2011,2012; Kamau: 2010)

attainment of the optimal “critical mass” presence in formal governance structures. *But now that 2010 Constitution has delivered one of the most progressive laws in the world the debate has shifted to the implementation challenges, especially in respect to the AA provisions as contained in Articles 27(6 & 8), 81(b) of the Constitution, that demand that there will be no more than two thirds of either gender holding any elective or appointive public office. This demand has become contentious and is being resisted by male political elites, as it seeks to redefine the existing political rules of engagement and threaten to disrupt the gendered power distribution in a manner that may negatively impact on the vested political interests of current male power holders.*

3.6.1. The role of the Women’s movement in political governance: 1963-2012

Due to the gendered institutional and socio-cultural environment and constricted formal political space, women’s political engagement with governance during the five decades of post colonial rule in Kenya, has continued to operate primarily outside the State- in civil society organizations-, with minimal connection or support from the largely patriarchal State. In this connection, the Kenya women’s movement has for the past century been the key mechanism outside the State that has served as the key governance platform through which most gains made on women’s rights and participation in formal governance have been achieved. It thus remains as the best means of amplifying women’s voices and engendering governance, but with varying impacts over time and in different contexts.

Between 1963-1969, there was no female MP in Kenya and women’s presence in Parliament remained below 4% through to the end of the 1990s. This was also a period of total cooptation and silencing of women’s political voices by the Kenyan state. Women’s capacity to organize and engage politically was lacking, due to the authoritarian political system that was intolerant to civil society organizing, unless such a group condoned and promoted the oppressive political status quo (Kabira and Nzioki: 1993: 41, 72-73 and Nzomo: 1989; 11). Even in the rare moments where women attempted to challenge their situation, through activism and confrontational engagement, the state was apathetic, resistant and vindictive. (Nzomo: 1993, 1995, 1997; Kabira: 1993, 1996). To the extent then that there was any form of organizing

during this period, it can only be contextualized within a conformist framework, that selectively and conditionally created limited space for women's welfare activities within the existing social, political and economic structures. Some scholars such as Obbo (1980:159-160) therefore conclude that the women's organizations of the pre-1990 period, were anti women's rights.

The period following the return to political pluralism in December 1991, was dubbed the "second liberation" political phase, as it marked the emergence of a fairly liberal democratic environment that provided political space for exercising basic rights and democratic freedoms. Though undemocratic governance remained intact in many respects, the return to political pluralism facilitated the most intense women's mobilization and activism ever witnessed in Kenya, leading 1992 to be dubbed as "*Women's Political Year*" in Kenya (Nzomo, 1992)⁷. This political space facilitated citizen's public political engagement/activism and created a pathway for the "democratic transition" that the country has since been undergoing. New and more radical human and gender rights organizations that included professional groups, churches and women's rights organizations, emerged to lobby and demand comprehensive constitutional review and restoration of human rights and freedoms; as well as gender responsive democratic governance. They therefore called for an overhaul of the 1963 constitutional order, to be replaced with a democratic and gender responsive one, based on the principles of gender equality and upholding of women's human rights, in both public and private life. They also demanded AA to facilitate women's access to governance institutions and attain the 30 per cent 'critical mass' necessary to influence public policymaking and implementation (Nzomo: 1992 & 1993).

In order to attain these demands, women's rights NGOs became active players in the two decade struggle for a new constitution to ensure it would be democratic and gender responsive. In addition, as elsewhere on the Continent, women employed several other strategies for engaging in the post 1990 governance reform processes, including:

- Engagement in the development of feminist research and analysis to guide policy and action;

⁷ 1992 was the year that set the pace, especially for subsequent collective mobilization and activism. This was the year that saw the launch of the national women's agenda for the country's democratization; an agenda that continues to inspire women to take collective action when their core interests as women are under threat.

- Facilitating women's access to political power through voter education;
- Facilitating Capacity building training of women candidates and Election Monitoring;
- Civic Education, Lobbying and Advocacy;
- Legal Rights Education for women and engagement in Public Interest Litigation to challenge discrimination and legal bias against women;
- Strengthening Mechanism for Collaboration, mobilization and Collective Action among Women's Organizations;
- Engendering Political Parties;
- Engendering the National Budgets and Parliamentary Governance, and Legislative work;
- Engendering the Media & giving women leaders Voice & Media Visibility;
- Advocacy against Women and Gender based violence;
- The enactment of a leadership accountability instrument-*the 2012 National Women's Charter* ; and
- Political Actions through informal Strategies, such as the February 1992 case of Mothers of Political Prisoners that combined a hunger strike and public stripping naked, as a strategy for demanding the release of political Prisoners' sons¹ (Nzomo: 1992); and the April 2009 one-week Sex Boycott,² led by a coalition of women NGOs-"the G10"- to pressure the President and Prime Minister to demonstrate 'good governance' and ensure delivery of welfare services to the all Kenyan people.

In Kenya the women's movement though still fractured, has occasionally demonstrated unity of purpose at some critical junctures, especially in its aggressive advocacy that facilitated the attainment of the progressive and gender responsive 2010 Constitution. Nzomo (2012)³ and others, have underscored the role of women's NGOs as a crucial mechanism for political mobilization, advocacy; a political bridge, a vehicle and midwife for championing women's and gender rights; as well as a change agent in engendering governance in general. In particular, women's organizations have served as a crucial support structure for women politicians and a key "incubator" for political training and building capacity of women political leaders.

Indeed, almost all women MPs in the current and previous Parliaments are products of women's civil society activism and capacity building training programs. Women's NGOs also serve as a crucial mechanism/political agent for civic empowerment of citizens and political mobilization of women in advocating for

accountability of the State and society. Women's organizations continue to play an important watchdog role as they seek to protect the "gender gains" and engender the Constitutional implementation process. The struggle for the implementation of the "no more than 2/3rds of either gender rule" largely derives its momentum from gender champions in the women's movement, in collaboration with women MPs and some male gender champions.

The women's movement therefore remains the one critical non- State actor that will continue to serve as a strategic political mechanism for engendering governance during and beyond this transitional political phase. This then amplifies the concern and need to strengthen the fractured Kenya women's movement, which at times "shoots itself in the foot", due to its member's multiple identities and loyalties, that tend to undermine the development of a consistent and commonly shared gender agenda. This fragmentation is for example hindering the mobilization of a united and aggressive push for the protection of the two third gender rule, now threatened with being rendered ineffective, contrary to the constitutional requirement.

3.6.2. Women's Participation in governance through Political Parties

Political Parties in Kenya as elsewhere remain a core vehicle for women's access to political leadership and governance institutions. But as noted above, in Kenya there is no single dominant party and hence women's engagement is not concentrated in one party. Structurally, Parties in Kenya have been highly gendered institutions that incorporate women into party structures on a different basis from men and in ways that impede their access to key leadership positions. These two factors largely explain why, unlike for example, South Africa, Kenya is unlikely to be successful with implementing gender quotas through voluntary party action.

However, studies (WSP-K, 1992: 1997; 2003 and 2007; Ogada: 2010) show that women play important roles in party governance-at the level of campaigning and mobilizing support for their respective parties- but rarely occupy decision-making positions in these structures. The election's selection and nomination processes within political parties also tend to be biased against women, as 'male traits' are emphasized and often become the criteria in selecting candidates. Furthermore, due to democratic deficit in internal party governance structures and processes, there has been limited recruitment and ascendancy of women to top positions in Party

hierarchies, thus limiting women's political exposure, visibility and strategic political leverage for party nominations during national elections. Thus for example, in 2007 elections, the number of women nominated to contest parliamentary and civic elections failed to meet the 30 per cent threshold. This factor, added to voter bias against women candidates, resulted in an electoral outcome whereby, women candidates won only 16 out of the total 210 parliamentary seats.

Despite the 2011 *Political Parties Act and the Elections Act* that demand inclusivity and gender balanced composition of political candidates, internal governance systems in political parties have only incrementally but not substantively changed. As the country approaches the March 2013 elections, little has changed in terms of greater gender responsiveness in the candidate's nomination processes. Furthermore, the key players have yet to demonstrate political will for democratizing parties that are currently no more than political vehicles for maximizing votes, win elections and govern. Under the circumstances, women's political participation as party candidates in competitive elections is unlikely to yield better results at the 2013 elections than in 2007. This is all the more reason the implementation of the two thirds gender law is urgent and necessary.

3.6.3. Engagement in Governance through a Parliamentary Women's Caucus

Kenya Women Parliamentary Association (KEWOPA), like other women parliamentary Caucuses of Uganda, Rwanda, South Africa and other countries around the world, seeks to enhance women MP's contribution and influence in Parliamentary business and ensure increased attention to issues affecting women. In Kenya, due to the paucity of women in Parliament, KEWOPA also takes on the responsibility of seeking to increase the number of women MPs. KEWOPA has become an important mechanism within the state for women's access, participation and influence in governance. In this connection, for four decades prior to the formation of KEWOPA in 2001, no legislations in support of women's rights were enacted in the male dominated Kenyan Parliament and in one case, a law supporting women's rights was repealed⁸. In contrast, during 2002-2012, KEWOPA initiated and successfully lobbied for the enactment of six (6) gender and child-related legislations and several gender responsive policies, including engendering of

⁸ This was the Affiliation Act repealed in 1969

parliamentary rules and decision-making structures. KEWOPA also contributed to engendering of the 2010 constitution and subsequent implementation processes (Nzomo: 2011). These actions demonstrated women MP's capacity to set a gender agenda in Parliament and gave many women confidence that a "critical mass" of women in Governance institutions could secure more gains, including transformative changes in the institutional culture of these institutions. However, scholars caution that female MPs in African countries that have attained the 30 per cent threshold, have also successfully spearheaded the enactment of similar gender responsive legislations and policies; but like Kenya, have been unable to transform the patriarchal culture and norms of political institutions. Indeed, the current (November 2012) resistance of male political elites to the implementation of the 2/3rds gender quota is a clear signal that the Kenyan State and other institutions of governance remain gendered and greater physical presence of women will neither automatically alter the dominant male culture embedded in those institutions nor the gendered distribution of political power and other resources.

4.0 Conclusion

This paper has sought to demonstrate that women in Africa generally experience governance and engage in it in different ways and use strategies and modes of participation and response that can best be understood and appreciated within the specific contexts that the actions have occurred. In contexts like Kenya where women's access to State governance institutions has for five decades remained highly constricted, women have, through the women's movement, created alternative political spaces for political mobilization and advocacy, in demanding accountability from the State and society, in respect to gender responsive governance. Indeed, the women's movement remains the one critical non- State actor that acts as a political bridge, a vehicle and midwife for lobbying and advocating for engendering of governance and support structure for women politicians. This then amplifies the concern and need to strengthen the fractured women's movement, which at times "shoots itself on the foot"; due to lack of a consistent, collective and commonly shared gender agenda.

In all four countries, women's parliamentary caucuses have played a significant role in seeking to engender legislations, policies and political institutions, especially

in parliament, as the case study of Kenya has indicated. However, in all four cases, women MPs, they have yet to move beyond legislations and secure transformative governance changes, in respect to institutional values and norms. This then underscores the point made throughout this paper that, democratizing and engendering governance structures, norms and values will require more than just having women MPs in large numbers or simply having a progressive constitution. The experiences of Rwanda, South Africa, Uganda and other African countries that have attained the 'critical mass' threshold of 30% women's presence in key governance positions indicate that, over and above numerical political presence, there is need to create strong and mutually accountable constituencies and mechanisms within and outside formal governance structures for advancing well defined legislative and policy agendas. This entails paying more attention to the *process* and *criteria* of selecting political leaders and setting enforceable accountability mechanisms for holding accountable political office seekers and power holders. It also requires gender champions and committed democrats to eliminate the patriarchal institutional norms and values that normalize inequalities and undermine the advancement of gender and democratic agendas, and the enforcement of accountability mechanisms.

This notwithstanding, it is significant to note that unlike *the other three countries analyzed above* (all of whom have a single ruling party that dominates political life), Kenya's *political context* has since 2003, been characterized by fluidity and decentralization of power among many political parties (with their mergers, shaky coalitions etc.). This fluidity of the political system, together with the March 2013 general elections and the ongoing legal reforms, presents a strategic opportunity for Kenya gender champions and democrats, to take advantage of this fluidity to transform and democratize governance institutions.

Kenya therefore has the constitutional opportunity not only to increase numbers of women in decision-making through AA, but also the political opportunity to ensure that a gender balanced political dispensation, translates into strong transformative leaders, elected and nominated through a strict accountability criteria, buttressed by enforceable mechanisms for evaluating their performance and holding them to account.

5.0 References

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END NOTES

- The UN Security Council Resolution (UNSCR)1325, adopted unanimously on October 31, 2000, called for the adoption of a gender perspective that included the special needs of women and girls during repatriation and resettlement, rehabilitation, reintegration and post-conflict reconstruction. UNSCR 1820 (June 2008), establishes a strong link between sexual violence and sustainable peace and security. UNSCR 1888 (30 September 2009) provides concrete building blocks to advance its implementation and signals a robust political commitment to addressing conflict-affected sexual violence as a peace and security issue. UNSCR1889 (5 October 2009) builds on SCR 1325, paying particular attention to the implementation of SCR 1325 in the immediate post-conflict peace building period, including provision of adequate funding for responding to women's needs, including their safety and access to services
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At a brainstorming Forum organized by HBF Kenya, on 22nd March 2011, to honour the Kenya Women political pioneers of the feminist struggle for women's rights, Hon. Phoebe Asiyo who was the first African President of the First national women's organization set up in 1952-*Maendeleo Ya Wanawake* organization- narrated how after women had fought alongside men for the first President Kenyatta's release from house arrest imposed on him by the Colonial Government, when independence was won in 1963, women were completely sidelined from governance institutions.

The women MPs that spearheaded the development of the AA Bills and related measures in Parliament, are Charity Ngilu,(19960) Phoebe Asiyo, (1997); Beth Mugo (2000); and Martha Karua (2007).

The Women's Shadow Parliament- WSP-K Founded in March 2003, was borne out of the Engendering the Political Processes Program(EPPP), with the dual objective of creating an enabling environment for women's effective participation in Kenya's political processes; empowering them as active change agents in public life and reducing barriers that prevent women's full and equal partnership with men at both the national and local levels.

KEWOPA also endeavours in strategically political ways, to make purposeful outreach to male MPs to support and work with women MPs gender agenda as part and parcel overall democratic and sustainable development Agenda.

It is important to acknowledge that the hunger strike and stripping naked of Mothers of Political Prisoners received significant moral and material support from women leaders in civil society, many of whom kept vigil with them at Freedom Corner; others joined them in the hunger strike and later stayed with them at the basement of All Saints Cathedral.

This event was well covered by both local and international media, during of the one week duration of the boycott, from April 30th 2009, when the strike started. See also Lyn Ossomme, "Feminism and Elections in Kenya: Obstacles and Strategies" in, HBF, *The Power to participate: Building Feminist Political Influence in Africa , Perspectives*, No. 2, 2011, pp. 24--25

The G10, a Kenyan national women's movement is steered by 10 leading national women's organizations –Coalition on Violence Against Women (COVAW), Kenya Women's Political Caucus (CAUCUS), Centre for Rights Education and Awareness (CREAW); International Federation of Women Lawyers(FIDA-K), Tomorrow's Child Initiative (TCI), Women in Law and Development in Africa (WILDAF-K), *African Woman and Child Feature Service* (AWC), Development Through Media (DTM), *Young Women's Leadership Institute* (YWLI); Maendeleo Ya Wanawake (MYWO) and National Council of Women of Kenya(NCWK). The G10 has cells across the country from the local to the national level. The G10 is driven by its vision of a society where women wield political power, and a mission to connect women's voices and actions to leverage an expanded and redefined political space.