

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life, including the right to vote and to stand for election, as well as to hold public office at all levels of government (Article 7). States parties agree to take all appropriate measures to overcome historical discrimination against women and obstacles to women's participation in decision-making processes (Article 8), including legislation and temporary special measures (Article 4).

The Committee on the Elimination of Discrimination against Women consistently expresses concern over the low rate of implementation of Articles 7 and 8 of the Convention. In its general recommendation 23 of 1997, the Committee reviewed the persisting barriers to women's participation in political and public life and set out a series of steps for Governments to take in order to abide fully by Articles 7 and 8, urging especially the adoption of temporary special measures in accordance with Article 4 of the Convention. The recommendation 23 of 1997 must have been premised on the reality that state interventions on their own had failed to work and produce same results in different socio-cultural contexts.

The fact that equality of opportunities in access to power failed to question the cultural definition of power, 'the cultural-given' male jurisdiction of public office and the magnitude of attitudinal and cultural norm interventions needed to realize the same. In Kenya, a culture of political survival based on ethnicity and regional balkanization overrode gender considerations and the ratifications ended being just that; at best, they became mere roadside political pronouncements without a constitutional basis to enforce. They were used merely to paint the image of compliance at least to convince the international community of the country's commitment to the international conventions on equality and inclusive governance principles.

The Fourth World Conference on Women, held in Beijing in 1995, brought attention to the persisting inequality between men and women in decision-making. The Beijing Declaration and Platform for Action recognize women's unequal share of power and decision-making as one of the twelve critical areas of concern. The Platform for Action outlines concrete actions to ensure women's equal access to, and full participation in, power structures (Strategic Objective G.1), and to increase women's capacity to participate in decision-making and leadership (Strategic Objective G.2).

The Agreed Conclusions 1997/2 of the 41<sup>st</sup> session of the Commission on the Status of Women's on women in power and decision-making processes called for the acceleration of implementation of the Beijing Platform for Action in order to achieve women's full and equal participation in decision-making. Governments were urged, *inter alia*, to establish time-bound targets for reaching the goal of gender balance in decision-making, and ensure gender mainstreaming in legislation. The Agreed Conclusions stress the importance that achieving equal participation in decision-making has for the strengthening of democracy (para 2).

The outcome document adopted by the 23<sup>rd</sup> special session of the General Assembly in 2000 reviewed achievements in the promotion of women into power and decision-making positions. It noted that an increasing number of countries had adopted positive discrimination policies, including the establishment of quota systems during elections, setting of measurable goals, and the development of leadership training for women. However, there continue to be significant obstacles to reaching gender balance in decision-making bodies at all levels: "Women continue to be under-represented in the legislative, ministerial and sub-ministerial levels, as well as at the highest levels of the corporate sector and other economic and social institutions" (G.23). At the time of the review, it should be noted that there were only nine women within the Kenyan parliament and there was no constitutional basis upon which quotas could be established in the electoral process.

The commitment to achieve gender equality in power and decision-making in political affairs was reaffirmed, *inter alia*, by Security Council Resolution 1325 on Women, Peace and Security of 2000, which called for the integration of a gender perspective into the negotiation and implementation of peace agreements. General Assembly Resolution 58/142 on Women and Political Participation in 2003 urged Member States to eliminate all discriminatory laws in their national legislatures, counter "negative societal attitudes about women's capacity to participate equally in the political process" (para 1d), and "institute educational programmes...in the school curriculum that sensitize young people about the equal rights of women" (para 1g). The conventions cited above point to the inclusion and participation of the citizenry in governance of their affairs as fundamental to the functioning of democracy.

There is emphasis on the states to adopt temporary measures that can help cure the observed historical marginalization of women from the political leadership platforms. However, statistical analysis of women's representation in parliament paints a gloomy picture. Only 20.9% of national parliamentarians were female as of 1 July 2013, a slow increase from 11.6% in 1995 (IPU, 2012). As of June 2013, 8 women served as Heads of State and 13 served as Heads of Government (UN Women, 2012). Rwanda had the highest number of women parliamentarians worldwide with 56.3%. Wide variations remain in the average percentages of women parliamentarians in each region, across single, and lower and upper houses. As of 1 July 2013, these were: Sub-Saharan Africa, 20.9 per cent; the Middle East and North Africa, 13.8%; Asia, 18.3%; Pacific, 15.4%; Americas, 24.8%; Nordic countries, 42%; and Europe excluding Nordic countries, 22.7% (IPU, 2013; UN Women, 2013).

According to Inter-Parliamentary Union (2010), legal framework can have an impact on the outcome of elections. More specifically, the report points to the fact that electoral quotas and proportional representation within a legal framework have proven to be the most effective in increasing the electability of women. However, it cautions that simply increasing the number of female candidates while using a "first-past-the-post" electoral system does not increase the odds that women will obtain 30 percent of seats in parliament as was the case during 2010 mid-term election in the United States, where Democratic Party fielded more than 70 percent of women candidates, but lost seats. This indicates that more women on the ballot do not necessarily translate into more women being elected, especially when they are not fielded by popular parties at a particular point in time.

The manner in which legal frameworks such as the quotas interact with the electoral system of a country is found to have a profound effect on the electoral outcomes. Indeed, the UN (2005) in its report notes that legal framework is one of the elements that could promote or deny gender equity in political governance. The argument being that legal frameworks interact with the electoral systems (a plurality/majority, proportional representation and mixed systems) which are the means by which votes are calculated into seats. Of all the listed systems, proportional representation on the basis of party lists coupled with quotas work better towards realisation of gender equity and governance. While observing the mixed results of legal quotas across countries, Dahlerup (2002) states that the general mentality is that countries that include seat quotas for gender equality do so to compensate for other barriers that prevent women from getting their fair share of political seats, however, other countries believe this allocation of seats to women, without going through the regular electoral process is discriminatory and undemocratic, a notion that is of interest to this paper.

Whereas the consensus on equality of participation were and still remain philosophically well-grounded, their realization remain slow, uneven and more often '*acultural*' in situations where the norms and social characteristics of societies have not bought themselves to the principles of modern day democracy and equality of men and women. Despite the constitutionally entrenched quotas and the state commitments to equity in opportunities and results, a lacuna in practice remains a myriad to women's political ascension. To this extent, some fundamental questions need to be explored: Were gender quota targets to be magic in all cultural settings? What social impairments still challenge the realization of the global consensus on gender equality and governance? How far does quota system resonate with socio-cultural norms in Kenya? Does it risk 'norming' women as passive recipients of leadership? Could these remedial measures face reversals given the culture of unconstitutionalism in Africa and Kenya in particular?

### **1.3 Africa experiences with remedial measures: should we re-examine legislated approaches?**

Inclusive governance is the mainstay democracy and a prerequisite for sustainable development across state given the fact that it extends to the domains of meaningful citizen participation, equal treatment and equal rights before the law. In line with the UDHR(1948), inclusivity demands that minorities and the originally marginalised social groups such as women be granted fair opportunities in political participation so that a certain level of equitable political representation can be achieved. The introduction of quotas and/or remedial measures thus comes in handy in countries where historical discrimination has relegated women to the periphery of political leadership. This experiment has had mixed results in Africa as exemplified by a number of cases herein discussed.

Bauer (2013) posits that across sub-Saharan Africa (SSA), the use of electoral gender quotas has dramatically transformed national legislatures in the space of just two decades. The first SSA countries to adopt some kind of electoral gender quota in the 1990s and early 2000s were post-transition or, more likely, post-conflict countries in East and Southern Africa such as Burundi, Eritrea, Mozambique, Namibia, Rwanda, South Africa, Tanzania, Uganda and, a bit later, Angola. In contextualising the place of quotas and women's inclusion in geopolitics,

Bauer(2013) points to the case of Rwanda which since 2003 has led the world in women's representation in a single or lower house of parliament and, following the 2013 election, has 64 per cent women in its Chamber of Deputies. The success in Rwanda could largely be due to reservation of 30% for women candidacy and the legal entrenchment of women only elections. However, it would be sound to interrogate why the system has been more successful in the lower house (deputy chambers) compared to the senate where the performance of women has remained relatively low.

In the country cases highlighted above, a similar set of factors led to the adoption of quotas including: the political opportunity structure offered by a political transition (often post-conflict), entailing the adoption of new constitutions and electoral laws; pressure from mobilized national women's movements with support from an international women's movement; cadres of capable women, many of whom had participated, even as combatants, in conflicts or benefited from training while in exile; diffusion effects from one country/movement to another; and a liberation movement/dominant party with a stated commitment to women's emancipation (Bauer and Britton, 2006). These conditions while preceding the UNSCR 1325/2000<sup>1</sup> on women and post conflict, the reforms lay significant emphasis on the need to have women's issues and perspective integrated in governance and political development of a country.

In the wake of Arab spring, Aziz (2013) posits that countries such as Egypt mandated a quota for 64 women to serve in the people's assembly in 2010 making a significant statistical impact from five in 2005 to 64 in 2010. However, the gains were short-lived with change of regime in 2011 when the supreme council of armed forces amended the law and relegated the quota to political parties resulting into the election of 12 women subsequently. This serves to paint the vulnerability of legislative quotas to the whims of a regime, thus, it captures Dahlerup (2002) assertion that some countries may view the reservation as undemocratic and discriminatory, hence, there is need to seek measures that span beyond the remedial measures and that naturally appeal to the voter block attitudes especially by considering the cultural context onto which the affirmative measures are to be applied

While institutions have the certainty of enforcing the remedial requirements, the attitudes of office bearers must be in conformity with philosophy of the remedial measures so as to ensure sustainability. This might not be much assured in the field of political contest still ingrained in the cobwebs of patriarchal padlock. Similarly, the post-revolution caretaker government is argued to have introduced more nuanced gender ordering system in its electoral system mandating political parties participating in proportional representation district to include female candidates within the party lists (Daphne, 2011). Whereas the system yielded 22.5% of women to the 217 member Tunisian National Constituent Assembly, observations have been made to the extent that the parties listed women as second candidates in the same districts where only one seat was available skilfully denying the women any chance to ascend to leadership upon party's victory in favour of males.

From the two latter cases in broader Africa, the limitations of remedial measures are quite visible and therefore, cannot stand alone as tools in normalising women's election and as part and parcel of a country's political experience.

### **1.3.1 The Constitution of Kenya 2010 and the legislative quota**

The Constitution of Kenya 2010 in its bid to domesticate the universal declarations and practices on the principles of democracy has primed participation as part of people's sovereignty, national value and central tenet in people's political representation<sup>2</sup>. In the preamble, there is due recognition of the aspirations of Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law. Thus, a democracy where citizens are subject to the good practices and inalienability of human rights is envisioned and protected.

As national value, the law directs state organs, state officers, public officers and all persons to uphold patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people (Article 10 (2a)). Besides emphasis on accountability in this Article, there is a call for inclusion of the people in

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<sup>1</sup> SCR1325 marked the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women; recognized the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building. It also stressed the importance of women's equal and full participation in post-conflict decision-making organs of governance in their countries.

<sup>2</sup> Article 81 states that the electoral system shall comply with freedom of citizens to exercise their political rights under Article 38; which includes the right of women to participate in national voting process. Women have rights to participate as candidates of various political parties and be equitably represented in governance organs.

all matters that affect their welfare. Participation through representation is nuanced in the Parliament (Articles 90, 97 and 98), National government (Article 130(2)) and the County government (Article 177(1); 197(2)). These provisions cut across elective and appointive positions and aim at achieving full diversity of the nation across ethnic, age, minority and gender considerations.

Participation through representation of the people is one of the planes upon which remedial measures has been adopted through the Constitution (2010) which we intend to describe briefly herein across the Senate, National Assembly and the County Assembly.

At the National Assembly, Kenya is experimenting with legislated candidate quotas in line with the provisions of the Constitution. Article 27 (8) of the 2010 Constitution states that the 'State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.' Furthermore, Article 81 (b) stipulates that the electoral system shall comply with the principle that 'not more than two-thirds of the members of elective public bodies shall be of the same gender', however, it is important to point out that the realisation of the same in the National Assembly was suspended by the ruling of Supreme court of Kenya in December, 2012 interpreting the law through the lenses of progressive realisation of political rights by August 2015.

The ruling by majority of supreme court judges on affirmative action in parliament not only dealt a blow to the spirit of the constitution(2010) that had envisaged immediate realisation of political rights but also contravened the provisions of international conventions and covenants that were already ratified as at the time of promulgation in August 2010.<sup>1</sup> Some of these treaties include the Universal Declaration of Human Rights (UDHR) which guarantees the full range of rights – civil, political, economic, social and cultural. Additionally, Kenya has ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Charter on Human and People's rights (ACHPR), as well as the Protocol to the African Charter on Human Rights on the Rights of Women in Africa- Maputo Protocol. All these treaties have significant provisions sufficient to cover the subject of discrimination. In particular, the CEDAW in Article 2(a) requires that states "undertake to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation and to ensure, through law and other appropriate means, the practical realizations of this principle." It can only be concluded that the spirit of the constitution in realizing equity and equality in governance was never adhered to neither have there been any promising substantive efforts by legislators to formulate a mechanism of meeting the constitutionally mandated threshold as per the court ruling. Such laxity can only confirm the prevalent patriarchal attitude that is comfortable with the political leadership *status quo*<sup>2</sup>.

In addition, the Constitution (2010) reserves 47 seats in the National Assembly for women deputies elected from 47 counties, with each county constituting a single-mandate constituency. These seats are contested only by women candidates nominated by political parties in these counties. The law further provides that, the National Assembly has 290 elected members, each elected by voters of single-mandate constituencies, and 12 members nominated by political parties to represent special interests including the youth, persons with disabilities and workers, with the relevant list to be composed of alternating male and female candidates (Article 97 of the Constitution of Kenya, adopted August, 2010). Except in the case of the seats reserved for women, each party list representing special interests (youth, persons with disabilities and workers) comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed. (Article 90 (2:b) of the 2010 Constitution and Article 36 (2) of the Elections Act 2011).

While the provisions are vivid in the objective and elaborate in intention, the outcome of 2013 General elections point to the need to think beyond affirmative measures as sole cure for gender imbalances in political leadership and situate major solutions in unearthing the misgivings of socio-cultural framework where nurturing draws its strength. For example, after the March 4<sup>th</sup> 2013 General Elections, women now hold 19.1% of the seats in the 349-member National Assembly, largely due to the reservation of 47 seats to "women's representatives", elected one per county, 16 women were elected to the National Assembly representing single constituencies and five nominated through political party list. Female candidates won only 16 of the 290 seats elected by the first-past-the-post system, and five more were nominated to the National Assembly on a list of 12 nominated representatives. There is need to interrogate gender-specific causes of women's underrepresentation even in the

<sup>1</sup> CoK Article 2(6): Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.

<sup>2</sup> There is a feeling that women are adequately represented through the affirmative action seats of county Mps in the National Assembly and the nominations in the Senate. This has resulted into trivialization of the need to entrench a sustainable formula for meeting the constitutional ceiling of not more-than two-thirds comprising elective positions.

face of gender-aware constitution and legislation. While at the same time re-examine whether reservation of seats simply serve to reinforce attitude that women are only ‘electable’ in women’s own competition.

At the Senate level which is established in accordance with Article 98 of the Constitution and is composed of 47 members elected from single-mandate constituencies (Counties); 16 seats are allocated to women members, nominated by political parties according to the proportion of seats won in the Senate elections; 2 seats to members representing the young (one woman and one man); and 2 seats to members representing persons with disabilities (one woman and one man). Except in the case of the seats reserved for women, each party list representing special interests (youth, persons with disabilities and workers) comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed. (Article 90 (2:b) of the 2010 Constitution and Article 36 (2) of the Elections Act 2011). In the 2013 general elections, no woman was elected in the single-mandate counties, characterisation that births the question to whether certain positions are a pure reserve of men even when people’s representation sphere is buttressed. Whereas the quotas are used to meet the critical gender rule through nominations, its economic viability versus the wage bill has led to resentment across the society citing a possible recourse to the old model.

At the county level, reserved seats are used as the quota system. The Constitution (2010) provides that no more than two-thirds of the membership of the county assembly is of the same gender. In order to ensure this, every county assembly shall consist of members elected by voters in each ward (each ward constituting a single member constituency) and a number of ‘special seat members’. The holders of these special seats should be nominated by political parties in proportion with seats received in that county by each political party. (Articles 175 (c), 177 (1b) and 197 (1). Each party list representing special interests (youth, persons with disabilities and workers) comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed (Article 90 (2b) of the 2010 Constitution and Article 36 (2) of the Elections Act 2011). Worthy to note is that only 68 women out of 1,450 Members of County Assembly elected nationwide were females, thus, an overwhelming 668 women were nominated in the County Assemblies. While this might be deemed to be a lower level of representation, there is no marked electoral differences in the voting patterns i.e., males are seen to be more ‘electable’ than their ‘female’ counterparts. This is despite the fact that gender conscious interventions have now been entrenched in the Constitution.

Article 27(3) of the Constitution provides that both women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. The outcome of the General Elections is a strong pointer to continued underrepresentation of women in political leadership in the Kenyan context. As a result of the Affirmative Action seats, political representation of Kenyan women now stands at 21 percent versus Rwanda’s 64 per cent, South Africa’s 42 per cent, Tanzania’s 36 per cent and Uganda’s 35 per cent. This is an improvement from the previous 9.8 percent representation in the 10<sup>th</sup> Parliament and the numbers have been greatly boosted by the 47 County Members of Parliament (IPU, 2013).

Even in the context of appointive positions, the billing to constitutional provisions by the president was remote and regrettable, for instance, the appointments of heads of parastatals by President Uhuru where out of the 36 appointees, only two are women, i.e. Hon Lina Jebii Chelimo to head the Anti-Female Genital Mutilation Board and Hon Agnes Ndeti in the National Drought and Management Board. This was blatantly carried out in direct contravention of Article 27(3) of the constitution providing for equal treatment and right to opportunities for both male and female. The trend is summarized in the table below.

**Table 1.1: Appointments at National level by Gender**

Positions	Total	Male	Female
<b>Cabinet Secretaries</b>	18	12 (67%)	6 (33%)
<b>Principal secretary</b>	26	19 (73%)	7 (27%)
<b>Chair- Independent Offices</b>	2	1 (50%)	1 (50%)
<b>Chair-Constitutional Commissions</b>	12	7 (58%)	5 (42%)
<b>Heads of Parastatals</b>	36	34 (94%)	2 (6%)
<b>Magistrates (Within Nairobi)</b>	90	39 (43%)	51 (57%)

Source: NGEC, 2013

**Table 1.2: Appointments at County level for selected positions**

Position	Total	Male	Female
County secretaries	46	40 (87%)	6 (13%)
County Assembly Clerks	47	37 (79%)	10 (21%)

Source: NGEC, 2013.

#### 1.4 The Kenya 2013 General Elections outcome: Should we re-think remedial measures?

According to the Global Gender Gap Report (2013), women make up some 54 percent of the voting population in Kenya, which certainly should provide a platform from which more women can reach elected positions without the need of an *Affirmative Action* in order to be at par with their male counterparts. However, women accounted for only 46 percent of voters who actually turned out in the 2013 election and unfortunately, Kenyan women continue to fair dismally in the male dominated political arena. With the devolved system of governance, counties are required to vote in at least 10 women to the County Assembly Representative posts in order to meet the two-thirds gender rule stipulated in the constitution. However, in the March 4th, 2013 general elections, none of the 47 counties voted in at least 10 women where up to 18 counties did not even elect any women at all. This is a clear indicator of deep-seated patriarchal political attitude towards public leadership amongst a majority of electorates despite the remedial measures being in place.

The entry point for legislative remedial measures in Kenya was to fast-track the entry of women in order to meet the internationally recognised critical mass of 30% representation. This threshold was considered to be effective in decision-making bodies even when the law takes a language that is gender neutral by speaking to ‘not more than two-thirds of either gender’. The legitimacy to emphasise on women is drawn from the historical exclusionary practices of the political parties and even electoral systems at large. The processes are viewed as being able to strengthen the gains already made by women in political representation.

Given the outcome of the first General Elections with this kind of legislation in place, there are a number of contestations on the issue of remedial measures and their viability in Kenya as to be able to bridge the gender disparity in a socio-economically and politically sound sense acceptable across board. More urgently: Does it embrace itself to a bottom-up approach? Does it build women’s competence or risk to perpetuate the notion on election of women by virtue of gender? Does it lend its sustainability to the socio-cultural lenses of gender and leadership in case of legislative changes?

In essence, there is a strong combination of socio-economic and structural barriers contributing to women’s poor performance in politics in Kenya despite the existence of gender-conscious legislations across electoral management laws, political parties and the emphasis on gender equity on political representation. Political parties that are primary entry points have tendencies to settle on ‘electable candidates’ within their strongholds a majority of whom are men defined by their influence to the party.

In the political primaries of 2013, most of the political parties conducted nominations that were undemocratic, chaotic and literally delayed up the deadlines for nominations to manipulatively curtail party hopping (PAD, 2013)<sup>1</sup>. The exercise presented scenarios of party dictatorial tendencies through candidate preferences, non-compliance with the Elections Act (2011) and due disregard for internal party democracy in the perceived party strongholds. In the same cue, Carter centre (2013) indicate that nomination processes for most parties were considered deceptive, with many cases of fraud, rigging, and outright bias being reported with women aspirants losing largely across all scenarios. All these took place under the watch of constitutionally mandated offices of electoral commission and the registrar of political parties displaying a less than optimal preparedness for elections from the duty-bearers. The cases also point to the lax atmosphere for constitutionalism where ‘political jungle’ of the males is left to overrule the constitutional order.

Moreover, the political parties in Kenya are not formed around strong ideologies and have tendencies to coalesce around tribal lines to find winning formula, given the trend in 2013 elections. Thus, there is need for women’s increased visibility within the political party leadership and provisioning of substantive leadership within the parties. There is therefore, the need to span beyond legislations which more often are not effective unless accompanied by an informed culture of enforcement, political regime goodwill and an attitude of constitutionalism. One needs to ask questions regarding the registrar of political parties mandate and as to whether the office has lived up to its mandate. Political parties have continued to behave in similar style as if the laws do not exist. They have excluded women, promoted the culture of defections, deceit and political

<sup>1</sup> PAD: Reflections on Kenya 2013 General Elections at <http://www.africanleadershipacademy.org>

brinkmanship. Money politics has been entrenched and parties are still owned by individuals and not the members all of which go against the spirit of constitution and political parties Act (2011).

There is a new breed of thinking within the Kenyan public especially the political male-folk that quotas are unfavourable to men in the electoral process with women seen as big winners despite neutrality of the entry point and historical deficit of women in political leadership since independence. In the heat of last general elections, a lot of women were encouraged by male opponents to go for 'women's seats' despite clarity in the law that affirmative action seats were no barriers to contesting in any other single-mandate positions, this in effect, led to poor performance of women in the gubernatorial, senatorial and other single-district (mandate) seats. There are still prevalent stereotypes around the voter-attitude in terms of what positions women can contest for within the new governance framework with the presidential, gubernatorial and senatorial positions perceived to be 'naturally' masculine. The problem emanates from the remedial measures entry points that merely target the institutional architectures i.e., the electoral systems and political party structures with the latter hardly subjected to any accountability mechanisms.

In the past, women were not considered in the top ranks of leadership, to the point that their contributions to the advancement Kenya as a nation remained unmentioned. Some of the factors that have been presented as impediments to the lack of participation of women in leadership include lack of resources, social construct skewed to the advantage of men, poor literacy levels, tribal/geographical and ethnic issues, and retrogressive cultural practices. The results of the general elections in March 2013 reaffirm the perception that the promise held in the Constitution to expand the political space for women is still a far-fetched dream and bears badly on women harbouring political ambitions and as to whether the constitutionally entrenched remedial measures in the form of quotas is subject to debate.

The normative patterns of political thinking that elevates the men above the women must be thought over. There is absolute need for political re-socialization and to inculcate gender concerns at all levels of governance. At the moment, the same patriarchal attitude has limited the capacity of the appointing authorities to respect the constitutional provisions as evidenced by appointments made by the president in the parastatal and ambassadorial positions. In other words, the political leadership must spearhead the change and encourage their constituents to embrace the gender diversity in leadership which has been deemed necessary in sustainable development. The thesis here being that enculturation has largely infiltrated the electorates that the place of women remain in the domestic arena, a notion that need to be reversed in the context of current leadership demands and world order on participatory democracy.

Some key concerns that should bother such programming are: if women are their own political enemies by virtue of not electing one of their like into positions, how do we expect sudden change in the face of "learned helplessness" in which women are socialised to be subservient, obedient and to play second fiddle to male concerns? Further, how do we make politics a matter of service to the people instead of a money minting exercise with minimal accountability? Have the female beneficiaries of affirmative action fitted the bill or have they also behaved in manners likely to exacerbate the notion of weak female leadership? Have they brought bills that enhance equality and equity or they have acted more as 'flower girls' hence reinforcing the notion of tokenism?

### **1.5 Looking forward: what alternates lie in wait?**

There is need to begin the process of defeminising women's candidacy within the electorate domain through concerted civic education on the transformative role and value women bring into leadership. This should go alongside the state-driven National Legal Awareness programmes so that the entry of affirmative seats is not viewed as a reaction to male leadership but a complimentary undertaking aimed at inclusive governance. At the same time, there is need by women candidates to emphasise women's perspectives that are more gender aware rather than women's issues that are seen to be more feministic and inconsiderate to the male electorates' welfare even when the trickle effect of the latter is assured to be of benefit to the males, the language of 'marketing the candidature matters' in competitive politics.

Socio-cultural aware civic education aimed at dismantling the image of 'male-politics' should become a responsibility of the men and women whether elected or not in partnership with the civil society organisations. The timings of such education need to be on a rolling basis in order to influence the attitude toward norming women's 'electability' in the society. Continuous sensitisations positively impacting the power-debates between men and women and espouse the very advantages of levelling platforms for both genders with respect to

community leadership. These fora will give women community gatekeepers navigation skills required to mobilise a voting bloc and cultural appreciation of female political leadership.

Given the universal suffrage in democracy under contests in single-mandate constituencies, competence building in women potential candidates should be a consistent entry point. This should include amongst other things marketing the agenda, party activity, campaign organisation and management, negotiation skills in the event of pre-election coalitions and post-election strategies in fulfilling the representative roles. This should be complimented by employment of party-based tactics running across women's recruitment into the parties, training as aspirants to 'electable' candidates both at top party positions and in general elections, networking women to funding institutions during campaigns.

## Conclusion

The fact that remedial measures are a necessary quick-fix to Kenya's glaring gender gap in political representation remains philosophically grounded albeit temporary when one considers its ability to sustainably address the long-standing social, religious, cultural discrimination against women seeking elective offices within the governance architecture. Other contestations lie in the elitist approach of the measures where institutions such as the electoral systems are targeted to effect the realisation of the same. In this way, the remedial measures are seen to want to place the burden on those who control the process such as the political parties ignoring a bottom-up approach which would begin with electorate attitudinal transformation toward 'norming' the women's candidacy and electability. In essence, the whole process of norming women's electability has to borne by cultural gatekeepers, the civil society organisations including the faith-based bodies, the political parties, and the women caucuses emphasising the value and necessity of gender-aware governance, more specifically, the value addition of women in political leadership. Experiences from countries as Egypt and Tunisia indicate that institutional-based approaches are not long-lasting and depend on the political goodwill of the regime which at times reverses the gains already made.

Similarly, institutional-based remedial measures might turn out to be economically unviable when the enforcement tends to stress the tax-payer in terms of sustenance, a debate already emerging in the Kenyan political arena about the cost of implementation the Constitution (2010). A contention must be made to the extent that the remedial measures have countered the slow speed of women's entry into political leadership in Kenya, however, there is also a parallel building attitude amongst male power-holders that the system does not lend itself to the democratic principle on universal suffrage, a propaganda used during elections to relegate women to reserved seats and deny the women chances in single-mandate constituencies.

Borrowing from the cues of the outcome of March 4<sup>th</sup> 2013 general elections in Kenya, the experiences of post-revolution Egypt and Tunisia and the average Sub-Saharan Africa of 20.9% women's representation in parliament as of July 2013, there is an emerging consensus that remedial measures in and of themselves cannot make women part of a country's political experience. There is need to embrace more nuanced gender-specific mechanisms and bottom-up approaches keen on developing women's competence as electable candidates. Even the advanced theory of equality of results from the original competitive equality guaranteed by rights to vote and compete will only be achieved sustainably when the foundations of discrimination are solidly and continuously addressed rather than take a final solace in the provisions of remedial measures in the form of quotas.

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