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Mukabi Kabira

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Clearing the Fields: Background and Context of Women's Struggle

Kenya Women's Movement: a brief background

The Women's Movement in Kenya has its roots in these self-help groups which existed even in pre-colonial societies. In postcolonial era, these self-help groups evolved into one of the most vibrant movements in the country—the Women's Movement. While trade unions and cooperative societies remained male dominated, women's self-help groups became women's way of expressing their desires, their needs and concerns. Women developed their structures, values and a form of resistant ideology through them. The traditional type of women's group formation stemmed from the realisation that women share certain problems which could be effectively tackled only through collective effort. At the early phase of Women's Movement in Kenya, one observes demonstrated awareness among women that they had common problems which were not experienced by men—at least not to the same degree. For instance, in traditional societies, women within neighbourhoods would organise to help one of their own who had given birth. They would cultivate her piece of land, fetch water, collect firewood and look after her and her children.

During the State of Emergency in Kenya and soon after independence, women's groups as we know them today were born. These women groups borrowed largely from the traditional women groups in one sense because of their focus on social welfare.

However, these groups have gone further than social welfare to building houses for each other as members, buying property and owning titles of land either as groups or as individuals. This has brought radical changes even at the family level. When a woman has a piece of property in her name, it means that she cannot be threatened with being sent away from her matrimonial home. Rahab Wabici captures this mood very well in *Our Mother's Footsteps*, (CCGD, 1997) when she says,

If I have land,
I can work on it,
sleep on the grass,
sell it or just admire it.
I can do whatever I want.

The women's groups reflect the Harambee spirit of Self-help Groups spearheaded by grassroots women leaders; for example, Nyakinyua Women's Groups in Central Province. They recognise that together, they are strong. They have promoted the spirit of togetherness, of self-reliance, of commitment and determination. Women groups have questioned through their actions and structures, the current economic and institutional structures and development policies. They have watered and nurtured seeds of freedom.

Maria Angelique Savanna (1982:40) says:-

“Although oppression of women is universal in nature, it expresses itself in different forms, in different Nations. It is this which justifies the National character of women's struggles and choice of methods in the struggle,” as quoted in (Akinyi, Kabira, 1994).

The Women's Movement demonstrates collective action in women's struggle against all forms of oppression and in particular, economic oppression. Maendeleo Ya Wanawake Organisation (MYWO), formed in 1952, has survived for all these years. Although its initial orientation during the colonial period was welfare, it later became a political force. Even strong political parties like Kenya African National Union (KANU) found it necessary to append the organisation to itself in order to use its power to mobilise women. In Central Province, for example, women organised against colonial forced labour system, land use and commodity pricing (Kanago, et al., 1987). Other writers have also documented women's political resistance and struggle against colonial rule in Kenya; a notable example being the 1920 Harry Thuku uprising where women, led by Mary Nyanjiru, directly confronted the colonial government in demanding the release of Harry Thuku (Kabira and Akinyi, 1994). In all our communities there are examples of women organising to deal with their social-historic and economic situations. A lot of this information, however, remains invisible to our policy makers and also remains outside our public knowledge and definitely, outside the debates in our academic institutions.

The 1975 United Women Declaration in Mexico required governments to strengthen existing women's organisation and create national machineries for women where they did not exist. The Kenya government's response to this international requirement was to strengthen and revitalise MYWO and to create government national machinery for women, namely, the Women's Bureau whose mandate was to register and coordinate the activities of all women's groups in the country—groups that women had themselves created out of their

own initiative. MYWO, on the other hand, increased its membership and linkage at the grass roots level. Mrs. Jane Kiano and other leaders are credited with the expansive movement of the organisation.

While the Women's Bureau, a government department located in the Ministry of Culture and Social Affairs, was busy registering women's groups, MYWO was busy doing the mobilisation. Thus, by 1985, MYWO had become the leading NGO for mobilizing women, especially in the rural areas, with a membership of 300,000 belonging to 8,000 groups.

As MYWO was closely working with the government, the National Council of Women of Kenya (NCWK), at least during Wangari Maathai's tenure as chairperson, spearheaded the Women's Movement by taking a position on national issues and by making demands for legislative changes on issues where women's rights were adversely affected (Nzomo, 1991). Later, the Green Belt Movement under the leadership of Wangari Maathai served as an effective platform from which to challenge state decisions on matters of the environment and human rights. Wangari's battle trying to stop Moi's government from erecting a skyscraper in the middle of Nairobi's Uhuru Park is remembered very well. Wangari faced the government with unparalleled courage and determination. I remember meeting Wangari Maathai in her wooden office at the National Council offices on University Way. In her usual friendly look and hearty laugh, she said to me, "*Wanjiku, I feel really good when I am fighting for our people, am not scared. I feel very happy.*"

For Wangari Maathai, she who fought many battles, it was a joy to fight for her people. We have a lot to learn from Wangari who was a wonderful Kenyan woman.² The Nobel Laureate, the pride of Africa, continued being in the line of battle, watering the seeds of freedom. We celebrate this daughter of Africa.

United Nations Women's Decade and the Kenya Women's Movement

The 1985 Conference held in Nairobi came at a time when discrimination against women was still embedded in the legal and institutional frameworks. For example, the 1969 repeal of the Affiliation Act remained in place. In addition, the law of Marriage and Divorce Bill had already twice come up for debate in parliament and had been defeated by the male dominated parliament. Further, the defeat of the 1987 Wambui Otieno's protracted legal battle was a clear indication that Kenyan women had a long way to go (*Daily Nation*, May 1987; Nzomo, 1987; Ojwang & Mugambi, 1989).

² One day, my uncle Njoroge wa Mahinda, was very happy when I went to see him in Lari during a cold season. I had carried two blankets to keep him warm. When he saw me, he said, "*Wanjiku, my mother, why did you not come with Wangari Maathai. She is our son. She needs to come; this forest next to us is finished. She should come and stop these thieves.*" (Wangari Maathai died on September 25th 2011.)

The 1985 United Nations Conference gave Kenyan Women's Movement an opportunity to reflect on their directions and their priorities. This was more so because Kenya had the privilege of hosting the United Nations Conference and Dr. Eddah Gachukia the great educationist chaired the NGOs Forum. Women reflected on their legal, economic and social rights. Many individual Kenyan women in the professions such as law, the media and academia, organised workshops, seminars, educational tours and public campaigns to educate women on their rights. Federation of Women Lawyers (FIDA), women in the media, Association of African Women Research and Development (AAWORD), many women's organisations, among others, have been at the forefront in ensuring that women's interests are raised at the highest levels of leadership. Women in Kenya have taken great advantage of any existing opportunities to fight for their rights especially on property rights, political and other leadership representations, domestic violence and land.

From the repeal of Section 2A of the Kenyan Constitution in December 1991, women's voices from within and outside Women's Movement have been strong and consistent. Kenyan women have clearly moved forward to create a Movement that has acted as a pressure group or a lobbying forum for influencing change in the policies and structures that affect them. Sometimes, the movement has been very vocal and unstoppable; other times, like Margaret Ogola says, the movement, just like a river meanders, goes underground and then comes back to the surface and continues to flow. Women have fought to fully participate in all decision making positions and processes and have insisted on their issues being mainstreamed in the new democratic process. The gains reflected in the Constitution of Kenya Review Commission (CKRC) Draft (2002), Bomas Draft (2004), Wako Draft (2005), the Harmonised Draft (2009), and finally, in the New Constitution 2010, among other gains, are a clear indication of the women's cohesive struggle.

Women's focus since 1992

The objective of Women's Movement from 1992 has been to increase women's power and influence by working towards ensuring a critical mass of at least 33 per cent women's representation in parliament and other political and public decision-making bodies. Many women's organisations have been established since 1992. They include the League of Kenya Women Voters, Coalition on Violence against Women (COVAW) and AAWORD.

Many of these women's organisations set up programmes and activities for implementing women's agenda identified and agreed upon at the Women's Convention which was organised by the National Council of Women of Kenya (NCWK) in collaboration with African Women Communication and Development Network (FEMNET), on February 22nd, 1992. This was the first women meeting of its kind in independent Kenya. It brought together Kenyan

women – those at the grassroots level and those at the national level to dialogue with each other on the women’s agenda in the democratisation process. This convention once again demonstrated women’s mobilizing capacities and the ease with which they can overcome their social economic barriers in order to address their common problems.

That the convention was held with government consent was an indication that women’s voices were being heard. It is also significant that a controversial wall around Uhuru Park which had been erected when the government was planning to build the controversial skyscraper was brought down on the same day the women held the convention. The now famous *Freedom Corner* was baptised that day by the convention participants led by Prof. Wangari Maathai, later a Nobel Laureate. Women had started on a journey and have since not looked back. They have continued to nurture and strengthen their efforts. Many women’s organisations clearly focusing on women and political power were born later. These include Women’s Political Alliance of Kenya (WPAK), Women’s Political Caucus (WPC) (now Caucus for Women’s Leadership), Education Centre for Women and Democracy (ECWD), Muslim Sisters Network, and Kenya League of Women Voters. Other organisations focusing on gender-based violence such as Coalition on Violence Against Women (COVAW) were also born.

Why 1992 is significant

The year 1992 is significant because crucial events for women took place. This was the year that Section 2A of our constitution was amended to return the country to multiparty politics. For women, one event towards the end of 1991 which helped shape the women’s direction was the presentation of a paper by Maria Nzomo on women’s participation in politics. The paper was part of a series by AAWORD, an organisation led by a group of academics at the time. The chair of AAWORD then was Prof. Shanyisa Khasiani and I was the co-chair. Other members of the committee included Prof. Maria Nzomo, Dr. Wanjiku Mwortia, Ms. Mary Ngechu, Prof. Jackline Oduor, and Prof. Milcah Amolo Achola, all of the University of Nairobi, and Dr. Akinyi Nzioki a gender consultant.

The team was committed to defining the direction for Women’s Movement in Kenya under very difficult circumstances. AAWORD was then housed by the Young Women Christian Association (YWCA) under the able leadership of Mrs. Louisa Awiti. In their effort to define the direction of the Women’s Movement, the committee put pen to paper and came out with two books: *Women’s Movement in Kenya* and *Gender and Democratic Governance* were published by AAWORD.

The publication of Prof. Maria Nzomo's paper by AAWORD on "Women in Politics" was significant. In this paper, Nzomo discussed the global problem of absence of women in leadership positions. She argued that even those women who had taken key political leadership positions like Mrs. Eva Peron of Argentina, Mrs. Sirimavo Bandaranaike of Sri Lanka, Mrs. Indira Gandhi of India, Mrs. Corazon Aquino of Philippines and Mrs Benazir Bhutto of Pakistan, among other women leaders, initially derived part of their political legitimacy from association with prominent male politicians.

Nzomo then looked at the barriers towards women's participation in politics in Kenya, among them the attitude arising from socio-economic cultural engineering, lack of access to formal education, access to resources of production and income as well as male dominated political parties. She traced women's struggle to participate in political leadership positions and the struggle of women's organisations to deal with state manipulation. Particular reference was given to MYWO in particular. Nzomo also noted Prof. Maathai's decision to confront the government over its decision to build a skyscraper in Uhuru Park. When Prof. Wangari Maathai decided to seek a high court injunction to restrain the government from implementing its decision, the entire membership of parliament descended upon her, attacking her personally as a sentimental frustrated divorcee who had no credentials or mandate to challenge state decisions. What was a national issue was reduced to a personal gender issue between Wangari Maathai and male members of the political systems (Maria Nzomo, 1991:22).

Maria also referred to examples where it was clear that women in Kenya had failed to make an impact. Examples included abolition in 1969 of the Affiliation Act that required fathers of children outside marriage to provide some financial support (*East African Standard June 17th 1969*); and the law of Marriage and Divorce Bill which was defeated. The defeat of this law denied house allowance to married women in the public service. Maria also quoted lack of provision for paid maternity leave (Maria Nzomo, 1991).

The response from the state machinery was immediate. "Those women are from the opposition," they argued. It took the intervention of Hon. Julia Ojiambo, the then woman coordinator for Kenya African National Union (KANU) women and youth, at the time to stop the Criminal Investigation Department (CID) from placing AAWORD leadership under surveillance.

I have discussed Nzomo's paper at length because it raises critical issues that brought to the fore the debate on women in politics and decision-making.

The National Women's Convention, 1992

Another reason for the significant choice of 1992 is that, the National Council of Women of Kenya under the leadership of Ms Lillian Mwaura, assisted by FEMNET Chairperson Ms Njoki Wainaina, organised a National Women's Convention at the Kenyatta International Conference Centre (KICC). Over 2000 women participated in this convention. The main debate was on women and political power. Women declared the parties of their choice; they said time had come for women to be involved in politics. Prof. Maria Nzomo presented the key address based on her paper, *Women in Politics* discussed earlier. Among other speakers were Prof. Wangari Maathai, Hon. Martha Karua, and Hon. Julia Ojiambo. AAWORD was conducting a survey of how political parties were doing in terms of women who had declared their support and whether when women leaders spoke, they affected the choices women made in choosing parties. Prof. Khasiani and myself coordinated this exercise. It was a powerful meeting, a big show of solidarity among women. Before the day was over, political elite had already begun to feel the threat of women power. Word went round that this was an opposition meeting, a Central Kenya women meeting (read the Gĩkũyũ women). In the evening, Western Kenya women formed their own Western Caucus. But "the divide and rule" tactic from the KANU government effort did not go far.

Since the 1992 Women's National Convention, women have never gone back. The next eighteen years would see a focused Women's Movement mobilise around key issues and become a force to reckon with. The next period saw women retain the spirit of the 1992 National Convention in many ways. These include a struggle for institutional framework for gender mainstreaming which resulted in the establishment of a gender commission, a ministry in charge of women affairs, children and social services, a presidential directive for 30 per cent representation in public service and publication of the sexual offences bill.

Nothing, however, has taken so much energy from women than the efforts towards increasing women's representation in political bodies. For examples, in 1997, the government was under pressure to review the constitution of Kenya. Therefore, the Inter Party Parliamentary Group (IPPG) was formed to look at minimum reforms. At this time, women's organisations and individual women leaders had begun to participate in the struggle for the review of the Constitution. Among those who were at the forefront included Martha Karua, Maria Nzomo, Rose Waruhiu, Phoebe Asiyo, and Wangari Maathai. I remember Atsango Chesoni working with Phoebe Asiyo to bring in women's agenda into IPPG. Some of the lobby documents were prepared by the Collaborative Centre for Gender and Development (CCGD), where I was the Director. Martha Karua was at the Centre of the IPPG debate. We owe it to her and others who ensured that at least 50 per cent of the nominations would go to women. Although there were loopholes in the agreement, for women, it was an

important achievement and remains so today. We credit the higher number of nominated women MPs in parliament to this process.

In 1997, we had five women members out of the 12 nominated MPs. In 2003, eight out of 12 members nominated were women. In 2007, we had 6 nominated women MPs. Nominations of female MPs have often brought to parliament very dynamic women; for example, Hon. Njoki Ndungu, Hon. Julia Ojiambo, Hon. Amina Abdala, Hon. Cecily Mbarire, Hon. Adelina Mwau, Hon. Ruth Oniang'o (in the 9th parliament) and Hon. Rachel Shebesh, Hon. Millie Odhiambo (in the 10th parliament).

This amendment to the Constitution to include women has shown that through Affirmative Action, social engineering can occur. It has enriched parliament by bringing women who have come to the August house with a clear agenda of bringing in women-friendly laws. The Sexual Offences Act is a very good example.

Hon. Phoebe Asiyo motion, 1997

In 1997, Hon. Phoebe Asiyo tabled the first motion on Affirmative Action. Her motion called for parliament to increase the number of women parliamentarians by 18 (eighteen), at least two from each province, and an extra two from the Rift Valley. This move by Asiyo brought women together. I remember walking with Asiyo to various ministers to solicit for their support. Hon. Kiraitu Murungi seconded the motion.

In proposing the motion, Asiyo noted that she wanted the government to:

- a) Introduce a legislation to require all registered political parties to nominate at least one third women candidates to participate in National and Local Authorities elections;
- b) Introduce an amendment to the Constitution of Kenya to provide for two parliamentary Constituencies exclusively for women candidates in each administrative province of the Republic and;
- c) Introduce appropriate legislation to provide funding for all registered political parties and wherever public funding is possible, the amount of funding be linked to the percentage of women candidates fronted by each party.

The Political Parties Bill was signed into law in 2008. In 1997, Asiyo had tabled the bill to fund the political parties and to take on board Affirmative Action for women's representation in parliament. Often, women's contribution to political issues is rarely recognised. For example, nobody referred to Asiyo's original proposal as the Bill was being debated in parliament in 2007, hence, the sentiment that women's work and contribution remain invisible.

Asiyo had explained the rationale behind the motion including how the two women from each province could be elected. She gave examples of how it was done in Uganda and Tanzania and allayed fears that such a process would interfere with constituency boundaries. She noted that the Government had signed several international obligations and had committed itself then without any reservations. She referred to the Beijing Platform for Action signed by the Kenya Government to the fact that Kenya had adopted Affirmative Action in Education as a result of which we had more girls going to secondary schools. She explained:

“Representation of women in political parties, parliament and local authorities will bring a different perspective in politics and our national lives.... It will bring a new vision and new politics to our nation. It will improve our politics and policies.... There will be higher priority placed on food security, agriculture, education, health, national security, focus on street children, etc.” (*Parliamentary Hansard, April 23rd 1997:334*).

Thus, Hon. Phoebe Asiyo eloquently and with great passion presented the case for Affirmative Action for women’s representation in parliament and civic authorities.

In seconding the motion, Hon. Kiraitu Murungi asked the Government to do what it had been telling the International Community it was committed to. He also noted that the motion sought:

“Introduction of a quota system to be established at political party level so that one third of all the candidates for civic and parliamentary elections put forward by political parties were women. He went further to explain about the two seats for women in each province and funding for political parties. He argued that he supported the motion within the framework of Constitutional and administrative reforms that were seeking for better governance in this country” (*Parliamentary Hansard, April 23rd 1997:342*).

Kiraitu emphasised:

“Kenya is one of the most backward countries in Africa on these issues. Only 3 per cent of members of parliament are women while South Africa has 25 per cent, Uganda 18 per cent, Tanzania 15 per cent, and Eritrea 20 per cent.... We should be ashamed of ourselves that out of 200 members, only 6 are women.”

In opposing the motion, Assistant Minister in the office of the president Hon. Julius Sunkuli, argued that no one ever uses Affirmative Action to help the majority. His argument was that the Government believed in Affirmative Action; that it was a lopsided motion requiring that they assist the majority, something that was never done anywhere else; that the Kenyan constitution was based on the equality of human beings and the principle of one man, one vote; that every woman and every man had one vote; and that what the Government and NGOs needed was to provide civic education.

He added:

“There are so many women in this country; not all of them wearing high heeled shoes. But those who are not wearing high heeled shoes happen to be the majority and they cannot entrust their lives to people just because they are women. The Maasai word for “Woman” means “the great one” and the Maasai community really exalt their women. They are the ones who own the houses, cattle; infact the man has no authority going into the cattle Boma to sell a cow that belongs to his wife.” (*Parliamentary Hansard, April 23rd 1997: 345*)

He argued further that the motion did not take into consideration our culture or international principles of equality between men and women and, therefore, it ought to be rejected.

The views expressed by Hon. Julius Sunkuli were not unique to him. The concept of democracy on one man, one vote has been a comfortable definition for many politicians. It throws the blame to women, arguing that they have the numbers. It ignores all other issues of the level playing field such as economic power, culture and traditions, myths and stereotypes, among others.

Hon. John Michuki supported the motion giving in detail instances where Kenya had used the principle of Affirmative Action even where it involved the majority, for example, on issues of Africanisation of business.

On his part, Hon. Mukhisa Kituyi noted that legislative action and constitutional reform action meant to strengthen participation of women in the leadership process was good for the nation, for women and for men; that National Assembly has the responsibility of removing the attitudinal hurdles from women to free their immense energy. Kituyi stated that contrary to Sunkuli’s assertion, Maasai women do not own property; they have user rights in their animals. “Having a right to milk a cow is not the same as having a right to sell that cow,” he said and continued to say that if there were more women in parliament, society would pay more attention to street children, and domestic violence among other issues. (*Parliamentary Hansard, April 23rd 1997:348*).

Through many interruptions, Kituyi ably and intellectually defended the motion. Kituyi clearly recognised the importance of social engineering. He also ably demonstrated how bringing women to parliament would bring in a new perspective in the legislative agenda, a position also articulated by Hon. Oki Ombaka.

His support was followed by that of Hon. James Orengo who also drew members’ attention to the fact that implementation of Affirmative Action was already in place, as reflected in constitutions such as that of South Africa. He added that the House was dealing with a major problem of sexism; that Kenya was like Nigeria and Zaire in terms of low level women’s representation; that

women's representation was lowest where dictatorship reigned; and that women's rights were part of the fundamental rights that should be part of our legislation.

The arguments for Affirmative Action could not have been articulated better. Clearly, Hons. Orengo, Michuki and Kituyi had fully understood the reasoning behind Affirmative Action.

Hon. Catherine Nyamato argued that women had worked with men; that they did not intend to displace them, that women could make very good managers and that they were/are the backbone of the nation. It was, therefore, reasonable to support the motion.

The Government position through Hon. Koech, the Minister of State, Office of the President, was that there was no need for this motion because male MPs represented women and girls and that girls were already doing very well in schools; that there was already a woman minister for culture and social services. He also told the house that there were women in the public service and, therefore, what the government needed to do was encourage more education opportunities and promote civic education. It was his considered opinion that women were doing a wonderful job bringing up children which was a very important role and, therefore, those who had time and energy to struggle could do so like those already in parliament; and that the constitution did not prevent women from coming to parliament. That as a country, we had to move slowly and allow some changes to come naturally; to leave some of these things to nature; leave the natural force of political evolution to come slowly; and that because of our cultural setups, time was not ripe for Affirmative Action.

Again, these MPs' views were not new. Women had heard them over and over again. The paternalistic message, the view that women's rights are for the government to give or not to give has been articulated in Kenya parliament very many times.

In response, Hon. Oki Ombaka gave his support to the motion saying that when 52 per cent of the population only have 3 per cent representation in the August house, it was just common sense to know that something was seriously wrong with Kenyan society.

He continued to state that if Government had to offer leadership, Kenya Government could not abscond from its responsibility by saying that society would somehow take care of itself (*Parliamentary Hansard, April 23rd 1997:356*).

Hon. Karua, in her contribution had this to say:

“I must, like my colleague who has just sat down, express dismay at the stand taken by the Government with regard to this motion. In the last

Session, the Government told this House that it was committed to implementing the Beijing Platform for Action. One of the areas of critical concern is increasing women's participation in decision-making. Today's response by the Government seems to suggest that it does not exactly know its stand on women's issues. It seems to suggest that there is a serious contradiction within the Government as to how it should tackle issues of women's empowerment. It does appear that the Government is busy giving mere lip service to women's issues and making statements that are suitable in international fora to gain respectability, whereas back at home, it is doing exactly the opposite. Kenya is among the most backward nations when it comes to the question of women's political empowerment. What this motion is calling for is political good will and leadership from the Government; it is difficult to hope that society will evolve differently.

The official attitude of the government and its institutions is that women should play a secondary role. We have been told by the Minister in his response that women are doing very well in other areas, which I understood to mean in the kitchen and child rearing. I want to respond to that by saying that by nature, a woman is capable of taking dual or multiple responsibilities quite effectively. We should, therefore, not be told about our maternal duties when we ask for participation in leadership. A woman is endowed by nature to take many responsibilities in different areas. With those few words, I beg to support the Motion" (*Parliamentary Hansard, April 23rd 1997:357*).

I have referred extensively to the Parliamentary Hansard in order to demonstrate the struggle that Kenyan women have gone through. I have also shown how long women like Hon. Phoebe Asiyo and Hon. Martha Karua, among others, have walked the path of the women's struggle. Let it not be said that women have not been walking this path. The government's stand on the motion was clear. It was not going to take the lead in terms of women's representation in leadership. The message was that the signing of the commitment to international obligations to women was just mere lip service.

Hon. Martha Karua and other speakers were asking the Government and parliament to take leadership. Men like the late Oki Ombaka, Mukhisa Kituyi, Orengo, Kiraitu and Michuki rose to the occasion and defended what they believed in and knew to be right. They used logical arguments and stood by the motion.

Others who argued against this motion wanted to perpetuate the fallacy that women in their culture are happy the way they are. That mothering, nurturing and playing supportive roles is enough of women. Myth and myth-making process is a daily pre-occupation for those who want to control their wives and women in general. Kenyan and African tradition is full of poems/stories/songs/proverbs that create myths that justify oppression for women. We must demystify these myths and expose them for what they are—myths, for it is a well-known fact that those in power never give up power willingly and if

they do, they do it only in order to be able to plot and scheme again and regain it. However, the patriarchal system is gradually caving in to pressure for change and that is why the arguments of leaders like the late Hon. Oki Ombaka are very appropriate.

The beginning of a national women's political movement

The debate on the Affirmative Action motion was revealing in many ways. It demonstrated the hurdles that women in Kenya had to go through but also brought to the fore great leadership qualities from some members of parliament.

The motion was defeated but seeds of Women's Liberation were watered once again and clearing of the fields had begun in earnest. I say "watered again" because we do not want to forget the struggles of women's groups movements that I talked about before, nor forget leaders like Eddah Gachukia, Ruth Habwe, Jael Mbogo, Agnes Ndeti, Zipporah Kittony, Jane Kiano and the building of Maendeleo House, National Council leadership, and others. The Affirmative Action motion, however, was a landmark in the struggle for women's representation.

When the Asiyo motion was defeated, women members of parliament, women's organisations and individual women leaders met around parliament and decided to wage an organised battle. At this meeting, inside parliament grounds, women were addressed by Hon. Phoebe Asiyo and Hon. Agnes Ndeti, who rushed from the airport to come and support the motion. Also by Hon. Zipporah Kittony, who had defied President Moi and had voted for the motion, when KANU had been mobilised to come and defeat the motion—which they did. Women spoke with one voice; they decided to continue walking on the path towards their dream. They formed the Women's Political Caucus which led the efforts in *clearing the fields*.

Though the defeat of the Asiyo motion was traumatic for women, it was a wake up call that gave women energy and unprecedented collective determination to walk together to ensure that their issues were moved to the centre—hence, their immediate formation of Women's Political Caucus outside the chambers. They decided that they no longer needed the label of non-political/non partisan women's organisations. They were a political body. Hon. Asiyo was asked to chair the caucus while I was requested to be the convenor.

This decision – that women were a political body – marked the beginning of a powerful Women's Movement that was to mobilise the women as individuals and organisations in the struggle for a new constitutional dispensation. Thus, the formation of the Women's Political Caucus was a turning point in women's struggle. Women stopped apologizing, as groups, as organisations and as

individuals for working towards appropriating power. They came together and decided to consolidate; not only to educate themselves, but also to negotiate for institutional, constitutional and policy change in order to reclaim their space in political institutions such as parliament, local authorities and political parties. Both women in government and in the opposition declared that this was the path they would walk, clear the path and together move to the centre and stop dancing from the side. They decided that Affirmative Action was a right, not a favour. The Women's Political Caucus, as we shall see later, became a formidable force. Many women's organisations and individual women politicians joined it. Its steering committee was composed of the following members :

- Hon. Phoebe Asiyo – Former Chairlady of MYWO and former Member of Parliament and later Commissioner, CKRC.
- Hon. Martha Karua – Lawyer and later Minister for Justice and Constitutional Affairs.
- Hon. Martha Koome – Lawyer, later Judge of the High Court.
- Mrs. Abida Ali Aroni – Lawyer and later Chair, Constitution of Kenya Review Commission, later Judge of the High Court.
- Prof. Jackline Oduor – Professor of English, USIU, later Secretary for Children's department in the Ministry of Gender, Children and Social Affairs.
- Prof. Wanjiku Mukabi Kabira – Professor of Literature, University of Nairobi, later Vice Chair, Constitution of Kenya Review Commission.
- Mrs. Jane Ogot – Coordinator of the Women's Political Caucus.

With the defeat of the Affirmative Action, women seemed to have walked into a cul-de-sac. But through the Women's Political Caucus (WPC), they decided that they would move to the centre and operate from there. They would no longer struggle from the periphery. As Jane Kiano put it, "Women rejected the role of merely saying prayers, making tea and dancing for politicians during meetings." They wanted to sit at the table and negotiate. Women were making headlines in the mainstream media too.

Formation of the Affirmative Action Steering Committee

Having committed themselves to a political battle and with the clamour for new constitutional dispensation, women leaders and women's organisations next formed the Affirmative Action committee, consulted widely, worked with rural women and mobilised at all levels. Most of the women involved in the process including Hon. Phoebe Asiyo, Hon. Martha Karua, Hon. Catherine Nyamato, Hon. Adelina Mwau, Hon. Charity Ngilu, Hon. Julia Ojiambo and

Hon. Zipporah Kittony. These formed the political wing of the Affirmative Action Committee.

Research was carried out, lobbying was done, consultations held. We even invited women from the East African region to help out. They included Hon. Winnie Byanyima from Uganda and Hon. Hope Mwesigye, later minister, office of the President in President Museveni's government.

Women planned to have the Affirmative Action Bill tabled again in parliament. They decided that after the defeat of the Asiyo Motion, they were not going to relent. So, a technical team composed of researchers among them, Wambui Kanyi, Ayoo Odicoh and drafters: Kagwiria Mbogori, Njoki Ndung'u, and Shanyisa Khasiani, gathered all the necessary information for the bill.

At a workshop organised by the CCGD in 2000 before the tabling of the bill by Hon. Beth Mugo, which was attended by many women leaders and representatives of women's organisations and Community Based Organisations (CBOs), women seriously studied various electoral systems that would facilitate increased participation of women in the leadership positions and acknowledged the need to deal with the choices of an electoral system that was appropriate. They compared notes on how countries in the region were handling women's representation in parliament and noted that Kenya was at the bottom of the rank. They hailed President Julius Nyerere and Yoweri Museveni for implementing Affirmative Action in our neighbouring countries. They identified various methods of implementing Affirmative Action and were ready to present their case to parliament. They noted that the choice of any electoral system was important in determining how women could enter into the political context, and that, proportional representation systems have recorded the highest number of women in political leadership worldwide.

Women recognised that although in Kenya there was no statutory clause that bars women from participating in politics, the political climate, retrogressive cultural attitudes, high poverty levels, illiteracy levels impacted negatively on women's participation in the electoral process and that this had to change.

Women recognised that a constitutional amendment would require two thirds support of all members of parliament; hence, they had to lobby widely and use appropriate strategy. They needed others to walk with them. They, therefore, expanded the Affirmative Action Committee to incorporate minority communities, persons who were physically challenged parastatals and the youth, among other socially excluded groups. By expanding the constituency to include other marginalised groups, women had come to a realisation that there was need for building a powerful network with others in order to break through the patriarchal power structures. They reached out to other categories

and fought for seats for special groups, e.g. persons with disability, minority communities, and other similar groups.

Women set the pace. In terms of choice for the implementation strategy, they agreed to go the Ugandan route where the “District concept” as a strategy for implementing Affirmative Action for increased women’s participation in parliament and local government would be proposed. They argued that the concept would be easy to sell, and it was non-threatening.

On modalities, women proposed that elections could be held through colleges at the local council levels or through nominations by political parties and then women and men would vote during an election where only women candidates would be contesting. They, however, noted that women nominated by political parties would represent party interests only and not women’s interests or the electorate; and that this could promote sycophancy. Thus, had extensive discussions on the implementation strategy and having recognised that it would be very difficult to mobilise a male dominated parliament on Affirmative Action, they looked for modalities that would generate less resistance. They studied the various existing quota systems, political parties’ interests, parties and ethnicity, nepotism and sycophancy and agreed that mechanisms existed for the implementation of the one-third women’s representation. They agreed that the system could be used as a short-term gain for Affirmative Action.

Women agreed that they needed to mobilise their fellow women countrywide to push for the Affirmative Action Bill through parliament. CCGD had consulted with women from 80 constituencies. So, mobilizing them to support the Affirmative Action Bill would not be difficult. The CCGD was supported in this endeavour by the United State Agency for International Development (USAID) and the Norwegian Embassy. Many women’s organisations, including Women’s Political Caucus, League of Kenya Women Voters, International Federation of Women Lawyers, Widows and Orphans Welfare Society of Kenya (WOWESOK), Federation of Women Groups, Maendeleo ya Wanawake and the National Council of Women of Kenya, among others, were the force behind the support for this Bill.

Introducing Affirmative Action Bill 2000

On April 12th 2000, Hon. Beth Mugo, in collaboration with women’s organisations and the support of Affirmative Action Committee, tabled the Affirmative Action Bill. Women’s organisations had mobilised strong grass roots support. Hon. Beth Mugo sought leave to:

“Introduce a Bill entitled “Affirmative Action” in order to improve and increase representation for marginalised groups, particularly women, in policy making institutions.” (*Parliamentary Hansard*, April 12th 2000)

In moving the motion, Hon. Beth Mugo appreciated the move by parliament to allow for equality bill and another one to establish a commission for women, as well as the implementation of Beijing Platform of Action, Dakar Platform of Action, and the Abuja Declaration. She reminded parliament that the Bill was a test on parliamentarian's sincerity for their commitment to women's participation in leadership. She said that she was seeking Affirmative Action for women's representation in parliament and local authorities, a strategy used in many countries including those in our region. Kenya, she noted, stood out as a sore thumb for refusing to accept Affirmative Action in the region. She referred to those countries that had implemented this, especially in Africa, which included Uganda, Tanzania, Seychelles, Mozambique, Djibouti, Eritrea, and South Africa. She reminded members of parliament that Kenya had committed itself to implementing Affirmative Action which was part of Beijing Platform of Action; and then talked about the strategy for implementation of the Affirmative Action she referred to the District Strategy in Uganda and said MPs would hold wide consultations.

Mugo spoke passionately about the bill. She had worked closely with the technical committee on Affirmative Action who provided all the technical information required. Women's organisations had mobilised women who filled the speaker's gallery to capacity and the public gallery too. They waited in anticipation.

In supporting the motion, Hon. Raila Odinga had this to say:

“Gender equality is a human right issue. All men and women are born equal and they should be given equal opportunities by the society in order to realise their potential. Of course, the Bible talks of women having been moulded from man's rib. I think that is part of Jewish mythology, which has no place in modern society... We have not provided equal opportunities for men and women in this country by insisting that women must compete on equal basis with men. It is like asking two people to run a 100 (hundred) meters race and you put one competitor 50 meters ahead and then demand they compete equally. That is an unfair contest. Countries that have embraced Affirmative Action have experienced faster economic development because by doing so, you unleash a lot of energies and human resources” (*Parliamentary Hansard, April 12th 2000*).

Hon. Martha Karua also contributed to the debate and supported it. The motion was debated but parliament was not willing to take responsibility and just handed over the problem to CKRC. They argued that since the Constitutional Review was beginning, the clerk of the National Assembly should write to the CKRC and ask them to ensure that the recommendation to implement the Affirmative Action for women's representation was part of the Review Process.

The suggestion to hand over the problem to CKRC was adopted and that was the end of the story as far as parliament was concerned. Nevertheless, women recorded some gains, thanks to the Ninth Parliament. These include the passing of the Gender Commission Bill; the passing of the Gender policy; Sexual Offences Act; and the Presidential Directive to implement one third representation for women.

These gains notwithstanding, the same parliament stalled the Bill for amending the constitution to allow for the creation of the 50 seats for women in parliament.

Summary

This chapter has contextualised Women's Movement in Kenya and highlighted some efforts to influence parliament to take on women's representation. It has focused on the various efforts by women to clear the field for women's representation. The chance for women to focus on representation brought them together irrespective of ethnicity, class and political affiliations. The focus to address the legal and institutional framework for women in decision making, particularly in elective positions, held the women together. It also gave them the wisdom to include those excluded by the so-called 'Democratic Institutions' that have thrived on unequal playing ground. It prepared the ground for women's negotiation for space in constitutional review process. They were already co-ordinated, focused and had defined their agenda clearly.

Women's organisations and women leaders who jointly had formed a formidable Women's Movement, were now ready to claim their place in constitution making. Chapter II focuses on women's struggle to be in the review process.