# The Impact of Reserved Seat Gender Quotas on Women's Political Representation in Parliaments:

## A Comparative Case Study of Kenya and Tanzania

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# Declaration

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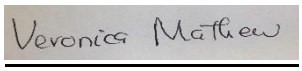
Signed:  (Candidate)

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# List of Abbreviations

BPFA – Beijing Platform for Action.

CCM – Chama cha Mapinduzi (Tanzania Revolutionary Party).

CEDAW – Convention on the Elimination of all Forms of Discrimination Against Women.

CUF– The Civic United Front.

EISA– Electoral Institute for Sustainable Democracy in Africa.

FIDA – Federation of Women Lawyers.

GAD – Gender and Development.

GBV – Gender Based Violence.

IDEA – International Institute for Democracy and Electoral Assistance.

IPU – Inter Parliamentary Union.

KANU – Kenya African National Union.

KEWOPA – Kenya Women's Parliamentary Association.

KWNC – Kenya Women's National Charter.

MPs – Members of Parliaments.

NDI – National Democratic Institute.

NEC– National Election Commission

NGO – Non Governmental Organization.

ODM – Orange Democratic Movement (ODM.

SADC – Southern Africa Development Community.

TANU – Tanganyika African Nationalist Party.

TGNP – Tanzania Gender Networking Program.

TSGD – Tanzania Strategy for Gender Development.

TEMCO – Tanzania Election Monitoring Committee.

TWPG – Tanzania Women's Parliamentary Group.

UWT – Umoja wa Wanawake Tanzania

WID – Women in Development.

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# Abstract

The Impact of Reserved Seat Gender Quotas on Women's Political Representation in Parliaments: A Comparative Case Study of Kenya and Tanzania

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Reserved seat gender quotas are the most common method utilised in Africa to increase the number of women in national parliaments. However, heated debate continues about its benefits given that such quotas are seen as having many negative aspects, including that of undermining the status of women MPs in general. This comparative study of Tanzania and Kenya analyses the effects of applying reserved seat gender quotas. Tanzania has been using a form of reserved seat quotas since 1975; Kenya only began its use in its 2013 election, and even then in a very limited fashion. Without the use of quotas, however, the percentage of women in both parliaments would be below 10%. This comparative study examines the impact of quotas through an analysis of the personal characteristics, actions and leadership roles of the different categories of MPs in the two parliaments based primarily on data collected from parliamentary archives of Kenya and Tanzania. The findings show that although women in reserved seats are on average younger, less well educated and experienced than other MPs, this difference is marginal. Women MPs as a group have strong personal characteristics. Yet, in spite of this, few women are selected for leadership positions in both parliamentary committees and the cabinet. The research also shows that women MPs, regardless of the type of seat they occupy, are much more likely to represent women's interests than male MPs and that women MPs are as active in parliament as men. The findings of this thesis suggest that, on balance, the use of reserved seat quotas has been positive. It also indicates that the perceived low status of reserved seat MPs has little do with the women selected and much to do with how the quota system is implemented. It is the latter that assigns reserved seat MPs a lower status than constituency MPs, putting them at a disadvantage.

Keywords: reserved seat, gender quotas, gender equality, parliament, women's interests, women's in decision-making institutions, women in politics, representation, candidate selection, international norm, public opinion, political engagement, political parties, Kenya, Tanzania, Sub-Saharan Africa.

# Thesis Introduction

From 1990s onwards, gender quotas have been designed and implemented as a remedy to address women's absence from decision-making institutions. In Sub-Saharan Africa, the reserved seats quota system is the mechanism most frequently used to increase number of women in parliament. Although reserved seats are applied in total to only 26 countries worldwide, 16 of those are in Africa. As a result of the adoption of quotas in 37 out of 54 countries (IDEA 2021), Sub-Saharan Africa has, as a region, experienced a significant increase in the number of women in parliaments with a regional average of 10.1% in 1997 and 23.9% in 2019 (IPU 2021). While all forms of quotas have been subject to criticism, the application of reserved seat quotas is the most contested and questioned. It has been argued that they can even have a negative impact on women's capacity to be effective political actors. This is a major reason that reserved seat quotas have been identified as the weakest form of the gender quota system. Pippa Norris has argued, for example, that "the use of reserved seats may be a way to appease and ultimately side-line women" (2006:209). On the other hand, it is argued that reserved seat quotas on balance have a positive impact by increasing the number of women in African parliaments, which provides role models for other women and also leads to the substantive representation of women's issues (Bauer and Britton 2006; Baldez 2006; Powley 2005; Yoon 2008; Yoon 2011). Central to reserved seat quotas is the incorporation of some form of 'women only' selection process, and it is this aspect of reserved seat quotas that have been the subject of particular criticism.

International literature is also critical of reserved seat quotas as it considers women in these positions lacking in real political power and are, therefore, unable to engage effectively in the parliaments of African states (Fallon et al. 2012; Meena 2003). This lack of political power is a result of the recruitment and selection processes in political parties where party leadership is accused of selecting candidates for reserved seats based on how the women can serve party interests rather than on the basis of the candidates' abilities. Women elected through reserved seats are, therefore, assumed to be elected not necessarily because they have the characteristics to enable them to be effective Members of Parliament (MP) (Franceschet et al. 2012) but simply because they are women. Or because they are women with personal links to male political leaders (ibid.). This perceived lack of suitable qualifications is also considered to be an explanation for why

reserved seat MPs are not selected for leadership positions in parliamentary committees and in the cabinet, in proportion to their numbers in parliament. Similarly, it is also said to be an explanation for why, if they are selected, they are then placed in positions dealing with policy areas that either reflect women's traditional social roles or do not give them the power to potentially contribute significantly in the parliaments (Henig and Henig 2001; IPU 2021). The literature has also observed that women selected through reserved seats in Africa tend to be viewed as being of a lower status, a second class of MPs inferior to those elected through mainstream constituency seat elections (Meena 2003; Ward 2006). Another strand of the literature explains why African states have chosen this weak form of quota, suggesting that governments want to increase the percentage of women in decision-making for strategic reasons, including improving the nation's international reputation and attracting donor funds (Bush 2011; Tripp 1999). In addition, although reserved seat gender quotas are the most widely used strategy to increase the number of women in parliaments, there is no consensus regarding what is expected from these women (Meena 2003; Ward 2006; Franceschet et al. 2012). As in most states, it has remained unclear who their constituency is and who they represent (ibid.).

Alternatively, the literature suggests that, notwithstanding the reasons why governments chose to implement reserved seat quotas, the very presence of more women in parliament could change domestic political dynamics. This may help increase women's political participation and give them access to political leadership positions (Tripp and Kang 2008; Makinda 2011). This is important in countries where they are barriers to women's participation in constituency elections (TGNP 2004; Bauer and Britton 2006; Tripp et al. 2009). Those writing from this positive perspective are using the ideas of the "politics of presence" (Phillip 1995, 1998) and "critical mass theory" (Dahlerup 1988) to support their views. These two theories, which work complimentarily, point out that if a parliament has a critical mass of women, this "presence" will tend to promote pro-women or women-focused policy no matter the quota policy's initial objective (Phillips 1998; Dahlerup 1988).

By analysing the impact of applying reserved seat gender quotas systems in Sub-Saharan Africa using Tanzania and Kenya as case studies, this thesis contributes to the ongoing debate. It examines the impact of the use of a reserved seat quota system on the political status of women MPs and the

impact that more women in parliament have on the substantive representation of a policy, including those regarding women's interests. It looks at these issues with the aim to assess if reserved seat quotas have indeed produced a woman-only group of MPs who possess less political status and influence than both male and female constituency colleagues.

Kenya and Tanzania are in the same region in East Africa and share many common characteristics, including their political systems, culture, history, and general social and economic development. Their approaches to quotas have, however, been significantly different both in temporally and methodologically. Tanzania has had special seat quotas since 1975 (Kairuki 2012). Kenya only changed the constitution to allow women's representative seat quotas in 2010 and applied it for the first time in the 2013 election. As pointed out in the literature, a few years may not be "long enough" to gauge the "effectiveness" of quotas, and the impact may be easier to see in a state that has operated a quota system over a significant number of elections (Peschard 2005:23). The differences between Kenya and Tanzania means that any variation in the representation of women in parliament can more clearly be attributed to the impact of reserved seat gender quotas as part of the electoral system rather than to any other factor. The comparisons can be made not just between Kenya and Tanzania but also within Kenya itself, between its pre- and post-2013 elections. These factors make the selection of Kenya and Tanzania suitable as case studies that can expand knowledge on the impact of reserved seat quotas.

The research period covers two parliamentary terms in each state: Kenya 2008-2013 and 2013-2017, and Tanzania 2010-2015 and 2015-2020. The primary source of data is the archival parliamentary records of the two states. The information is publicly accessible from the parliament's website of Kenya (www.parliament.go.ke) and of Tanzania (www.parliament.go.tz). The archival record of these documents is publicly available both online and as hard copies where they can be physically checked. The assembly websites of Kenya and Tanzania contain archival data on the biographies of MPs and the parliamentary Hansards. The availability of such information on legislators allows the examination of their personal attributes such as age, business connections, education, and prior experiences. The data analysed also includes the national gender strategic plans from the states of Kenya and Tanzania. These documents are available from the states' national gender focal points, particularly gender-related ministries and NGOs.

The study engages with the core questions on the impact of implementing reserved seat quotas in Africa. In particular, it seeks to explain the controversy surrounding reserved seat quotas and focuses on evaluating the relevancy and usefulness of this form of gender quota in African contexts. It, therefore, engages with the literature on debates surrounding the use of gender quotas, including the spread of quotas as an international norm and the consequential effects in African states. It engages with core ideas that support increasing the number of women in parliament, at least to an agreed international standard of critical mass of 30%. It also engages with the idea that women should not only be present in this decision-making body because of their democratic right to do so, but also that their presence must become a requirement based on the need to have women's shared experience included in the parliaments. The study further engages with the events and actors that influenced the deployment of reserved seat quotas both in the case study states and internationally. It looks at the impact of international norms embedded in the 1995 Beijing Conference and the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). It uses these documents as templates for states' engagement with women's rights, including women's participation in parliaments in Africa. In doing so the research looks at the overall impact of the use of reserved seat quotas in the context of Africa, where economic, political and social contexts are different from other geographic contexts. This case study of Kenya and Tanzania is significant for actors employing gender quotas policies in African and other developing states. It will also help scholars working on building appropriate theories for studying inclusive approaches in decision-making such as gender quotas.

## The Structure of the thesis

The study is presented in seven chapters. Chapter 1 provides a theoretical basis for discussing the impact of gender quotas in the context of Sub-Saharan Africa. In order to situate the thesis in its contexts, the chapter begins by discussing the theoretical framework applied to quotas and their limitations. It also engages with the discussion around the central aspects in the study of women's political representation. Second, the chapter examines the ideas that underpin arguments supporting quotas and the spread of gender quotas as an international norm. This discussion is followed by an explanation of the factors leading to the diffusion of quotas and an analysis of the

debates surrounding the effectiveness of gender quotas, including the challenge for elected women of representing what is regarded as women's interests, and a discussion of the problems of defining women's interests. The chapter concludes with a discussion of quotas in Sub-Saharan Africa, including the cases of Kenya and Tanzania.

Chapter 2 presents the research design of this study. The chapter is divided into three sections. First, it investigates the methodological approach most suitable for studying the impact of gender quotas on women's political representation. Second, it discusses the appropriate method for the research and the selection of the case studies. Third, it presents the data gathering processing and analytical tools employed in this analysis.

Chapter 3 investigates what constitutes women's policies and women's interests and how these interests are locally defined in the contexts of Kenya and Tanzania. The chapter begins by investigating how women's interests have been represented through the interaction between men and women over time from colonialism to the present date. The chapter then discusses the role of actors, particularly the UN, and women's activism in policymaking in Kenya and Tanzania. Furthermore, before concluding, it analyses nationally recognised documents to explore what is considered a set of state-defined women's interests in the context of the Kenyan and Tanzanian states.

Chapter 4 examines the experiences of women in political parties in Kenya and Tanzania. The chapter's purpose is to provide a current understanding of women's involvement in political parties; especially for the period covered by this study, which includes two electoral terms in each state: 2008-2013 and 2013-2017 for the Kenyan parliament, and the 2010-2015 and the 2015-2020 terms for the Tanzanian parliament. The chapter begins with an overview of women's engagement in political parties in both countries, especially after independence, and it explains how this thesis deals with politics during the elections. It discusses the procedures for the selection of candidates in political parties and factors that challenge women's full engagement in political party activities.

Chapter 5 first discusses the significance of personal characteristics for engagement in political office and positions of political leadership and subsequently analyses the characteristics of Kenyan

and Tanzanian MPs in terms of education, age, wealth and political experiences. It seeks to establish whether there are differences between the characteristics of different groups of MPs; women elected to reserved seats, women elected to constituency seats and male MPs. The member characteristics analysed include age, education, finance and political experience.

Chapter 6 builds on Chapter 5 to compare Kenya and Tanzania in terms of women's engagement and access to leadership positions in government, that is, cabinet ministries and parliamentary committees. In addition, the chapter examines the type of committees and ministries that women are selected for.

Chapter 7 covers the middle years of the two Kenyan parliaments 2011/2012, 2015/2016 and the middle years of the two Tanzanian parliaments 2011/2012, 2016/2017. It first takes a general look at all policy issues raised in the two parliaments, then focuses specifically on women's policy issues. This involves an examination of parliamentary questions, petitions, acts and bills in both parliaments. The parliaments of Kenya and Tanzania operate under different rules with a diverse range of activities. The most relevant measure for each parliament is used in analysing policies issues, which is explained at the beginning of the sections.

# CHAPTER 1: GENDER QUOTAS AND WOMEN'S REPRESENTATION

## 1.1 Introduction

The question of quotas has become central to the study of gender in political representation. The democratisation process of the 1990s saw many African states become multiparty democracies. It also put pressure on the decision-making institutions of these states to mainstream gender equality policies and quotas in particular (Ballington and Dahlerup 2006; Huntington 1991; Sawer et al. 2006; Tripp 2001). Despite widespread popular advocacy for quotas, there is no consensus amongst advocates as to what quotas will achieve for women; and the impact of quotas continues to be constantly being debated (Dahlerup 2006a; Dahlerup 2006b; Franceschet et al. 2012**:** Phillips 1998; Meena 2003; Yoon 2011).

Scholars are divided on the effectiveness and desirability of quotas. Those in favour agree that quotas enhance democracy by readdressing gender imbalance; by increasing the diversity of women elected; by acting as a stepping stone for women moving from reserved seat to constituency seat; by increasing attention to women's issues in policy-making processes; by changing the gendered nature of the public sphere and by acting as a role model that inspire female voters to be more politically involved (Britton 2002; Norris and Lovenduski 1989; Meena 2003; Mansbridge 2005; Phillips 1995, 1998; Yoon 2011). Those not in favour (Bratton 2005; Holzer and Neumark 2006; Franceschet et al. 2009; Meena 2003) suggest that quotas can result in elite, less qualified women with little interest in women's issues gaining political office. Thus, they assert, quotas can reinforce stereotypes about the inferiority of women as political actors; and they argue that quota may discourage the political participation of ordinary women. As a result of the perceived negative impact of quotas, it is also suggested that women might be more effective as political representatives in non-quota environments (Archenti and Johnson 2006; Walsh 2008; Peschard 2005). The introduction of quotas may thus limit the effectiveness of women politicians by undermining the authority of individual female politicians (Chowdhury 2002; Tripp 2006). Yet others (Beckwith 2007; Norris 1996; Zetterberg 2008) argue that the problems faced by women in parliament, including their capacity to function within them, are not related to quotas—such problems, they posit, exist irrespective of the percentage of women in parliament. Should this be

the case, there should be no discernible difference in women's political representation in quota and non-quota states.

The debate on quotas is complicated by the lack of agreement on the reasons for decision-making institutions adopting gender quotas. The possibility that some countries have adopted quotas not because of a desire to address gender equality issues but because quotas have become a significant international norm (Carothers 1999; Towns 2010) also adds to the debate. Such voices argue that this leads to the adoption of quotas, especially in developing states, under the influence of powerful international actors with other policy agendas (Bush 2011; Towns 2010). This makes the relationship between quota adoption and its impact a complex one. This complexity is influenced by several factors, including the nature of political parties, types of electoral systems employed, cultural attitudes towards the role of women in societies and the very nature of the parliamentary environment itself in the adopting state (Franceschet et al. 2009). More importantly, the effectiveness of gender quotas is also influenced by the variations in the type of gender quota systems employed (Schwindt-Bayer 2009).

There are three main types of gender quotas employed to increase the number of women in decision-making institutions: political party quotas (voluntary), legal candidate quotas (constitutional and/or legislative) and reserved seat quotas (constitutional and/or legislative). These measures are either legally binding or voluntarily applied (Dahlerup 2006a). Voluntary party quotas have been used in states such as the United Kingdom, Australia, Canada and the Nordic region. In contrast, legal candidates' quotas are a widely spread electoral system employed in Latin American states. Meanwhile, reserved seat systems have been adopted to a large extent in Africa, as well as in some countries of Asia and the Arab states (IDEA 2021).[1] Reserved seat systems have been identified as the weakest type of quotas, as it is considered to be less likely to result in positive change for women (Norris 2006).

Using these debates, the purpose of this chapter is to provide a theoretical basis for discussing the impact of gender quotas in the context of Sub-Saharan Africa. In order to situate the thesis in its contexts, the chapter begins by discussing the theoretical framework applied to quotas and their limitations. It also engages with the discussion around the key theories and central aspects in the

[1] IDEA 2021 Gender quotas around the world. Available at https://www.idea.int/data-tools/data/gender-quotas.

study of gender quotas. Second, the chapter examines the ideas that underpin arguments supporting quotas and the spread of gender quotas as an international norm. This discussion is followed by an explanation of the factors leading to the diffusion of quotas and an analysis of the debates surrounding the effectiveness of gender quotas, including the challenge for elected women of representing what is regarded as women's interests, and a discussion of the problems of defining women's interests. The chapter concludes with a discussion of quotas in Sub-Saharan Africa, including Kenyan and the Tanzanian state cases.

## 1.2 Critical Mass Theory and The Politics of the Presence

Underpinning the spread of quotas are two key ideas -- 'critical mass' (Dahlerup 1988) and 'politics of presence' (Phillip 1995, 1998) -- that have become part of international norms and are used to justify the use of quotas. Although subject to criticism, these ideas continue to underpin research in this area.

The idea of critical mass emphasises the dual aspects of women's representation--the number and the attributes of parliamentarians. The concept of critical mass argues for the importance of having a significant number of women in parliament rather than just a few token women. If women's presence is to provide a necessary condition for the transformation of politics, the proportion of women in a parliament should reach this critical figure estimated to be approximately 30% to 50% (Cool 2006; Childs 2006; Dahlerup 2006b; Dahlerup and Leyenaar 2013; Norris and Lovenduski 1989; Tinker 2004). The principle embedded in this theory which focuses on the impact on the numbers of women parliamentarians, has been one of the main reasons behind emphasising the increase in the number of women in political institutions (Cool 2006; Childs 2006; Dahlerup 2006b; Dahlerup and Leyenaar 2013; Norris and Lovenduski 1989; Tinker 2004).

The prioritisation of numbers in this literature, and the ranking of states based on what percentage of their parliament is by organisations such as the Inter-Parliamentary Union (IPU), have made it easier for activists to calculate and evaluate target figures, and to demand that states meet the targets. In addition, the proportion of parliamentary seats occupied by female and male members is considered a measure of empowerment and gender equality by the Human Development Report

under Gender Inequality Index (GII) ).[2] In this way, women's representation in parliament has become a key "measurable statistic of gender equality and women's empowerment" (Kemp 2006:3).

The second core idea, which is often used in conjunction with the critical mass theory, is the politics of presence theory. This theory argues that once elected in significant numbers; women would promote pro-women or women-focused policies in political decision-making institutions and reshape parliaments as gendered institutions (Pitkin 1967; Phillips 1995, 1998; Sapiro 1998). From this perspective, policy-making in political institutions must be representative of women because women hold specific interests that are different from men (Lister 1997). This means "there is a women's interest to be represented" (Sapiro 1998:162). This idea is based on the belief that once women become legislators, their life experiences and the common ground they share with other women will enable them to promote policy favourable to women and will transform parliament by making it more woman-friendly (Lovenduski and Norris 2004; Piscopo 2011; Steans 2006; UN 2007). This process results from the influence of gender on policy perspectives and priorities of MPs and how they approach their roles (Norris 1996). Like the critical mass theory, the politics of presence theory has specifically been criticised for denying the heterogeneity of women and the multiple--often competing--interests that emerge from the intersection of gender with other aspects of identity such as class, race, or sexual orientation (Celis et al.2008; Weldon 2002). Piscopo's (2011) interpretation of Pitkin (1967) addresses this question and argues that parliamentarians can portray "group interests", even when such interests are neither monolithic nor universally shared (Piscopo 2011:449). Piscopo (2011) suggests that analyses of descriptive representation also need to consider the content of women's parliamentary contributions. Researchers should investigate the question of whether the content of women's contributions are different between quota and non-quota parliaments.

Despite being criticised, critical mass and politics of the 'presence' theories both contain ideas that specify a strategy and also predict an outcome. The central ideas of the critical mass and politics of presence theories are significant factors in helping drive the spread of quotas globally. These two theories are often used simultaneously and complementarily. Both approaches are embedded

[2] Gender Inequality Index (GII) Human Development Reports. Available at http://hdr.undp.org/en/content/gender-inequality-index-gii.

in the fundamental principles of democratic justice and human rights, particularly women's equality rights. Therefore, the political representation of groups such as women would be seen to include the two dimensions "the presence of its members in decision-making arenas and consideration of its interests in the decision-making process" (Lovenduski 1993:2).

The main ideas captured in these theories summarise many of the core demands of the long history of the campaigns and movements for the representation of women in decision-making institutions. These core ideas have been used as a reference point in promoting women's engagement in all spheres that affect women's lives, particularly in increasing the number of women in politics. These two principle ideas have therefore facilitated the global spread of gender quota systems as an international norm. However, a problem for both theories is that even as the number of women in parliament has been increasing, and in many countries has reached the agreed international standards of 30%-50%, it remains debatable that a transformation in politics has occurred in favour of women.

While the core ideas behind 'critical mass' and the 'politics policy of presence' theories are vital in promoting the study of gender quotas, they seem unable to fully explain the impact of gender quotas on women's representation. This has pushed scholars to rethink the ways in which to study the representation of women (Celis et al. 2008) in politics. New theoretical developments based on the limitations identified in the critiques of these theories have thus more precisely defined aspects that need further study. The main focus of these contemporary debates relates to defining and operationalising key concepts. How, for example, can the key concept of 'women's policy interests' be defined and operationalised, given the diversity of women worldwide? (Baldez 2011; Squires 2007; Escobar-Lemmon and Taylor-Robinson 2014; Weldon 2011). There has also been considerable discussion about the actors, the meaning of women's political representation in practice, and how it can be studied in decision-making processes (Celis 2009; Escober-Lemmon and Taylor-Robinson 2014; Mackay 2008; Vieira 2017).

### 1.3 Women's Policy Interests – Definitions and Problems

The concept of women's policy interests is controversial, not just because it is defined so differently by so many actors, but also because it can often obscure more than it reveals. Interests

can be defined as "shared understandings and articulations of concern to an individual or group" (Rai 2003:23). The concept of women's 'interests' is interchangeably used to mean issue, perspective, agenda, need, problem, challenge, demand and concern. The different uses of the term 'women's interests' could result from multifaceted variation between actors, including ideology, nationality, colour, gender, sexuality, class, race, ethnicity and geographical location. Goetz (1998) points out that variation of "women's interest" is dependent on circumstances and identities such as class, race, ethnicity, occupation and life cycle stage. It is also shaped by an ideology that defines ideas about women's roles and status that are considered the acceptable norm in societies (Thomson 2000). For example, cultural norms and political party ideologies together provide "interpretations of history, and explanations of presents events as well as supplying an accompanying set of values to which followers can adhere" (Thomson 2000:30).

The complexity of what women's policy interests entail is inherited in the historical relationship between women and men in state-building processes (Mullally 2006). As argued by Peterson (1996, 1999), women have been "assigned the identity of reproducers" of the states and "cultural" carers (Peterson 1996:7; Peterson 1999:45). Therefore, because of women's reproductive role, they are considered by the state as the key component in building state identity. In this process, women are frequently left to "bear the burden of preserving the traditions and beliefs that underpin the nation claim to a distinct identity" (Mullally 2006:115).

One of the arguments put forward for women's political representation is about the need for women to represent women (Chappell and Hill 2006; Escobar-Lemmon and Taylor Robinson 2014; Phillips 1998). However, women representing women's policy interests are highly debatable phenomena. This is because women's interests, and diversity amongst actors claiming to represent women, are also changing over time (Celis 2006; Saward 2010; Tripp 2001; Weldon 2002). As argued by (Chappell and Hill 2006:1), more generally, "women have interests in common. They also have interests in conflict."

It is also necessary that various actors promote women's policy interests through numerous institutions and agencies. Such institutions promote women's interests through multiple mechanisms and use their structures as a platform for the advancement of women's agendas. For example, the United Nations (UN) uses an extensive system of gender focal points and agencies, including the UN Development Fund for Women (UNIFEM), the Division for the Advancement

of Women, the International Research and Training Institute for the Advancement of Women, and the Office of the Secretary-General- Special Advisor on Gender Issues (UN Women).[3]

Similarly, gaining an understanding of what constitutes women's policy interests, and what the possibilities are for their representation, is complicated by variation amongst actors representing women's interests (Saward 2010). Different actors have different worldviews on the proper role of women in society. This is an issue that touches on fundamental questions of people or group identity, making impossible a universal agreement on what ought to be women's position in societies. The complexity and fluidity embedded in identity also make it nearly impossible to have an agreed set of 'women's interests' that apply to all institutions. Haas (2005) and Holli (2008) argued that this often leads to competing discourses as to 'what women want.' The critics of 'women's interests' continue to argue that up to the present, 'women's rights' are associated more with western values and, therefore, cannot directly be applied to non-western settings (Steans 2006).

Similarly, Inglehart and Norris (2003b:68) point out that "there is no global consensus on the self-expression of values – such as gender equality." In this case, it is a challenge to understand what constitutes women's policy interests, thus making contexts crucial. For example, in the initial stages of organising women's global meetings, activists were unable to come together around a common banner of 'women's rights', divided as they were by their geographical origins, belief systems, and their racial, political and other differences. This behaviour corresponds with Bauer and Britton's (2006:20) statement that women's executive bodies dealing with women's issues in Africa "have an agenda that is demonstrably broader than legislative platforms of their counterparts in the north." The issues they discussed included land rights, poverty alleviation, HIV/AIDS, sexual freedom and violence against women (Baeur and Britton 2006). Weldon (2011) describes a case where, in spite of the said divisions, women eventually were able to generate solidarity by identifying a set of priorities they shared. This achievement of solidarity was based on an agreed interpretation of 'women's interests' in

> "a process through which common interests are revealed. It was a process of building solidarity by recognizing diversity among women and developing new ideas (eg. a

[3] About the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women (OSAGI). Available at: https://www.un.org/womenwatch/osaginew/index.html.

> broadened concept of violence against women) that better capture the experience of the world's women" (Weldon 2011:445).

In political institutions, group representation is considered important, especially when group members are affected by a similar concern, making them more likely to collaborate (Mansbridge 2005). Therefore, even though it is problematic, a definition of 'women's interests' is necessary for research. Researchers "need to know what women want before we can assess how well politicians represent them" (Baldez 2011:419). If researchers are to assess the actions of female lawmakers, they must define 'women's interests' before beginning their investigations (Celis at el. 2014).

Using agreed and established international policy documents to define what a programme of policy reform based on 'women's interests' is a recognised approach in this regard. The UN Commission of the Status of Women (CSW), Beijing Platform for Action 1995, or The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979 are examples of such policy documents. To address women's equality issues effectively, the UN CSW recommends using the convention on CEDAW (Galey 1994). This is the approach taken by Baldez (2011:423), who suggests CEDAW be used "to develop new ways to measure women's interests" as it provides a comprehensive list of differences in 'women's interests' covering a wide range of areas, including political rights. The list makes for suitable guideline from which to work towards identifying 'women's interests'. This approach has, however, been criticised for making presumptions about what 'women's interests' entail. It is also accused of covering feminist demands only (Celis 2009; Childs 2004). Similarly, using any list of demands that have emerged from the women's movement and its agreed policy documents, such as CEDAW or Beijing for Action, among others, leads to accusations of favouring only feminist views, implying the demands of other women are ignored.

Another dimension that complicates the concept of women's policy interests is the temporal dimension. Existing literature shows that 'women's interests' are not fixed; they vary across both country and time (Celis 2006; Tripp 2001; Weldon 2002). The landscape of political representation of 'women's interests' has been one of rapid change and evolution. For instance, where only a century ago suffrage was a key 'women's interests', it is no longer a central subject of debate in most states (Celis 2006). For the study of 'women's interests' in policymaking to be meaningful, time must therefore be taken into consideration.

Given the diversity of actors and the significance of the time factor, the study of women's representation itself must incorporate more diverse voices. As argued by Celis (2009:95), "good substantive representation implies recognizing the diversity and ideological conflict regarding women's interests and gendered perspectives." In addition, women's interests should be "about the representation of diverse opinion," especially integrating both feminist and non-feminist perspectives (Celis 2008:112). This means that women's interests need to be identified from several sources to capture the range of issues that women see as important to them within a particular context. A useful approach is from development studies that distinguishes between 'practical' and 'strategic' gender needs (Molyneux 1985; Moser 1993). Practical gender needs (PGNs) reflect the interests of women (or men) that arise from their present gender role and do not aim to change traditional gender roles. Similarly, Markham (2012) divides 'women's interests' into 'women's issues' and 'women's perspectives'. Women's issues are those that affect only women, either due to physical concerns such as breast cancer screening and reproductive rights, or for a social reason such as gender equality or childcare (Markham 2012). They are issues that arise "from the concrete conditions of women's position within the gender division of labour" (Molyneux 1985:233).

According to Moser (1993), PGN address problems of everyday life and/or work. They may include issues related to policies or interventions to assist women in their current activities such as technologies that reduce workload, provision of water supply, access to financial services, healthcare provisions, adequate lighting, childcare facilities and food. In addition, it also includes transportation facilities, electricity, fuel for cooking, opportunities for earning an income to provide for the household, provision of housing and other essential services. These interests are similar to Markham's (2012) classification of women's issues. Overall, practical gender needs or physical gender needs relate to women's health and the responsibilities associated with traditional women's roles that are more broadly considered non-feminist. In addition, practical gender needs are geared towards the improvement of the quality of life but do not necessarily aim to challenge or transform the gender division of labour and women's position in society.

Strategic Gender Needs (SGNs) represent what women (or men) require improving their position or status; they are long-term in nature and designed to remove restrictions and seek to change attitudes (Moser 1993, Molyneux 1985). They are also geared towards equalising gender-based

disparities in general. SGNs may include policies geared towards transforming existing imbalances of power, challenging the gender division of labour, eliminating the burden of domestic work, and identifying needs related to legal rights, rights to land, inheritance, ownership of assets, credit, and financial services (Markham 2012; Moser 1993; Molyneux 1985). Additionally, it also includes increased participation of women in decision-making, creating equal opportunities to employment and wages (equal pay for similar work) and facilitating the entry of women into non-traditional occupational sectors (ibid.). Furthermore, it provides for measures against gender-based violence (violence in the home and the public sphere); equal status of women, gender budgeting; reproductive rights, including women's control over their bodies on issues related to sex, freedom to conceive and the accessibility of family planning services (ibid.). Markham (2012:4) refers to these women's interests as women's perspectives, given they deal with "women's views on all political topics." Although women's representation of what is regarded as women's interests are constantly changing over time, for any given context women's interests could be made up of both practical (women's issues) and strategic (women's perspectives) gender needs.

## 1.4 Representation of Women in Policy-Making Processes in Political Institutions

The focus of the discussion on women's political representation, to a large extent, has been on national parliaments (Celis 2006; Wängnerud 2009; Weldon 2002). As well as looking at the Substantive Representation of Women (SRW), the literature has dealt with answering the questions of 'who are actors' in this process and 'where' the SRW takes place as a key issue. Saward (2006, 2010) has introduced the idea of 'the representative claim' looking for representation in terms of who is making the claims, which is carried out by a variety of actors, who could be elected legislators or activists such as individual interest groups or Non-Governmental Organisations (NGOs). The literature has also considered the role of notable individuals in advancing issues that improve women's engagement in political arenas (Saward 2006, 2010). This has led to a more complex view of the context in which substantive representation occurs, expanding it to include the importance of the gendered relationship amongst actors at various stages in the legislative and policy-making processes. Franceschet and Krook (2008) argue that

> "Women's interests are promoted when legislators introduce women's rights bills; when they seek to mobilise support for the bills, both publicly and behind the scenes; and when

> legislators vote for and pass laws that promote women's rights. At these various stages, outcomes are influenced not merely by the sex of the representative, but by the gendered relations that are reflected in the institutional rules, operating procedures, and informal norms of legislative bodies" (Franceschet and Krook 2008:7).

This emphasises that in the translation of group interests into policy, representation involves getting group members into government in multiple venues and on women's engagements (Escobar-Lemmon and Taylor-Robinson 2014). Therefore, it can thus be operationalised covering both processes - whereby lawmakers initiate legislation and also as an outcome - whereby laws and policies are adopted in decision-making institutions (Franceschet and Krook 2008). Since parliament is such a significant institution for representation, parliaments need to be as inclusive as possible to accommodate various voices, and "gender balance in legislatures is of particular importance for democracy and social justice" (Norris and Krook 2012:5). One of the main ways to increase the number of women in parliament is through gender quotas. Gender quotas as an international norm have continued to globally foster women's involvement in political institutions (Krook 2009; Paxton and Hughes 2015; Town 2010).

### 1.5 Gender Quota as an International Norm

International norms are considered to be "shared standards of appropriate behaviour" held by a community of "actors with a given identity" (Finnemore and Sikkink 1998:892). In this way, it is claimed that international norms set standards of appropriate behaviour for states to follow (Finnemore and Sikkink 1998). In addition, as Legro (1997:33) argued, although norms matter, they "do not just exist or not exist, but instead come with varying strengths," which affects their capacity to influence and direct the behaviour of states. It is generally agreed that international norms evolve through emergence, cascade, and internalisation (Finnemore and Sikkink 1998:896-901). At the first stage of 'emergence', a norm begins to receive domestic and international attention, culminating in a 'tipping point' when a critical mass of states adopts the norm. Secondly, after reaching the tipping point and critical mass, the norm is propelled to the 'cascade' stage, where it diffuses throughout the international community. The third stage sees the norm entering the 'internalisation' stage, where it becomes well established and is often taken for granted. All these

stages are characterised by a particular set of actors, motives and means of influencing the development of a norm such as a quota, as shown in Table 1 below.

*Table 1: Stages of Spreading of Norms*

| **Norms** | **Stage 1**<br>**Norm emergence** | **Stage 2**<br>**Norm cascade** | **Stage 3**<br>**Norm internalisation** |
|---|---|---|---|
| Actor | Norm entrepreneurs with organisational platforms | States, international organisations, networks | Law, professions, bureaucracy |
| Motives | Altruism, empathy, ideational, commitment | Legitimacy, reputation, esteem | Conformity |
| Dominant Persuasion | Persuasion | Socialisation, institutionalisation, demonstration | Habit, institutionalisation |

*Source: Finnemore and Sikkink (1998:898)*

Critically, there is no guarantee that a norm will complete this life cycle. As Krook and True (2010:15) describe, these processes can go into reverse as norms "continue to develop over the course of their life cycle due to on-going critique and/or shifts in the content of other norms in the process." It can be observed that quotas, in common with many other international norms, "began as domestic norms, and became international through the efforts of entrepreneurs of various kinds" (Finnemore and Sikkink (1998:893). In this regard, a variety of norm entrepreneurs, both domestic and international actors, influence the gender quota systems. Tracing the circumstances surrounding the emergence of a norm and identifying the key actors and the mechanisms they employ for its advancement could shed light on the impact that quotas would have as a norm. As argued by Payne (2001:37), "those who promote specific norms also manipulate frames strategically to achieve their ends." This being the case, the effectiveness of a norm is highly influenced by the role of those actors who support it.

The literature also highlights the many ways in which power relations between states manifest in how developing states adopt quotas (Towns 2010; Bush 2011; Swiss 2009). Towns (2010) argues that quotas and other women's rights norms, such as women's suffrage, were homogeneously adopted by most states through a process of standardisation. However, "norms do not simply homogenise state behaviours, as is conventionally argued, but also norms draw on and set up hierarchical social orders among states" (Towns 2012:189). International rankings that define some states as superior and others as inferior, for example, is a manifestation of such behaviour

(Towns 2012).[4] The relationship between norms, such as quotas and social ranking, might suggest why states employ or do not employ quotas. As argued by Towns (2012:183), the "link between norm and social hierarchy is central in the diffusion process."

Inglehart and Norris argue (2003a) argue that the spread of quota policies is characterised by the importation of western concepts and ideas even more than they are by homogenisation. This view reinforces the notion of superior and inferior states and determines which states belong to each category. As in many contemporary contexts the presumption persists that women's empowerment is a particularly Western or European phenomenon with roots in the Enlightenment (Gandhi 1998). Steans (2006:120), for example, argues that "the period of Enlightenment in the West provided fertile soil to nurture a project that sought to challenge the social and political supremacy of men and emancipate women." This western-centric view, Towns (2010) points out, has made it into the very core of political science. Inglehart and Norris' (2003b) claim that gender equality is the real source of 'the clash of civilisations' between different cultural groupings of people is a prime example. As Towns (2010) sees it, the processes of enacting and using quotas and other women's rights norms have been co-opted into a scheme of classification of states in a hierarchy of 'civilised' and 'barbarous' states, where those states classified as 'barbarous' feel that they are being urged, nudged and forced to adopt standards from those states classified as 'civilised.'

Bush's (2011) study of international politics and the spread of quotas for women legislators implicitly shares Towns' (2010) views on the source of the idea of quotas and the factors that have driven the evolution and adoption of quota systems internationally. Like Towns (2010), Bush (2011) observes that most key actors involved in spreading quotas are from the United States and Western Europe. In their international relationships, these states push forward their political agendas, including their perspectives on gender equality policies. For example, the number of women in parliament in the UK and the US is at 32.2% and 23.5%, respectively, leaving the US lagging behind the 1995 Beijing standard rate of 30% (IPU 2021).[5] This suggests that the gender quota is a tool used by international actors for addressing foreign policy measures rather than domestic policies.

[4] Other words used include maturity versus immaturity, developed versus developing, advanced versus backward, progressive versus primitive, superior versus inferior, civilized versus barbarous.
[5] Women in national parliaments. Available at: http://archive.ipu.org/wmn-e/classif.htm.

Actors promote norms such as quotas by using various organisational platforms. These administrative platforms include, for example, United Nations agencies, states, NGOs, embassies, social movements and political parties. In order to accomplish the goal of norm promotion, actors use various platforms such as meetings, conferences, seminars, workshops, summits and the media. As outlined in Table 1, these meetings are organised based on an agenda or "motive" of promoting the actor norm. As suggested by Murray et al. (2012:529), the motives for the employment of quotas can be a matter of actor "self-interest." For example, quotas are often framed within the broader issue of gender equality rights or reforms, sometimes even considered through the lens of human rights policies and viewed as a democratic principle or as a civil or political right. In this way, the idea of quotas has now become part of the ideal "modern" democracy. However, in practice, the incorporation of women in decision-making institutions is usually achieved for various reasons.

The current demand for quotas in decision-making institutions builds on previous gains achieved over many years. Until the early twentieth century, women were not part of the formal political institutions of states. A century ago, all polities that were organised by states intentionally or unintentionally rested on the exclusion of women from formal institutions Connell (1987), Yuval-Davis (1997) and Towns 2010). Towns (2010) argues that women's engagement in legal state political institutions came about gradually with the international spread of norms on aspects of political equality, especially the right to vote. The adoption by states of international women's rights norms in the period following the end of the First World War came about through homogenisation and standardisation by which means women's rights began to be institutionalised (Towns 2010). Many states allowed women to vote after the WW1 but it was not until the 1990s that women became more involved in the decision-making processes of those states.

### *1.5.1 Factors That Lead to Diffusion of Gender Quotas*

The most significant increase to date in the number of women in decision-making institutions began in the 1990s. The major event that influenced this trend was the third wave of democratisation which began with the fall of the Soviet Union. Pressure was put on dictatorships and on one-party states to shift to a multiparty political system or else face being categorised as undemocratic or authoritarian (Huntington 1991; Linz and Stepan 1996). Democratisation also

encompasses political equality measures between women and men in decision-making institutions (Tremblay 2007). It was during this period that advocates of political equality and policy reform became stronger. Democratisation provided the language and tools for advocating human rights norms such as quotas as a policy strategy to increase the representation of women. The multiparty political systems that emerged, in many cases, included the idea of gender equality in political representation as part of the ideal 'modern' democracy. As a result, equal political participation has become "part of the political agenda of re-democratization" (Araujo and Garcia 2006:87). The democratisation processes also include gender mainstreaming of state and policy structures (Rai 2003).

The introduction of multiparty politics corresponded with the emergence of democratisation. The number of political parties increased as did the number of parties employing gender quotas. Political parties adopt gender quotas for two main reasons. First, as a tool to attract female support in particular votes. Second, as a more economic path to a seat in parliament as obtaining seats through quotas is costs much less financially (Hashim and Meintjes 2005; Crowley and Childs 2003). Hashim and Meintjes (2005:21) point out that electing women through quotas in parliament is "relatively costless electorally." As a result, scholars argue, women selected through quotas more often tend to be loyal to the party that chose them and will therefore prioritise party interests over women's interests (Crowley and Childs 2003). The adoption of quota systems has consequently been complicated by issues other than gender representation, suggesting that the question of quotas improving women's representation is, for the adopting states, at best a secondary issue.

In the same vein, democratisation principles are also included under the package of peace-building processes, whereby gender equality ideas, and the representation of women in particular, is emphasised. In a period where many post-conflict states had to redesign their political systems and rewrite their constitutions, the inclusion of quotas has been seen to be a desirable move for many reasons. Quotas are an integral part of post-conflict rebuilding measures in these states, and the adoption of quotas also allowed states to portray themselves as modern and inclusive. In post-conflict reconstruction periods, it is easier for actors to urge states to incorporate equality measures in their constitutions to conform to international norms (Krook 2009). As pointed out by Ballington and Dahlerup (2006:253), "post-conflict transition periods provide an opportunity to rewrite the rules for constitutions through electoral law and regulations."

During conflicts, women also gain skills and experience in the public sphere by working outside the confined role they usually play in the domestic sphere. These periods of conflicts or wars create opportunities for women to assume non-traditional roles, such as the female fighters in the Sierra Leone civil war (Coulter 2008). In addition, there is also an assumption that women have a natural propensity to be more empathic and peaceful than men. Therefore, it becomes a necessity for women to be part of the peace-building process so that their viewpoints are not omitted. Furthermore, Alwis at el. (2013:192) emphasize that "women should participate in peace processes not because they are innately peaceful or they have been victimized by wars, but because they are themselves political subjects with rights." Similarly, during democratisation processes in which women were involved, they organised to press for equality measures, including gender quotas at decision-making levels.

The spread of democratisation principles required a platform from which actors could proclaim their agenda. The literature has pointed to the 1995 Beijing Conference as the most significant policy event to have facilitated the spread of quotas by providing a toolbox of language and ideas that influenced the gender component of democratisation, particularly quotas (Krook 2004, 2006a, 2006b). The Beijing Platform for Action (BPFA) has helped legitimise affirmative action, including quotas, to achieve gender equality in positions of decision-making power. Even though the word 'quotas' was not directly used in the BPFA documents, the meaning is indirectly implied. For instance, the BPFA recommends the government should set

> "specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions" (Beijing 1995, section 192).

In this way, the Beijing Conference outlined a series of concrete proposals to ensure that women have equal access and full engagement in decision-making processes. Women's political representation was a priority issue for the Beijing Platform for Action, which was subsequently adopted by 189 countries at the fourth United Nations World Conference on Women. This platform has been promoted by various multilateral bodies, including the United Nations, the European Union, the Inter-Parliamentary Union, and the International Institute of Democracy and Electoral Assistance (Sawer et al. 2006). A variety of other events following the Beijing Conference have sought to ensure the implementation of decisions made at the conference. These include events

focused on women's representation held by different institutions such as the United Nations, Socialist International, the Council of Europe, the European Union, the British Commonwealth, the African Union, the Southern African Development Community (SADC) and the Organisation of American States (Krook 2006a:114).

These meetings reference democratic deficiency as the main issue that needs to be addressed based on international human rights laws that allow people, regardless of their gender, to engage in activities that affect their lives, including full engagement in politics. As a result of these meetings, "women's rights activists in many parts of the world continue to appeal to the tools and principles of international human rights law to support their claims" (Mullally 2006:90). Declarations issued at the events recommended that all member states adhere to a figure of 30% or more women in all decision-making institutions, including parliaments. The United Nations Development Programme (UNDP) went even further by calling on countries to commit to the quota and to introduce gender action plans to see it through. This is summarised by the 1995 Human Development Report (HDR) which states that "human development, if not engendered is endangered" (HDR 1995:1). In particular, it urges a critical mass of 30% to be regarded as a minimum share of decision-making positions held by women.

The promotion of quotas by international organisations and at international conferences has had a significant impact on their adoption by institutions and agencies that support women's agendas (Krook 2009). In pressing for domestic reforms, quota campaigns more often actively reference international commitments than they do the experiences of neighbouring countries (Krook 2004). It is easy to use international agreements to claim rights in a country given that even if its government does not favour those rights, it may still feel under pressure to implement them. It is also observed that "domestic debates often have international and transnational dimensions, at the same time that they intersect in distinct ways with international and transnational trends" Krook (2006b:305). Therefore, in one way or another, both international and domestic actors are playing a significant role in pushing forward strategies for states adopting and implementing quota systems.

Despite the success in implementing quotas, which has greatly increased the number of women in parliament, the impact of quotas on women's political representation --be it positive or negative-- is still contested.

## 1.6 The Debate on the Effectiveness of Quotas

While gender quota systems gained quick acceptance especially after 1995, and have since been adopted by many states, feminists and other pro-women activists have increasingly cast doubts on the effectiveness of the norm in transforming decision-making institutions in favour of women. Those who comment on quotas can be divided into two groups. Firstly, there are the optimists and pragmatists who, though critical, have embraced quotas and still see quotas as an opportunity for women to work gradually towards changing decision-making institutions to suit their needs and demands. The second group consists of the pessimists, who view quota systems as a cul-de-sac for the advocacy of women and the transformation of decision-making institutions. The pessimists maintain that more stringent conditions and tests are necessary if quota systems are to be of any use to women. This debate between optimists and pessimists is crucial in assessing the overall effectiveness of gender quota systems.

### *1.6.1 The Optimistic and the Pragmatic View*

The optimists and pragmatists are those who view quota systems as an opportunity. The optimists among feminists and pro-women activists see a quota system as an opportunity that can be incrementally and pragmatically used to transform decision-making institutions in favour of women. They share the view that quotas are stepping-stones, or at least necessary first steps, toward the transformation of political systems to facilitate the representation of women in decision-making institutions (Dahlerup 1988; Goetz and Hashim 2003; Sapiro 1998; Yoon 2008).

Optimists tend to incorporate 'critical mass' and the 'politics of presence' assumptions into their thinking. On this basis, some optimists believe that electing the number of women sufficient to reach a 'critical mass' within parliaments will have a role model effect on other women and society in general. This is expected to help change people's perception of politics as a male domain (Sapiro 1998). Similarly, Mansbridge (2005:643) highlights the importance of women's presence in the parliament even when labelled 'quota women' because they shape “our collective perceptions of what political leaders should look like, where women's place is, and by changing expectations, encourages a greater number of young women to enter party politics and run for elected office". In addition, it is argued, more women in politics "raise women’s self-esteem, encourage others to

follow in their footsteps, and dislodge deep-rooted assumptions on what is appropriate to women and men" (Phillips 1998:228).

The impact of critical mass is also claimed to bring transformation in favour of women's agendas (Norris and Lovenduski 1989). The main thrust of their argument is that

> "…due to their particular life experiences in the home, workplace and public sphere, women politicians prioritise and express different types of value, attitude, and policy priorities, such as greater concerns for child care, health or education, or a less conflictual and more collaborative political life" (Lovenduski and Norris 2004:3).

The advocates of critical mass also expect that a substantial increase in the number of women in parliament would have an impact on policy outputs favourable to women as a group. From this perspective, researchers have tried both to justify and find empirical evidence of policies that represent women. For example, Piscopo's (2011) research on Argentina showed that, despite political differences, women as a group came together to support policies on sexual health reforms. Another example is given by Kudva (2003), who argues that the increased presence of women in public office is frequently accompanied by a change in the political involvement of females in constituency activities. Women have been reported to be more likely to contact female representatives regarding general policy concerns and issues in their marital and domestic lives in a way that they would never do with their male public representatives (Kudva 2003).

Schwindt-Bayer's (2006) study on parliamentarians in Argentina, Colombia, and Costa Rica in 2001-2002 found that female parliamentarians place a higher priority than their male colleagues on issues of women's equality and children or family affairs. It is not claimed that men find women and children/family issues to be unimportant but that they do not place as high a priority on them as women do. This argument is summed up by Reingold (2006:6) who stresses that across time and space "women more often than men take the lead on women's issues no matter how broadly or narrowly such issues are defined." Furthermore, reaching a critical mass is also credited with producing a change in infrastructural space when women join decision-making bodies (Britton 2002).

The analysis is further strengthened by the fact that the argument contained in the politics of present literature is also reflected in the view of the United Nations (UN). The United Nations

recognises the importance of the presence of women in politics, describing the consequences of the absence of women from decision-making institutions as a loss.

> "…nations that exclude women from decision making or are content with the low levels of participation by women are not only unwisely and unnecessarily depriving themselves of a rich reservoir of talent, experience and wisdom, they are also missing out on the qualitatively different approach that women bring to the decision making process" (UN 2007:7).

Indeed, the idea of a distinctively women's voice in politics has become one of the main arguments for quotas amongst activists and politicians. However, this is questioned and contested in the academic literature.

### *1.6.2 The Pessimist Position*

Pessimists cast doubt on the capacity and the effectiveness of gender quota systems to transform decision-making institutions for the benefit of women. They have thus prescribed certain 'hard' conditions that a quota must meet before it can be considered to be useful to women. This 'pessimist literature' has not only pointed out the problems at a theoretical and analytical level but has also cited empirical examples of states where the adoption of quota systems has been mere smokescreens, window-dressings, or tokens (Child and Krook 2006; Dahlerup 2006ab; Dahlerup and Freidenvall 2005; Tamale 2000, 2004ab; Thanjiwe 1996; Tripp et al.2009; Waylen 2008; Wängnerud 2009). From this bloc of critical research, suggestions have emerged of where, when and how quotas can begin to be useful for the advancement of a pro-women agenda and for the transformation of the decision-making institutions needed to produce gender equality (Celis 2006; Celis et al. 2008; Celis 2009; Childs at el. 2010; Franceschet et al. 2012; Mackay 2008; Saward 2006, 2010).

The ideas of the pessimists are based on the argument that the theories of critical mass and politics of presence, and the emerging feminist and non-feminist views on the adoption of quota systems, have less to do with improving women's status than with other objectives of the actors.

Scholars (Childs 2006; Childs and Krook 2006; Dahlerup 2006ab; Edward and McAllister 2002; Tamale 2000, 2004ab) have questioned the expectation that introducing a specified number of

women would result in change desirable for all women. Tamale points out that critical mass theory creates a 'glass ceiling' and makes it difficult for the representation of women to rise above the stated quota numbers or percentage (Tamale 2004a). It is also argued that "expecting an automatic change once women attain a certain proportion of seats is theoretically dubious" (Childs and Krook 2006:528). Childs (2006) is also of the view that the theory is conceptually weak. It assumes that the percentage of women within an institution is the sole key to understanding women's behaviour and the impact of women representatives.

The concept of women's interests has been criticised for essentialising women as a group "by assuming that there is an objective and knowable set of interests shared by women, whether universally or in a given polity" (Franceschet and Krook 2008:4). Women's rights often "raised questions about the notion of a universality of human rights- particularly women's rights – and whether they are truly universal after all" (Nnaemeka and Ezeilo 2005:3). It is also known that seeking group-specific rights might bring about further fragmentation and conflict.[6] As Weldon (2011:441) admits, "seeking interests that women share is theoretically problematic" because women are not a monolithic group, and as such, they do not necessarily share common interests. Additionally, any implicit construction of women as a homogenous group "implying that women share interests, and these are all that women want or need – is revealed to be misleading" (Celis and Childs 2012:216).

Also, employing a critical mass approach does not necessarily result in women addressing challenges that hinder women's effective engagement in decision-making bodies. As Edwards & McAllister (2002) and Goetz & Hasshim (2003) argue, 'add-on approaches' like quotas for disadvantaged groups do nothing to change the discriminatory procedures or practices that put women at a disadvantage in the first place. For example, the study of gender quotas in Indonesia found that "the government and international donor led programs designed to maximise the impact of the quota are failing to address critical obstacles to women's representation in Indonesia" (Hillman 2017:39). Another example is Cuba, where women hold 53.2% of seats in parliament but lag far behind on every other meaningful index of democracy (Foust and Haring 2012; IPU 2021). If this is so, a greater increase in the number of female representatives might leave crucial aspects

[6] In which the term `Balkanisation' is defined in social sciences vocabulary as a "metaphor for diversity at best, social and political instability for the most part, and genocidal war at worst" (Hoffman 2008:373).

of gender relations issues unchanged in decision-making institutions. Quotas, therefore, may result in an increased number of women parliamentarians but they may not result in broader policy reforms.

Dahlerup (1988) – who championed critical mass theory – is also notable for taking seriously the idea of the 'critical act' i.e., the small number of women may also act as critical actors in promoting women (Childs and Krook 2009). Dahlerup's (2006b) new position is that it is not only the number of women in decision-making institutions that matters but also the actions taken by those women representatives. By 'critical acts,' Dahlerup means actors' initiatives that change the position of women as a minority in parliament and that lead to further changes. The changes are anticipated to include actions that have the potential to be of wider benefit to women.

As has been the case with critical mass theory, the politics of presence theory has been criticised by pessimists. Thenjiwe (1996), for example, is critical of the arguments made by its proponents that women's interests are only best represented by women. Thenjiwe challenges this view on the grounds that women are not a monolithic group and their interests are not necessarily the same. Taking a similar view to Edwards & McAllister (2002) and Goetz & Hasshim (2003), Thenjiwe (1996) points out that if not considered carefully, gender quotas will blindly advance women into political office without challenging the patriarchal foundations of political structures and thus will not create change. Furthermore, scholars point to the existence of multiple actors who claim to represent women, such as individual actors (i.e. rock stars, celebrities), political parties, civil societies and social movements (Saward 2006, 2010) meaning that it is not only women who can represent women, other actors can do it too.

The pessimists also argue that other factors may play a more critical role than gender in determining the political actions of public representatives. Reviewing the literature on the impact of the presence of women in parliament, Wägnerud (2009) points out that ideology is the most important factor in politics and that social characteristics such as class or ethnicity are more decisive than gender. Moreover, institutions have also been highlighted as having a role. As Wägnerud argued,

> "…parliamentary institutions influence politicians more than politicians are able to influence them (meaning that women entering parliament become just like the male politicians who preceded them)" Wägnerud (2009:61).

The literature is inconclusive on both the question of whether or not quotas are beneficial to women and on the circumstances in which quotas might be beneficial. The most controversial aspect in the study of quotas is what constitutes 'women's interests' and whether or not women as a group indeed represent women's interests in decision-making institutions.

### *1.6.3 Criticisms of Reserved Seat Quota Systems*

Internationally there is considerable variation in how countries implement gender quotas, ranging from the co-option of women by government or by political parties to direct or indirect 'women candidates only' elections. Therefore, central to reserved seat quotas is the incorporation of some form of the 'women only' selection process. This aspect of reserved seat quotas has been the subject of particular criticism given its potential for creating a ghetto for women within parliaments that inevitably reduces the status of women MPs whose route to parliament is through this 'special process' (Krook 2008; Maoulidi 2014). Added to this critique is the perception that this type of quota system is often used by states that have both a weak record of democracy and of women's rights such as Pakistan and some countries in the Middle East (Bauer and Burnet 2013; Fallon et al. 2012; Stockemer 2009, 2011).

It is also argued that the benefit to women from this route to political office is limited by the top-down implementation of this form of quota, which is primarily designed to enhance the international reputation of states, in response to pressure from key international actors, including international aid donors (Krook 2009; Hughes et al. 2015). Consequently, increasing the number of women in parliament in this manner is not a reflection of improving social and economic conditions for women, nor does it lead to an increase in substantive representation (Bauer 2012).

Alternatively, it has been suggested that despite the objectives of governments in implementing reserved seat quotas, the existence of such quotas will change domestic political dynamics, facilitating women's political engagement and providing a route to positions of political leadership (Tripp and Kang 2008; Yoon 2008, 2011; Makinda 2011). This is important in countries where different views of gender roles mean that the barrier to women's participation in constituency elections is comparatively high by international standards (TGNP 2004; Bauer and Britton 2006; Tripp et al. 2009).

## 1.7 The Spread of Quotas in Sub-Saharan Africa

Sub-Saharan Africa is a region that has experienced a high increase in the number of women in parliaments, with a regional average that went from 10.1% in 1997 to 24.1% in 2021 (IPU 2021). 37 of Africa's 54 countries have adopted some form of quota system (IDEA 2021). Of these 37 countries sixteen have employed reserved seat quotas compared to 11 states with legislative quotas and ten states with voluntary political party quotas. In Africa, the reserved seat system is the most frequently used mechanism in increasing the number of women in parliament. Reserved seats are applied in total to only 26 countries worldwide, of which 16 are from Africa, and the remaining 10 are from Afghanistan, Bangladesh, China, Pakistan, Iraq, Jordan, Saudi Arabia, Haiti, Kosovo and Samoa states.

The literature on Sub-Saharan Africa debates the reasons for the adoption of quotas and has linked it to the view that quotas have been adopted in developing countries where women are regarded to have lower status than in other regions in the world (Bush 2011). Factors that have influenced the spread of gender quotas in Africa are both external and internal and are interlinked. These include the different power relations between African states and powerful external actors; the financial difficulties of African states and their need for support; the frequently externally driven processes of democratisation; as well as the demand for reform from domestic groups, including women's groups (Bush 2011; Dahlerup and Freidenvall 2005; Tripp at al. 2009).

The power relations between developed and developing states are crucial in reinforcing the adoption of gender quotas. Meaning that adopting reforms such as quotas is often described as a top-down, 'fast track' imposition and not part of a state's organic growth of domestic institutional development or the bottom-up incremental path (Dahlerup and Freidenvall 2005). This top-down approach is not necessarily associated with the level of the domestic socio-economic growth of a country and is therefore believed to be less effective (Dahlerup 2004; Dahlerup and Freidenvall 2005). The experience in Africa has been different from countries such as the Scandinavian states, where the employment of quotas was accompanied by factors such as secularisation of society, women's participation in the labour force, and pressure from women's organisations on receptive social-democratic political parties (Dahlerup 2004).

When African countries adopted gender quotas in the 1980s and 1990s they were experiencing severe economic problems (Thomson 2000; Tripp et al.2009). The IMF (International Monetary Fund), the World Bank, and leading OECD states played a key role in influencing the adoption of a range of public policies, including gender quotas (Bush 2011). African states were induced to adopt these policy reforms as a precondition of funding (Thomson 2000). It has been argued that "economic factors have conspired to ensure that states of Africa are influenced by external events perhaps even more than their neighbours on other continents" (Thomson 2000:5). The economic crisis in Africa reinforced the role of external actors in promoting a package of policy reforms that included quotas as part of the funding for 'good governance' projects and the promotion of democratisation processes (Sawer et al. 2006; Tripp et al. 2009). In this period, the underrepresentation of women was linked to the "problem of democratic deficit and donor agencies have focused attention on it as part of strategies to strengthen democratic accountability and good governance" (Sawer et al. 2006:1). Bush (2011) argues that a key tool in the arsenal of democracy promotion in developing states is democracy assistance, with loans "often tied to a democratisation of state institutions and bureaucracies and political pressure is applied to ensure compliance in this regards" (Rai 2003:35). Similarly, Bush (2011) points out that the spread of quotas in developing states as an international norm is commonly achieved through economic sanctions, rewards, and diplomatic measures. For example, in Kenya, "donors are threatened to cut off aid unless the state conceded with the principles of multipartyism" (Nugent 2004:409). In addition, Carothers (1999:6) also argues that donor aid is "specifically designed to foster a democratic opening in non-democratic states."

The democratisation process in Africa, which involved the adoption of a multiparty political system, did open the door for the emergence of independent women's movements and for more women to participate in political office (Yoon 2004; Tripp 2001). Suppose a state is seen to be implementing a good-governance program that would include a gender-equality policy in relation to women's political representations as part of that program. This raises the status of the state with donors and international financial institutions (Tripp et al. 2009). From this perspective, states that do not have gender-balanced elected bodies are seen as lacking an efficiently functioning democracy (IDEA 2008). In such conditions, states in Africa frequently adopt quotas for reasons that may not be primarily aimed at advancing women's rights policies or agendas. These reasons could include a desire to maintain good relations with influential states, extend market economy

policies, improve the state's international status, or advance other policy agenda. The relationship between norms, such as quotas and social ranking, might suggest why states employ or do not employ quotas (Baeur 2006). However, despite their limitations, "the democratisation efforts of the 1990s gave women the impetus to make bolder strides in the political arena" (Tripp 2001:143). In addition to democratisation, some states in Sub-Saharan Africa adopted quotas as part of post-conflict reconstruction processes (Baeur 2008). During post-conflict periods, external actors are frequently involved in redrafting new constitutions that guarantee a percentage of seats for women in decision-making institutions such as parliament. Gender quotas are, therefore, directly provided under the new state constitutions as was the case in Kenya in 2010.

In Africa, there is no doubt that internal actors such as women's movements have been significant in pushing forward the implementation of equality policies such as gender quotas (Darhour and Dahlerup 2013; Murray et al. 2012; Tripp et al. 2009). In Africa, there are strong women's movements that have been strengthened because of the existence of international conferences, including Beijing 1995. Activism in Africa was strengthened by the democratisation processes of the 1990s, which saw civil society organisations, including women's organisations, start to emerge and operate independently from government agencies (Tripp 2001). Whereas previously most women's political activities had operated exclusively through branches or 'wings' of political parties, this period see the establishment of several independent women's NGOs (Tripp 2001; Lange and Tjomsland 2014). This was particularly so when working on issues outside their political party agenda. "Not only did these party wings do little for women: they often acted against women, resisting their empowerment", forcing them to only organise around a narrow set of issues, contributing to their own political marginalisation (Tripp 2001:145). The new wave of independent women's NGOs from the 1990s provided women with a platform from which to advocate for a broader range of issues acting as 'self-appointed representatives' of women (Montanaro 2012). As with state governments, women's NGOs were also heavily reliant on donor funding and juggled donor policy priorities and local priorities (Tripp 2001; Lange and Tjomsland 2014). In these circumstances, it is challenging to distinguish whether an NGO is advancing its own interests or simply pursuing the policies championed by their donors.

The clearest impact on quota adaptation has been the rising number of female legislators in Sub-Saharan Africa. In 2021 ten states in Sub-Saharan Africa have parliaments that are more than 30%

female, with Rwanda at 61.3% having the highest number of women in parliament in the world. Others following are South Africa 46.4%, Namibia 44.2%, Ethiopia 42.6%, Mozambique 42.4%, Burundi 38.2%, Tanzania 36.9%, Uganda 33.8%, South Sudan 32.4% and Zimbabwe 31.9% (IPU 2021). However, the increase in the number of women MPs has not yet been clearly translated into the improvement of women's status in these states (Franceschet et al. 2009; Schwindt-Bayer 2009; Ward 2006).

There is some evidence of significant results in that women have been able to push forward legislation beneficial to women, such as inheritance rights and gender-based violence laws in Rwanda (Burnet 2011; Powley 2005). In Mozambique, women legislators, in collaboration with civil society, were able to revise family law (Disney 2006), while in Namibia, women legislators were instrumental in the adoption of quotas for local elections and worked to dismantle apartheid-era legislation that discriminated against women (Bauer 2006). On the other hand, a study conducted in Uganda shows that the introduction of a quota did not lead to the transformation of gender relations as the National Resistance Movement (NRM) "brought women into parliamentary politics without advancing strategic gender interest and prevailing gender relations have not been fractured" (Ward 2006:89).

## 1.8 Conclusion: Questioning the Impact of Quotas on Sub-Saharan Africa

Following a long struggle for equal political representation, the institutionalisation of gender quotas, which were widely used from the 1990s, effectively increased the number of women in parliaments. The diffusion of gender quotas as an international norm was facilitated by various international platforms and agreed policy frameworks, exemplified by the UN conference in Beijing in 1995. This conference produced an agreed document, 'the Beijing platform for action' (1995), that served as a reference point for states to implement women's rights measures, including gender quotas. The existence of this internationally accepted 'blueprint' was instrumental in the widespread adoption of parliamentary gender quotas. In Africa, the spread of gender quotas has been seen as a fast-track top-down approach, with the introduction of quotas happening in the absence of strong domestic demand and the suspicion that states were implementing quotas to

safeguard their international reputation to attract donor funds (Bush 2011; Dahlerup and Freidenvall 2005; Tripp 1999).

In the literature on the specific impact of quotas in Sub-Saharan African states, the perceived weakness in positive outcomes for women has been linked to the use of reserved seat quota systems (Franceschet et al. 2009: Ward 2006). While all forms of quotas have been criticised, the application of reserved seat gender quotas is the most contested and questioned. It has been argued that they can even have a negative impact on women's capacity to be effective political actors. This is a significant reason why reserved seat quotas have been identified as the weakest form of a gender quota system (Norris 2006).

Despite the acknowledged weaknesses of quota systems in all regions of the world, the two main ideas that continue to influence the demand for raising the number of women's in decision-making institutions are the 'critical mass theory' and the ‘politics of the presence' theory. The first argues that a minimum percentage of parliament, usually set at 30%, must be women to feel the positive impact of quotas. While the politics of presence argues that women, because of their shared life experience, need to be present in parliaments to represent women's interest policy issues. Disagreements over applying the gender quota system and its benefits to women, including the relevance of the theories of 'critical mass' and 'presence', have resulted in the emergence of two perspectives on the impact of gender quotas on women's parliamentary representation. First is the optimistic perspective, which sees the application of gender quota as a necessary first step to enable women to engage in political decision-making institutions (Dahlerup 1988; Goetz and Hashim 2003; Mansbridge 2005; Piscopo 2011; Reingold 2006; Yoon 2008). The optimist views accept that 'critical mass' is relevant and that the politics of presence means that even if outcomes are not as positive as some authors would like, it is still better to have a significant number of women in parliament. The pessimist view sees quotas as increasing the number of women in parliaments without any significant benefits for women in terms of legislative outcomes or increased social status (Childs and Krook 2006; Dahlerup 2006ab; Dahlerup and Freidenvall 2005; Tamale 2000, 2004ab; Tripp et al. 2009). The pessimist disagrees with both 'critical mass' and 'politics of presence' arguing that just because women are elected does not mean they will represent 'women's policy issues' or promote gender equality. This means that whether or not there is a positive

outcome for women when gender quotas are implemented remains a debated question in the literature.

In contributing to the debate on the impact of gender equality on women's political representation, this thesis examines the impact of the use of a reserved seat quota system in the context of Sub-Saharan Africa on the political status of women measured through their access to leadership roles. In addition, it also examines the impact that increasing the number of women has had on the representation of a policy, including policies with regards to women's interests. It asks: do reserved seat quotas produce a woman-only group of MPs with less political status and influence than both women and men constituency MPs? Do reserved seat women MPs have different personal profiles in terms of their characteristics compared to constituency MPs? Furthermore, do they have less access to leadership positions? Has the significant increase in the number of women in parliament due to reserved seat quotas also enhanced women's representation and provided women with a path to constituency seats? These questions also create room for a discussion of whether or not the idea of critical mass and the politics of presence are valid in Africa.

In order to answer these questions, this thesis compares the situation in Kenya, a state that did not use any sort of quotas until the 2013 election, and Tanzania, a state that has used reserved seat quotas before the introduction of multiparty democracy in 1992. The following chapter discusses the research design and case study selection in more detail.

# CHAPTER 2: RESEARCH METHODOLOGY

## 2.1 Introduction

This chapter presents the research design of this study. Divided into three sections, it describes how the theoretical framework discussed in the last chapter has shaped the methodology and method of this study. First, it investigates the methodological approach most suitable for studying the impact of reserved seat gender quotas on women's political representation. Second, it discusses the appropriate method for the research and the selection of the case study. Third, it presents the data gathering, processing and analysing tools employed in this analysis.

## 2.2 Methodological Approach

A methodology can "take many forms" (Ackerly et al. 2006:7). Feminist perspectives inform the methodology choice of this study. Feminists argued for adopting a 'gender lens' to reveal a different world perspective (Peterson and Runyan 1999). In particular, feminists have disputed the idea that the subordination (such as the absence of women in decision-making arenas) of women is in any way natural. They argue that unjust gender orders are socially constructed and thus can be changed. Feminist research is described as "a particular model of social research which involves theory and analysis that highlight the differences between men's and women's lives" (Walliman 2011:19).

This is also why there are so many variant forms of feminism[7] covering a wide variety of perspectives and practices (Steans 2006). However, Krook and Squires (2006) believe that while there is no distinctive feminist methodology, there is a unique feminist approach to methodology and methods that is driven by substantive political problems and is thus open to applying a broad range of methodological frames. The following section explores the thinking behind the main theories that drive the study of gender quotas, the 'critical mass' and the' politics of the 'presence.'

[7] Feminist approaches include, just to mention a few; Marxist, liberal, socialist, standpoint, critical, radical, postmodernist, poststructuralist, postcolonial, empirical, analytical, normative and green feminism (Steans 2006; True 2005)

In particular, it focuses on what aspects could be useful in analysing the impact of implementing gender quota systems.

### *2.2.1 The Challenge of Applying 'Critical Mass' and the 'Politics of The Presence' Theories to Evaluate the Impact of Gender Quota Systems*

This study takes theories of 'critical mass' and 'politics of presence' as a starting point for studying the impact of reserved seat quotas on the representation of women. Despite their shortcomings, aspects of both theories can be employed in research to study the impact of gender quotas.

Critical mass is primarily based on the idea that the numbers of women within an institutions matter. The study of political representation enables researchers to look at where women are in various institutional settings, including cabinet and parliamentary committees. Numbers or percentages can be used to measure the extent to which women are involved, which describe the level of women's participation in decision-making institutions. For example, the Inter-Parliamentary Union (IPU) provides data showing the number of women MPs in each country, a starting point for comparative studies. This has further been developed, 'beyond numbers,' the critical mass theory that also looks at the characteristics of MPs elected to parliament (Franceschet and Piscopo 2009). Characteristics such as level of education and political experiences influence the ability of MPs to participate effectively in parliamentary activities and gain access to leadership roles. It has been argued that women MPs, especially those in reserved seats, are frequently seen as less qualified compared to male MPs (Bratton 2005; Holzer and Neurmark 2006; Franceschet et al. 2012; Meena 2003). If this is the case, it could affect the ability of women, especially those selected from reserved seat quotas, to contribute to the policies enacted in parliament. Are women more likely to support legislation focused on women's interests because of their personal characteristics and experiences as women? This question demonstrates the connection between these two theories in practice. The critical mass theory claims that having women in parliament is vital for women's representation and that personal characteristics can shape a woman's political performance. Politics of the presence theory, meanwhile, deals in more detail with the impact women parliamentarians have on the types of policies adopted and whether or not they advance a gender equality agenda.

Crucially, personal characteristics also affect the ability of women elected to various leadership positions within parliament, such as chairperson or vice-chairperson of committees. The same applies to women in leadership roles outside of parliament such as cabinet positions, especially in states where ministers must first be MPs. Personal characteristics also influence the type of position for which women are selected. Researching the impact of personal characteristics of MPs is therefore important. Scholars point out that "women have been excluded from the centre of decision-making power," including the most influential government ministries and the most powerful ministerial portfolios (Krook and O'Brien 2010:36).

This analysis classifies leadership positions according to a modified schema developed by Krook and O'Brien (2010). It describes the 'presence' of women in parliament, in parliamentary leadership positions and in government and looks at what percentage of women MPs hold leadership positions. Parliamentarians can be categorised into three main types: male constituency MPs, female constituency MPs and reserved seat MPs who are all women. Examining the personal characteristics of all categories of MPs can reveal the comparative disadvantages of women MPs in relation to their colleagues in the other two categories. It also allows the changing position of women constituency and reserved seat MPs to be mapped over time to examine the impact of the presence of women on the content of parliamentary debates and policy outcomes. The research also examines the content of the contributions to the parliament of the three categories of MP.

The schema ranks leadership positions in terms of their prestige (high, medium, low) and gender (masculine, neutral, feminine). Overall, feminine ministries are related to the traditional role of women in the family, social services, health, welfare and education. In comparison, masculine ministries are associated with men's traditional roles, which are also seen as the most important ministries, such as finance and defence. The impact women in ministries have on the political system and the government may be less significant if they only head ministries in 'soft' policy (Krook and O'Brien 2010). In addition, holding positions of power is a significant factor in the capacity of women to influence what policies are debated and what policies are voted on in the decision-making structures (Franceschet and Krook 2008). Furthermore, leadership positions might also suggest that women are taken as serious politicians, especially if they hold cabinet positions. Therefore, this research in leadership positions uses critical mass theory to analyse the number of women in leadership roles and then divides those positions into feminine or masculine

using the Krook and O'Brien (2010) classification to examine the impact of gender quotas. For this research, the schema is adjusted whenever deemed necessary to suit an African parliament, particularly the East African states of Kenya and Tanzania.

Despite criticism, theories of critical mass and politics of the presence continue to be used in research because they contain core ideas useful for demanding the increase of women in decision-making institutions and can be employed in analysing the impact of gender quotas. Franceschet et al. (2012:4) have argued that the study of the impact of gender quotas is at the "theory building" stage. For these reasons, and to broaden the scope of inquiry, this research employs an inclusive framework that uses principles from critical mass and politics of the presence theories together with Krook and O'Brien's (2010) classification of the leadership position. This is in line with Mackay's (2008:131) proposition for researchers to take a "thick" conceptualisation of women's representation. This approach requires the framework to also incorporate institutional aspects and alternative actors while keeping parliamentary spaces and political representation in focus (Mackay 2008).

### *2.2.2 The Challenge of Measuring the Impact of Gender Quotas; Actors/Place and Meaning of Women's Interests*

The research also considers controversies surrounding the concepts and the operationalisation of terms such as 'women's interests', who the actors are, and where representation takes place (Celis 2006; Mackay 2008; Saward 2010). The politics of the presence theory requires research to analyse the type of policies advanced to determine whether they contain what is considered to be women's interests. This research employs a framework that combines both feminist and non-feminist interpretations of women's policy interests, using the ideas of practical gender interests (non-feminist demand) and strategic gender interests (feminist demand) (Molyneux 1985; Moser 1993). Celis (2009) argued that a good study of women's representation implies recognising the diversity and ideological conflicts regarding women's interests and gendered perspectives. In identifying 'women's interests,' this study also considers the "context in which interests are developed and expressed –or fail to develop or are repressed" (Beckwith 2011:424). This research investigates whether there is evidence of increased attention to 'women's interests in the policy-making process by analysing the contents of parliamentary questions and other discussions in the assembly, including bills, motions, petitions and acts.

This study investigates both women's and men's engagement levels in different activities. It has been claimed that a study that looks at women as the only actors are theoretically limiting (Celis 2008; Childs and Krook 2006; Mackay 2008). In this study, these concerns are addressed by analysing the involvement of both male and female MPs in decision-making in the parliament. It also acknowledges that the representation of women occurs in multiple venues and involves various actors in the policy-making processes (Escober-Lemmon and Taylor-Robinson 2016; Saward 2006, 2010). However, as the research aims to examine the impact of quotas on women's political representation in parliament, it focuses on both male and female MPs' status and actions in the parliamentary setting. Therefore, the role of other actors claiming to represent women is examined only in terms of their influence on the parliamentary activities of MPs and their profiles, especially their selection for leadership positions in parliamentary committees and in the cabinet.

This study primarily focuses on the representation of MPs in parliament while recognising that this is not the only forum in which women are substantively represented. Parliament is the focus of this study because of its position at the very centre of democracy, and it is the primary decision-making institution in the selected states, whether its components function well or poorly of its position. Parliament remains the public face of government and opposition and it is the site of final decisions on how the states manage their resources (Sutherland 2010). This research recognises several forms of women's political representation in terms of both process and outcome and thus investigates various activities in which both women and men are engaged in the parliament.

As most MPs are selected from political parties, this study also analyses women's involvement in them. This has a profound effect on their performance in parliament, including access to positions such as elected leaders in government as cabinet ministers or leaders of the majority or minority political parties. Given the small amount of existing comparative empirical research in this area, this research does not focus on other actors and other sites of representation.2.3 Research Methods

This section discusses the most suitable research methods available for conducting this study, and describes how a specific method was selected. It explains main data sources, outlines the tools and procedures for collecting data, and describes how the data was analysed.

### *2.3.1 Case Study Selection*

The key research method used in this study is a comparative case study of Kenya and Tanzania. Yin (2014:16) defines a case study as "an empirical inquiry that investigates a contemporary phenomenon (the "case") in depth and within its real-world context, especially when the boundaries between phenomenon and context may not be clearly evident." A comparative case study of contributes to our knowledge of the impact of quota as a social phenomenon. In order to understand the impact of quotas, it is easier "when they are compared with similar phenomena from another time or place" (Walliman 2011:11).

Kenya and Tanzania are in the same region in East Africa and share many common characteristics, including their political systems, culture, history, and general social and economic development. Both countries are former British colonies, speak the same main languages (Swahili and English), and have similar population sizes. However, Tanzania population is slightly higher than Kenya: 51,294,260 in Kenya and 59,573,815 in Tanzania[8]. They became independent around the same time, Kenya in 1963 and Tanzania in 1961. Freedom House describes both countries as partly free.[9] Both adopted a multiparty democratic political system in 1992 (Cranenburgh 1996; Throup and Hornsby1998). Kenya and Tanzania both use first past the post in selecting legislators in their parliaments, based on the British model. The parliament of Kenya is bicameral and consists of two houses: the senate and the national assembly. The senate was introduced only in the 2013 election to comply with the requirement of the new 2010 constitution. The parliament of Tanzania is unicameral, with only a national assembly. For comparability purposes, this research only deals with the national assembly.

[8] The population of the world and countries. Available at: https:// http://countrymeters.info/en/Kenya and http://countrymeters.info/en/Tanzania.
[9] Freedom in the World 2019. Available at: http://www.freedomhouse.org/.

In economic terms, Kenya has been slightly richer than Tanzania. According to the 2019 World Bank report, Kenya is ranked as a lower-middle-income state and Tanzania as a low-income one.[10] However, there was a strong similarity in the nature and responses of the two states to the economic crisis of the 1980s. In each country, there are ongoing efforts towards economic reform and structural adjustment, both spearheaded by the International Monetary Fund (IMF) and World Bank programs (Ndulu and Mwega 1994). Kenya's GDP per capita in 1985 was at 467.4, and it was at 399.7 for Tanzania in USD million (OECD 2012). [11] While in Kenya in 2018, the GDP per capita was at $ 1.865.2, in Tanzania at $ 1, 090.1 according to the world data atlas.[12] Overall, Kenya is performing better than Tanzania in the Human Development Index, ranked 142 and categorized as a state with medium human development compared to Tanzania, which is ranked at number 154 and is still considered a low human development state (HDR 2018).[13] The economic policies of Kenya and Tanzania since the financial and debt crises of the 1980s have also been broadly similar, although, before this, Tanzania had followed a socialist program (OECD 2012). Both countries have received significant levels of foreign aid in similar amounts. In 2017 Kenya received 2,474,760.00 (USD million) and Tanzania 2, 584,170.00 (USD million) in net official development assistance and official aid.[14]

The position of women in Kenya and Tanzania as measured by the Gender Inequality Index (GII) of the Human Development Report (HDR) was broadly similar in 1995 when Tanzania carried out its first multiparty elections. GII is a tool that measures women's disadvantage in the following areas: reproductive health (maternal mortality ratio, adolescent birth rate) and empowerment (share of seats in the parliament). In addition, it also includes the labour market (share of female and male in the labour force participation rates including the number of women in parliaments). The GII ranges between 0 and 1, and a higher GII values indicate higher inequalities between

[10] The World Bank Annual Report 2019. Available at: https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups.
[11] OECD basic indicators. Available at: http://www.africaneconomicoutlook.org/en/data-statistics/table-1-basic-indicators-2011.
[12] The United Republic of Tanzania - Gross domestic product per capita based on purchasing-power-parity in current prices. Available at: chttps://knoema.com/atlas/United-Republic-of-Tanzania/GDP-per-capita/.
[13] Human Development Reports (HDR) United Nations Development Programme. Available at: http://hdr.undp.org/en/year/2018.
[14] Net official development assistance and official aid received in $. Available at: http://data.worldbank.org/indicator.

women and men and thus a bigger loss to human development. In 1995 the data on GII was almost the same in the two countries; 0.69 in Kenya and 0.64 in Tanzania (HDR 2011).[15] Likewise, the current data for GII 2017 shows Tanzania and Kenya very close with values at 0.537 and 0.549 respectively (HDR 2018). However, Tanzania has used reserved seat quotas since 1985, and Kenya only started using gender quotas in the 2013 election.

Parallel to that, in Africa, there are gender scorecards outlined by the African Union Commission designed explicitly for African states which are categorised into economic, social and political/civil indicators. In these indicators, both Kenya and Tanzania have almost similar policies (see Table 2 below). This data shows Kenya performed better in the areas of property rights, violence against women, access to water, child rights, and access to health and women's position in the judiciary system. Tanzania has done better than Kenya in just two areas on social protection aspects and the number of MPs in the parliament.

*Table 2: Kenya and Tanzania Gender Equality Scorecard in 2016*

| **Economic indicators** | **Kenya** | **Tanzania** |
|---|---|---|
| Maternity, paternity, parental leave in labour law | 7 | 7 |
| Employment: participation rates, tertiary education, paid employment, non-agricultural employment | 7 | 7 |
| Income/wage gap | – | 8 |
| Secure access to credit: freedom of contracting, access to financial services | 7 | 7 |
| Access to credit: bank account, borrowing from financial institution | 8 | – |
| Secure access to land/assets: equal rights for unmarried as well as married women | 10 | 10 |
| Access to land/assets: individual ownership of a land/house | 2 | – |
| Property rights: legal administration of property during marriage, inheritance rights of daughters and widows | 7 | 5 |
| **Social indicators** | | |
| Violence against women: existence of law, attitudes toward wife's beating, prevalence of violence within household and in general | 6 | 5 |
| Female Genital Mutilations: attitudes and prevalence | 9 | 9 |
| Child marriage: law and prevalence | 7 | 4 |

[15] Gender Inequality Index. Available at http://hdr.undp.org/en/media/Gender_Inequality_Index_Trend_1995-2011.xls.

| | | |
|---|---|---|
| Child labour: ratio girls/boys and prevalence | 8 | 8 |
| Education: primary attendance rates, literacy rates | 9 | 9 |
| Health: access to care, teenage pregnancies, unmet need for family planning | 8 | 7 |
| Maternal health: antenatal care, delivery by skilled provider, maternal mortality | 7 | 7 |
| HIV: knowledge of prevention, knowledge about AIDS, prevalence | 8 | 8 |
| Access to water and sanitation: < 30 minutes (round trip), improved-not shared facility | 4 | 3 |
| Social protection: affiliation, registration, benefit of health insurance or social security | 5 | 6 |
| Access to electricity | 4 | – |
| **Political and civil indicators** | | |
| Women in the executive: ministerial positions | 6 | 6 |
| Women in the legislative: seats in Lower House, quotas, candidates standing for political office | 5 | 8 |
| Women in the Judiciary: constitutional court | 6 | 4 |
| Women in local governance: quotas | 7 | – |

*Source: African Union Commission 2016*

In order to examine the impact of gender quotas, it is essential to consider when the state adopted the quota. Tanzania has had the quotas in place since 1975, nearly 46 years (1975-2021). Meanwhile, in Kenya, the constitution allowing quota law was only passed in 2010, and it was only applied in the 2013 election. Precisely how many years would be considered enough for quotas to impact women's engagement in politics is not known. As pointed out by Peschard 2005:23), many countries adopted quotas only a few years back, which may not be "long enough to gauge their effectiveness." Kenya and Tanzania are suitable countries for a comparative case study as, while they have many key features in common, the dates at which they adopted quotas are significantly different. This means that any differences in the representation of women in parliament can more easily be attributed to the impact of quotas as part of the electoral system rather than to any other factor. A comparison can be made within the states, between Kenya before and after the 2013 elections and Kenya and Tanzania elections. This makes the selection of Kenya and Tanzania suitable as a case study to help expand the knowledge on the question of the impact of reserved seat quotas.

Considering the factors mentioned earlier, the case study of Kenya and Tanzania provides an effective common framework to compare the impact of gender quotas. It meets the criteria for a

successful comparative case study (Achen and Snidal 1989; King et al. 1994; Geddes 1990) with one important caveat: the case study countries are not representative of all the countries that have adopted quotas or those that have not adopted gender quotas.

Nevertheless, the study uses the two countries as ideal types to achieve greater insight into the impact of women's political representation, specifically in the context of East Africa, where the two states are situated. This is expected to directly apply to the rest of East Africa/Sub-Saharan Africa, where many countries have adopted the reserved seat gender quota system, and to other countries that have or will employ quotas to increase the number of women/men in the future.

## 2.4 Sources of Data

The primary data source is the archival parliamentary records (Forde and Rhys-Lewis 2013; Millar 2017) of the two states. The information is publicly accessible from the parliament's website of Kenya (www.parliament.go.ke) and Tanzania (www.parliament.go.tz). The archival records of these documents are available both online and as hard copies where they can be physically checked and are available for public use. The assembly websites of Kenya and Tanzania contain archival data on the profiles of MPs and the parliamentary Hansards.

The data on the profiles of legislators allows the examination of legislators' attributes such as age, business connections, education and prior experiences. On this basis, a legislator's personal attributes (age and education), previous experiences, and finances may explain women's engagement in parliamentary committees, leadership positions, and the types of policy issues they raise in the parliaments of Kenya and Tanzania.

The data from the archival Hansards include parliamentary questions, petitions, statements, motions, acts, and bills. Hansards are comprised of a full official report (verbatim) of the speeches of MPs and the printed record of the debates in the assembly.[16] This can be used to track all legislative processes that MPs are engaged in within the parliament, which will help explain differences amongst MPs in the manner they engage in law-making. Therefore, all formal

[16] Parliament of Kenya the national assembly the Hansard department (National Assembly) Fact Sheet No.10. Available at: http://www.parliament.go.ke/sites/default/files/2018-04/10_The_Hansard_Department.pdf.

documents on legislation are analysed to find out who contributed to the debate and the nature of their contributions.

Hansards include questions that are asked not only orally but are also recorded in writing. The main reason for examining parliamentary questions is that they "allow identification of a question's topic and thus the formation of an opinion regarding the policy interests and agenda of the questioner" (Martin 2011:2). Two types of questions are asked: principle and supplementary. Principal questions can be either ordinary or asked through private notice. Ordinary questions are asked orally, and the cabinet minister usually has to respond within ten days. Although orally put, the questions are written down in the parliamentary archive, dated and usually allocated a number. The questions by private notice are written down and listed, and they require an urgent minister's response in writing within 72 hours (two sitting days).[17] This research focuses only on principal questions, as supplementary questions mostly only add to or clarify the principal questions. The questions analysed from parliamentary Hansards are those directed to cabinet ministers and those directed to the prime minister during assembly sessions.

In Kenya only, a petition is a document presented to the parliament by a person or a group of people asking for action on a matter; it is a formal request to a person or a group in power (ibid.). There are two types of petitions—special petitions and public or general petitions. A special petition is when an individual makes a specific request or asks for personal relief from the State, which is not authorised by law, such as access to a pension. A public petition is when a group of citizens with similar interests requests general relief or redress a grievance. The petitioner seeks supporters to sign. When signatures reach 10,000, the government should provide an answer and, when it is at 100,000 signatures, the petition is sent to parliament for further discussion.[18] In the parliament, statements are also made and recorded concerning different issues raised in the parliament, including statements associated with petitions which are also included in this analysis.

A motion indicates a suggestion made by an MP and includes questions addressed to the Chair of the parliament. They are three types of motions; substantive, subsidiary or statutory.[19] Substantive

[17] Parliament of Kenya glossary terms. Available at: http://www.parliament.go.ke/index.php/glossary-terms.
[18] Petitions UK Government and Parliament. Available at: https://petition.parliament.uk/help.
[19] Parliament of Kenya glossary terms. Available at: http://www.parliament.go.ke/index.php/glossary-terms.

motions are independent proposals, and they are used to elicit an opinion or action of the parliament, for example, private members' motions and government motions. Privileged motions arise from, and is dependent on, the subject under debate. A privileged motion may be moved without notice when a debatable motion is before the parliament. Subsidiary motions, also known as ancillary motions, are procedural. They depend on an order already made by the parliament, and are used to move forward a question before the parliament. Like privileged motions, they can be moved without notice.[20] A bill is a proposal for a new law presented to parliament which, once passed by members, becomes a law. Kenya and Tanzania have similar formats of law-making inherited from the British common law system. After the bill is introduced in the parliament, it has to go through three stages before it becomes a law.

This research also examines the national gender strategic plans from the states of Kenya and Tanzania. These documents are available from the states' national gender focal points, particularly the ministry and NGOs dealing with gender issues. As argued, "at national level institutional set up for the advancement of women would be the main mechanism through which mainstreaming would be pursued" (Rai 2003:4). National gender-related documents have primarily been prepared in collaboration with other stakeholders, both external and domestic. The documents used in this study are the Kenya Women's National Charter of 2012 and the 2005 Tanzania Strategy for Gender Development. Tanzania has not discussed women's issues nationally since 2005. The research also used documents produced from several other sources, including the UN and its agencies, that are reflected in the work of the ministries responsible for gender equality in creating their national state strategic plans.

The documents produced by these ministries are likely to have elements of international gender documents, including the Beijing Platform of Action, CEDAW, and the Sustainable Development Goals (SDG). For this reason, Baldez (2011) suggested using the internationally agreed CEDAW as a way of defining a widely recognised women's rights agenda as it contains a list of gender equality goals across a range of areas, including; political rights, education, employment, health, marriage and family life. This study uses international documents and documents produced by nationally based institutions from both countries that cover various women's policy areas with

[20] Parliament of Canada, Types of motions. Available at: https://www.ourcommons.ca/About/Compendium/DebateandVoting/c_d_typesmotions-e.htm.

both feminists and no-feministic actors. The documents selected represent women in the state, originating from a recognised source and can be traced for credibility.

### *2.4.1 Data Collection and Analysis*

The research analyses the characteristics of politicians in the parliaments of Kenya and Tanzania, focusing on age, education, wealth/business activity and previous political experiences. Other characteristics, such as politicians' marital status and the number of children, although of interest, is not available. Data is constructed mainly from online information posted on the website of the Kenyan and Tanzanian parliaments.[21] Additionally, information from Kenya is supplemented by Mzalendo ('Patriot in Swahili), a non-partisan NGO monitoring the operation of the Kenyan parliament.[22] The age group of parliamentarians is considered at the year of election, that is, 2008 and 2013 for Kenya, and the general election years of 2010 and 2015 for Tanzania.

The education section is divided into four levels: primary/secondary; diploma/ certificate; degree; and postgraduate. The experience of politicians is examined by analysing the duration that MPs have been in politics, calculated from the time a legislator joined a political party. The data are divided into two periods, before and after the introduction of the multiparty political system. The purpose is to get an overview of how politicians have been involved in politics during the single-party era (1960–1990) and in the multiparty era (1991–2017). The assumption is that the longer the duration of MPs' engagement, the more experience they will have.

Secondly, the data is collected on women's engagement in parliamentary committees and in various leadership positions in parliament, cabinet, and government. The data collected helps to investigate the position of women compared to men in parliament in terms of having leadership roles as cabinet members or as members of parliamentary committees. It also looks at the type of committee or ministries in which they are members or hold leadership positions. It investigates several questions: are women more or less likely than men to be members of particular committees

[21] Parliament of Kenya. Available at: http://www.parliament.go.ke and https://www.parliament.go.tz.
[22] Mzalendo Eye on Kenyan Parliament. Available on info.mzalendo.com.

or hold particular leadership positions in parliamentary committees and the cabinet.? What types of committees/cabinets are women engaged in.?

Similarly, the research collects data on leadership positions in political parties and the general engagement of women in political parties. This is necessary given that MPs are elected through political parties, and "it is a known fact that the conditions within political parties in respect of the internal practices and democratic processes are of significant importance in the achievement of gender equality in politics and decision making." (Kandawasvika-Nhundu 2013:4). This is because MPs are elected through political parties. In addition, political party policies and leaders have great potential to influence policies introduced in the parliament and the state more generally. That is the reason why political parties are known as gatekeepers of women's engagement in political arenas, as political parties can limit and facilitate women's engagement. Thirdly, the data is collected from the Hansards to analyse advanced policies in the parliamentary debates. The general policy areas are analysed to investigate the capacity of each type of MP in the articulation of policies in the parliament. Then parliamentary questions are analysed further for evidence of attention to 'women's interests' policy areas. The study looks at the legislative capacity in the policy sponsorship and the type of policy that MPs prioritise. It asks questions: are women more or less likely to be advancing policies in the parliament? Is there a difference between women selected through reserved seats and those selected through seat constituency in advancing policies in the parliament? In addition, it also investigates whether there are differences amongst MPs in the prioritisation of policies. For example, do women only advance policies about women on what is considered women's interests, or do they also ask other questions on broad policy areas.?

The research utilises questions that have already been developed as part of the effort to study the advancement of women's policy interests in the parliament. In particular, Escober- Lemmon and Taylor-Robinson (2014) have developed several propositions and their implications that can be used to evaluate the impact of women's political representation. This includes a proposition that describes the purpose of people electing a representative to articulate their needs, implying that women in government (regardless of the venue) will articulate women's issues more than men. Second is the proposition which argues that more women in government leads to more women's interests being articulated (Escober-Lemmon and Taylor-Robinson 2014:8–10). These propositions share the same values as the theories of politics of the presence and critical mass that

argue women's presence is necessary and that this presence must reach a critical mass for women's needs to be presented in decision-making processes effectively. The study also utilises practical and strategic gender needs, where 'practical gender needs' are defined as issues that will improve conditions for women in their daily lives, and ‘strategic gender needs’ are issues geared towards the progressive transformation of gender relations (Molyneux 1985; Moser 1993).

The research gathers information on what issues are being raised by whom, and in what context. It examines what women’s policy interest issues are raised in the context of Kenya and Tanzania. This includes both general and specific areas considered to contain what is regarded as women’s policy interests. The parliamentary policies that contain an element of ‘women’s interests’ are identified using keyword searches based on the analysis of ‘women’s interests’ in each national context. These policies are then analysed manually by reading the Hansard.

Field trips were made to both Kenya and Tanzania to collect research materials from parliaments, NGOs, and libraries to supplement the information not available in libraries in Ireland or online.

Data from the parliamentary archive was compiled using Microsoft Office Access and Excel to organise, code, and classify data. Microsoft Access was used to create a database for the profiles of MPs and policy documents. The data are first summarised and then grouped into various themes, which are presented in table format for analytical purposes. In this study, all data are compiled by the author from the parliament website of Kenya (http://www.parliament.go.ke/) and Tanzania (https://www.parliament.go.tz/). When the source is not from these two parliaments, it is therefore stated below the table.

The period of analysis covers four years, which includes two parliamentary terms in both states. The parliamentary terms are 2008-2013 and 2013-2017 for Kenya, and the years covered include 2011, 2012, 2015 and 2016. In Tanzania, the parliamentary terms covered include 2010-2015; 2015-2010. The years 2011, 2012, 2016 and 2017. This time scale is the mid-parliament for the first term parliament in both countries as new elections took place in Tanzania in October 2015 and Kenya in March 2013. In addition, 2015, 2016, 2017 have been taken into account to provide up-to-date data in order to enhance the understanding of the impact of quotas on women’s political representation in parliaments.

In Kenya, there were key differences between 2008-2013 and 2013-2017. A second house, the Senate, was introduced in 2013, but as the focus of this study is on parliament, senate legislation such as bills, motions and petitions are not discussed. Also, in the parliament of 2013, the system of recording questions by number was no longer used. However, as the new system meant there was a high volume of parliamentary motions, bills and petitions, these activities were analysed for this parliament. In Tanzania, there are no changes concerning the two parliaments.

The data collection aims to compare the contribution of women and men in the parliaments. It also compares women politicians selected by quota with female politicians selected by the same mechanisms for male politicians. The analysis of MPs' characteristics helps clarify whether they differ and how that difference may impact the level of their engagement once in office. This enables the research to assess whether women politicians are more likely to raise more women-focused policy issues than male politicians. In addition, it also allows the research to assess whether MPs differ in their capacity of raising policy issues in a parliament with a critical mass of women. Are they more likely to raise such policy issues than MPs in a situation where women are a small minority? The analysis of the position of women in parliament allows the research to assess whether a parliament with a critical mass of women is more likely to give women more leadership positions in more prestigious cabinet/committee posts, including those that have in the past been considered the preserve of men. This information is therefore used to compare the representation of MPs in the Kenyan and the Tanzanian parliaments. The comparative case study of Kenya and Tanzania will shed some light on the impact of gender quotas in the context of these two Eastern African countries and in other countries, mainly where there is an application of a reserved seat gender quota system.

## 2.5 Conclusion

The next chapter explores the question of what constitutes policies with women's interests in Kenya and Tanzania. In particular, it analyses how women's policies have developed over time and how they can be defined and operationalised in the Kenyan and Tanzanian states.

# CHAPTER 3: WOMEN'S INTERESTS IN KENYA AND TANZANIA

## 3.1 Introduction

There is no agreement on what constitutes 'women's interests' (Baldez 2011; Escober-Lemmon and Taylor Robinson 2014; Saward 2010), nor do 'women's interests' remain constant over time and place (Celis 2006; Tripp 2001). This chapter defines 'women's interests' in the national contexts of Kenya and Tanzania. In developing states such as Kenya and Tanzania, the position of women and what constitutes 'women's interests' are different to those in wealthier developed states. Similarly, what constitutes 'women's interests' differ between the two countries.

Kenya has been wealthier than Tanzania since independence.[23] Kenya embraced African liberal capital while Tanzania during the 1960s moved towards an African socialist system (Nugent 2004). A significant difference between the two states was the approach taken in the early stages of state-building and, thus, in the space within which women represented their interests in Tanzania and Kenya. Before colonialism in Kenya and Tanzania, women's interests and position were tied up in the division of labour based on African values. After independence, both states emphasised African values as part of their state-building projects but in significantly different ways. It was claimed Kenyan women's "part in nation-building was equal to men's in every respect," but very little was done to make this statement a reality. In the state's early decades, very few women were involved in public life (Wipper 1971:431). However, Tanzania took a more inclusive policy approach where women could become more involved in politics directly. As noted, after the independence of Tanzania in 1975, a quota system for women's representation in parliament was implemented by the ruling party (Kairuki 2012). In addition to this, as both countries were dependent on aid, external actors and, in particular, European donors and the UN also had a significant impact on how policy reform impacted women (Holtham and Hazlewood 1976; Bush 2011).

[23] The World Bank Annual Report 2019. Available at: https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups.

This chapter gives an overview of the status of women and each state's policy on gender equality issues. In particular, it discusses how women's interests are defined in each state. The chapter investigates how women's interests have been represented through the interaction between men and women over time from colonialism to the present date. After that, the chapter discusses the role of actors, particularly the UN, and women's policy representation in Kenya and Tanzania. Furthermore, before concluding, it analyses nationally recognised documents to find out what is considered a set of state-defined 'women's interests' in the context of Kenyan and Tanzanian states.

## 3.2 Understanding the Context of Gender Relations from Colonialism to Feminism

In African indigenous society, there was no formal states system as political life was organised "through a complex web of social forces, institutional settings and interpersonal relationships" (Chazan et al.1999:75). For example, in East Africa, Kenya and Tanzania, the political organisation in pre-colonial times "rested largely on stateless societies" (Thomson 2000:23). The decision-making in these societies was carried out through a system of local organisation where the most important attribute in operation was a reference to "age and seniority" with tribal elders playing an important role (Chazan at al. 1999:80). It is assumed that older women were representing women's interests in this period (Olumwullah 1991). In East Africa, the division of society based on age and sex, the age-set system, played a critical role in dividing labour with political legitimacy "defined according to age, gender and wealth" (Burgess 2004:14). In these pre-colonial societies, women, to some extent, exercised power and had control over different activities they were involved in. In West Africa, "women exercised considerable power in the past among the Iyede people" (Ogbomo and Ogbomo 1993:432).

Similarly, a woman in many indigenous East African societies, including Kenya and Tanzania, "had considerable influence and even authority" (Parpart 1986:2). For example, a study of Kenyan pastoralists suggests the household be the central basic decision-making unit and that "it is at this level of household/family that most pastoral women participated in decision-making" (Ekuam 2006:139). However, it is argued that women's amount of power and authority was almost never equalled to the authority of male officials (Parpart 1987).

Indigenous East African society operated according to society norms prescribed in the division of labour which manifested in various roles played by each sex, as pointed out by Waylen (1996:50)

> gender relations in the pre-colonial African societies were not characterised by equality, however judged, they often entailed greater interdependence than modern societies, with men and women having different but, in many ways, complementary roles.

At this particular time, women's interests were framed in the division of labour which was assigned according to age and sex (Burgess 2004).

Women's role, including women's representation in decision making, changed during the colonial period in East Africa. For example, the British colonial establishment in Kenya, as a result of their "cultural bias", handed over "control of formerly communal lands to individuals – African men" and only recognised "male figureheads and spaces of authority" (Masandu 2018:590). In this new colonial administrative system, the council of elders in which women were involved was excluded as the system worked through male chiefs sanctioned by the colonial government. This limited women's engagement in decision-making roles and left their interests to be represented by men. The colonial administration propagated "Western gender stereotypes" of that period "which assigned women to the domestic domain, leaving economic and political matters to men" (Parpart 1987:97). The cumulative effect was to "weaken or destroy women's traditional autonomy and power without providing" other "forms of autonomy or power in exchange" (Allen 1972:165). This type of reduction in "female political power occurred all over Africa during the colonial period," including in Tanzania as well as Kenya (Parpart 1987:96).

During the struggle for independence, women's interests did not differ from men's in that both were focused on anti-colonialism. This does not mean that there were no women's interests to be put forward, but throughout this period, especially in the 1950s, society generally concentrated on fighting for the common issue of independence. Therefore, women were engaged hand in hand with men in carrying out various tasks geared towards achieving independence in Kenya and Tanzania. For instance, Kenyan women rose against the British in the uprising of 1913-1914 in a fight to retain their culture amid British influence (Kireithe 2012; Presley 1988). In Kenya, it is also noted that women joined the nationalist movement to improve their economic status, gain access to the political process, further their education, and abet the return of alienated land (Presley 1988). Women were also involved in the Mau revolt of the 1940s, which reached its climax in the

early 1950s before independence in 1963 (Kanogo 1987: Clough 1998; Santoru 1996). In Kenya, women performed on various military, political, and domestic arenas, working as "couriers, scouts, and spies" (Bruce-Lockhart 2014:593).

In Tanzania, women also supported the activities of political parties before independence. Women worked as political mobilisers in the liberation struggles (Geiger 1987). This includes the 'lelemama' dance groups performed exclusively by women that, enabled by the close collaboration among the bands, football clubs and the Tanganyika African National Union (TANU), were instrumental to the nationalist struggles that brought independence in 1961 (Tsuruta 2003). Tanzanian dance and music is a popular and powerful method used to attract people to political party gatherings. In this regard, women's dancing was used to motivate women to engage in political activities. Therefore, women in Tanzania were particularly prominent in mobilising membership and resources for political parties (Kairuki 2012).

After independence, women continued to work within traditional gender roles despite their significant political roles in the liberation struggle. As pointed by Parpart (1986:8), "during the liberation struggle, women's participation was welcome, and women were promised (and expected) economic and political benefit from independence. For the most part, these promises have not been kept. In women's experience, independence was "a transfer of power from one group of men to another" (Parpart 1987:225). Women mostly became more invisible in political party branches, and very few were given political roles in forming the new states in either Kenya or Tanzania. Although the main political parties in the new states had women's wings, they were designed to achieve political party objectives more generally, not to promote women's interests (Geisler 1987, 1995; Hirschmann 1991). During this time, it has been observed, women in political party wings who were to the ruling party or the regime, were failing to represent women's interests because of their weak relations with women's organisations (Tripp 1999). It has been noted that women's political party wings have often been used to provide services for political parties that are similar to women's domestic roles (Hirschmann 1991; Gilman 2001). For instance, in Malawi, president Banda instructed women’s wings to be present at all functions, dressed in political party uniforms, singing and dancing in praise for him on every public occasion (Hirschmann 1991; Ribohn 2002). These circumstances limited women's wings from engaging with women's interests as they had no real political influence.

The legacy of colonialism has continued in the post-independence period to influence women's engagement in decision-making institutions, as colonialists' institutional and political structures are used until today. It was only in the 1970s, when the second wave feminist movement started to create awareness through advocacy of women's rights and the framing of women's interests, that things began to change. The 1975 International Women's Year (IWY), in particular, brought women's interests into decision-making processes and agendas through "a consciousness-raising exercise" worldwide (Sawer 2006:111). Beginning from the 1975 Mexico City women's world conference, the UN member states agreed upon a world plan of action, including the decision to have a UN Decade for Women (Chen 1995; Roberts 1996). The 1970s is considered to be a significant decade where women's representation started to be strongly advocated for around the world, including in Africa. The UN Division for the Advancement of Women (DAW) was at the forefront of organising conferences to discuss women's representation at international levels (UN Women 2017).[24] The third of these conferences was held in Nairobi, Kenya, in 1985 at the end of the Decade for Women. As a result, the conference was more about a review and revaluation of progress made till then to advance a women's rights agenda. Following the UN decade, various human rights treaties and international conferences have been held and agreements reached focusing on major themes addressing women's issues. Through these conferences and meetings documents are produced that go on to become guidelines for women's policy at the state level. In general, the international women's movement has paved the way by setting the agenda on representing women and by driving both local and external actors to move on gender equality measures.

> "As international women's movement has grown and matured, other world conferences have attracted its attention and energy. This is so because women recognise the importance of voicing women's perspectives, not only in special conferences for women but also at all conferences and because these conferences deal with issues that are of interests and concern. The ability of the movement to influence the world conferences has increased steadily over time" (Chen 1995:477).

Women's policies are introduced throughout these international agreements, and a template is set for other actors to follow through on gender-specific policy areas. This was followed by the Beijing

[24] Shaping the International Agenda: Raising Women's Voices in Intergovernmental Forums. Available at: https://www.unog.ch/women-voices-intergov-forums-en (Acessed:21 October 2019).

Platform of Action 1995, a forward-looking strategy urging states to establish national machinery to advance the equality of women in their societies (Sawer 2006). States, including those in Africa, thus began to establish ministries as their institutional machinery responsible for coordinating national women's activities. This, it can be argued, is the beginning of standardised representation of women, a trend followed by almost all states, including Kenya and Tanzania.

Some of the international treaties are legally binding, some not. A case in point is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the UN general assembly in 1979 and the Beijing Platform for Action (BPA) in 1995. Although BPA is not legally binding, it has been argued that generally, "the political context of the world conferences does produce a form of (states) accountability that should not be discounted" (Timothy and Freeman 2000:4). States are obliged to report on their commitment to the treaties and agreements, especially in the treaties they ratify. Since the UN was at the forefront of organising the women's world conference, it has become a key instrument for advocacy of women's rights. Its ongoing influence can be seen in the development of women's rights in Kenya and Tanzania.

### 3.3 The Role of UN and Women's Policy Representation in Kenya and Tanzania

The UN's economic power in Africa, especially the ability to provide funds for local and national organisations, has influenced policies dealing with women's rights and welfare. The UN specialist unit UNIFEM (now UN Women), with operations in various states, has been shaping policies for women on the international agenda since they were founded (Galey 1994). Additionally, multinational financial institutions such as the IMF and World Bank have always served as international lenders of last resort to states experiencing financial hardship. Therefore, although "with different mandate and funding" to the UN, "these institutions serve complementary functions of addressing financial needs and promoting policy change in African countries", including policies that affect women's lives (Chazan et al.1999:334). Moreover, UN Women Africa, with regional headquarters in Dakar and Nairobi in particular, provides gender expertise and sponsorship on various women's projects, including covering costs of meetings, training and

conferences, in the process acquiring influence over the direction of women's activism.[25] For instance, UN Women organised a learning visit of participants in "livelihood" projects from Algeria and Tanzania to share strategies, insights and experiences (ibid.). In international development, such exchanges are termed "South-South cooperation"—the exchange of ideas, experiences, and opportunities between entrepreneurs, communities, and experts from the Global South.

In the context of Sub-Saharan Africa (SSA), the most recognised UN instruments are CEDAW 1979 and the Beijing Platform for Action (BPFA) 1995. CEDAW is also being described as an international bill of rights for women (CEDAW 1979).[26] The Convention defines discrimination against women as

> "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (CEDAW 1979, Part 1 Article 1).

After the first year of ratification, states are required to provide a report to the CEDAW committee and a country report every three years. There is also a systematic CEDAW follow up committee allocated to each state. It has a committee responsible for monitoring the implementation, writing and submitting reports to CEDAW. As argued, the "CEDAW Committee is the lynchpin for enforcement" (Englehart and Miller 2014:24). This might be a reason why CEDAW is particularly influential in many states worldwide, including Africa.

It has been adopted in African gender equality measures. For instance, the "architecture and influence of CEDAW is evident in the text of the Maputo Protocol" (Bond 2014:262). Kenya ratified CEDAW in 1984 and Tanzania in 1986 (Kazoba and Mmbando 2016; Ogendi and Griffith 2016). CEDAW has 30 articles dealing with various issues related to women rights (CEDAW

[25] UN Women Africa. Available at: https://www.unwomen.org/en/news/stories/2019/9/feature-from-tanzania-to-algeria-rural-women-are-taking-charge-of-their-lives-and-livelihoods. Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979.

[26] Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with Article 27(1). Available at: https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf.

1979). Article 1–5 is on the general framework of the convention; Article 6–16 is on specific areas, Article 17–23 is on committee and procedures, and Article 23–30 is on administration and interpretation. Below is a summary of specific issues from CEDAW articles.

*Box 1: CEDAW Specific Substantive Issues*

| | |
|---|---|
| 1. Article 6 Trafficking and prostitution | 6. Article 11 Employment |
| 2. Article 7 Political and public life | 7. Article 12Healthcare and family planning |
| 3. Article 8 Participation of women at international level | 8. Article 13 Economic and social benefits |
| | 9. Article 14 Rural Women |
| 4. Article 9 Nationality | 10. Article 15 Equal before the law |
| 5. Article 10 Equal right in education | 11. Article 16 Marriage and family |

The 1995 Beijing Platform for Action (BPFA) is the second most used women's agreement in Sub-Saharan Africa. The global community has used the Beijing Declaration and Platform for Action (1995) as a comprehensive policy document that outlines issues on gender equality (UN Women 2014).[27] Similar to CEDAW, follow up is done through reports prepared by the state in collaboration with other stakeholders such as NGOs and national machinery related actors such as ministries (Englehart and Miller 2014). As argued by Dr Phumzile Mlambo-Ngcuka, Under-Secretary-General Executive Director UN Women emphasised that (2014:6).

> "The Beijing Declaration and Platform for Action of 1995 is a visionary agenda for the empowerment of women. It still remains today the most comprehensive global policy framework and blueprint for action, and is a current source of guidance and inspiration to realise gender equality and the human rights of women and girls, everywhere"

The Declaration famously stated that women's rights are human rights (United Nations 2014). The Beijing Declaration highlights women's rights under its strategic objectives and its concrete and detailed recommendations for action. As argued, "institutionalising women's interests in all areas and sectors of policy at all levels has been a concern of women's movements worldwide as well as of international institutions such United Nations" (Rai 2003:15). The Platform for Action also is the first global agreement in which CEDAW is clearly reflected" (Timothy and Freeman 2000:6). The BPFA reinforced the implementation of CEDAW; although BPFA outlined 12

[27] Beijing Declaration and Platform for Action Beijing+5 Political Declaration and Outcome - UN Women. Available at: http://www.unwomen.org/~/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf .

critical areas which address women's policy s directly, its primary goal was to force member states to ratify CEDAW and to make CEDAW effective through the creation of a legal basis for a change within each state.[28]

*Box 2:The Twelve Critical Areas of Concern in the 1995 Beijing Platform for Action*

| | |
|---|---|
| 1. Women and poverty | 7. Women in power and decision-making |
| 2. Education and training of women | 8. Institutional mechanisms for the advancement of women |
| 3. Women and health | 9. Human rights of women |
| 4. Violence against women | 10. Women and media |
| 5. Women and armed conflict | 11. Women and the environment |
| 6. Women and the economy | 12. The girl-child |

Kenya and Tanzania have both signed and ratified both CEDAW 1979 and BPFA 1995. As is the case in most developing countries, including Kenya and Tanzania, the implementation of CEDAW[29] and the BPFA is also incorporated in the states' development plans framed in relation to the international development goals (Nzomo 2015). Currently, Sustainable Development Goal (SDG) number five is specifically geared towards achieving gender equality and empower both women and girls.[30]

As a result of the influence of BPFA, most women's activities in developing countries are coordinated under gender-specific ministries (Goetz 2003). The purpose of this national machinery is stated under Beijing Platform for Action no.201: support government-wide mainstreaming of gender equality perspectives in all policy areas. In order to function effectively, it needed to be placed at a high level within the decision-making hierarchy so as to have the authority to influence government policy (Rai 2003). In addition, Beijing Platform for Action no.202 urges governments and other actors to promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes. Furthermore, Beijing Platform for Action no.202 also requires gender perspectives to be integrated into legislation, public policies, programmes and projects. Although not of high status, Kenya and Tanzania have had ministries mandated to deal with women's issues.

[28] Fourth World Conference on Women Beijing Declaration. Available at: http://www.un.org/womenwatch/daw/beijing/beijingdeclaration. html.
[29] CEDAW list in Tanzania. Available at: http://www.bayefsky.com/issuesresp/tanzania_cedaw_2008.pdf, and CEDAW list in Kenya. Available at: http://www.bayefsky.com/issuesresp/kenya_cedaw_2010.doc.
[30] Sustainable Development Goal knowledge platform. Available at: https://sustainabledevelopment.un.org/sdg5.

In Kenya, before 1998, no ministry was directly involved in addressing gender issues. Instead, gender issues were allocated a unit within the ministry. It was not until 2003 that the Ministry of Gender, Sports, Culture and Social Services was formed. Between 2003 and 2006, the ministry dealing with gender was also responsible for addressing all issues raised in the ministry during that period related to culture, sports and social services.[31] From 2007 to 2013, the ministry abolished sports and culture and replaced it with children's activities which, in many countries including Tanzania, are often coordinated within the ministry of gender.

Kenya removed the Ministry of Gender, Children and Social Development in the 2013 elections. It was a surprising move given that Article 27(6) of the potentially gender-transformative 2010 Kenyan Constitution prohibits any form of discrimination and extends the right to equal opportunities for all in political, economic, cultural, and social spheres. The dissolution of Kenya's gender ministry was a massive blow to activists who saw victory in adopting the 2010 Kenyan constitution after a long struggle for women's rights in Kenya. Between 2013 to 2015 there was no standalone gender ministry, and gender issues were passed on to the Ministry of Devolution and Planning, highlighting how little attention they received during the period.

The Ministry of Gender was restored when President Kenyatta reorganised ministries over corruption claims and re-created the Ministry of Public Service and Gender in 2015. Later on, in 2018, the Ministry of Youth Affairs, established first in December 2005 to deal with youth challenges in Kenya, was merged and became part of the Ministry of Public Service, Youth and Gender. The ministry is currently addressing gender issues through the State Department of Gender Affairs (http://www.psyg.go.ke/).

*Table 3: Kenya Gender Ministries from 1990 to 2021*

| **Gender Ministry by Name** | **Period** |
|---|---|
| Women and Youth Affairs | 1998–2003 |
| Gender, Sports, Culture and Social Services | 2003–2006 |
| Ministry of Gender, Children and Social Development | 2007–2013 |
| Devolution and Planning | 2013–2015 |
| Public Service and Gender Affairs | 2015–2017 |
| Public Service, Youth and Gender Affairs | 2018–2021 |

*Source: Kenya parliament and Mzalendo Eye on Kenyan Parliament.*

[31] Republic of Kenya Ministry of Public Service and Gender. Available at https://gender.go.ke/background/.

Unlike in Kenya where for two years (2013-2015), there was no gender ministry, Table 4 shows that in Tanzania there has been a ministry directly responsible for women's issues throughout the years. In addition, in Kenya, there have been various ministry names showing shifts in policy emphasis over the years. In Tanzania, women and children have remained the primary focus of the ministry throughout.

In Tanzania, there has been no change in the ministry's name in the period between 1990 to 2014 except in its primary focus. Gender ministry in the past 12 years (1990-2002) main focus was on women, and the next 11 years from (2003-2014) emphasis has been on gender that has continued to this day (see Table 4). The change in focus of the ministry's name was caused by a period of change in the approaches used in development practices, especially in developing states from Women in Development (WID) or Women and Development (WAD) in the 1970s to Gender and Development (GAD) from 1980s (Brown 2006; Rathgeber 1990). Therefore, a change in the names of the ministries reflected the emphasis on what was going on in development practices, which is why even in Kenya, they had a women's ministry between 1998 to 2003.

In Tanzania, the most significant change came after the 2015 elections, where the Ministry of Health, Community Development, Gender, Elderly, and Children (CDGEC) was formed (http://www.mcdgc.go.tz/-). This ministry is a merger of two formerly independent ministries, the Ministry of Health and Social Welfare, and the Ministry of Community Development, Gender and Children. As the name indicates, this ministry carries a massive responsibility dealing with many more policy areas. Integrating the ministry of gender and the ministry of health could reduce the overall pace of implementation of gender issues. Furthermore, considering that the health ministry is currently dealing with many activities on the fight against Covid-19 and its aftermath, it is very likely that gender activities may not be given the attention it deserves.

*Table 4: Tanzania Gender Ministries from 1990 to 2021*

| **Gender Ministry by Name** | **Period** |
|---|---|
| Community Development, Women and Children | 1990–2002 |
| Community Development, Gender and Children | 2003–2014 |
| Health, Community Development, Gender, Elderly and Children | 2015–2021 |

*Source: http://www.mcdgc.go.tz/-*

In both states, as indicated by their names, these ministries are not operating as independent entities dedicated solely to women. Logically, it may not be as easy for gender issues to be given the required weight and priority as they would be in independent ministries. Among the donors, the ministry's main development partner is UN Women, whose key mandate is to "support the national gender machinery and build their capacity, make them take their commitments seriously, especially towards the international conventions" (Lange and Tjomsland 2014:72).

Within this shared framework, Kenya and Tanzania have significant differences as well as similarities. The following section looks at Kenya in more detail before going on to discuss Tanzania.

### 3.4 Women's Status and the History of Policy Reform in Kenya

As pointed out, "participation of women in Kenya's political arena and decision-making processes goes back to the period prior to colonisation, and their systematic political marginalisation has roots in the colonial legacy that it actively perpetuates by post-colonial political elite" (Nasong'o and Ayot 2007:164). As a result, women did not benefit from their engagement in the independence struggle. In Kenya, their exclusion "from public life has been the norm since independence to the present day" (Mathangani 1995:181). After independence, the first president had a significant role in setting out the direction of the state with regard to women's engagement in decision-making. In Kenya, President Jomo Kenyatta (1960 to 1978) took a capitalist development approach where women were marginalised (Barkan 1994). Kenyatta policy did not focus much on including women in politics in Kenya (Tripp 1999:7), indicating that a commitment "on the part of the country's leadership is another critical factor in advancing women's political representation." It is also considered that the one-party politics of the independence movement period in Kenya "undoubtedly hindered the opportunities for women" (Lawless and Fox 1999:51), and this continued into the new state in which the ruling party made no effort to include women. As a result, women had a very low level of participation in parliament. The number of women has been less than 3.5% since independence and rose to 8.1% in the 2002 election (see Chapter 5). In this period, before the multiparty era, women's activism "concentrated on economic and welfare activities", and they were marginalised in public life (Mathangani 1995:183).

One result of the introduction of multiparty politics was that it "widened the scope of civil society, including the women's movement" (Mathangani 1995:184). Even after the introduction of the multiparty system, the main political party, Kenya African National Union (KANU), did not engage with women and saw women's rights in Kenyan as being "in opposition to the Government." As a result, the Government "treated women's advocacy efforts as anti-establishment and therefore suppressed them" (Mathangani 1995:194). This greater activism on the part of women's organisations coincided with a change in priorities for international donors who in the 1990s had an increased interest in funding "advocacy around women's legal reform," contributing to the growth in the number of women's organisations (Tripp 2016:83).

As a result of this stance taken by the government, by 1995, Kenya was failing to meet its international commitments on gender equality (Mathangani 1995:180). It was also continuing to suppress women's activism, considering it to be related to the political opposition (ibid.). At the time of the Beijing conference, women in Kenya faced a range of discriminatory legislation. For example, the Employment Law at that time did not provide legislation to prevent genital cutting and child marriage (Mathangani 1995). Furthermore, women were less likely to own land than men and customary laws made it difficult for women to inherit their husbands' property (Mathangani 1995:188).

As a result of this repression and the government's anti-women attitude, there were no women-friendly reforms in the 1980s and 1990s. However, the multiparty era from the 2000s saw a number of policy reforms, including the Children's Act of 2001; the HIV and AIDS Prevention and Control Act 2006, Sexual Offences Act of 2006, the Employment Act 2007, Kenya Citizenship and Immigration Act 2011, Female Genital Mutilation Act of 2011 and The Marriage Act of 2014. Kenya's introduction of a multiparty political system also opened it up to the increased influence of international donors who supported reforms in these areas. However, the introduction of the multiparty political system also led to a period of political violence in Kenya. This was at its strongest due to political tensions between the government and opposition parties in the 2007 and 2008 elections. The outcome of this conflict was a new Kenya constitution in 2010. In the debates that proceeded the vote on the 2010 constitution, women's organisations "sought the right to inherit and to use property equally"; asserted that "customary law could no longer override women's rights" and also demanded a "gender commission" (Tripp 2016:91). Women made gains in the

2010 constitution including an equality provision and the establishment of constitutional dominance over customary law.

One of the strategies to boost women's engagement in the parliament of Kenya is the establishment of the Kenya Women's Parliamentary Association (KEWOPA) in 2001.[32] It comprises female parliament members from various political parties and focuses on strengthening women's engagement in leadership positions in Kenya. Female members of parliament benefit from the organisation by obtaining knowledge and working as a team. It has promoted policy reforms of interest to women. For example, KEWOPA helped pass the Prohibition of Female Genital Mutilation Act which was adopted in 2011. KEWOPA's strategic plan of 2014–2018 had as an objective the advancement of women MPs by providing education on the appropriate strategies that women could use to effectively advance gender equality values and principles in the parliament (KEWOPA 2014).[33] In the new KEWOPA strategic plan of 2019–2023, the focus is also on enhancement of representative functions of women MPs with regard to the citizenry on policy and community issues.[34]

In many ways, the position of women in Kenya has continued to improve since the 2008 election. They have benefited from several reforms. Key among them is the 2010 constitutional provision that requires the two-third gender principle to be applied at all levels of decision-making in Kenya. Applied in the 2013 election, women now make up 21.8% of the Kenyan Parliament. Although it has not yet reached the level set out in the Kenyan constitution, negotiations are still underway to achieve that goal.

### 3.5 Women's Status and the History of Policy Reform in Tanzania

In Tanzania, Julius Nyerere (1960–1985) took a different approach to that of Kenya and introduced African socialism, inscribed in the 1967 Arusha Declaration (Nyerere 1977). This policy was more

[32] Kenya Women Parliamentary Association (KEWOPA). Available at: https://www.kewopa.org.
[33] KEWOPA Strategic Plan 2014-2018. Available at: http://www.kewopa.org/wp-content/uploads/2017/05/KEWOPA-Strategic-Plan-2014-2018-1.pdf.
[34] Kenya Women Parliamentary Association Strategic Plan 2019 – 2023. Available at:http://www.kewopa.org/wp-content/uploads/2018/12/KEWOPAStrategic-Plan.pdf.

inclusive than the state ethos in Kenya as it emphasised the need to build a united- state that could provide development for all people. The constitution of Tanzania, 1977 part III, also declared all human beings equal, banned segregation based on sex or religion, and gave ownership of all the state's natural resources to all citizens. The focus on unity and an all-inclusive development gave Tanzanian women a better position in public life than their counterparts had in Kenya. Although in the early stage of state-building and development in Tanzania, the role that women were assigned in the new state did not reflect their role in the independence movement (Tenga and Peter 1996; SARDC and TGNP 1997).

In Tanzania, the status of women remained lower compared to men. The Southern African Research and Documentation Centre (SARDC) and Tanzania Gender Networking Program (TGNP) report of 1997 stated that women had no control over cash income, could not inherit family property, lacked control of their sexuality, had a low literacy rate, and few were in leadership positions. There was also difficulty in accessing health facilities as they were affected by the privatisation of health services. Women also had poor access to land (SARDC and TGNP 1997). Tanzania is an agrarian state "which makes land the major means of production" and livelihood, just as it is in Kenya (SARDC and TGNP 1997:22). It has been argued that in Tanzania, the disadvantages that women experience is shown by the fact that even amongst rural families with a reasonable level of affluence, wives more often lived like poor women, not sharing their husband's wealth (Mbilinyi 1984). Meena (2003:7) claimed that the 'link between civil society activists and women parliamentarians' was weak and that, consequently, there was no collective action around women's rights. Donors had a major role in promoting gender policies in the late 1990s and early 2000s (Lange and Tjomsland 2014:67).

Gender reforms in Tanzania in this period include Sexual Offences Special Provision Bill 1998, the Land Act of 1999; Village Land Act of 1999, the Child Act of 2002 and revised Marriage Act of 2002 (Ministry of Health, Community Development, Gender, Elderly and Children).[35] It is noticeable that in recent years there have been no further significant policy reforms by the government, except in children's affairs, where new legislation has included the Law of the Child (Retention Homes) of 2012, Law of the Child (Foster Care) of 2012, The Law of the Child

[35] The United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDGEC). Available at: http://www.mcdgc.go.tz/index.php/publications/category/policies_/P20/.

(Apprenticeship) of 2012 and Law of the Child (Juvenile Court Procedure) of 2016. However, there have been heated public debates, often led by civil society, on customary law, child marriage, contraception, abortion and maternal health. The most recent is President Magufuli's advice against birth control, insisting that the country needs more people (Oppenheim 2018; The Citizen 2018). His views are also shared by other leaders in Africa, such as Ugandan President Yoweri Museveni in East Africa, who also sees population growth as a boon to African and global markets.[36]

Tanzania Gender Networking Programme (TGNP), established in 1993, has been at the forefront of campaigning for gender issues. They have done so over a number of years and by a number of means, including media and online publications on their website (https://tgnp.org/). Furthermore, they conduct events such as a gender festival every two years with themes that reflect contemporary women's issues—bringing together civil society activists, government officials, and donors. Gender Activists Transforming the World was the theme of the 2019 conference where TGNP celebrated by critically reflecting on its transformative feminist journey in the last 25 years, connected with the international debates on the impact of the Beijing Platform for action in 2020. In addition, over the years, TGNP has maintained a constant focus on mainstreaming gender in the national budget,[37] arguably their key issue.

The Tanzania Women's Parliamentary Group (TWPG) has a membership of all women MPs regardless of their political affiliation. TWPG objectives include increasing the number of female delegates as well as their potential influence on political decision making.[38] In 2017 the TWPG, in partnership with IPU, carried out activities to support new women parliamentarians in developing their network and in strengthening their knowledge and skills as MPs, including that of women's policy advancement in the parliament.[39]As in Kenya, this group focuses on the role of women within the parliament and their access to leadership positions but does not focus directly on

[36] Yoweri Museveni President of Republic of Uganda State of Affair. Available at:https://www.yowerikmuseveni.com/address-national-state-affairs.
[37] Why gender responsive budgeting is vital for sustainable development. Available at:https://tgnp.org/2018/09/17/why-gender-responsive-budgeting-is-vital-for-sustainable-development/.
[38] Women Political Empowerment. Available at: https://tanzania.hss.de/fields-of-activities-in-tanzania/women-political-empowerment/.
[39] Working with the Tanzania Parliament on gender equality. Available at: https://www.ipu.org/news/news-in-brief/2017-09/working-with-tanzania-parliament-gender-equality/.

substantive issues. The focus of these parliamentary organisations on internal parliamentary issues does not help bridge the gap between women active in civil society organisations and women MPs as a group.

The next section discusses the gender policy framework that states proclaim lay out their objectives in addressing women's interests in Kenya and Tanzania.

### 3.6 Women's Policy Interests as Nationally Defined in Kenyan and Tanzanian Contexts

The states have documents that summarise national women's policies in both Kenya and Tanzania. It is critical to look at national planning documents as they create a space for activist engagement with policy and practices (Hudson 2017). These documents-- the Kenya Women's National Charter of 2012 and Tanzania National Strategy for Gender Development 2005—are not recent, but they do provide the main framework within which the governments work.[40] Although the Tanzanian document is 16 years old, it remains the key text for implementing and developing gender policy. As highlighted in the Tanzania Country Gender Profile report of 2016, the same fundamental issues are addressed in the report and the Ministry of Health, Community, Gender, Elderly and Children, where no policy update has been affected.[41]

In 2010 the government of Tanzania started the process of revising its gender policy document, and the work is still ongoing (Lange and Tjomsland 2014:70). The Kenyan and Tanzanian policy documents are drawn from a combination of the Kenyan and Tanzanian states' commitments, which include the international conventions to which they are signatories, and the contents of international documents such as the BPFA and UN development goals. For this reason, it can be assumed that they also contain a more feminist view of women's interests than would be found in that of the political parties. The preparation of these documents involved engaging with the views

[40] National Strategy for Gender Development. Available at:http://www.mcdgc.go.tz/data/Tanzania_-_National_Strategy_for_Gender_Development.pdf /.
[41] Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDGEC). Available at: http://www.mcdgc.go.tz/index.php/publications/category/policies_/P20/ and interview conducted with staff from the Ministry of Community, women and children in Dar as salaam in 2015.

of grassroots women's organisations. For example, 22 women grassroots leaders from 47 counties contributed to drafting Kenya's gender policy.[42] This means the documents have, inevitably, incorporated both non-feminist ideas along with the contents of international documents during the preparation processes.

The Kenya Women's National Charter (KWNC) was launched in 2012, encompassing women's policy, political, social, economic or cultural, as provided for by the framework of the 2010 Kenyan Constitution (ibid.). It was drafted by a team of organisations and individuals whose work was funded by Ford Foundation, Norwegian Church Aid and Amkeni wa Kenya Women Leadership Academy. Participating stakeholders included NGOs, community organisations, business communities, political parties, politicians, and also some male champions of justice and equality (ibid.). The Charter has specific women's policy demands under articles in tandem with the Kenya Vision 2030 and the 2010 Constitution, Beijing 1995, CEDAW and ongoing Sustainable Development Goals. Nzomo pointed out that "The Charter was in part inspired by the global consensus", and for women, it "grew out of a realisation that despite an overall improved legal and policy environment", Kenyan women continue to "experience both structural and systemic discrimination" (2015:5). The Charter deals with the issues under 17 broad topic themes, as shown in Box 3 below.

*Box 3: Kenya Women National Charter of 2012*

| |
|---|
| Article 2: Pg. 6 Elimination of Discrimination Against Women |
| Article 3: Pg. 7 Right to Dignity and Respect |
| Article 4: Pg. 8 Realisation of Freedom from sexual and gender based violence |
| Article 5: Pg. 10 Family and Equality in Marriage |
| Article 6: Pg. 11Access to Administrative of Justice and Equal Protection before the Law |
| Article 7: Pg. 12 Effective Representation of Women in Leadership and Governance |
| Article 8: Pg. 13 Realisation of Economic and Social rights for Women |
| Article 9: Pg. 14 Realisation of Women's Employment and Welfare Rights |
| Article 10: Pg. 15 Sustainable Development and Women's Economic Empowerment |
| Article 11: Pg. 16 Gender equality in opportunity and Access to Education and Training |
| Article 12: Pg. 17 Reproductive Health Care Rights |
| Article 13: Pg. 18 Culture and Women's empowerment |
| Article 14: Pg. 19 Special protection of Elderly women and women with Disabilities |
| Article 15: Pg. 20 The Role of Media in the Promotion of Women's Empowerment |
| Article 16: Pg. 21 Rights and responsibilities of women in promotion of peace |
| Article 17: Pg. 22 Mechanisms and Strategies for realising Gender and women's rights |

[42] Women Empowerment Link (WEL). Available at http://wel.or.ke 2013.

In order to ensure implementation of gender issues, Kenya Women's National Charter National Action Plan (KWNCAP) 2015-2025 has been launched to deliver women's policies outlined in the Kenya women charter. Following KWNCAP, the national action plan was established to highlight some of the sites where there are opportunities to revise systematic discrimination against women and take corresponding actions. In addition, the national action plan stipulates the roles of different actors such as government, civil society and other activists concerning the promotion and the realisation of women's rights (Waiguru 2015).[43]

Similarly, to the Kenyan policy document, the Tanzania representation of women's policy interests is outlined in the National Strategy for Gender Development (NSGD) 2005, which was produced under the Ministry of Community Development, Gender and Children. NSGD was prepared through participatory broad-based consultation with government ministries and institutions, local government authorities, development partners, academic institutions, civil society organisations, individuals and teams of experts (NSGD 2005:5). The NSGD preparation started in 2001 after the adaptation of the Women and Gender Development Policy in 2000. It consists of 20 major policy areas (see Box 4 below).

*Box 4: Tanzania National Strategy for Gender Development 2005*

| | |
|---|---|
| 1. Pg. 6 Institutional Framework | 11. Pg. 15 Division of Labour |
| 2. Pg. 7 Decision-Making and Power | 12. Pg. 15 Information, Education & Communication |
| 3. Pg. 8 Legal and Human Rights | 13. Pg. 16 Appropriate Technology |
| 4. Pg. 9 Education | 14. Pg. 17 Environmental Protection and Conservation |
| 5. Pg. 10 Training | 15. Pg.17 Access and Ownership of Resources |
| 6. Pg. 11 Economic Empowerment | 16. Pg. 18 Gender Mainstreaming |
| 7. Pg. 11 Employment | 17 Pg. 19 Gender/Sex Disaggregated Data |
| 8. Pg.12 General and Reproductive Health | 18. Pg. 19 Social Security |
| 9. Pg.13 HIV/AIDS | 19. Pg. 20 Community Participation |
| 10. Pg. 14 Food Security and Nutrition | 20. Pg. 20 Customs and Traditions |

The NSGD provides guidance on how interventions could be carried out, which is outlined in its implementation framework. The framework includes objectives, strategies, activities, and

[43] Speech by Ms Anne Waiguru, Cabinet Secretary, Ministry of Devolution and Planning, During The Launch of the National Action Plan on Kenya Women's Charter, 26th –February 2015 At Kasarani, Nairobi, Kenya. Available at: https://www.scribd.com/document/257022246/CS-Speech-at-the-Launch-of-the-National-Action-Plan-on-Kenya-Women-s-Charter.

performance indicators relevant to actors and timeframes as a guideline for implementing women's policy agendas (NSGD 2005). The NSGD draws on the Beijing Platform of Action (BPFA), and four areas are given primary priority to maximise the impact of Tanzania limited resources. These include enhancing women's legal capacity, economic empowerment of women and poverty eradication, women's political empowerment and decision-making, and women's access to education and employment.[44] According to the Tanzanian Ministry of Community, Gender and Children, the state is still addressing the exact needs it was addressing in the 1990s and will do so until these issues are resolved (ibid.). Therefore, the government sees no need to develop this framework further.

National women's policy areas as defined in the 2012 Kenya Women's National Charter (KWNC) and the 2005 Tanzania National Strategy for Gender and Development (TNSGD) are similar. Both countries emphasise the need for state institutions to build capacity in addressing women's policy issues related to leadership and governance, education and training, employment and social welfare rights, culture and traditions, health and reproductive rights, economic empowerment, media, and legal and human rights policy. However, some of the differences between nationally defined women's policies between Kenya and Tanzania are found in relation to women's rights and responsibilities in promoting peace. This reflect both recognition of the role of women's engagement during and after the 2007 post-election violence in Kenya and the development of international norms on this issue following the UN security council resolution 1325. The other policy issue emphasised in Kenya more than Tanzania is protecting older women and women with disabilities. The Tanzania TNSGD 2005 does not mention disability. Although there is a Person with Disabilities Act of 2010 (Part II no.6) that provides equality and non-discrimination measures, it is more general than specific. In essence, it is meant to be applicable to both men and women.[45]

In Tanzania, the policy priority emphasised differently from Kenya is food security and nutrition. According to the Hunger map 2015–2016, where the lower the percentage, the greater the level of food security, Tanzania is between 25–34.9%, compared to Kenya, which, according to the

[44] Interview conducted on 13/3/2015 with staff from the Ministry of Community, Women and Children in Dar es Salaam- Tanzania.
[45] Tanzania Person with Disability Act of 2010. Available at: https://Persons%20with%20Disabilities%20Act, %202010.pdf.

measurement, is doing better between 15–24.9%.[46] Similarly, the Tanzania Demographic and Health Survey 2010 report revealed that the prevalence of malnutrition among women and children is still high.[47] In general, the Sub-Saharan region has the highest prevalence of hunger as one person in four is considered undernourished (World Food Programme 2017).[48] This indicates that access to food and standards of nutrition is of more significant concern in Tanzania.

In Tanzania, the policy document also highlights ensuring the state's collection of gender/sex disaggregation of data. This is a reflection of the fact that donors saw it as a major issue at the time and wanted the document produced. However, in Tanzania, they are still emphasising gender segregation data. For instance, the TGNP 2018 meeting on why gender-responsive budgeting is vital for sustainable development has included issues on gender-disaggregated data to enable effective government planning and budgeting.[49] Similarly, in Kenya, CEDAW (2017:3) raised concern "at the lack of disaggregated data collected by the State party on the situation of women and girls".

The latest CEDAW reports highlight women's interests identified in the states of Kenya and Tanzania (see Table 5). In this summary, most of the challenges that women face is similar, including the lack of human, technical and financial resources available to the relevant ministries to tackle policy challenges. In both states, there is also a persistent discriminatory stereotype of the roles and responsibilities of women and men in the family and society. Harmful practices, including child and/or forced marriage, Female Genital Mutilation (FGM), polygamy and inheritance rights, also prevail in both states. For instance, in Kenya, the report noted that the practice amongst the Samburu people of raping girls, known as beading, is justified as a cultural practice and its consequences including unsafe forced abortions (CEDAW 2017:4). In Tanzania there is

[46] The probability that a randomly selected individual in the population is consuming an amount of dietary energy, which is insufficient to cover her/his requirements for an active and healthy life. Source: FAO, IFAD and WFP 2015. Available at: http://documents.wfp.org/.
[47] Nutrition policy mapping 2012 from Save the Children Organisation. Available at: https://tanzania.savethechildren.net/sites/tanzania.savethechildren.net/files/library/Policy%20Mapping%20Consultancy%20%20Report%20%20final.pdf /.
[48] 2018 World Hunger and Poverty Facts and Statistics. Available at: https://www.foodaidfoundation.org/world-hunger-statistics.html.
[49] TGNP report on Why gender responsive budgeting is vital for sustainable development. Available at: https://tgnp.org/2018/09/17/why-gender-responsive-budgeting-is-vital-for-sustainable-development/.

> "the practice of prescribing sex with girls or women with albinism as a cure for HIV, ritual killings and attacks on persons with albinism, including women and girls, the use of their body parts for purposes of witchcraft, and the stigma and social exclusion suffered by mothers of children with albinism" (CEDAW 2016:5).

Overall, Kenya has also pointed to the need for women and girls with a disability to be integrated into affirmative action measures, particularly in accessing health services.

> "about lack of protection of the health, sexual and reproductive rights and access to justice for women with disabilities, restraints on their legal capacity and ability to own property, and violence against them, including the practice of forced sterilization" (CEDAW 2017:11).

This is influenced by the existence of multiple legal systems that conflict with state laws, especially in terms of religion and customary law, which favour men in both Kenya and Tanzania and in some circumstances are allowed to take priority over state law (Kenya CEDAW 2017; Tanzania CEDAW 2016).

*Table 5: Principles Areas of Concerned Raised in Kenya CEDAW 2017 and Tanzania CEDAW 2016*

| Policy Areas | Kenya CEDAW 2017 | Tanzania CEDAW 2016 |
|---|---|---|
| Religion and customary law | Multiple legal system, Muslim women not allowed to be kadhi, legalisation of polygamy | Customary and religious law not been harmonised with statutory law. New constitution review has been postponed indefinitely as it provided articles against women discrimination. |
| National machinery | Limited resources , mandate and barriers to their functions | Lack of sufficient human technical and financial resources, delay in adopting a national gender policy in the state |
| Temporary special measures | Not applied sufficiently to achieve equality especially to women and girls with disability | Not utilised as Village Land Act of 1999 requires that 3 of the 5 or 7 members of the village land council be women |
| Stereotypes and harmful practices | Child/forced marriage FGM, polygamy, bride price and widow inheritance rights | Child forced marriages, FGM, polygamy, widow inheritance rights, and attacks on albinisms. |
| Gender Based Violence | Rape in public and private sphere, gang rape during 2017 election | Lack of comprehensive law to deal with sexual violence |
| Trafficking and Exploitation of prostitution | Trafficking of women and girls for sexual exploitation or forced labour, gang rape, forced sex practices and forced non usage of condoms | Trafficking of women and girls for domestic work and sexual exploitation |
| Participation in political and public life | Affirmative action, gender equality not yet achieved. Barriers on women's engagement in political and public life including threats and violence at all levels of political life. | Concerned about low participation of women at the local level and in management positions on supervisory boards of companies |
| Education | Out of school and gender disparities in schools due to early pregnancy, FGM, child/forced marriage, lack of sanitary towels, lower no. of women at university level and lack of discipline they pursue | Barriers to girls' access to high quality education due to lack of school infrastructure including adequate sanitary towel, shortage of teachers, sexual abuse by teachers, teaching material and poor learning environment especially in rural areas |

| | | |
|---|---|---|
| Employment | Non-payment for three months maternity leave, forced women domestic workers , high level of unpaid and unrecognised work done by women | Discrimination against women in the labour market, lack of implementation on equal pay work, and lack of inspection of women working conditions |
| Health and HIV/AIDS | Poor free maternity care policy of 2013, lack of access to quality health care services including women with disabilities, women in prostitution and 'rural women', unclear legal framework on abortion led to unsafe and illegal abortions | High teenage pregnancy, limited access to contraceptives especially in rural areas, high prevalence of HIV/AIDs amongst women and girls , high level of mother to child transmissions, and high number of HIV infections amongst girls and boys |
| Economic empowerment | Women facing difficult to access Women Enterprise Fund (WEF) due to lack of clear criteria utilised | Women's limited access to financial assistance and credit, limited support to entrepreneur activities |
| Rural Women and Indigenous Women | High poverty rate, exclusion from decision-making including property rights, limited access to health, climate change due to drought, Limited access to traditional land, violence against women and girls include killings during cattle raids | High poverty rate, difficult access to services health, education, clean water, sanitation services, income generating activities, access to legal services, lack of access to land |
| Older women | Lack of protection from violence and abuse of old women and lack of data on their situation | Killing of older women suspected of practicing witchcraft, intimidation, isolation, abuse |
| Marriage and Family Relations | Lack of access to justice, discriminatory inheritance law. | Discrimination customary law with regard to marriages and family relations, including inheritance by widows and daughters and property rights |

Table 5, drawn from the CEDAW report, paints a picture of the scope of the challenges facing women in Kenya and Tanzania. In addition to this, it also shows in broad terms the similarity of the challenges faced by women in Kenya and Tanzania. These challenges reflect the status of most women in these countries, showing that to be still lacking several rights, with many still living isolated in rural areas. It also highlighted the seriousness of the problem regarding gender-based violence against women in a wide range of circumstances.

## 3.7 Conclusion

Women's policy interests as described in the Kenya Women's National Charter (KWNC) of 2012 and Tanzania National Strategy for Gender Development (TNSGD) of 2005 are more feminist than the observable actions and policies of the states. These documents are a combination of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979 and the Beijing Platform for Action 1995, as discussed in this chapter. This might be explained by the UN and its agencies' influence on women's agendas, where top-level actors are more aware of international agreements and policies for addressing women's interests. At an international level, the role of the UN and its agencies has been a significant factor, especially as donor provision of

expertise and funding has been at the forefront of implementing gender policies. Funding of this type enables women's projects to be conducted, meetings to be held, research to be done, and documents such as the Kenyan KWNC and TNSGD in Tanzania to be produced. This explains why the nationally defined policies on women's policy interests in Kenya and Tanzania are so similar in many ways.

The framework for the policy analysis regarding women's interests will be based on a range of various policy areas raised in the national documents for Kenya KWNC of 2012 and Tanzania TNSDG of 2005. Although the Tanzanian document seems to be very dated, we have seen in this chapter that it is the same women's issues receiving attention today as before. In addition, it will also cover areas raised outside government parties. This will include documents from the latest CEDAW country report of 2016 for Tanzania and the 2017 Kenya report. It will also consider the views of the countries' top leaders, especially the president's, as presented during various speeches on women's interests in their countries.

The next chapter discusses how women are engaged in political party activities. Political parties are one of the first avenues where women could gain experience and network, which could help them maximise their impact when selected as an MP in parliament.

# CHAPTER 4: WOMEN'S ENGAGEMENT IN POLITICAL PARTIES IN KENYA AND TANZANIA

## 4.1 Introduction

Political parties have been identified as the main gatekeepers for women's access to politics as it is from political parties that MPs are selected, and it is parties that veto the selection of candidates (Donge and Liviga 1989; Kantola 2019; Kandawasvika-Nhundu 2014; Lovenduski 2010; Ohmani and Lintari 2016; Sacchet 2005). Access to power, leadership and decision-making typically begins at the political party level and is influenced by the structures and culture of the individual parties (Kandawasvika-Nhundu 2014; Ohmani and Lintari 2016). Party leaders are the main actors in managing party affairs, as they control campaign strategies, policy agendas, government formation and the shape of policies passed in the parliament. As a result of this influence, party leaders "have the control to create openings for women-when they want to do so" (Caul 1999:81). Political parties are formed within the context of a country. Therefore, they take on the realities of the place where they are established. Sartori (2005:128) argued that "parties are shaped by their history." Hence, it becomes paramount to understand the environment surrounding political parties in the context of state development and how women are engaged in various political party activities. For African states, the development of political parties was shaped by the post-colonial environment (Nugent 2004). This means that African political parties are different in their history and structure to European political parties, including the experience of women in relation to them. Since independence, both Kenya and Tanzania have had a long period of single-party dominance without many changes in the main political leaders. Both countries transitioned to democracy in the 1990s and, both had a dominant political party post-transition. This dominance for Kenya ended in 2008. As pointed out by Chege (2007:43), "party leadership in East Africa is strongly associated with founding personalities or those to whom leadership is bequeathed by the original leaders." The majority of leaders are overwhelmingly male.

This chapter examines the experience of women in political parties in Kenya and Tanzania. The chapter's purpose is to provide a current understanding of women's involvement in political parties; especially for the period covered by this study, that is the contexts of two election terms

in each state: 2008–2013 and 2013–2017 for Kenyan parliaments and 2010-2015 and 2015–2020 for Tanzanian parliaments. For each country, the chapter first starts with an overview of women's engagement in political parties, especially after independence, and the political context in the given period of the elections. It discusses the procedures for selecting candidates in political parties and factors that challenge women's full engagement in political party activities.

## 4.2 Women Engagement in Political Parties: An Overview of Kenya

In Kenya, women's role in politics is acknowledged from the struggle for independence, including in the Mau Mau revolutionary movement against colonialism in the 1950s (Alam 2007; Kanogo 1987; Presley 1988). In Mau Mau women were involved in the struggle in ways that are typical of women in other conflicts -- they carried guns as they would be less likely to be searched. For the same reason, they were involved in intelligence work, providing information to the central organisation. They also performed the usual women's tasks of cleaning, cooking, and taking care of the sick and wounded (Alam 2007: Presley 1988). During the period of the independence struggle, women joined political movements in significant numbers "to improve their economic status, to gain access to the political process, to further their education" and also to fight for the return of alienated land" (Presley 1988; 508). The Kenya African National Union (KANU), the main political organisation that campaigned for Kenyan independence, was formed in 1944 as the product of a merger between the Kenya African Union (KAU), the Kenya Independence Movement (KIM) and the (NPC) National People's Convention Party (Kanyinga 1998). During this time, there was already an established women's organisation known as Maendeleo Ya Wanawake (Women in Progress) set up in 1952. The organisation's activities which were run through clubs, "ranged from instruction in farming methods to child care", and served as a women's league of KANU (Wipper 1975:100). In these organisations, women did not hold leadership positions in the independence movement (Musandu 2019). Nevertheless, there were two token women on Kenya's Legislative Council (LEGCO) that sat from 1958 to 1962 to determine the shape of the new Kenyan state. Neither woman had a political career in the new state (ibid.).

Kenya gained independence from the British in 1963 and, Jomo Kenyatta as head of the Kenya African National Union (KANU) party became the first president. As part of the independence settlement, women and men in Kenya were given the right to vote and stand for election for the first time. The independent Kenya state was set up as a democracy based on the Westminster model. However, it quickly moved to a one-party, authoritarian state and was for many years reasonably peaceful. The British government left Kenya with a "liberal democratic constitution drawn up during pre-independence negotiations" (Thomson 2000:25). Simultaneously, Kenya inherited a capitalist system that did not change after independence (ibid.).

In spite of their contribution to the national struggle, women were marginalised in the new state, which was reflected in the deficient levels of women in parliament for the first four decades of the state, below 10% from 1963 to 2008. In fact, for the first six years of the state, there were no women in parliament. In 1969 Grace Onyango, a teacher and political activist, was elected as the first female MP and went on to serve as an MP until 1983.[50] Also, in 1969, the first woman was nominated to parliament by the President. Following the 1974 elections, two women were elected to constituency seats, and four were nominated by the President, bringing the total to six (see Table 6). At 3.5% in 1974, this was well below the international average of 11% that year.[51]

Between 1974 and 1988, the number of women in parliament was consistent at six. However, the number of constituency MPs fluctuated from four in the 1979 election to two in the 1983 and 1988 elections. Also, following the 1988 election, the president did not nominate any women to the parliament. This poor outcome jarred with expectations. In 1985 Kenya hosted the UN Third World conference which marked the end of the united 'Nation Decade for Women' and produced the 'Nairobi forward-looking strategies for the advancement of women'. The 1988 election could have increased the number of women in parliament but the opposite happened. The awareness raised by the conference failed to fulfil the potential it had to influence actors in the decision-making institutions in Kenya to increase the number of women in parliament. The percentage dropped to 1.0% from 3.5%.

Table 6: The Composition of Kenya Parliament 1963–2017

[50] Hon. Grace Onyango. Available at: https://gender.go.ke/hon-grace-onyango/.
[51] Women in Parliament 50 Years at Glance. Available at: http://archive.ipu.org/wmn-e/history.htm–.

| Election Year | Total MPs | Elected MPs | | Nominated MPs | | Quota | Total Female | % Female |
|---|---|---|---|---|---|---|---|---|
| | | Total | Female | Total | Female | | | |
| 1963 | 170 | 158 | – | 12 | – | – | – | 0.0% |
| 1969 | 170 | 158 | 1 | 12 | 1 | – | 2 | 1.2% |
| 1974 | 170 | 158 | 4 | 12 | 2 | – | 6 | 3.5% |
| 1979 | 170 | 158 | 5 | 12 | 1 | – | 6 | 3.5% |
| 1983 | 170 | 158 | 2 | 12 | 4 | – | 6 | 3.5% |
| 1988 | 200 | 188 | 2 | 12 | – | – | 2 | 1.0% |
| 1992 | 200 | 188 | 6 | 12 | 1 | – | 7 | 3.5% |
| 1997 | 222 | 210 | 4 | 12 | 5 | – | 9 | 4.1% |
| 2002 | 222 | 210 | 10 | 12 | 8 | – | 18 | 8.1% |
| 2008 | 222 | 210 | 16 | 12 | 6 | – | 22 | 9.8% |
| 2013 | 349 | 290 | 16 | 12 | 5 | 47 | 68 | 19.5% |
| 2017 | 349 | 290 | 23 | 12 | 6 | 47 | 76 | 21.8% |

*Source: Kihiro 2007 and Kenya parliament records*

During this period, the Kenyan government and political parties did not incorporate any affirmative action measures aimed at raising the number of women in parliament. Women had an ongoing engagement with the ruling political party KANU through an associated women's organisation described as "low key" (Nzomo 1997:236). KANU had "gradually co-opted the large women's organisation, Maendeleo ya Wanawake (MYW), so that by 1987 it was fully under KANU's control", reducing its effectiveness and capacity to advocate for women's rights (Tripp 2001:42). Given the weak position of women in parliament, women organised outside the political parties in the context of the transition to multiparty politics to lobby for better women's representation.

In 1992 a National Women's Convention was organised by FemNET and the National Council of Women of Kenya to demand quotas and part of political reform (Tripp 2016:88). This organised demand by women was unsuccessful, and the 1992 election resulted in only seven women in parliament, six elected to constituency seats, and one nominated by the president. This illustrated that the government at no point since the foundation of the state had used the 12 nominated MPs to increase the number of women in parliament, even when women actively demanded it. Before the election in 1997, there was a widely supported demand to improve democracy by increasing the role of all political parties in parliament. As part of this, organised women's groups tried unsuccessfully to introduce a 30% quota. However, the president was forced to concede to public opinion on the need for democratic reform and agreed to form the Inter-Parties Parliamentary Group (IPPG) to discuss how to improve the role of the political parties, and as a result of this, re-

established the Electoral Commission of Kenya (ECK).[52] As part of this process, it was also decided that instead of the president nominating 12 MPs to the parliament, these MPs would be nominated by the leaders of the political parties in accordance with the number of seats won in parliament. This led to the appointment of five women as nominated MPs following the 1997 election.

There was a significant improvement in the number of women in the parliament, rising from 8.1% in 2002 to 9.9% after the 2008 election. This might be influenced by the expansion of opportunities for women, which is an outcome of introducing the multiparty political system. It should be noted that the discussion for a constitutional review process continued from 1997 until 2010, with a period of significant political violence after an election in 2007, which was re-run in 2008. Throughout the discussions on the shape of a new constitution, women in Kenya were able to lobby to incorporate the two-third gender principle at all decision-making bodies, although it has not so far been successfully implemented (Domingo et al. 2016). The new Kenyan constitution was passed in 2010, instituting a system of reserved seat quotas for the parliament. These new seats were based on the 47 counties of Kenya, which would each elect a women representative to the parliament in a parallel election to the mainstream parliamentary election. Applying the two-third gender rule lead to the number of women in parliament increasing to 18.6% in 2013 and 21.8% after the 2017 general election (IPU 2021). However, the number of women elected to constituency seats has remained below 5% from independence until 2002, and it was 7.6% in 2008, 5.5% in 2013 and 7.9 in 2017 (see Table 6).

## 4.3 Political Parties and The Changing Electoral System in Kenya

As discussed above, from the 1992 elections onwards, Kenya has used the framework of a multiparty democratic system, combined with a First Past the Post (FPTP) electoral system. Unlike the earlier period of one-party domination, the current 21st-century political party system in Kenya is characterized by political party coalitions that occur both before and after elections in an unstable party system with many individual parties (Chege 2007; Kadima and Owuor 2014;

[52] Republic of Kenya 1997. The Constitution of Kenya (Amendment) Bill. Nairobi: Government Printer.

Oyugi 2006). The National Rainbow Coalition, NARC, was formed in 2002 before the election by the two main opposition parties, the National Alliance Party of Kenya (NAK) and the Liberal Democratic Party (LDP), together with 15 small political parties. This happened without dissolving the original political parties that made up this coalition. This was the only way to secure "a sufficient number of parliamentary seats to govern" and, therefore, to defeat KANU (Kadima 2006:1). As a result of this coalition, 2002 was the first time an opposition party, under the leadership of Mwai Kibaki, won an election in Kenya, defeating KANU after 39 years in government.

The 2007 Kenyan election was won by the newly formed coalition of PNU[53] which included members of the government and also KANU and ODM (WSP 2008:13). ODM was the successor of a grassroots people's movement, which was formed in 2005 during Kenyan preparation for the constitutional referendum. This grassroots organisation was divided into two separate parties in August 2007, the ODM and the ODM-K.[54] KANU had initially been a member of the opposition coalition but transferred to PNU, which was formed in September 2007, just three months before the 2007 Kenya election. Divisions in politics had been a feature of the state since independence, and the new political parties of the multiparty period all had regional differences. President Mwai Kibaki's campaign policy priorities in the 2002 election had been based on constitution reforms and the need to tackle corruption (Kenya, State House 2002). However, the debates on what form a new constitution should take were spearheaded by opposition parties, and a government amended draft constitution was put to a referendum in 2005 (Barasa 2014). However, it was rejected by 3.5 million 'No' votes at 58.12% and 2.5 million 'Yes' votes at 41.8% (ibid.). This was a blow for the government and strengthened the position of the opposition.

By December 2007, there were over 200 registered parties in Kenya, of which 108 fielded parliamentary candidates (IR1 2007:12). The 2007 election was characterised by conflict, and violent behaviour as "election observers declared the elections as rigged and deeply flawed"

[53] Party of National Unity (PNU) was founded as a political coalition of several parties, including the Kenya African Union (KANU), Narc-Kenya, Ford-Kenya, Ford-People, Democratic Party, Shirikisho, National Alliance Party of Kenya and others. Since independence, the society in Kenya has been highly ethnically divided. This fuelled the level of competition over winning the 2007 general elections.

[54] The two parties are the Orange Democratic Movement Party of Kenya (usually known simply as ODM) and the Wiper Democratic Movement – Kenya (formerly Orange Democratic Movement – Kenya; known as ODM–Kenya).

(Dagne 2008:2). The 2007 election in total claimed approximately 1200 deaths, displaced 500,000 persons and led to widespread destruction of land and property, which resulted in a rerun of the election in 2008 (Branch and Cheeseman 2008; Gibson and Long 2009). In these circumstances, it was difficult for any politician to engage fully in politics, especially for women candidates. As "political violence against women during elections is one of the greatest impediments to women's participation and representation in leadership and decision-making in Kenya" (Bosire 2017:28).

The 2007 Kenyan election is regarded as the first tense and intensely competitive election in Kenya's multiparty history. The government coalition won by a small margin, but the result was contested, and the government was accused of vote-rigging. International observers upheld the claim. Following the election, there was widespread violence led by political party organisations, and international intervention was used to broker peace between the factions, which allowed the election to be rerun in 2008. The opposition coalition, ODM, won the election with 46% of the vote, followed by PNU at 40%. During this election, the KANU party remained under the umbrella of PNU (Wanyama and Elklit 2018). The 2008 election is significant because it marks a political power shift in Kenyan politics for only the second time since independence.

Following the 2008 election, the government drew up a new constitution which was put to the people in a referendum in 2010 and passed with a 69% yes vote (The Guardian 2010).[55] This constitution introduced reserved seats for women and excluded MPs from being members of the cabinet. The 2013 election was much more orderly with less violence than the previous elections in 2007 and 2008. In Kenya, the elections are monitored by an Independent Electoral and Boundaries Commission (IEBC) and the judiciary system (www.iebc.or.ke/ and The Judiciary of Kenya 2019). In the 2013 election, the opposition coalition led by Uhuru Kenyatta won the presidential election by 50.51% against the 43.70% of the incumbent coalition led by Raila Odinga (IEBC). Both government and opposition coalitions were formed specifically for the election. In the 2017 election, the incumbent President Uhuru Kenyatta was declared the winner. However, shortly after the announcement, the result was nullified by the Supreme Court. As a result, the election was held again in October 2017, and Uhuru Kenyatta was once again declared president.

[55] Kenya votes for the new constitution provisional results show more than two-thirds have voted in favour of legislation curbing powers of the president. Available at: https://www.theguardian.com/world/2010/aug/05/kenya-votes-for-new-constitution.

However, in the rerun, the opposition coalition's presidential candidate Raila Odinga withdrew, telling news reporters in Nairobi that there was no prospect of a credible election and that he was therefore forced to withdraw from the new poll (Mohamed 2017). This illustrates that the political system in Kenya remains unstable, subject to accusations of being non-democratic and with the underlying threat of violence. Even with new regulations and procedures to govern the formation of political parties, and although they have reduced the number of political parties considerably, in 2017, there were still 77 registered political parties in Kenya.[56]

Since the foundation of the state, political party leadership positions have been almost exclusively male. After the political upheavals of 2007 a large number of political parties have seen a small number of women move into leadership positions, mainly as deputy leaders. In the 2008 Kenya election, 19 parties secured representatives in the parliament with a total number of 32 leaders. Table 7 data analysis shows that only four female politicians are identified as party leaders (EISA 2010). This means women's representation in leadership was only 12.5% (4/32). It should be noted here that EISA (2010) categorisation of political party leadership does not show the breakdown for the chairperson and vice-chairperson positions. Among the four female political leaders, only two, Martha Kirua and Charity Ngilu were elected members of the parliament (see Table 7).

*Table 7: Women Party Leaders with Seats in the 2007 Kenya National Assembly*

| **Name** | **Party** | **Founder** |
|---|---|---|
| Martha Kirua | NARC-K | Before May 2006 |
| Charity Ngilu | NARC | Before March 2002 |
| Rose Waruhiu | DP | December 1991 |
| Jane Ogwapit | FORD-A | August 1992 |

A survey conducted by CDM-Kenya in 2014 based on 30 of the 59 political parties that registered for the 2013 Kenya general election showed more women at 33% (10/30) were selected as deputy party leaders, national women's leaders and also as party treasurers (CDM-Kenya 2014). There is no clear data on women as party leaders as the data illustrates only the combined number of political party leaders and chairpersons, which was at 16.6% (5/30) (CDM-Kenya 2014). Although still low, progress is being made in Kenya in this regard. In 2018 the Labour Party of Kenya selected Julia Ojiambo after the former leader Ababu Namwamba resigned following the

[56] Available at: http://www.orpp.or.ke/images/Uploadspdf/Party_Symbols_May_2017.pdf.

constitutional requirement to serve as Chief Administrative Secretary for the Ministry of Foreign Affairs (Keya 2018). The Women's Shadow Parliament believes that "enhancing women's representation in party structure is essential if women are to have an impact in decision- making process of political parties" (WSP 2006:12). A female MP commenting on the political parties' negative attitude to women said that "one of the lessons I have learnt during the election was that women were not represented in political parties' leadership and it was easy to rig them out during elections" (Hon. Sophia Abdi Noor, MP Kenya National Assembly, in Noor (2009:3).

The number of women in political parties would have been expected to increase following the 2013 and 2017 elections. Since the Political Party Act of 2011 stipulated that for a political party to qualify for public funds, it must, among other things, have no more than two-thirds of its registered office bearers from the same gender. In order to reinforce women's inclusion in the leadership of political parties, the Act further directs that 30 per cent of these public funds be used for promoting the representation of women and other disadvantaged groups. However, as seen from this discussion, the number of women selected by political parties remained low, even with the provision of the 2010 constitutional that supports the gender principle. As a result, the number of women in parliament has not met the number set by the 2010 Kenyan constitution.

After the 2013 elections, the representation of women in parliament remained below the constitutional requirement. The government of Kenya has proposed various ways through the Supreme Court and parliament to ratify the situation, one of which is to amend the constitution by passing a bill with strategies to increase the number of women in parliament. The problem is that the 2010 Kenya constitution did not clearly stipulate how to achieve the goal of increasing the number of women in parliament to at least one third. The only specific constitutional provision (article 97 (1) (b)) for the election of reserved seat MPs is that they will be elected using the county only as constituencies. This means that the forty-seven counties each elect one woman, with each county constituting a single-member constituency. As no other legal provision has been made to increase the number of women in reserved seats or force political parties to select more women candidates, the number of women in parliament has remained low. This means that to raise the number of women, MPs have to pass legislation, which therefore requires the approval of MPs for this to occur. Four bills have been drafted and presented to parliament to provide guidance on how the gender principle could be implemented; the Chepkonga Bill, the Compromise Bill (also known

as Duale Bill I), the Sijeny Bill and the Duale Bill II (http://www.parliament.go.ke/). The bills proposed either a progressive or an immediate strategy for realising the two-third gender principles. The 2015 Chepkonga Bill proposed by then the Justice and Legal Affairs Committee Chairman of the parliamentary Samuel Chepkonga proposed a progressive implementation of Article 177 to attempt to achieve gender parity in elected positions. Whereas, the Duale Bill II introduced by the former Majority Leader Aden Duale proposed the Constitution of Kenya (amended) (no 4 Bill) of 2015 to introduce reserved seats for women after the elections to meet the gender rule. On the other hand, the Sijeny Bill was introduced by the former nominated MP, senator Judith Sijeny in 2017; the Bill proposed new Articles 97 (IC) and 98 (IB) that provide for a sunset clause and also limited the number of times that one may benefit from being nominated under this mechanism.[57]

Up to the present, these bills have not been passed into law due to the lack of the required quorum in parliament. Currently, they need at least 233 of the 349 MPs to be in parliament so that the bill can be passed. In parliament, if the quorum of MPs is not reached, the bill will be deferred until further notice. So far, it has happened four times. For example, in February 2019, there were only 174 MPs present, 17 MPs below the required threshold to pass the bill (Marita 2019). "[T]he MPs did not just fail to pass the bill, but they refused to show up to even allow for the possibility of its enactment" (Kamuru 2019:1). MPs, especially women, depend on political party elites for their election, whereby men dominate these elites. Women obey the party guidance to keep their individual position, and political parties and other government leaders do not strongly support this legislation.

The reluctance of MPs to vote on a bill is influenced by the position taken by some parliamentary leaders who have resisted passing these bills. For example, on September 22, 2020, the parliamentary speaker issued a statement claiming that attacks on parliament for failing to pass a two-third gender rule bill are unjustified. The "high-level criticism levelled against the Kenyan Parliament is somewhat misplaced", he said, as the issue of increasing the number of women is a responsibility of the state and not just the parliament.[58] The lack of support for this type of

[57] Http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2015/ConstitutionofKenya_Amendment_BillNo143of2015.pdf

[58] SNA Opinion Piece on the 2/3 Gender Rule. Available at http://kenyalaw.org/kenyalawblog/wp-content/uploads/2020/09/SNA-Opinion-Piece-on-the-Two-Thirds-Gender-Rule.pdf.

legislation is upheld by the failure--of the government as a whole, and by its main organs in particular, including the Cabinet, the Judiciary, the Supreme Court and other key state agencies--to achieve the two-third gender principle in their respective areas. This indicates that not only have political parties failed to show the desire to implement this principle laid out in the constitution, but there has also been no pressure from the government to encourage them to do so.

### 4.4 Nomination and Selection of Candidates in Kenya

Following the new constitution, the Kenyan parliament now contains constituency MPs, reserved seat MPs and nominated MPs. The 12 nominated MPs are allocated to the political parties based on the number of MPs in the parliament. For constituency elections, Kenya's new constitution still utilises the 'first past the post' electoral system in which the candidate wins by a simple majority vote. Candidate selection takes place through a process of primaries, with each political party setting their own rules for the way in which they are run. The requirements for political aspirants who wish to contest for a constituency seat are to be a Kenyan citizen and a registered voter, nominated by a Political Party or standing as an independent candidate (IEBC 2012:7-8).[59] In addition, a candidate has to pay a nomination fee of Kshs. 15,000 (175$) for a woman candidate, a person with a disability or youth and Kshs. 20, 000 (230$) for any other candidate (IEBC 2012:7-8). The registration fee has been identified as one of the major sources of income for political parties in Kenya (Ohman and Lithuri 2015). However, in Kenya, a female registration fee has been considerably reduced to allow more women to participate in the election (ACE 2013). Although women have a reduced application fee, there still are other costs involved in the campaign which limit women's engagement in the election processes in Kenya, given their income is lower than that of men on average. In 2008 only candidates from political parties were eligible to contest for presidential, parliamentary and civic elections (IREC 2007). Although in the 2013 and 2017 elections, independent candidates were allowed to run for election,[60] their representation was very

[59] Independent Electoral and Boundaries Commission (IEBC) 2012. Qualification and Requirement for the nomination of a candidate for elective positions. Available at:https://www.kenya-today.com/wp-content/uploads/2013/01/QUALIFICATIONS-AND-REQUIREMENTS-FOR-NOMINATION.pdf.

[60] The 2010 Kenya constitution no. 85 any person is eligible to stand as an independent candidate for election if the person –(a) is not a member of a registered political party and has not been a member for at least three months immediately before the election date.

small compared to political parties candidate at 1% (4/350) in 2013 and at 4 % (13/349) in the 2017 elections. This means the majority of the candidates are selected from political parties. According to IEBC, the number of women contestants in the primaries in the political parties is still meagre at only 11% in the 2013 election (Bosire 2017:11).

In spite of the claims that political parties have written rules for the selection of candidates, political party nominations processes do not follow those prescribed rules and are marred by chaos, claims of vote-rigging and irregularities (IRI 2007:16). The number of women candidates selected by political parties to contest elections has been very low at 6.2% in 2013 and 7.9% in 2017, (see Table 8). In the elections of 2013 and 2017 following the introduction of the reserved seat quota system, only a small number of women contested constituency seats. Although only a small number of women were elected as individuals, their chances of being elected were similar to that of a male candidate. The problem is, therefore, that very few women are standing for constituency seats, not that women are standing and failing to get elected.

*Table 8: Contestants and Elected MPs in 2013 and 2017 Kenya election*

| **Categories** | **2013** | | **2017** | |
|---|---|---|---|---|
| | **Contestant** | **Elected** | **Contestant** | **Elected** |
| Women | 129(6.2%) | 16 (5.5%) | 141(7.9%) | 23(8.0%) |
| Men | 1968 (93.8%) | 274(94.5%) | 1638(92.1%) | 266(92.0%) |
| Total | 2097(100%) | 290 (100%) | 1779(100%) | 289(100%) |

*Source: FIDA-Kenya 2013:.50; IRI 2007:15; CDM-Kenya 2017a:14*

In both the 2013 and 2017 elections, women in Kenya were selected in reserved seats, described as Women Representatives, in the Constitution of Kenya Article 97(1b). Under the Constitution, there is a woman representative for each of the 47 counties into which Kenya is subdivided. Women representatives are elected in a parallel election to the constituency elections, with the county's registered voters who can vote for the women's representatives. As with the constituency seats, it is the first past the post system. Once elected, the representative has the same term of five years as constituency MPs. Members of the Senate are also elected at the county level. Both political parties and independent candidates can contest for a Women's Representative position, but political party candidates dominate it. In the 2017 election, 299 candidates stood in the county seats, giving a success rate of just under 16% compared to women's success rate in constituency

seats of 8%. Predictably, the seats are dominated by the big parties, with the ruling Jubilee party taking 25 seats.[61]

The rules that are applied to the different categories of MPs in Kenya disadvantage women in reserved seats. In Kenya, each elected constituency MP gets 60 million Kenyan shillings (600,000 Dollar) annually for development projects in their constituency, whereas women representatives get a significantly smaller figure of seven million shillings (Houreld 2017) to ensure that they cannot compete with the sitting constituency MP. Women representatives in reserved seats are allocated the Affirmative Action Social Development Fund (AASDF), established by Kenya's policy document 'Vision 2030'. The fund attracts contributions from external donors and aims to break down barriers and set a level playing field to ensure that everyone, including women, is given an equal opportunity to develop economically (Mukubwa 2016). Women's projects carried out under this fund include helping the recovery of sexual and gender-based violence survivors as well as victims of female genital mutilation and early childhood marriages, reflecting the key interests of the international community discussed in the previous chapter (Mukubwa 2016). Women representatives were initially also part of county committees that decide how and what type of projects the money allocated to the county would be spent on. However, following a court ruling, women representatives are no longer allowed to be part of these committees (Odhiambo 2016), once again limiting their capacity to build a political base that would allow them to challenge the position of the constituency MPs.

The fact that the reserved seat system for women is based on the counties means these seats alone cannot ensure that a third of the parliament is women. As already discussed, the two-thirds gender rule has not been implemented as, with no enforcement mechanisms in place, there is a lack of commitment from the political parties. The Constitution of Kenya (Amendment) Bill 2018, which seeks to legislate on the constitutional requirement that neither gender should have more than two-thirds in elective positions, was repeatedly blocked in the National Assembly during 2019 (Kamuru 2019). The bill, which aims to implement the two-thirds gender principle by instituting 'reserved seats' for women in the Kenyan Parliament, was also blocked by the Senate in November 2019 despite being strongly supported by a cross-party group of women MPs (Owino 2019) of the

[61] Available at: https://data.ipu.org/node/88/data-on-women?chamber_id=13438&election_id=27875.

Kenyan Women Parliamentary Association who have long been advocating for this legislation (KEWOPA 2017; Owino 2019).[62]

Although patriarchal social norms in Kenya are improving, women's social and public roles are still associated with the private sphere, strengthening the stereotype of politics as a men's domain and stigmatising women's engagement in politics, including their involvement in political parties (Nzomo 1997; Ponge 2013). In fact, there are some parts of Kenya "where communities still believe that it is a curse for a woman to lead" (FIDA-Kenya 2013:65). Similarly, a study found that in some places, "women's voting was informed by choice of their husbands" (Commonwealth Observer Group 2007:7). The stigma attached to women in politics is fuelled by the media, which paint negative images of women during campaigns to discourage voters and ruin women's chances of winning elections. Omtatah (2008:60) claims that the media in Kenya "fails to embrace gender-neutral language that does not promote barriers against women, such as the glorification of conflict, intimidation, negative attitudes and stereotypes by society and lack of support from the electorate." Furthermore, some men during campaigns use the "application of unconventional means", including the distribution of printed material containing "maligning information to discourage voters from voting for women candidates" (FIDA-Kenya 2013:63). Political parties are also reluctant to nominate and invest their resources to help women win constituency elections. As argued, political parties believe "men to be more likely to capture the seat than a woman, and therefore they prefer men candidates" (Andela et al.2009:27). It has also been observed that political party candidates are nominated through informal rules; this favours party loyalists, friends and financiers who are mostly men (Bosire 2017). These factors have collectively inhibited women from running successfully for constituency seats.

Women in many states, including Kenya from the foundation of the state, have to face significant obstacles to their engagement in politics. Although the situation for women has improved as a result of political upheavals, the reluctance on the part of the parliament to pass a law to give effect to the two-thirds gender principle in the constitution indicates the height of the barriers that still exist for women.

[62] Report on Status of the Two Thirds Gender Principle Journey 2010-2017 Era. Available at: http://www.kewopa.org/wp-content/uploads/2017/11/TwoThirdsJourneyReport.pdf.

## 4.5 Political Party Development in Tanzania

Tanzania adopted the Independence Constitution of Tanzania based on the Westminster model (Nchalla 2013). Tanzania gained independence from the British in 1961, and Julius Nyerere became its first prime minister. This situation did not last long, and from 1962, Tanganyika became a republic with Nyerere as its president, and the Republican Constitution of Tanzania was adopted. In April 1964, there was a union between the Republic of Tanganyika and Zanzibar, which led to the country's renaming as the United Republic of Tanzania, within which Zanzibar remains a semi-autonomous region. The Tanganyika African National Union (TANU) was formed in 1954 by reorganising the Tanganyika African Association (TAA). TAA was originally formed in 1929 as a social, cultural and political organisation, and the change of name to TANU was part of the transition to a fully political organisation. TANU was the united independence movement and the leading political party in pre-independence Tanganyika.

TANU, led by Julius Nyerere, became the new state's dominant party. From the early days it emphasised the building of national unity under African socialism or Ujamaa (family) in Swahili. Nyerere's Ujamaa is derived from the reality of African lives centred around the extended family and the mutual cooperative nature of village communities (Lancaster 1997: Rugumamu 1997). Tanzania has been described as a moderate socialist state (ibid.). In explaining TANU's success as well as its socialist ideology, Nyerere stated, "We took care of the community, and the community took care of us" he continues to say that “neither needed nor wishes to exploit our fellow men" (Nyerere 1964:240). Ujamaa principles are defined in the 1967 Arusha Declaration, including social equality, self-reliance, and economic cooperation with other African states and the development of forms of economic activity based on collective efforts, particularly in rural areas. The Declaration also included a Leadership Code to promote equality among all Tanzanian citizens. This code was one of the numerous attempts to prevent party leaders and privileged individuals from forming exploitative groups. It has been argued that this prevented a 'bureaucratic bourgeois emerging in Tanzania on the scale that occurred in other African states" (Thomson 2016:51).

Although TANU was the dominant party, Tanzania did not become a one-party state until the 1970s when in 1977 ASP, the ruling party of Zanzibar, and TANU merged to form Chama Cha

Mapinduzi (CCM) or Revolutionary Party. This party then became the sole legal political party in Tanzania. All candidates had to be approved by the CCM and were permitted to campaign only on the CCM platform. Elections within the single-party framework were competitive. In the late 1970s and early 1980s, the economic crisis hit the state due to international economic conditions following the second oil crisis. This was made worse by the large number of Ugandan refugees who fled to Tanzania and the state's involvement in the Uganda war 1978-1979 that overthrew the dictator, Idi Armin. These circumstances created a shortage of essential commodities (Nugent 2004). By the late 1980s, Tanzania was under strong international pressure to abandon its socialist economy through privatisation and also to move to a multiparty political system (Nugent 2004).

As a result of this pressure, Tanzania amended its constitution in 1992 to become a multiparty state. Nyerere had been reluctant to introduce multiparty politics, saying it is "potentially divisive as well as a luxury in a poor country" (Nugent 2004:413). Nevertheless, because of the external pressure, Nyerere introduced a public consultation process, the Nyalali commission. Although this commission's findings did not support the move to a multiparty system, the government felt it had no choice but to allow other parties to be set up, although it did impose strict organisational conditions on registered parties. The main registered opposition political parties in 1992 were the Civic United Front (CUF), a party that was strong in Zanzibar, and Chama cha Demokrasia na Maendeleo (CHADEMA), Swahili for Party for Democracy and Progress, which had a strong base in the business community. Before taking part in elections, any new parties undergo a six-months' probation programme to recruit and organise. Parties in Tanzania cannot be organised on an ethnic, religious or geographic basis. In the 2010 Tanzanian election, of the 18 candidates registered from political parties, only three CCM, CHADEMA and CUF, had widespread support and were serious contenders (TEMCO 2011).

In Tanzania, women have not held party leadership positions, and given the importance of political party leadership, this has limited how visible women are in politics. The president of the country has also been the chairman of the dominant party (Donge and Liviga 1986), and it is party leaders that contest the presidential election. Julius Nyerere was president from 1961 to 1985. He was also a chairman of TANU from 1954 to 1977 and of CCM until 1985, when Julius Nyerere stepped down voluntarily as president. He was succeeded by Ali Hassan Mwinyi, who took over from 1985-1995, with CCM chairpersonship and the president's mandate. Benjamin Mkapa was next

from 1995 to 2005, Jakaya Kikwete from 2005 to 2015, and now John Magufuli since 2015. The ruling party CCM's constitution broadly refers to equality but does not mention gender-based representation in political leadership and processes (CCM 2005). CCM's 2010 manifesto included promoting women's political participation as one of its objectives. It also stated the aim to achieve 50 per cent of women's representation in all elective bodies by 2015 (CCM 2005). However, the International IDEA report notes that CCM sets a lower target for women's representation in the party's internal leadership and decision-making positions (IDEA 2014:60).

In Tanzania, the number of women in the parliament was below 10% from 1961-1975 (see Table 9). From the mid-1970s onwards, the total number of women in parliament has slowly increased. During the single-party era, the increase was because women were selected under a reserved seat system that also included representatives of youth, the army, and workers (Meena 2003). However, the reserved seat quotas system was only introduced officially in 1975 as part of a process of parliamentary reform (Kairuki 2012). It resulted in only a slight increase in the number of women (Meena 2003). The most significant increase in women's representation followed the 1995 election, the first election to be held under the multiparty system. Since 1985 the constitution has been amended several times to increase the percentage of women in the parliament over the years; in 1997 by 15%, 2000 by 20%, 2005 by 30% (Meena 2003; Tanzania parliament records 2020).

However, as the percentage of women in parliament has increased as a result of reserved seats, the percentage of constituency seats held by women has remained very low despite increasing from under 2% in 1985 to 5% in 2000 and 10% in 2015, the highest it has been in the history of the state.

*Table 9: The Composition of Tanzania Parliament 1961–2015*

| Year | Total | Male MPs | Female MPs | | | Total Female | % Female |
|---|---|---|---|---|---|---|---|
| | | | Constituency | Nominated | Quota | | |
| 1961 | 80 | 74 | – | 6 | – | 6 | 7.5% |
| 1965 | 185 | 178 | – | 7 | – | 7 | 3.8% |
| 1970 | 234 | 228 | – | 6 | – | 6 | 2.6% |
| 1975 | 234 | 218 | – | 16 | – | 16 | 6.8% |
| 1980 | 244 | 218 | – | 26 | – | 26 | 10.7% |
| 1985 | 244 | 220 | 4 | 3 | 17 | 24 | 9.8% |
| 1990 | 255 | 227 | 5 | 4 | 19 | 28 | 11.0% |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1995 | 275 | 228 | 8 | 2 | 37 | 47 | 17.1% |
| 2000 | 295 | 232 | 12 | 3 | 48 | 63 | 21.4% |
| 2005 | 323 | 226 | 17 | 5 | 75 | 97 | 30.0% |
| 2010 | 369 | 241 | 21 | 5 | 102 | 128 | 34.7% |
| 2015 | 389 | 248 | 25 | 3 | 113 | 141 | 36.2% |

*Source: Mosha and Johnson 2004 and Tanzania parliament records 2021*

As in Kenya, one result of the use of special seats for women is that it has increased the size of the parliament, as special seats were added to the existing constituency seats. Consequently, the size of the parliament had grown from 234 representatives in 1975, when the last major increase in the number of constituency seats took place, to 372 (excluding nominated MPs) in 2015. The number of male MPs, however, has remained virtually constant. It should be noted that the special seat quota system has therefore increased the number of women in parliament. However, it has not fundamentally changed the gender dynamics of politics at the constituency level, as the percentage of women in constituency seats has risen only slowly over time and remains below 10%. It was less than 1% in 1985 and 1990, going up in 1995 to 3.6%, in 2000 to 5.4%, in 2005 to 7.4%, and in 2010 it was 8.4% (Mkilanya 2011). Using special seat quotas has allowed CCM to substantially increase the number of women in parliament over this period without taking the unpopular step of imposing female candidates on constituencies. It has also increased the number of CCM activists who have taken advantage of the real economic benefits attached to being an MP.

Under this system, male advantage at the constituency level is maintained by the fact that women in the special seats have less access to financial resources to fund their elections and parliamentary offices and more limitations placed on their capacity to engage in constituency work. Reserved seat MPs' comparative disadvantage is reinforced by regulations that require such MPs to get the permission of the individual constituency MP before she can conduct certain political activities, including campaigning at a constituency level or attending public meetings (Mkilanya 2011). This has the cumulative effect of inhibiting reserved seat MPs from building political networks outside of parliament, as it means they lack formal influence at the level of individual constituencies, which are the main sites of sub-national political activity. These disadvantages are used to justify the lower levels of financial support they receive compared to constituency MPs, as it is argued that having to run a constituency office involves a politician at higher costs than those attached to the vaguer notion of being a regional representative. The situation for reserved seat MPs has deteriorated since 2014. They cannot attend the council financial committees or access the

Community Development Fund (CDF) under the Local Government Regulations of 2014. These changes limit reserved seat MPs' abilities to function as effective political representatives compared to constituency seat MPs. Also, in response to perceived popular pressure, as a party, CCM will no longer allow reserved seat MPs to serve more than two parliamentary terms.

## 4.6 Tanzanian Political Parties and Electoral Systems

The 2010 Tanzanian general election was the most unproblematic one since the introduction of the multiparty politics election in 1995. As pointed out by international observers, "the general situation in the country, both in the mainland and in Zanzibar, was peaceful and orderly" (EU 2010:8). Past elections in 1995, 2000, and 2005 were seen a controversial in Zanzibar, where CCM lead by only a small majority, even when the election on the mainland was unproblematic. The difference in the 2010 election was the introduction of a power-sharing formula with Zanzibar agreed to between the ruling party CCM and the main opposition party (CUF). The agreement was reached in July 2010, only three months before the 31 October 2010 election. In the power-sharing agreement, the CUF leader automatically became the vice president in Zanzibar if CCM remained the majority party (TEMCO 2011).

The 2015 election was the most politically competitive in the history of Tanzania as CCM appeared to be at its weakest since 1995. The election was carried out during a constitution review initiated by the CCM government. In the debate on the proposed shape of the new constitution, the main differences observed between the ruling party (CCM) and opposition parties were focused on the structure of the union government, that is, the link with Zanzibar. In these circumstances, a coalition, known as UKAWA, was formed between the four main opposition parties, including CHADEMA, NLD, NCCR-Mageuzi and CUF. UKAWA put forward one candidate, Edward Lowassa, to stand in the presidential election. Lowassa was the former prime minister in a CCM government who moved from CCM to CHADEMA after failing to secure the CCM nomination as its presidential candidate (Tayari 2015). This is the first time in Tanzania that there was a strong union between opposition parties to win the presidency from the ruling party. However, the ruling party CCM won the election with 58.46% of the votes compared to 39.97% for UKAWA (NEC 2016). This is the smallest percentage by which CCM has won a presidential election since the

introduction of multiparty politics. The figures for previous years are as follows: 1995–61.8%, 2000–71.7%, 2005–80.3% and 2010–62.8%.

Political party qualification for allocation of special seats for women was embedded in Tanzania 1977 Constitution in Article 66(1) (b). Before 2005, the allocation of seats to political parties was based on the percentage of constituency seats won by the parties in the general election. From the 2005 election onwards, it was based on their popular vote percentage (Shayo 2005). A political party must win 5% of the votes during an election to qualify for reserved seats and win a constituency seat. The political parties taking part in the election provide the Electoral Commission with a list of women nominees for special seats. Following the election, the Commission distributes the seats based on the proportion of votes obtained by each party in the parliamentary election. Given the gains made by the opposition parties in the 2015 election, CHADEMA, the main opposition party, significantly increased the number of its MPs in parliament, including a significant increase in women MPs (see Table 10), going from 1 to 6 constituency MPs and 25 to 36 reserved seat MPs.

The following section deals with the selection of candidates and the disadvantages that women still face in this process, despite the gains they have made over the years.

## 4.7 Nomination and Selection of Candidates in Tanzania

To qualify as a parliamentary candidate, a person must be at least 21 years of age; be proposed by a registered political party; be nominated by at least twenty-five registered voters of the constituency for which the person is a candidate; and pay a deposit of 50,000 Tanzanian Shillings (25 Euro). In addition, a person must be able to read and write in Kiswahili or English and be ordinarily resident within the area of jurisdiction. In Tanzania, standing in an election as an independent candidate is not legally allowed. Every political party in Tanzania has devised its method of selecting candidates for both constituencies and reserved seats. As the largest and dominant party, CCM has the most developed set of rules and practices. However, not all political parties have established or written rules to govern the selection of candidates.

### *4.7.1 Selection of MPs in Constituency Seats*

The internal election campaign within the parties starts immediately on the day after nomination, and there is strong competition during internal party nomination processes for constituency seats (TEMCO 2011). Incumbency is not a guarantee of reselection, and in most cases, a new candidate will be selected. Consequently, one of the unusual features of the Tanzanian parliament is its low incumbency rate for both men and women. For example, only approximately one-third of the 2010 parliament had previously been MPs. This is a very low rate of incumbency by international standards, which, according to one study of 25 states, is estimated to be approximately two-thirds of the outgoing parliament (Matland and Studlar 2004:91). The same study described a level of incumbency similar to the norm for the Tanzanian parliament as a 'meltdown' election (Matland and Studlar 2004:91). Given that CCM has dominated the Tanzanian parliament since the adoption of multiparty elections, this high turnover of MPs occurs primarily within the political parties rather than as a result of competition between parties. It also means that the political parties, including CCM, have not used this high turnover of candidates at the constituency level to promote more women as constituency candidates (TGNP 2015:4).

The internal completion to be nominated by a party for a constituency seat also has a high financial cost for the potential candidate. The cost of submitting the nomination forms varies amongst the political parties, but officially it is one million Tanzanian Shillings-Tshs (500 Euro) for a presidential candidate and Tshs.50, 000 (25 Dollar) for a constituency seat candidate (TEMCO 2011:23-24). Given women's comparatively low level of income compared to men in Tanzania, it can be more difficult for women to be able to afford the internal elections campaign costs, even before the cost of the actual election is considered. This alone, however, does not explain the low numbers of women contesting constituency seats (LHR 2016:144).

The number of women selected by parties to contest the national elections has been very small compared to men. This was illustrated by a detailed study of aspirant candidates for the 2000 general election by Mosha and Johnson (2004:94). For most parties, the proportion of women candidates selected was similar to that of women among aspirant candidates. As Table 10 shows, in 2010, only a small percentage of candidates for constituency seats were women at just 10%. The multiple disadvantages that women face are indicated by the fact they made up only 8% of

the successful candidates who became MPs. The situation was somewhat different in the 2015 election. For the first time, a coalition of parties opposed CCM, meaning that the overall number of candidates was greatly reduced, while the number of women candidates did not drop significantly. As a result of this, the percentage of women candidates rose to 19%, but with a success rate of only 9%.

*Table 10: Contestant and Elected MPs (constituency seats) in 2010 and 2015 Tanzania election*

| Categories | 2010 | | 2015 | |
|---|---|---|---|---|
| | **Contestant** | **Elected** | **Contestant** | **Elected** |
| Women | 269(10.6%) | 21(8%) | 233(19%) | 25(9%) |
| Men | 2279(89.4%) | 241(92%) | 976(81%) | 248(91%) |
| Total | 2548(100%) | 262(100%) | 1209(100%) | 273(100%) |

*Source: National Election Commission 2010 and 2015*

### *4.7.2 Special Seats Selection in Tanzania*

In Tanzania, the selection of candidates for reserved seats is "not governed by clear and transparent rules and regulations" (TEMCO 2011:89). The reserved seat quota system was influenced by the relationship of CCM to its women's wing, Umoja wa Wanawake wa Tanzania (UWT). This relationship was reflected in the nomination process for candidates for the special seats, which permits every political party to adopt its structure for candidate selection, making it primarily an internal party process (Mosha and Johnson 2004). CCM candidates for special seats have to go through an election process at the regional party level, reflecting the constitutional position that these seats represent a region containing a number of constituencies. The battle for seats at this level within CCM is intense (Yoon 2013), and to be successful, candidates have to mount a self-funded campaign. The voters, in this case, are members of the women's wing, UWT, from that region, but the party leadership ratifies the final candidate selection (Shayo 2005).

In general, in all political parties, “the way the current special seat party nomination process works lends itself to the potential for corruption and manipulation “(IRI 2015:6). However, the ruling party CCM has the most established structures for the selection of women in reserved seats compared to the smaller opposition parties. Being a reserved seat MP is a prestigious job. Just like MPs from constituency seats, reserved seats receive a termination allowance of 234 million shillings (TSH) (or roughly $100,000) upon leaving office (IRI 2015). Therefore, many women

MPs bribe their way onto the list through money or personal gains, even in CCM, which has a more structured selection guideline. Corruption is a problem because women reserved seat candidates are supposed to contribute money in advance in order to be selected. The amount varies depending on the region or city where they are applying from (IRI 2015). For instance, in Dodoma, the fee is 1.7 million Tshs, or roughly $775 (IRI 2015). However, CCM leaders claim this money to be a voluntary contribution to the party. As argued, "voluntary or not, the system still sets up a process in which women with financial resources (whether personally or through their connections with powerful men) could be favoured" (IRI 2015:7).

Chadema's women's wing, Bawacha, was only established in 2006 and was only involved in selecting candidates for the 2015 election (Bjarnegard and Zetterberg 2016). The process is a multi-stage one that starts at the district level, similar to selecting constituency seat candidates. However, because the party's national organisation is still quite weak compared to the power of the national executive, it has not been able to delegate this process to Bawacha successfully (Ibid.). It was apparent in the final stage of candidate selection for the 2010 election that there was evidence of corruption (Bjarnegard and Zetterberg 2016). The other major opposition party, CUF, is the least bureaucratised and transparent of the three main parties. Although CUF does have a women's wing, its role in the process of selection is primarily consultative (Bjarnegard and Zetterberg 2016).

*Table 11: Political Parties and Parliamentary Seats in 2010 and 2015*

| **Name of Political Parties** | **2010** | | | **2015** | | |
|---|---|---|---|---|---|---|
| | **Total** | **Constituency** | **Quota** | **Total** | **Constituency** | **Quota** |
| CCM | 186 | 19 | 67 | 189 | 18 | 64 |
| CHADEMA | 23 | 1 | 25 | 33 | 6 | 36 |
| CUF | 24 | 1 | 10 | 32 | 1 | 10 |
| NCCR-MAGEUZI | 4 | – | – | 1 | – | – |
| ACT-WAZALENDO | – | – | – | 1 | – | – |
| United Democratic Party | 1 | – | – | – | – | – |
| Tanzania Labor Party | 1 | – | – | – | – | – |
| Total | 239 | 21 | 102 | 256 | 25 | 110 |

*Source: The 2010 Tanzania General Elections." Tanzania Election Monitoring Committee. TEMCO. March 2011; Tanzania National Electoral Commission. NEC. Web. November 2015.*

The CCM women's political party wing, UWT (Umoja wa Wanawake Tanzania - Tanzania women organisation), organises the election of candidates for special seats. These contests take place

initially at the district level and then at the regional level. Those whom UWT selects for a regional seat are called for a meeting, and the final selection is made at the CCM general meeting. The list of candidates is arranged in the following order: Seat 1 belongs to the national women's wing chair; Seat 2 is for the national women's wing secretary-general; seats 3-33 are for those who came in first place in the regional vote; seats 34-46 are set aside for special groups including two seats for women with a higher level of education or academic background, two seats for women with Civil Society Organization (CSO) backgrounds, two youth seats, and five seats for people with disability; seats 47-77 are for those who came in second place in the regional vote; and seats 78 and above are for candidates who came in third through fifth place in the regional vote, ranked by a national committee. (IRIS 2015). The order in which the regions are placed on the list is decided by a lottery (Bjarnegard and Zetterberg 2016). This gives the UWT an influential role, and they also consider the reserved seat MPs that are elected after this process as "their extended arm into the parliament" (Bjarnegard and Zetterberg 2016:17). After the nomination from all political parties, women's names are forwarded to National Election Commission (NEC) for the mainland and ZEC for Zanzibar to be announced officially. As seen from 2010 and 2015, CCM has more women elected in the parliament, (see Table 11).

TEMCO (2011:180) is of the view that "women are competent and can effectively participate in elections if they mobilise themselves and if they have a constructive environment within parties." Taking into account that Tanzania has strong women's organisations like Tanzania Gender Networking Programme (TGNP), it could be argued that to some extent, women are already mobilised, leaving parties as the venues where women predominantly encounter resistance. As argued by Liviga (2009:16), "political parties are to blame for not adopting a policy of selecting candidates that would empower women to stand for elective posts." Political parties reflect social attitudes; this is demonstrated by the finding that "some men also forbid their wives from participating in political activities" (TEMCO 2011:93). Similarly, the media in Tanzanian general election coverage is biased against female candidates often characterised according to gender-stereotyped stories (TEMCO 2011; IRI 2015). For instance, media coverage concentrated on women's personal issues rather than on a party's political programs and ideas in the case of Rose Kamili and Josephine Mushumbusi, female candidates who contested in the 2010 presidential campaign (TEMCO 2011). Given that the media is quite simply one of the most powerful forces

on earth today "for shaping the way people think" (Morna 2001:7), the negative media information can highly influence voter decisions against women candidates.

For gender quotas to be effective, political parties must choose to implement the quota rule in the first place (Bjarnegård and Zetterberg 2016). Similarly, if more women are to gain constituency seats, it will require the political parties to take this decision. However, political parties in Tanzania appear to be doing the opposite. In the run-up to the 2015 election, some women were advised by political parties to let men contest in constituency seats because of the availability of reserved seats. Thus, “women with potential to compete are fobbed off with a promise of being given special seats” (Meena et al., 2015:34). Therefore, reserved seats for women may hinder women from competing in the mainstream constituency seats.

## 4.8 Conclusion

Kenya and Tanzania had significantly different experiences in the early stage of state-building. Kenya experienced a more violent and contested independence struggle. The first president Jomo Kenyatta adopted a capitalist system towards the development of Kenya. The main challenge was land distribution which is closely intertwined with the social, economic and political climate prevailing in contemporary Kenya. Over time the problem continues to create societal inequality and uneven regional development. The challenge of land allocation, which began in the colonial period, remains a leadership challenge for the Kenyan government. In Tanzania, the first president Julius Nyerere promoted the unity and equality principles of Ujamaa—African socialism—which, while not directly mentioning women, was more inclusive. The use of common language Swahili and the introduction of the Leadership Code under 1967 Arusha Declarations prevented leaders and individuals from accumulating resources, especially in the early stage of state-building. These factors have influenced the states to the present day as Tanzania has not experienced the political violence and upheavals that have been a feature of the Kenyan State. Although women have had a secondary political role in Tanzania, they have had a consistently better level of representation than in Kenya.

The present political party politics in Kenya is characterized by fragmentation and factionalism, with many political parties and strategic party coalitions happening shortly before elections. The

former ruling party, Kenya National African Union (KANU), has lost political loyalties even amongst its leaders. The current president Uhuru Kenyatta, whose father Jomo Kenyatta was the founder of KANU, has moved to another party, The National Alliance (TNA). In Kenya, it has become almost impossible for a single party to win any presidential election. It is different in Tanzania, as the ruling party is still strong and has never lost an election since independence. However, its vote was at its lowest level in 2015 when for the first time, it faced a coalition of opposition parties under the banner of UKAWA. The instability and high level of conflict in Kenya compared to Tanzania have further inhibited women's political engagement.

In Kenya and Tanzania, parliamentarians are directly elected in constituencies in a single-member district under an FPTP system. This system is not conducive to increasing the number of women, or any marginalised group, compared to the PR type of electoral system. For this reason, both states are now using reserved seat quotas as an alternative measure to increase the number of women in the parliament. As this type of quota creates a separate category of women-only MPs, female politicians are still struggling to gain entry to constituency seats and leadership positions in political parties. Reserved seat MPs face challenges, which to a large extent contributes to them being viewed as inferior to constituency seat MPs, a consequence of the states' failure to give them the same rights and privileges as constituency MPs once they are elected. In spite of their responsibility to their constituents, they receive significantly less funding than constituency MPs, and their rights to organise politically in their districts are also restricted. In both Kenya and Tanzania, the use of reserved seats benefits the political parties as it is a relatively cheap way to get women into parliament without having an impact on the dominance of men at the constituency level. In general, despite some improvements in social attitudes, society in Kenya and Tanzania is still hostile towards women's public participation, and this stereotyped view of gender roles hinders women from realising their full potential as political actors. The negative stereotyping of women is reflected in the unwillingness of political parties to select women for constituency seats and in the view that voters would be less likely to support women in an election. This is also reinforced by media coverage which portray women through personal issues unrelated to the candidate's capability for the job.

Another key problem in Kenya, where the 2010 Constitution allows for the two-third gender rules in all decision-making including political parties, is the institutional failure to implement existing

provisions aimed at increasing the number of women in parliament and other political leadership roles. Political parties in Kenya have not incorporated the constitutional requirement into their selection processes for parliamentary candidates or in leadership roles in the parties. Although the constitution sets the 30% gender rule at the parliamentary level in Tanzania, gender representation in other institutions, including the cabinet and political parties, has not received any attention.

It is clear that women with political aspirations still face an uphill battle in both states and that in both Kenya and Tanzania, the system of reserved seat quotas has created a woman-only category of MPs with fewer privileges and less status than constituency MPs. The next three chapters will examine the different characteristics and experiences of these groups of MPs, beginning with their personal characteristics.

# CHAPTER 5: PARLIAMENTARIANS CHARACTERISTICS IN KENYA AND TANZANIA

## 5.1 Introduction

The characteristics of MPs, it has been argued, influence women's engagement in parliamentary activities and leadership positions (Bauer and Okpotor 2013; Bouka et al. 2018; Reynolds 1999; Shvedova 2005). This chapter discusses the characteristics of different groups of MPs in the Kenyan and Tanzanian parliaments. In particular, it analyses MPs' age, wealth, previous experiences, and education levels, as variation in these characteristics could contribute to, or explain, differential levels of engagement and access to leadership positions in the parliament. On the other hand, if there are variations in these characteristics between the group of MPs, this could also indicate that a different type of candidate is being selected for reserved seats compared to those selected for constituency seats. Furthermore, "important drivers of women's political power and influence include access to education, material assets and women being effective political operators" (O'Neil and Domingo 2015:1). As a result of this, politicians' characteristics are considered significant in understanding the overall performance of politicians and their chances of being elected in the first place (Bird 2003; Franceschet et al. 2012; Murray 2010; Obrien 2012). Therefore, it is necessary to discuss the characteristics of parliamentarians in Kenya and Tanzania as part of an analysis of their status as political actors.

The first part of this chapter discusses the significance of personal characteristics for engagement in political office and positions of political leadership. The chapter then analyses the characteristics of Kenyan and Tanzanian MPs in terms of education, age, wealth and political experiences.

## 5.2 The Importance of Personal Characteristics in Political Office

Studies of cabinet ministers have emphasised the importance of politicians personal attributes, with scholars finding that women who have been appointed as government ministers had individual characteristics that were very similar to male cabinet ministers (Escobar-Lemmon and Taylor-Robinson 2016). Conversely, personal qualifications are also used to explain why women

are not appointed to political leadership positions this includes circumstances in which women are considered to have lower levels of educations compared to male politicians (McDonagh 2002; Rosenbluth et al. 2006; Bratton 2005; Franceschet at al. 2009). This is also true for perceived differences in the levels of experience between men and women, with political experience being considered more important than specific policy experience for all politicians (Escobar-Lemmon and Taylor-Robinson 2016:129).

Burns, Schlozman and Verba's research into the factors influencing women and men's engagement with politics in the United States demonstrated that education is an "especially powerful predictor of political participation" of both women and men, with high levels of participation among the more educated groups (2001:286). Meanwhile, level of education rather than the specific degree topic was important for individuals to be selected for political appointment (Scherpereel et al. 2018). This is reflected in African countries where a special emphasis is placed on education and the status it provides to an individual (Meena et al. 2015; Shalala 2015). Therefore, the status accorded to a high level of education gives an individual the ability to influence their selection as an MP and may also impact the general level of their engagement in parliamentary activities and gaining access to leadership positions. In this respect, women may be disadvantaged in an African context as, in general, women face more challenges than men in accessing education in developing states, including Kenya and Tanzania. As a result, fewer women, when compared to men, may get a good standard of education. As the 2017 UNESCO Institute of Statistics report argues, "girls are more likely than boys to never set foot in a classroom despite the tremendous progress made over the past 20 years "(UNESCO 2017).[63] According to the World Bank Report of 2012, women were still less educated in some states. They were also more likely to suffer career interruptions than men, primarily because of child-bearing. Therefore, for women, the "important drivers" for achieving "political power and influence" will include access to education (O'Neil and Domingo 2015:1). Thus any unequal levels of education between men and women have to be considered a possible reason for different levels of engagement and access to political leadership positions.

Internationally, seniority is one of the vital descriptive factors that determine the chances of an individual being selected as a credible candidate or of an MP being selected for positions of

[63] Gender Equality in Education. Available at: http://uis.unesco.org/en/topic/gender equality-education–Africa.

leadership in government and parliament, particularly in political systems with high levels of party discipline (Martin 2014; Stockemer 2009). It is also expected that seniority, and the experience that comes with it, increases the confidence and capacity of MPs to contribute to parliamentary debates. The political experience of MPs is also regarded as an essential component in getting elected and building a political career, in particular in national-level parliaments (Bird 2003; Escobar-Lemmon and Taylor-Robinson 2016). Politicians who have the ability to "bring projects and funding to their constituency", as well as deal with problems that their constituents have, will have an "advantage over MPs who have not yet proven their ability" to act effectively (Buckley and White 2007; Shugart at al.2005; Tavits 2010). Successful political experience brings "instant familiarity and immediate name recognition", making it more likely for a candidate to get elected (Buckley and White 2007:7).

As well as actual political experience, age is commonly associated with status and experience in people's perception (Chazan et al.1999; Oyěwùmí 1997). In African societies, seniority gives an individual a high social status relative to others in their social group (Sudarkasa 1986; Oyěwùmí 1997). Given that organisation or stratification of society by age group (or 'age set') is frequently reflected in the allocation of roles in East African societies (Burgess 2004), seniority gives an individual more respect in African societies in comparison with younger people. This view could influence the decision to elect a senior candidate for political office over a younger one regardless of other aspects of their experience. Globally, it has been argued that women MPs have entered politics in later years as compared to their male counterparts because of their engagement in family duties in the home, disadvantaging them in political competition as they are perceived to lack political experience (Combat 2014). However, this does not appear to be the case in Sub-Saharan Africa, where MPs are younger than the global averages. The most recent global average standard for an MP stands at 53 years, with Sub-Saharan Africa having the lowest MP regional average of 49 years (IPU 2012). As this chapter will demonstrate, in these case studies, women as a group are, on average, younger than the other MPs.

Internationally the personal wealth of the politicians contributes to whether an individual win's elections or not; this is also the case in Sub-Saharan Africa (Cornwall 2005; Kipobota et al. 2016: Mmuya and Chaligha 1994). Finance is a significant factor in enabling politicians to engage effectively in the political processes especially during election campaigns. Since women are on

average poorer than men, inequality regarding income and wealth affects their ability to engage in elections fully. To date it is still the case that the majority of the world's poor are women.[64]

In Africa today, it is common for people to have more than one job in order to supplement their income even when they hold professional positions (Sparks and Barnett 2010). Therefore, in addition to their regular employment, many people also run their own business, making business ownership and trading one of the main strategies for receiving income in East Africa. The chapter also looks at those MPs who have included 'business owners' on their personal profiles. MPs could be motivated to do this as educated MPs are classified in an elite political group. Therefore, an MP without a high level of education might feel inadequate and be wary of having a potentially lower status than a highly educated MP. MPs who are business owners may feel that this increases their status compared to highly educated MPs as both a high standard of educational achievement and significant business ownership hold high social status value.

The idea that political representatives need to be well qualified in a range of ways has been used as a significant factor in explaining why few women have been engaged in politics or why comparatively few women have been selected for high political office (Domingo et al. 2016; O'Neil and Plank 2015; O'Neil and Domingo 2015; Sperling and Winthrop 2015; Tadros 2014). This argument has been seen as particularly true for women selected through quotas, as women are considered to be chosen because of their sex and not because of their qualifications or merits. Therefore, women, especially those selected through reserved seats, are seen as less capable of carrying political responsibilities when compared to the mainstream constituency MPs, the majority of whom are men (Bratton 2005; Franceschet et al. 2009). This chapter explores whether there are significant differences in the characteristics of the different categories of MPs: male constituency MPs, female constituency MPs and women MPs in reserved seats. This analysis will be used later in the thesis to investigate if the personal characteristics of the three groups of MPs can help explain differences in the level of contribution to parliament or the likelihood of being appointed to a leadership position in parliamentary committees and cabinet positions.

[64] Why the majority of the world's poor are women. Available at: https://www.oxfam.org/en/why-majority-worlds-poor-are-women.

The chapter now examines the characteristics of politicians - age, education, wealth and political experiences in Kenya and Tanzania. In the discussion of these characteristics, there are variations in the data due to inconsistencies in the data available on the parliament websites of Kenya and Tanzania, mainly because not all MPs provided their full biographical details. Also, in Kenya, the reserved seat quota system only came into force in 2013. Therefore, before this data, the percentage of women in the Kenyan Parliament was low.

### *5.2.1 The Age of MPs in Kenya*

In 2008 female and male constituency MPs had very similar age profiles, with female MPs being slightly younger, and the five female appointed MPs being significantly younger than either of the two other groups. After the 2013 election, the average age of male and female MPs was identical. While the average age of the new group of women reserved seat MPs was slightly, but not significantly, younger.

*Table 12: Average Age of MPs at election in Kenya 2008 and 2013 election*

| **Category of MPs 2008** | **Number of MPs** | **Average Age** |
|---|---|---|
| Appointed female MPs | 5 | 40.0 |
| Constituency female MPs | 15 | 47.8 |
| Constituency male MPs | 173 | 49.3 |
| Total MPs | 193 | 49.0 |
| | | |
| **Category of MPs 2013** | **Number of MPs** | **Average Age** |
| Reserved seat female MPs | 45 | 46.3 |
| Constituency female MPs | 16 | 48.0 |
| Constituency male MPs | 182 | 48.3 |
| Total MPs | 243 | 47.9 |

*Table 13: Age Cohorts of Kenyan MPs at election 2008*

| Age cohort | Female MPs | | Male MPs |
|---|---|---|---|
| | Appointed | Constituency Seat | |
| 25-34 | – | – | 10(5.8%) |
| 35-44 | 3(60.0)% | 5(33.3%) | 51(29.5%) |
| 45-54 | 2(40.0%) | 7(46.7%) | 53(30.6%) |
| 55-64 | – | 2(13.3%) | 54(31.2%) |
| 65-74 | – | 1(6.7%) | 3(1.7%) |
| 75-Over | – | – | 2(1.2%) |
| Total | 5(100.0%) | 15(100.0%) | 173(100.0%) |

*Table 14: Age Cohorts of Kenyan MPs at election 2013*

| Age cohort | Female MPs | | Male MPs |
|---|---|---|---|
| | Reserved seat | Constituency Seat | |
| 25-34 | 15.6% | – | 4.9% |
| 35-44 | 28.9% | 31.3% | 29.1% |
| 45-54 | 35.6% | 50.0% | 42.3% |
| 55-64 | 17.8% | 18.8% | 19.2% |
| 65-74 | 2.2% | – | 4.4% |
| 75-Over | – | – | – |
| Total | 45 | 16 | 182 |

Most MPs in Kenya are elected between the ages of 45 and 54 years, (see Table 13 & 14). Not surprisingly, given their low numbers, women from constituency seats have the narrowest age range from 35 to 64 in 2013, with half of them in the middle range of 45-54 years. In comparison, after the 2013 election, the women reserved seat MPs and male MPs were elected in every age cohort except the very youngest, the 21-24 age range. Women from the reserved seat quotas are, on average, marginally younger than constituency MPs. The data is driven by a number of MPs in the 25-34 age category, with women constituency MPs having no representatives in this group.

A significant proportion of male MPs were over 55 years, 31.2% in 2008 dropping to 19.2% in 2013, reflecting the slightly lower average age of the parliament. This is compared to 13.3% of women constituency MPs in 2008 and 18.8% in 2013 who were over 55 years, with a similar

number of reserved seat women at 17.8% also in 2013 in this age group. This reflects the narrowing of the gender age gap between male and female MPs.

In terms of average ages, there is not much difference between the different categories of MPs in 2013. Given that there are many more men in the parliament than women, older men are a significant group numerically compared to older women. But men remain the dominant group in both the older age range and in the youngest age group. In Kenya, the youngest MPs have all been men; in the 2013 election, Boniface Gatobu was elected as an MP at the age of 26 (Oruko 2019). This record was broken in the next election in 2017, where 23-year-old John Mwirigi, a college student, won a constituency seat, becoming the youngest MP ever to be elected in Kenyan history (Akwei 2018; Mukere 2018).

### *5.2.2 Education Level of MPs in Kenya*

In the 2008 election, the level of education required to enter the parliament was to be able to speak and to read the Swahili and English languages well enough to take an active part in the proceedings of the parliament (Kenya Constitution 2008).[65]The new 2010 Constitution stated that the aspiring candidate needs to satisfy any educational requirements prescribed by the constitution or by an Act of Parliament (Kenya Constitution 2010).[66] But it is only the president, deputy president, governors and deputy governors that are required to hold a degree from a recognised institution (ibid.). Not surprisingly, in Kenya, men holding senior political positions tend to have a high level of educational achievement. The previous president Mwai Kibaki (2002-2013) has a degree from the London School of Economics in Public Finance, and Uhuru Kenyatta, president since the 2013 election, has a degree in Economics & Political Science from Amherst College, United States. Similarly, Amos Wako, who served as the Attorney General of Kenya for 20 years from 1991 to 2011, held a Master's degree in law from the University of London, United Kingdom. His successor, Githu Muigai (2011 to 2018), has a master's degree in International Law from Columbia University, US. The two parliamentary speakers covered in this study both hold law degrees from the University of Nairobi. Of those who served in the role of deputy speaker, Joyce Laboso, with

[65] The constitution of Kenya 1963 as Amended to 2008, part I No. 34 (c).
[66] The constitution of Kenya 2010, Part 2. Composition and membership of Parliament No. 99 (1)(b).

a PhD in gender and language education from the University of Hull, UK, stands out for the level of her educational qualifications. She is a former lecturer from Egerton University in Kenya.

In spite of the lack of a formal requirement for a high level of education for MPs, the majority of MPs in Kenya are, in fact, very well educated (see Table 15 & 16). The percentage of MPs with a degree or a higher postgraduate qualification was just under 80% after the 2013 election. 87.4% of women from constituency seats had this level of education in 2008, dropping to 84.6 % in 2013. In 2013 72.0% of women in reserved seats had a primary degree or above. For men, the comparable percentages are 83.9% and 80%, respectively, lower than for women constituency MPs who stand out as the group with the highest level of education. This is emphasised by the fact that more women from constituency seats have PhDs than any other category of MP, at 25.0% in 2008 and 23.1% in 2013. This is much higher than women reserved seat MPs at 8.0% in 2013, and no woman appointed an MP had a PhD in 2008. It is also higher than male MPs, 5.6% of whom had a PhD in 2008, falling to 4.4 in 2013. As a relatively small group of MPs, women from constituency seats are relatively more educated when compared to either reserved seat MPs or their counterpart male MPs.

*Table 15: Educational Levels of Kenyan MPs in 2008*

| **Education Levels** | **Female MPs** | | **Male MPs** |
|---|---|---|---|
| **Postgraduate** | **37.4%** | **40.0%** | **37.3%** |
| PhD | 4(25.0%) | – | 9(5.6%) |
| Master's | 2(12.5%) | 2(40.0%) | 51(31.7%) |
| **Degree** | **8(50.0%)** | **2(40.0%)** | **75(46.6%)** |
| **Diploma/Cert** | **2(12.5%)** | **1(20.0%)** | **19(1.8%)** |
| **Secondary** | – | – | **7(4.3%)** |
| Total | 16(100%) | 5 (100%) | 161(100%) |

*Table 16: Educational Levels of Kenyan MPs in 2013*

| **Education Levels** | **Female MPs** | | **Male MPs** |
|---|---|---|---|
| | Constituency Seat | Reserved Seat | |
| **Postgraduate** | **38.5%** | **42.0%** | **36.3%** |
| PhD | 23.1% | 8.0% | 4.4% |

| | | | |
|---|---|---|---|
| Master's | 15.4% | 34.0 | 31.9% |
| **Degree** | **46.1%** | **30.0%** | **43.7%** |
| **Diploma/Cert** | **7.7%** | **22.0%** | **12.6%** |
| **Secondary** | **7.7%** | **6.0%** | **7.4%** |
| Total | 16 | 50 | 135 |

Overall, only a small percentage of MPs in the Kenyan parliament have lower levels of education either at the post-secondary school certificate or diploma level or with only a secondary level qualification. This will change in the future as the law that required MPs to have a degree was shelved for the 2017 election and will come into effect for the 2022 election (Agutu 2015; Mbaka 2018).

### *5.2.3 MPs and Business Ownership in Kenya*

Not many MPs completed this section of their personal profiles. Of those who did, more men than women MPs state they are business owners, reflecting the larger number of male MPs (see Table 17). Amongst women MPs, in the two parliamentary terms, a total of twelve--five from constituency and seven from reserved seat--included business ownership in their CVs. For women constituency MPs, this went from 0 in 2008 to 7 in 2013, a near 50% increase. Most of these women are also highly educated, except for one whose qualifications are at the secondary level. Of men who indicated they were business owners, two-thirds had a high level of education. The men who had a low level of education may have found that business connections helped their selection and election. As it has been noted, "the biggest challenge identified by women during party primaries was the tendency by parties to favour male candidates, particularly those with resources to support parties' campaigns" (NDI and FIDA 2018:24).

*Table 17: Kenyan MPs Business Ownership and Education in 2008 and 2013*

| **Education Level** | **Female MPs** | | | | **Male MPs** | |
|---|---|---|---|---|---|---|
| | **Appointed Seat** | **Reserved Seat** | **Constituency Seat** | | | |
| | **2008** | **2013** | **2008** | **2013** | **2008** | **2013** |
| Postgraduate | | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| PhD | – | – | – | 1 | – | 1 |
| Master's | 1 | – | – | – | 6 | 2 |
| Degree | 3 | 1 | – | 5 | – | 19 |
| Diploma/ Certificate | – | – | – | – | 3 | 2 |
| Secondary | – | – | – | 1 | 3 | 2 |
| No education | – | – | – | – | – | 8 |
| Total | 4 | 1 | 0 | 7 | 12 | 34 |

There is a significant increase for both women and men MPs who declared they were business owners between 2008 and 2013, from 16 to 42. This means that in 2013 nearly a fifth of the parliament was including business interests in their profile. This could reflect the different make-up of the parliament before and after the period of political violence. Furthermore, it is notable that while nearly half of constituency women MPs declared business interests, reserved seat MPs did not. This may reflect the more competitive nature of being selected as a woman in a constituency seat.

### *5.2.4 Level of Political Experience of MPs in Kenya*

In Kenya, women from constituency seats have more political experience than women from reserved seat constituencies. The fact that women constituency MPs have been party members longer might suggest that women need to be very politically experienced and with links to the party leadership to be elected in a constituency seat. As the reserved seat quota system was new in 2013, it is perhaps not surprising that 88.8% of the women elected had only joined the political party just before the elections. Women as a whole are comparatively new to parliamentary politics. The number of women in constituency seats only reached 10 in 2002; before that, it had fluctuated between 0 and 6 (see chapter 4). In 2013 only one woman had been a party member during the single political party era. The number of men who were party members in the single-party era was also one, down from 13 in 2008, reflecting the period of political upheaval between the two elections. Therefore, it is not surprising that in the 2008 election, 62% of the women constituency MPs selected had joined a political party the same year. But, in the 2013 election, the number increased to 75%, with another 12.5% having joined during the previous elections period. For male

MPs, it is perhaps surprising that more than half joined political parties the same year they were elected at 69.7% in 2008 and at 71.2% in the 2013 election, respectively. This is a very large number of MPs being elected without prior experience in a political party, and it cannot be explained just by the high level of volatility in Kenyan elections, (see Table 18). A contributing factor is the numerous political party coalitions formed, particularly during the 2013 election period when no single party was able to win outright. This is associated with the divided nature of the state and the competition between groups for land and other resources controlled by the government. In Kenya, it is also easy to form a party, and as a result, many political parties have only a short life span, which makes it easy for an aspirant candidate to be selected to run for election without much prior political experience.

*Table 18: MPs in 2008 and 2013: Year Joined Political Parties*

| **Years** | **Female MPs** | | | | **Male MPs** | |
|---|---|---|---|---|---|---|
| | **Appointed Seat** | **Reserved Seat** | **Constituency seat** | | | |
| | **2008** | **2013** | **2008** | **2013** | **2008** | **2013** |
| **Single Party Era** | | (1.9%) | | | (4.6%) | (10%) |
| 1961-1969 | – | – | – | – | 0.5% | – |
| 1970-1974 | – | – | – | – | – | – |
| 1975-1979 | – | 1.9% | – | – | 0.5% | – |
| 1980-1983 | – | – | – | – | 0.5% | 0.3% |
| 1984-1988 | – | – | – | – | 3.6% | o.7% |
| **Multi Party Era** | (100%) | (98.1%) | (100%) | (100%) | (95.4%) | (90%) |
| 1989-1992 | – | – | 12.5% | - | 5.7% | 1.4% |
| 1993-1997 | – | – | 6.3% | - | 11.3% | 2.8% |
| 1998-2002 | – | – | 18.8% | 12.5% | 8.2% | 4.2% |
| **2003-2008** | **100%** | **9.3%** | **62.4%** | **12.5%** | **69.7%** | **19.4%** |
| **2009-2013** | – | **88.8%** | – | **75%** | – | **71.2%** |
| Total | 6 | 54 | 16 | 16 | 194 | 289 |

It has been shown that the instability in the Kenyan political system makes an analysis of the characteristics of MPs more problematic as MPs have not been a relatively stable group over time.

But what can be said is in group comparison women MPs are even better educated than male MPs. In addition, only a relatively small percentage of both male and female MPs have significant political experience. Many male MPs are involved in business activities. This could be one of the factors that allow them to be elected in constituency seats compared to women MPs. As a group, the reserved seat MPs elected in 2013 are slightly younger than average, and as a group they have a higher proportion of MPs with only second-level education.

## 5.3 Characteristics of MPs in Tanzania

This section analyses the profiles of MPs in Tanzania. As in the case of Kenya, the attributes of MPs are explored with regard to their age, educational level, finance and political experiences. Unlike Kenya, in Tanzania, the quota system has been in place for a number of years. This means that the two parliaments can be compared more directly.

### *5.3.1 The Age of MPs in Tanzania*

In Tanzania, the constitution allows a person to contest for a parliamentary seat from twenty-one years of age (Tanzania Constitution 1977).[67] In reality, very few MPs have been this young when elected (Mkilanya 2011). Looking at the average age of the different groups of MPs in Tanzania, women from constituency seats are marginally the oldest group in both parliaments, while women in reserved seats are clearly the youngest group (see Table 19). The 2015 parliament, on average, is younger than the 2010 parliament, with reserved seat women becoming an even younger group and the age difference between women from reserved seats and women from constituency seats widening slightly. Given they are a new group of MPs; it is less surprising that they also have the lowest level of political experience.

*Table 19: Average Age of MPs at Election in Tanzania 2010 and 2015 Elections*

| **Category of MPs 2010** | **Number of MPs** | **Average Age** |
|---|---|---|
| Reserved seat female MPs | 96 | 47.3 |

[67]The Constitution of the United Republic of Tanzania of 1977, Part 67(a).

| | | |
|---|---|---|
| Constituency female MPs | 21 | 51.2 |
| Constituency male MPs | 205 | 49.2 |
| Total MPs | 322 | 49.5 |
| **Category of MPs 2015** | **Number of MPs** | **Average Age** |
| Reserved seat female MPs | 113 | 43.7 |
| Constituency female MPs | 25 | 48.4 |
| Constituency male MPs | 229 | 47.9 |
| Total MPs | 367 | 46.6 |

The distribution of MPs in the different age cohorts shows the detail behind the averages (see Table 20). In 2010, 68% of reserved seat MPs were under 54. By 2015 this had risen to 81%, while for women in constituency seats, the change was smaller, moving from 67% in 2010 to 72% in 2015. There was a bigger change for men in constituency seats than for women: in 2010, 65% of men were under 54 years of age, and this percentage increased to 74% in 2015. Furthermore, the most significant difference between the different groups of MPs was in the number of MPs that were under 34 years of age. In 2015 nearly a quarter of all reserved seat MPs were in this category, but only 4% of women in constituency seats and 8% of male MPs. It is the wider spread of ages that makes the reserved seat category the youngest group. In terms of a pool of senior MPs, in 2015, 26% of men were over 55 years of age, while the same was true for just under 20% of reserved seat women and 18% of constituency seat women. So, although women in constituency seats are marginally the oldest group, on average, they represent only a small pool of older women MPs.

*Table 20: Age Cohorts of Tanzanian MPs at Election: 2010 and 2015*

| **Age cohort** | **Female MPs** | | | | **Male MPs** | |
|---|---|---|---|---|---|---|
| | **Reserved seat** | | **Constituency seat** | | | |
| | **2010** | **2015** | **2010** | **2015** | **2010** | **2015** |
| 18-24 | – | 0.9% | – | – | 0.5% | – |
| 25-34 | 14.6% | 23.9% | 4.8% | 4.0% | 6.3% | 8.3% |
| 35-44 | 26.0% | 28.3% | 19.0% | 32.0% | 23.9% | 27.1% |
| 45-54 | 27.1% | 27.4% | 42.9% | 36.0% | 37.1% | 38.4% |

| | | | | | | |
|---|---|---|---|---|---|---|
| 55-64 | 29.2% | 17.7% | 33.3% | 16.0% | 27.8% | 23.6% |
| 65-74 | 3.1% | 1.8% | – | 12.0% | 3.9% | 2.6% |
| 75-84 | – | – | – | – | 0.5% | – |
| Total | 96 | 113 | 21 | 25 | 205 | 229 |

### *5.3.2 Education Level of MPs in Tanzania*

In Tanzania, the formal educational qualifications for election as an MP is quite low, with the only requirement being the ability to read and write in Kiswahili or in English (Tanzania Constitution 1977).[68] As in Kenya, during the period covered by this research, most senior political positions were filled by highly educated people. The Tanzanian president, Jakaya Kikwete (2005 to 2015), holds a degree from the University of Dar es Salaam Tanzania. His vice presidents Ali Shein (2005 to 2010) and Mohamedi Bilal (2010 to 2015) both hold PhDs from the University of Newcastle, UK, and the University of California at Berkeley US, respectively. John Magufuli, elected president in 2015, also has a PhD from the University of Dar es Salaam in Tanzania. Anna Makinda, the first woman to be elected parliamentary speaker (2010 to 2015), does not have a very high level of education, holding a diploma in accountancy from Mzumbe University in Tanzania. However, she had been an MP for 20 years and was politically active in both the single and multiparty eras (Magomba 2010; Mbashiru 2015). In spite of the low level of formal requirements, most MPs in Tanzania are well educated, but there are clear differences between the different groups that may, to some extent, reflect the age differences, especially between reserved seat women and the rest (see Table 21). Women in constituency seats had the highest level of education, with 61% having a primary degree or above in 2010 and 75% in 2015. Women in reserved seats had the lowest level of education--half had degrees or above in 2010, rising to 55% in 2015. Male MPs' education levels came in between these two other categories at 57% in 2010 and 64% in 2015. This difference was more pronounced when looking at MPs with PhDs. In 2015 21% of women in constituency seats had PhDs compared to 7% of women in reserved seats and 8% for men.

[68] The Constitution of the United Republic of Tanzania of 1977, Part 67(a).

More MPs in Tanzania than in Kenya have only primary or secondary school educational levels but the differences between the different groups in Tanzania is not significant. It is at the level of diplomas and certificates that there is a difference with more women in reserved seats falling into this category than men or women in constituency seats.

*Table 21: Educational Levels of Tanzanian MPs in 2010 and 2015 Elections*

| **Education Level** | **Female MPs** | | | | **Male MPs** | |
|---|---|---|---|---|---|---|
| | **Constituency MPs** | | **Reserved Seat MPs** | | | |
| | 2010 | 2015 | 2010 | 2015 | 2010 | 2015 |
| ***Postgraduate*** | ***49.9%*** | ***54.2%*** | ***29.3%*** | ***33.4%*** | ***39.0%*** | ***41.3%*** |
| PhD | 11.1% | 20.9% | 6.1% | 6.7% | 12.2% | 7.7% |
| Master's | 38.8% | 33.3% | 23.2% | 26.7% | 26.8% | 33.6% |
| **Degree** | **11.1%** | **20.8%** | **20.2%** | **21.9%** | **17.1%** | **22.6%** |
| **Diploma/Cert** | **33.4%** | **8.3%** | **41.4%** | **28.5%** | **29.2%** | **13%** |
| **Secondary** | **5.6%** | **12.5%** | **9.1%** | **15.2%** | **10.8%** | **13.4%** |
| **Primary** | – | **4.2%** | – | **1.0%** | **3.9%** | **9.7%** |
| Total MPs | 18 | 24 | 99 | 107 | 205 | 217 |

In the Tanzanian parliament, women MPs from constituency seats are, therefore, not only slightly older on average than other groups of MPs, they are also more educated. This might be an indication of the significance of a high level of education for women from constituency seats to enable them to compete at the constituency level. A study pointed to levels of education as a facilitating factor for women's access to political leadership in Tanzania as "having a higher level of education enabled" women to engage with more confidence in the discussion of bills and to "participate effectively in committees and articulate issues" (Meena at al. 2015:39-40).

### *5.3.3 MPs Business Ownership Tanzania*

Not many MPs in Tanzania indicate they are business owners on their MP profiles, and there is no significant difference between the two elections. Many of the women MPs who run businesses in Tanzania have at least a diploma level of education, while male MPs who included companies in

their profiles are concentrated at the bottom rungs of the education ladder. This suggests that for men, finance or business connections are also a significant factor in enabling MPs to win constituency seats and compensates for lack of formal education. Personal wealth is significant during elections to support campaign activities, and, in addition, the accumulation of personal wealth serves as a primary indicator of status in African states, including Tanzania (Cornwall 2005). The relationships between politicians and business owners existed before the first multiparty election in 1995. A study in 1994 in Tanzania noted that an increasing number of incumbency ruling party CCM politicians had a background in business. In this case, being an MP might have helped them in setting up a business as well as a source of funding and influence in the constituency (Mmuya and Chaligha 1994).

*Table 22: Tanzanian MPs Business Ownership and Education in 2010 and 2015 elections*

| **Education level** | **Female MPs** | | | | **Male MPs** | |
|---|---|---|---|---|---|---|
| | **Constituency MPs** | | **Reserved MPs** | | | |
| | 2010 | 2015 | 2010 | 2015 | 2010 | 2015 |
| ***Postgraduate*** | | | | | | |
| Master's | 1 | – | 1 | – | – | 1 |
| **Degree** | – | – | – | 2 | 3 | 3 |
| **Diploma/Certificate** | 1 | – | 7 | 4 | 9 | 9 |
| **Secondary/ Primary** | – | – | – | 2 | 14 | 24 |
| Total | 2 | 0 | 8 | 8 | 26 | 37 |

### *5.3.4 Political Experiences of MPs in Tanzania*

In Tanzania, MPs on average have more political experience than in Kenya. While a significant number of men were elected as MPs the same year that they joined a party, male MPs on the whole also have a wide range of political experience (see Table 23). Approximately 33% of men in 2010 and 21% in 2015 had been party members prior to the implementation of multiparty democracy. Women in constituency seats had an even higher level of political experience than men. In 2015 a third of women constituency MPs had been party members prior to the multiparty period, and approximately 70% had more than ten years' experience, with only one woman joining a political

party the year she was elected. Women in reserved seats, on average, had the lowest level of political experience, but even in this case, 29% of those elected in 2010 had been members of a political party before 1990. However, this figure dropped to 13% in the 2015 election.

The 2015 election was a very competitive general election, and CCM, the dominant party, only won 58% of the vote, the lowest win since the party's establishment. This means opposition parties won more seats, which may explain some of the differences between the two elections. In both elections, women in reserved seats were more likely to be elected if they had the experience of at least one previous election. Most women in constituency seats were from the CCM party, and the opposition parties only had 7 out of 25 seats won by women (see Chapter 4 on political parties). This may explain why there is less change in the political experience of constituency MPs' profiles than other MPs. As discussed in Chapter 4, in Tanzania, the political party system has been dominated by CCM. In addition, political parties are hard to form in Tanzania, and political party coalition is still illegal. Therefore, more stable opposition political parties have developed in Tanzania than is the case in Kenya. The stability of the party system may explain why Tanzanian MPs have more political experience on average than their Kenyan counterparts.

*Table 23: Tanzanian MPs in 2010 and 2015: Year Joined Political Parties*

| **Years** | **Female MPs** | | | | **Male MPs** | |
|---|---|---|---|---|---|---|
| | **Reserved Seat** | | **Constituency Seat** | | | |
| | 2010 | 2015 | 2010 | 2015 | 2010 | 2015 |
| **Single Era** | **(29.4%)** | **(12.1%)** | **(42.8%)** | **(33.3%)** | **(33%)** | **(21.3%)** |
| 1961-1965 | 1.0% | – | 4.8% | – | – | 0.4% |
| 1966-1970 | – | 0.9% | – | 4.2% | 5.5% | – |
| 1971-1975 | 6.1% | 0.9% | – | – | 5.0% | 3.5% |
| 1976-1980 | 6.1% | 7.5% | 19.1% | 12.5% | 7.5% | 2.6% |
| 1981-1985 | 9.1% | 0.9% | 4.7% | – | 6.5% | 6.7% |
| 1986-1990 | 7.1% | 1.9% | 14.2% | 16.6% | 8.5% | 8.1% |
| | | | | | | |
| **Multiparty Era** | **(70.6%)** | **(87.9%)** | **(57.2%)** | **(66.7%)** | **(67%)** | **(78.7%)** |
| 1991-1995 | 14.2% | 11.2% | 19.1% | 4.2% | 17.1% | 12.7% |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1996-2000 | 13.2% | 3.8% | 19.1% | 4.2% | 16.1% | 10.3% |
| 2001-2005 | 22% | 24.3% | 9.5% | 29.1% | 16.1% | 13.5% |
| 2006-2010 | 17.3% | 29.9% | 9.5% | 25.0% | 17.1% | 22.0% |
| 2011-2015 | – | 18.7% | – | 4.2% | – | 20.2% |
| Grand Total | 98 | 107 | 21 | 24 | 199 | 223 |

It appears that in order to be nominated to stand for a constituency seat in Tanzania, MPs frequently still need to have some political experience. The data shows this to be the case that in Tanzania, women from constituency seats have more political experience than other MPs. This might be related to the competitive nature of constituency elections where women face particular challenges to win, as "women who go through constituency seats have to prepare themselves more as they attempt to break through a male-dominated space" (Meena et al. 2015:13). Therefore, it appears that women who are supported to contest constituency seats have more experience than women selected for reserved seats and are more experienced than the majority of men who win constituency seats.

## 5.4 Conclusion

This chapter has examined whether there are differences between the personal profiles of women selected through reserved seats and MPs, both women and men, selected through constituency seats. Overall, women from constituency seats have a stronger profile in terms of their characteristics than women selected for reserved seats in Kenya and Tanzania. The critical difference between the parliaments of Kenya and Tanzania is that in Kenya, the variation in characteristics between the different groups of MPs is relatively smaller than in Tanzania.

The majority of women MPs from the constituency seats in Kenya have a similar age profile to male MPs, but they are marginally older than the women appointed by the president in 2008 and those who, after 2013, won reserved seats. In 2013 the average ages of these two groups were identical. Whereas in Tanzania, women selected from constituency seats formed the oldest group of MPs on average. The older age brings credibility to aspirant women candidates from the society, which associates age and ability of the candidate to work after the election. Women legislators

from the constituency seat in both countries have a very high level of education, and proportionally more of them have a PhD than other legislators. Female MPs from the constituency seats are also more experienced compared to the reserved seats in the parliament of Kenya and Tanzania. However, the level of experience on average differs between the two states, with less experience being the norm in Kenya. This may be a result of the fact that Kenya has been more politically unstable, with more political parties that are easier to form and frequently have shorter life spans, whereas Tanzania has had one dominant political party for a long period of time. In addition, in Tanzania, political parties are also hard to form and, as a result, have stable opposition parties. This makes it much harder for aspirant candidates to be elected in any parliamentary seat without prior political experience and membership of a party.

Overall, it is not that women who are selected from reserved seats have weak personal profiles in terms of education and political experience. It is that constituency MPs, both men and women, have on average stronger profiles. This is especially true for women in constituency seats in Tanzania.

This chapter demonstrates that women MPs provide a pool of candidates for leadership positions with comparatively high levels of education and experience in both states. The next chapter analyses the gender difference in engagement in parliamentary committees and in allocating leadership positions in both parliamentary committees and cabinet portfolios.

# CHAPTER 6: WOMEN IN PARLIAMENT AND EXECUTIVE LEADERSHIP POSITIONS IN KENYA AND TANZANIA

## 6.1 Introduction

The previous chapter discussed the characteristics of MPs as it has been argued that the personal profiles of MPs are one of the factors that influence the selection and engagement of women in parliamentary activities and their access to leadership positions (Annesley et al. 2019; Bauer and Okpotor 2013; Bouka et al.2018; Reynolds 1999; Shvedova 2005). It is also considered that women are more likely to be assigned to leadership positions that reflect women's traditional social roles (Henig and Henig 2001; Reingold 2006). In addition, it is also believed that women are more likely to be assigned peripheral positions where women have no real power to transform decision-making institutions (Brown 2001; Meena 2003; Franceschet et al. 2009). This chapter, therefore, builds on Chapter 5 to compare Kenya and Tanzania in terms of women's engagement and access to leadership positions in government, that is, cabinet ministries and parliamentary committees. In addition, the chapter examines the type of committees and ministries that women are selected for.

The chapter deals with each country in turn, and each section starts by giving an overview of the key leadership positions in the executive, legislature, and judiciary. Then the chapter analyses MPs' access to cabinet positions and their engagement in parliamentary committees. The analysis uses Krook and Obrien's 2010 ranking of cabinet policy areas by prestige (high, medium, low) and in terms of gender (masculine, neutral, feminine). It also compares the types of cabinet and committee roles women are given with a recent IPU study (2017).[69] This study surveyed 1237 portfolios in 186 countries and demonstrated that women are most frequently selected for the following ten types of ministries (from a list of 29 ministries) ranked in order, with one being the policy portfolio for which women are most frequently selected:

1. 'Environment Natural Resources Energy'
2. 'Social Affairs'
3. 'Family, Children, Youth, Elderly, Disabled'
4. 'Women's Affairs, Gender and Equality'
5. 'Education'
6. 'Culture'
7. 'Employment, Labour, Vocational Training'
8. 'Trade, Industry'
9. 'Foreign Affairs (including development assistance)'
10. 'Health'

[69] Women in Politics: 2017. Available at: http://archive.ipu.org/pdf/publications/wmnmap17-en.pdf.

Dealing with Kenya first, the chapter discusses the overview of women's access to leadership roles in the Kenyan State.

## 6.2 Government Structure and Leadership Position in Kenya

Kenya's central government is structured by the 2010 constitution, with administrative and policy-making powers being distributed to its three arms - executive, legislature and judiciary. The executive encompasses the president, the deputy president and the cabinet. The president is the head of state and government. The deputy president and the cabinet assist the president. Currently, men hold both the president and vice-president positions. In addition, the president is the commander-in-chief of the Kenyan defence forces.[70] In Kenya, state power is concentrated in the president's office and his allies in the civil service and in the army of Kenya (Akech 2011; Thomson 2000). This changed to some extent with the 2010 Kenyan constitution in which the power of the president has been reduced to allow other bodies to operate independently. This is for the purpose of making the government accountable under what was designed as a system of checks and balances (Akech 2011). In Kenya, the establishment of the new constitution meant that from the 2013 election onwards, the parliament consists of two houses, the national assembly and the senate, and the position of prime minister was eliminated.

Table 24 shows that by 2018 the number of women engaged in the key leadership positions across the Kenyan state had in many cases significantly increased but with considerable variations between different roles. No woman has ever held the position of president or vice-president. In addition, very few women gained the status of governors or local chiefs. However, women played an essential role in the judicial system as a result of the 2010 Kenyan Constitution which required "not more than two-thirds" of all elective or appointive bodies, including the judiciary services, to

[70] Under 132 (2) on the functions of the president which involves to nominate and, with the approval of the National Assembly, appoint, and may dismiss (a) the Cabinet Secretaries, in accordance with Article 152; (b) the Attorney-General, in accordance with Article 156; (c) the Secretary to the Cabinet in accordance with Article 154; (d) Principal Secretaries in accordance with Article 155; high commissioners, ambassadors and diplomatic and (e) consular representatives; and (f) in accordance with this Constitution, any other State or public officer whom this Constitution requires or empowers the president to appoint or dismiss.

be of the same gender.[71] The constitution also includes provisions specific to women's participation in the judiciary services, requiring at least three women to be included in the eleven-member judicial services commission, the body which is responsible for the appointment and removal of judges and judicial officers.[72] In addition, the constitution requires that in the performance of its functions, including the recommendation of candidates for appointment to the judiciary, that the judicial service commission is guided by gender equality principles.[73] In 2018 the number of women in the central government had not reached the international standard of 30%. Although for the cabinet secretaries and diplomatic corps, it has nearly reached the international standard at 27.3% and 23.2%, respectively. In the 2017 election at the senate level, the number of women reached a critical mass at 31.3%, with the National Assembly lagging behind at 21.8%. Furthermore, for the first time in the history of Kenya, a female MP, Joyce Laboso from the Sotik constituency, was elected deputy speaker following the 2013 election.

*Table 24: Main Leadership Position in Kenya in 2018*

| Type of leadership | Female | Male | Total | % Female |
|---|---|---|---|---|
| ***Central government*** | | | | |
| President | 0 | 1 | 1 | 0.0% |
| Deputy vice-president | 0 | 1 | 1 | 0.0% |
| Cabinet secretaries | 6 | 16 | 22 | 27.3% |
| Principal secretaries | 8 | 32 | 40 | 20.0% |
| Diplomatic corps | 13 | 43 | 56 | 23.2% |
| Deputy secretaries | 62 | 155 | 217 | 28.6% |
| ***Judiciary*** | | | | |
| Supreme court | 2 | 5 | 7 | 28.6% |
| Court of Appeal Judges | 7 | 12 | 19 | 36.8% |
| High Court Judges | 55 | 74 | 129 | 42.6% |
| Magistrates | 214 | 244 | 459 | 46.6% |
| Kadhis | 0 | 54 | 54 | 0.0% |
| ***Local Government*** | | | | |
| Governors | 3 | 44 | 47 | 6.4% |
| Deputy governor | 7 | 39 | 46 | 15.2% |
| County commissioner | 14 | 33 | 47 | 29.8% |
| Deputy County commissioner | 34 | 261 | 295 | 11.5% |
| National assembly | 76 | 273 | 349 | 21.8% |
| Senators | 21 | 46 | 67 | 31.3% |
| Members of county assembly | 745 | 1451 | 2196 | 33.9% |
| Chiefs | 137 | 2453 | 2590 | 5.3% |
| Assistant chiefs | 504 | 5382 | 5886 | 8.6% |

[71] Article 27, Constitution of Kenya 2010.
[72] Article 171, Constitution of Kenya 2010.
[73] Article.172, 2(b) Constitution of Kenya 2010.

| | | | | |
|---|---|---|---|---|
| **Total** | 1908 | 10619 | 12528 | 15.2% |

*Source. IPU 2021 and Kenya National Bureau of Statistics Economic Survey 2019*[74]

In the Supreme Court, the highest court in Kenya, 28.6% of the judges are women, with significantly higher proportions of women in the lower courts. However, the traditional khadi courts stand out as having no women. These courts were recognised in the 2010 constitution, which gave a place to religious laws and the use of traditional mechanisms in resolving legal disputes. The Khadi courts are used to determine questions of Muslim law relating to personal status, marriage, divorce or inheritance. A Khadi must be a Muslim and possesses such knowledge of the Muslim law applicable to all Muslim sects.[75] This mixed operation of the state's judicial system that includes the use of the traditional courts has proved to work against women's interests (Osaaji 2009). This is underpinned by the patriarchal nature of Kenyan society, which, although it has now begun to change, still operates in favour of men at all levels.

The 2010 constitution also changed the structure of local government and local administration by creating 47 counties. Article 179 of the constitution bestows the executive authority of the county to the county executive committee. Therefore, from the 2013 elections onwards in Kenya there are two levels of distinct government with legislative capacity and resources: the national government and the county government. The county governments consist of the county assembly and the county executive. The county governor is the head of the county executive. The role of the county governor is solely restricted to county government issues. For instance, it does not deal with national security. This is the point where the county commissioner role comes into play since the constitution envisages a situation of interdependency between the county and the central government. In the 2017 election, women's representation at governor position was at 6.4%. Although a very low figure, it was the first time women had been elected to this position -Anne Waiguru, Charity Ngilu and Joyce Loboso. The number of women members of the county assembly, which is subject to quotas, is at 33.5%. Furthermore, at the lowest level of local government, it is notable that the number of women leaders who are chief or assistant chief is at 5% and 9%, respectively, reflecting the fact that in rural communities, traditional cultural practices are the strongest.

[74] Kenya National Bureau of Statistics. Available at: https://www.knbs.or.ke/.
[75] Article 170, Constitution of Kenya 2010.

MPs are expected to actively participate in government and parliamentary activities, including their election in leadership positions. In the 2008 election, the parliament in Kenya had a total of 224 MPs, and in 2013 and 2017 a similar total number of 350 MPs (see Table 25). In all of these elections, MPs are able to function as members and be elected at various levels of leadership, except in 2013 where the constitution did not allow MPs to hold ministerial positions.

*Table 25: Composition of the Parliament of Kenya in 2008 and 2013 elections by Gender*

| **MPs Member Type** | **Number of female MPs & percentage** | | | **Number of male MPs & percentage** | | |
|---|---|---|---|---|---|---|
| | **2008** | **2013** | **2017** | **2008** | **2013** | **2017** |
| Attorney /Speaker (Ex –official) | – | 1(1.5%) | – | 2(1.0%) | 2(0.7%) | 2(0.7%) |
| Constituency MPs | 16(72.7%) | 15(22.1%) | 23(30.3%) | 194(95.6%) | 274(97.2%) | 266(97.1%) |
| Appointed MPs | 6(27.3%) | 5(7.3%) | 6(7.9%) | 6(3.4%) | 7(2.1%) | 6(2.2%) |
| Reserved seat | – | 47(69.1%) | 47(61.8%) | – | – | – |
| Total | 22(100%) | 68(100%) | 76(100%) | 202(100%) | 282(100%) | 274(100%) |

## 6.3 Women Cabinet Ministers in Kenya

In the Kenyan constitution, ministers are appointed by the president after the presidential elections. However, the process of appointing a minister and who can be assigned a minister changed radically between 2008 and 2013. In 2008, to be selected as a minister, a person was required to be a member of parliament, either as a constituency MP or as an MP appointed by the president. The president also appoints deputy ministers from among the members of parliament to assist the president, vice-president and ministers in the performance of their duties.[76] From the 2013 election onwards, the president still appoints cabinet ministers, but a cabinet minister can no longer be a member of parliament.[77] In addition, the constitution set boundaries for the number of cabinet ministers to be no fewer than 14 and no more than 22, effectively reducing the number of full ministers in the cabinet.[78] This restriction on numbers does not apply to the deputy cabinet ministerial positions.

[76] Part 2, 1Article 9(1) Constitution of Kenya revised edition 2008 (2001).
[77] Part 3, Article 152(3) Constitution of Kenya 2010.
[78] Article 152 (1) Constitution of Kenya 2010.

The approach in selecting ministers as ex-officials is similar to what former British Prime Minister Gordon Brown called GOATs-Government of All the Talents (Parkinson 2011). In the case of Kenya, the stated aim is also to broaden the pool of talent in order for the government to benefit from broad professional expertise. This means when an MP is appointed in a cabinet position, they must relinquish his or her elective position. A ministerial term is five years, the maximum life of the government. The president is allowed to do a reshuffle of the cabinet positions anytime he deems it necessary to do so. These reshuffles are often considered as indicative of the power struggles within the cabinet or as a sign of the government's declining popularity (Alderman and Cross 1987; Kam and Idridason 2005). Nevertheless, the reshuffles may also result from other unforeseen factors such as a minister's death, resignation, punishment, reward or strengthening cabinet ministries (Sigei 2011; Olekina 2012). Most often, reshuffles happen midway through the government's term, most frequently between two and a half and three years after the election. For this reason, the data gathered on the makeup of the cabinet focused on the first cabinet selected after the election. Information on the outcomes of the cabinet reshuffles on the position of women is also included.

Using Krook and O'Brien's (2010) schema as a guide, nine of the Kenyan ministries are ranked as feminine, 14 as masculine and 16 as neutral. All the six low ranked ministries were feminine. Of the 26 medium ranked ministries, three were feminine, seven were masculine, and the remaining 16 were neutral. The seven high ranked ministries were also all ranked as male.

The 2008 Kenyan parliament was formed after the rerun of the conflictual 2007 election. Following this election, men held all the top leadership positions. The head of state was Mwai Kibaki, who appointed Raila Odinga as prime minister with Musalia Mudavadi and Uhuru Kenyatta as deputy prime ministers while retaining Kalonzo Musyoka as his vice-president (Lansford 2019). What was called a Grand Coalition Cabinet was named on 13 April 2008 and sworn in on 17 April 2008 (Amadi 2009). This was a major change from the previous government as the opposition party had won the presidential elections.

In 2008 women held 17.9% of the full ministries, that is, 7 out of 39, and all those appointed as ministers were from constituency seats and were not MPs who were presidential appointees (see Table 26). This percentage is double that of the percentage of women in parliament, with 7 out of

16 women elected to constituency seats being given a cabinet post. These included five cabinet posts from the IPU (2017) top ten, and four out of the seven women MPs were assigned feminine and low/medium status ministries. From this, it can be seen that the majority of women in the cabinet have low ranking ministries with a bias towards policy areas that reflect what is considered women's 'traditional' roles, while at the same time, a high proportion of women in constituency seats have a place in the cabinet.

*Table 26: Kenya Women Ministers by Prestige and Gender in 2008*

| Name | Ministry Type | Period | Prestige | Gender |
|---|---|---|---|---|
| Esther Murugi Mathenge | Gender and Children's Affairs | 2008–2010 | Low | Feminine |
| Sally Jepngetich Kosgei | Higher Education, Science & Technology | 2008–2010 | Low | Feminine |
| Naomi Namsi Shaban | Special Programmes | 2008–2010 | Low | Feminine |
| Hellen Sambili | Youth Affairs and Sports | 2008–2010 | Low | Feminine |
| Beth Wambui Mugo | Public Health & Sanitation | 2008–2013 | Medium | Feminine |
| Martha Wangari Karua | Justice, National Cohesion & Constitutional Affairs | 2008–2009 | Medium | Neutral |
| Charity Kaluki Ngilu | Water and Irrigation | 2008–2013 | Medium | Neutral |

A major cabinet reshuffle was carried out in 2010; as a result, only two women stayed in the same ministry for the entire term. Furthermore, Martha Karua resigned, accusing the judiciary system of being lethargic and anti-reform (Kairuki 2009). This meant that after 2010 there were only six women in cabinet, albeit occupying more prestigious ministries. Two women were appointed to masculine, medium-ranked ministries, dealing with East African Affairs and the Ministry of Agriculture (Kariuki 2010; Sigei 2011; Olekina 2012).

In the deputy ministerial positions, only 4 out of 42 women were initially selected, which at 9.5% was in line with the percentage of women in parliament (see Table 27). Lorna Laboso, who was selected in the high status and masculine Ministry of Home Affairs, was only two months in office when she died in a plane crash. She was replaced by a man (Kimatai 2018). The remaining three women stayed as deputy ministers for the full parliament term. All women deputy ministers were selected from constituency seat MPs. Amongst women, two were appointed to feminine and low prestige ministries, and one woman was selected in a medium status and gender-neutral ministry. Fewer women may have been selected for deputy ministerial positions as this position gets less international attention than the percentage of women who are full cabinet ministers.

*Table 27: Kenya Women Deputy Ministers by Prestige and Gender in 2008*

| Name | Ministry Type | Period | Prestige | Gender |
|---|---|---|---|---|
| Cecily Mutitu Mbarire (Constituency) | Tourism | 2008–2013 | Low | Feminine |
| Wavinya Ndeti (Constituency) | Youth and Sports | 2008–2013 | Low | Feminine |
| Elizabeth Ongoro Masha (Constituency) | Nairobi Metropolitan Development | 2008–2013 | Medium | Neutral |
| Lorna Chepkemoi Laboso (Constituency) | Home Affairs | 2008–2008 | High | Masculine |

In this parliament, women who were full ministers and deputy ministers were all from constituency seats. Women had a much higher chance of being selected for a ministry position than men. The data shows that the percentage of women selected in constituency seats was higher at 43.7% (7/16) than that of men at 15.8% (32/202). Similarly, in the deputy minister position, women from constituency seats also had more chance of being selected at 25% (4/16) than male MPs at 18.8% (38/202) (see Table 27 & 25).

After the 2013 election, MPs could no longer be cabinet members. This cabinet marked a break with the past not only because the cabinet was substantively reduced in size, from 39 to 18, but also because it had a higher proportion of women, and they were assigned more significant and high ranked positions. As president Kenyatta met the one third gender threshold—in his cabinet, women accounted for 33.3% (6/18) (see Table 28). All women selected had strong previous work experience; Raychelle Omamo had been an advocate at the Kenyan high courts for over 27 years (Kaberia 2013); Phyllis Kandie served as a consultant for the World Bank and the European Union; and Amina Mohamed had previously served as chairperson of the International Organization for Migration and the World Trade Organisation's General Council, as well as Assistant Secretary-General and Deputy Executive Director of the United Nations Environment Programme (Aluanga 2011; Mayabi 2013; PPS 2013). Furthermore, these women were appointed to some of the most powerful and influential cabinet positions, including the defence and foreign affairs ministries, which are masculine and high prestige

ministries. It was the first time a woman held the position of defence minister in Kenya, and it is unusual internationally.

*Table 28: Kenya Women Ministers by Prestige and Gender in 2013*

| Name | Ministry Type | Period | Prestige | Gender |
|---|---|---|---|---|
| Anne Waiguru | Devolution and Planning | 2013–2015 | Medium | Neutral |
| Judy Wakhungu | Environment and Natural Resource | 2013–2018 | Medium | Neutral |
| Phyllis Kandie | Commerce, Tourism and East Africa Region | 2013–2018 | Medium | Masculine |
| Raychelle Omamo | Defence | 2013–2019 | High | Masculine |
| Amina Mohamed | Foreign Affairs | 2013–2017 | High | Masculine |
| Charity Ngilu | Land, Housing and Urban Development | 2013–2015 | Medium | Masculine |

In 2013 women also did well in the deputy minister position at 23.1% (6/26) compared to 2008 when the figure was 9.5% (see Table 29). The prestige level of the roles assigned to women also improved with all appointed to masculine positions with either high or medium prestige levels. After this election, there was no ministry that dealt directly with gender and gender issues were incorporated under the Ministry of Devolution and Planning. One function of the ministry was to ensure the promotion of equitable social and economic development between men and women, gender mainstreaming and gender policy-making. However, in the reshuffle of November 2015, the president reorganised the government, reinstituting the gender minister as a deputy post under the Ministry of Public Service, Youth and Gender Affairs. Sicily K. Kariuki, a woman, was promoted to the position of Health Minister in 2015.

*Table 29: Kenya Women Deputy Ministers by Prestige and Gender in 2013*

| Name | Ministry Type | Period | Prestige | Gender |
|---|---|---|---|---|
| Colletta Suda | Science and Technology | 2013–2018 | Low | Masculine |
| Khadijah Kassachon | Livestock | 2013–2018 | Medium | Masculine |
| Mwanamaka Mabruki | East African Community | 2013–2018 | Medium | Masculine |
| Sicily Kariuki | Agriculture | 2013–2018 | Medium | Masculine |
| Mariam El Maawiy | Land, Housing, and Urban Development | 2013–2018 | High | Masculine |
| Monica Juma | Interior (Defence) | 2013–2018 | High | Masculine |

Women lost some ground in the 2017 cabinet selection, with representation at 27.3%, as the number of women in the cabinet remained the same at 6, but the size of the cabinet increased from 18 to 22 (see Table 30). After this election, two ministers from the 2013 cabinet continued for the second term; Minister for Defence Raychelle Omamo remained in her position; and Amina Mohammed was

demoted from Foreign Affairs to Sports, Culture and Heritage. The new ministers were Monica Juma, who took over Foreign Affairs; Sicily Kairuki, who took Health; Farida Karoney, Lands; and Margaret Kobia, appointed to Public Service, Youth and Gender (Mbuthia 2018; Nyamai 2018). The women ministers had high levels of education. For example, Farida Koreney held a PhD in strategic management from the University of Nairobi,[79] while Margeret Kobia held one in Human Resource, Education and Entrepreneurship from the University of Illinois, USA (Okubasu 2019). Compared to 2013, no women were in cabinet positions defined as feminine; 3 out of 6 in 2017 held such positions, although one was in the medium ranked Ministry of Health.

*Table 30: Kenya Women Ministers by Prestige and Gender in 2017*

| Name | Ministry Type | Period | Prestige | Gender |
|---|---|---|---|---|
| Amina Mohammed | Sports, Culture and Heritage | 2017–to date | Low | Feminine |
| Margaret Kobia | Public Service, Youth and Gender Affairs | 2017–to date | Low | Feminine |
| Sicily Kariuki | Health | 2017–to date | Medium | Feminine |
| Raychelle Omamo | Defence | 2017–to date | High | Masculine |
| Monica Juma | Foreign Affairs and International Trade | 2017–to date | High | Masculine |
| Farida Karoney | Land and Physical Planning | 2017–to date | High | Masculine |

After the 2017 election, the number of women in the deputy minister position was 29% (9/31) higher than in the previous two parliaments (see Table 31). Compared to 2013, when all women deputy ministers were in roles that had a masculine value in 2017, nearly half of the women were in feminine type roles, two of which also had a low status. This contrasts with male deputy ministers, none of whom held a feminine portfolio, and only one held a low-ranking position. All women selected also had a high level of education. For example, Susan Mochache and Zeinab Hussein were both Master's graduates with Zeinab Hussein's degrees coming from Harvard University.[80] Since the 2017 election, there have been several cabinet reshuffles. In March 2019, the president moved Susan Mochache from the Department of Cooperatives and appointed her to the Ministry of Health, which was a promotion (Kakuru 2019). There were a number of new appointments-Margaret Mwakima to the Ministry of East African Community Affairs, Susan Koech to the Wildlife Ministry, and Amina Mohamed to the Ministry for Education (Kakuru 2019).

[79] Farida Karoney Cabinet Secretary for Lands and Physical Planning Kenya. Available at: https://ke.linkedin.com/in/faridakaroney.
[80] National assembly official report special sitting–Thursday, 17 December 2015.

*Table 31: Kenya Women Deputy Ministers by Prestige and Gender in 2017*

| Name | Ministry type | Period | Prestige | Gender |
|---|---|---|---|---|
| Josphetta Mukobe | Culture and Heritage | 2017–to date | Low | Feminine |
| Safina Kwekwe | Gender Affairs | 2017–to date | Low | Feminine |
| Colleta Suda | University Education and Research | 2017–to date | Medium | Feminine |
| Lilian Omolo | Public Service | 2017–to date | Medium | Neutral |
| Betty Maina | Industrialization | 2017–to date | Medium | Masculine |
| Nancy Karigithu | Shipping and Maritime | 2017–to date | Medium | Masculine |
| Susan Mochache | Cooperatives | 2017–to date | Medium | Neutral |
| Zeinab Hussein | Correctional Services | 2017–to date | High | Masculine |

In Kenya, between the three cabinets, there is a shift in both the number of women ministers and deputy ministers and also in the type of ministries to which women were assigned. More women were assigned to the traditional and low prestige ministries in 2008, and although women lost ground in 2017 compared to 2013, they still occupied a stronger position than they did before 2013. The improved leadership position of women could be a reflection of the government's desire to improve its international reputation after a period of conflict. It could also be due to the president's increased freedom to make appointments without having to consider internal parliamentary politics and power struggles.

## 6.4 Parliamentary Committee Member and Leadership Positions in Kenya

In Kenya, parliamentary committees "play a very vital role in facilitating the work of parliament generally, for they are the means through which parliament exercises its supervision of government activities and performance" Msekwa, (2012:117). Committees are composed of MPs who are appointed by the house through the committee of selection, which includes the speaker of the house, the leader of the opposition and the political party whips.[81] Parliamentary committees are significant institutional sites where women have the potential to access power through their involvement in the various activities of the committees both as members and as committee chairs and deputy chairs. The committee members themselves select committee chairs. However, some leadership positions in the parliament are such that a person in the position would automatically be assigned chairperson or vice-chairperson of particular committees. This applies to the speaker and the political party leaders and includes the key committees - procedures and house rules;

[81] The committee system of the national assembly. Available at: http://www.parliament.go.ke/sites/default/files/2018-4/22_The_Committee_System_of_the_National_Assembly.pdf.

powers and privileges; and the steering and standing order committee. A committee chairperson has a lot of power. They ensure that meeting guidelines are followed and have the authority to hire and fire the secretariat servicing the committee, including external experts (Kahyarara 2012).

The discussions that happen in committees are captured and communicated mainly through the television, radio and newspapers, and via various social media platforms such as Facebook, Twitter, Instagram, Blogs, U-tube and WhatsApp. Since MPs also have their own media accounts and followers, they use social media for advertising their work in particular. Except for the MP's constituency work, committees are probably one of the most recognisable ways for an MP to demonstrate they are representing society and their constituents (Jeffrey and Leston-Bandeira 2012; Larsson and Kalsnes 2014; Mwangi 2018). There is a positive link between how frequently an MP appears in the media and their popularity, as media attention is also a signal of an MP's effectiveness, potentially increasing their chances of re-election (Kubala 2011). These reasons motivate MPs to work in committees and to seek leadership positions.

In Kenya, legislative business is run through four main types of committees.[82] Firstly, the Housekeeping Committee. This committee deals with internal operational matters of the parliament, including procedure, privilege, the welfare of members/staff, and the powers and immunities of the parliament. Second is the Public Audit Committee; this committee acts as a watchdog over how the taxpayer money is spent by the state. Thirdly, there are the departmental committees tasked with reviewing matters related to the responsibilities of various government departments. These committees are the most numerous. Fourthly are committees that deal with general issues, including budget and appropriation, implementation, delegated legislation, constituency development fund, regional integration, appointments and oversight. Outside these four types are the ad hoc, temporary committees established to carry out either routine or an in-house business which cease to exist when the job is complete. These committees include mediation committees formed to reconcile different versions of the same bill during the legislation

[82] Frequently Asked Questions (FAQs) - Parliament of Kenya. Available at: http://www.parliament.go.ke/index.php/frequently-asked-questions.pdf.

processes.[83] It should be noted that MPs engage in more than one committee and cabinet ministers are not members of parliamentary committees.

In the 2008 election, women's representation in the parliamentary committee's composition accounts for only 10.1% (31/305),[84] slightly higher than the number of women in this parliament, which was only 9.8% (see Table 32). In this parliament, there were very few women engaged in the work of parliamentary committees. This is because the number of women was small, and also, women were elected to ministerial posts that did not allow them to participate in parliamentary committees. However, at the individual average ratio, it is the president-appointed women MPs who are most engaged in the committees at 2.8 (17/6), with women constituency MPs at 0.88 (14/16) and men at 1.3 (274/202). These ratios show the level of the group that participated in the committee. They are calculated from the total number of the MPs in the parliamentary composition (Table 32) divided by the total number of MPs in the category (Table 25).[85]

In this parliament, only women from constituency seats were assigned cabinet positions, and this explains their comparatively low level of engagement in committees. It is also notable that women were absent in high profiles and masculine committees that deal with defence and finances. In 2008 there is only one ministry where women reached the 30% critical mass--the low status and feminine Catering Committee at 33.3%.

*Table 32: Kenya Parliamentary Committee Composition by Prestige and Gender in 2008*

| **Parliamentary committees** | **Male MPs** | **Female MPs** | | **Female MPs%**[86] | **Classification** | |
|---|---|---|---|---|---|---|
| | | **Appointed** | **Constituency** | | | |
| ***Housekeeping committees*** | | | | | **Prestige** | **Gender** |
| Staff welfare -Catering | 7 | 2 | 1 | 30% | Low | Feminine |
| House Business | 14 | – | 4 | 22% | High | Masculine |
| Speakers- Standing Order | 9 | 1 | 1 | 18% | High | Masculine |
| Liaison-oversees Departmental | 24 | 4 | 2 | 20% | High | Masculine |

[83] The committee system of the national assembly. Available at: http://www.parliament.go.ke/sites/default/files/2018-4/22_The_Committee_System_of_the_National_Assembly.pdf.
[84] 10.1% (31/305) represent the total number of 17 female presidents appointed MPs and women constituency 14 = 31. Then 31 is then divided by the total number of committee members, which is 305 (17 female appointed + 14 female contituncy+274 men) (see Table 32).
[85] For instance, 2.8 (17/6) represent 17 MPs which is the total number of female appointed MPs in the parliamentary committee composition categories, and it is divided by 6, which is the number of female president-appointed MPs in 2008.
[86] The percentage number of women is calculated by the total number of women divided by the total number of MPs in the sector, e.g. staff welfare- catering 3/10=33%.

| | | | | | | |
|---|---|---|---|---|---|---|
| Powers and Privileges | 8 | 1 | 1 | 20% | High | Masculine |
| Procedures and House Rules | 9 | 1 | 1 | 18% | High | Masculine |
| ***Public Audit Committees*** | | | | | | |
| Public Investments | 11 | – | – | 0% | Medium | Masculine |
| Public accounts | 8 | – | – | 0% | High | Masculine |
| Budget | 10 | – | – | 0% | High | Masculine |
| ***Departmental committees*** | | | | | | |
| Education Research and Technology | 10 | 1 | 1 | 17% | Medium | Feminine |
| Health | 10 | – | – | 0% | Medium | Feminine |
| Labour and Social Welfare | 10 | 1 | 1 | 17% | Medium | Neutral |
| Justice and Legal Affairs | 8 | 2 | – | 20% | Medium | Neutral |
| Transport, Public Works and Housing | 10 | – | – | 0% | Medium | Masculine |
| Agriculture, Livestock and Cooperatives | 15 | – | 1 | 6% | Medium | Masculine |
| Lands and Natural Resources | 11 | – | – | 0% | Medium | Masculine |
| Administration and National Security | 8 | 1 | – | 11% | High | Masculine |
| Defence and Foreign Relations | 11 | – | – | 0% | High | Masculine |
| Finance Planning and Trade | 11 | – | – | 0% | High | Masculine |
| ***Other committees*** | | | | | | |
| Library | 6 | 1 | – | 14% | Medium | Feminine |
| Delegated Legislation | 8 | 1 | – | 11% | Medium | Neutral |
| Local Authorities | 18 | – | – | 0% | Medium | Neutral |
| Equal Opportunity | 7 | 1 | – | 13% | Medium | Neutral |
| Implementation | 9 | – | 1 | 10% | Medium | Neutral |
| House Broadcasting | 11 | – | – | 0% | Medium | Masculine |
| Constituencies Development Fund | 11 | – | – | 0% | High | Masculine |
| **Total** | 274 | 17 | 14 | 10.1% | | |

In 2012 women's representation in committee leadership positions was at 6.8 % (2/29) for chairperson and 19.0% (4/21) for vice-chairperson position (see Table 33). In the initial selection of committee chairs in 2008, no women were selected either as chairperson or vice-chairperson. But after the 2012 reshuffle, two women were selected as chairs, and four were selected as vice-chairs (see Table 33). But this was also only for one year as the Kenyan general election took place on 4 March 2013. No woman was selected from constituency seats to the position of chairperson, but at this time, 11 out of 16 women MPs from constituency seats had leadership roles as ministers or deputy ministers and so were not eligible for the position of the committee chair. In the chairperson position, nominated MPs who were women had the highest chance of being elected as chairperson at 33.3% (2/6) compared to men at 13.3% (27/202) (see Table 33 & 25). Similarly, in the vice-chairperson position, nominated MPs who were women had a high chance of being

appointed at 33.3% (2/6) compared to constituency seats at 12.5% (2/16) and men at 8.4% (17/202).

*Table 33: Kenya Parliamentary Committee Leadership by Prestige and Gender in 2008*

| Name (Seat/position) | Committee | Position | Classification | |
|---|---|---|---|---|
| | | | Prestige | Gender |
| Sophia Noor (Nominated) | Labour and social welfare | Chair | Medium | Neutral |
| Amina Abdalla (Nominated) | Delegation and legislation | Chair | Medium | Neutral |
| Shakila Abdalla (Nominated) | Catering | Vice–Chair | Low | Feminine |
| Joyce Laboso (Constituency) | Implementation | Vice–Chair | Medium | Neutral |
| Millie Odhiambo (Nominated) | Constitutional Implementation Oversight | Vice–Chair | Medium | Neutral |
| Peris Chepchumba (Constituency) | Lands and natural resources | Vice–Chair | Medium | Masculine |

In the 2013 election, which was the first parliament in Kenya that had women in reserved seats, the level of women's composition in the parliamentary committees also increased to 19.1% (146/762).[87] The increase is similar to the number of women in the parliament in 2013, which was 19.4%. In the parliament on an individual level, women MPs from constituency seats (who were no longer eligible for cabinet positions), on average, were the most represented in committee at 6.5 (105/16), men at 2.1 (616/282) and women from the reserved seat as the least represented at 0.78 (41/52) (see Table 34 & 25). These figures illustrate that women are actively engaged in the parliamentary committee system, with women from constituency seats being the most engaged in the 2013 parliament. Although the number of women increased through reserved seat gender quotas, at the individual level the reserved seat representation in the parliament is still lower compared to constituency MPs, both women and men. There were five committees with women's representation above 30%. Women had the highest percentage in several committees, including the house of business at 34%, appointments at 36%, and education/research technology at 32%.

There were mixed outcomes on the types of committees to which MPs were assigned, including high status and masculine committees such as the appointment and selection committees. However, interestingly, education research and technology; and the labour and social welfare committees are all above 30%, indicating that the presence of women is still high in committees that reflect traditional women's roles. In the parliamentary committee composition, the percentage of women is still low in

[87] 20.2%(146/762) represent a total number of 105 reserved seat MPs and women constituency 41 = 31. Then 146 is divided by the total number of committee members, which is 762 (105 reserved seats + 41 female contituncy+616 men), see Table 34.

the masculine and high prestige committees. For instance, the public account committee is at 11%, budget and appropriation are at 12%, and the constituency development fund is at only 5%. However, in the parliament, the percentage number of women in 2013 at (19.4%) almost doubled that of 2008 (9.8%) due to the overall increase in the number of women with the implementation of reserved seat quotas.

*Table 34: Kenya Parliamentary Committee Composition by Prestige and Gender in 2013*

| **Parliamentary committee** | **Male MPs** | **Female MPs** | | | **Classification** | |
|---|---|---|---|---|---|---|
| | | **Reserved Seat** | **Constituency Seat** | **% women** | **Prestige** | **Gender** |
| ***Housekeeping committees*** | | | | | | |
| Catering and health club | 22 | 7 | – | 24% | Low | Feminine |
| Selection | 14 | 3 | 3 | 30% | Medium | Masculine |
| House Business | 21 | 8 | 3 | 34% | High | Masculine |
| Liaison | 17 | 5 | 2 | 29% | High | Masculine |
| Pension | 3 | – | – | 0% | High | Masculine |
| Privileges and powers | 9 | 2 | – | 18% | High | Masculine |
| Procedures and House Rules | 13 | – | 3 | 19% | High | Masculine |
| ***Standing committee*** | | | | | | |
| Delegation registration | 27 | 1 | – | 4% | Medium | Neutral |
| Regional Integrations | 22 | 6 | – | 21% | Medium | Neutral |
| Public Investments | 24 | 3 | – | 11% | Medium | Neutral |
| Implementation | 23 | 4 | 1 | 18% | Medium | Neutral |
| Appointments | 16 | 5 | 4 | 36% | Medium | Masculine |
| Budget and appropriations | 44 | 4 | 2 | 12% | High | Masculine |
| Public accounts | 24 | 2 | 1 | 11% | High | Masculine |
| ***Departmental committees*** | | | | | | |
| Education, Research and Technology | 19 | 8 | 1 | 32% | Medium | Feminine |
| Health | 25 | 2 | 2 | 14% | Medium | Feminine |
| Environment and natural resources | 22 | 5 | 1 | 21% | Medium | Neutral |
| Justice and Legal Affairs | 25 | 4 | – | 14% | Medium | Neutral |
| Labour and Social Welfare | 20 | 8 | 1 | 31% | Medium | Neutral |
| Agriculture, Livestock and Cooperatives | 24 | 3 | 2 | 17% | Medium | Masculine |
| Lands and Natural Resources | 23 | 4 | 1 | 18% | Medium | Masculine |
| Energy, communication and information | 22 | 3 | 2 | 19% | Medium | Masculine |
| Transport, Public Works and Roads | 26 | 1 | 2 | 10% | Medium | Masculine |
| Administration and National Security | 22 | 3 | 2 | 19% | High | Masculine |
| Defence and Foreign Affairs | 23 | 6 | – | 21% | High | Masculine |
| Finance Planning and Trade | 26 | 1 | 1 | 7% | High | Masculine |
| ***Other select committees*** | | | | | | |
| Constitutional Implementation oversight | 19 | 4 | 3 | 27% | Medium | Neutral |
| Constituencies Development Fund | 18 | – | 1 | 5% | High | Masculine |
| ***Joint committees of both houses*** | | | | | | |
| National cohesion and Equal Opportunity | 10 | 2 | 2 | 29% | Medium | Neutral |

| | | | | | | |
|---|---|---|---|---|---|---|
| Parliamentary broadcasting and library | 13 | 1 | 1 | 13% | Medium | Masculine |
| **Total** | 616 | 105 | 41 | 20.2% | | |

After the 2013 election, more women took over leadership positions in parliamentary committees (see Table 35). Women chaired 29.2% (7/24) of committees, and women were vice-chairpersons of 19.1% (4/21). In the leadership position, women selected through constituency seat had a higher chance of being selected than reserved seat MPs in both the chairperson and vice-chairperson positions at 12.5% (2/16) versus 9.6% (5/52), and 12.5% (2/16) versus 3.8% (2/52%) respectively (see Table 35 & 25). Men selected were, meanwhile, at 9.6% (17/282) for chairperson and at 6% (17/282) for vice-chairperson of committees. There is a mixed outcome on the type of parliamentary committees that women were leading. For instance, Joyce Loboso was the chair of the Liaison Committee, and Esther Gathogo was the vice-chairperson of the Community Development Fund committee. Both of these committees are masculine and of high status. The other committees that women were engaged with were neutral primarily and medium in terms of their status.

As previously stated, leadership positions in parliamentary committees are influenced by the position that an MP occupies in the assembly and in the political parties. For example, the Committee on Appointments is established under the provisions of Standing Order No.204. It consists of the speaker as a chairperson, deputy speaker as the vice-chairperson and leaders from political parties are all members in the committee, including the leader of the majority party, leader of the minority party, deputy leader of the majority party and deputy leader of the minority party.[88] In 2013, the male parliamentary speaker, Justin Muturi, was a chairperson of three committees--'appointments,' 'house business' and 'house rules.' The deputy speaker Joyce Laboso was chair of only the liaison committee. In 2013 the majority political party leader Aden Duale was chairperson of the selection committee. The minority political party leader Francis Nyenze was the vice-chairperson in the same selection committee, again indicating the importance of leadership positions in the political parties and influence in the parliament.

[88] Committee on Appointments. Available at: http://www.parliament.go.ke/the-national-assembly/committees/committee-on-appointments.

*Table 35: Kenya Parliamentary Committee Leadership by Prestige and Gender in 2013*

| Name (Seat/position) | Committee | Position | Classification | |
|---|---|---|---|---|
| | | | Prestige | Gender |
| Janet Wanyama (Outa) | Catering and health club | Chair | Low | Feminine |
| Rachel Nyamai (Constituency) | Health | Chair | Medium | Feminine |
| Sabina Chege(Outa) | Education, research & technology | Chair | Medium | Feminine |
| Amina Abdala(Nominated) | Environment & natural resources | Chair | Medium | Neutral |
| Florence Kajuju(Outa) | Regional integration | Chair | Medium | Neutral |
| Rosalinda Soipan(Outa) | Implementation | Chair | Medium | Neutral |
| Joyce Laboso(Constituency-depute speaker) | Liaison | Chair | High | Masculine |
| Tiyah Galgalo(Quota) | Labour and social welfare | Vice–Chair | Medium | Neutral |
| Priscilla Nyokabi(Quota) | Justice and legal affairs | Vice–Chair | Medium | Neutral |
| Mary Emaase (Constituency) | Budget and Appropriations | Vice–Chair | High | Masculine |
| Esther Gathogo (Constituency) | Constituency development fund | Vice–Chair | High | Masculine |

Following the 2017 election, the composition of women's representation in parliamentary committees was at 23.0% (153/663) (see Table 36). This is an improvement from the previous two elections, 2008 and 2013, where women's engagement in parliamentary committees were 10.1% and 19.1%, respectively. At an individual level, the level of women MP engagement in committees in this parliament is almost equal between the different groups of MPs. Women from constituency seats were on average members of 1.9 (45/23) committees, women in reserved seats on average members of 2.0 (108/53) committees and each male MP was on average a member of 1.8 (510/274) committees (see Table 25 and Table 36). Although the number of women was low in the 'trade, industry and cooperatives' committee at 5%, no women were selected at all for the 'implementation' committee. Women were still concentrated in lower status and feminine parliamentary committees. The committees with the highest percentage of women members at 40% were the service committees of 'parliamentary facilities' and 'MPs services'. This was the second election where women were elected through the reserved seat quotas.

*Table 36: Kenya Parliamentary Committee Composition by Prestige and Gender in 2017*

| Parliamentary committee | Male MPs | Female MPs | | | Classification | |
|---|---|---|---|---|---|---|
| | | Reserved Seat | Constituency Seat | % Women | Prestige | Gender |
| ***Housekeeping committees*** | | | | | | |
| Service & Facilities Committee | 9 | 4 | 2 | 40.0% | Low | Feminine |
| House Business | 9 | 2 | 1 | 25.0% | High | Neutral |
| Selection | 16 | 5 | – | 23.8% | Medium | Masculine |
| Liaison | 21 | 3 | 2 | 19.2% | High | Masculine |
| Privileges and powers | 13 | 1 | 1 | 13.3% | High | Masculine |
| Procedures and House Rules | 13 | 6 | 2 | 38.1% | High | Masculine |
| ***Public Audit Committee*** | | | | | | |
| Appointments | 19 | 7 | 2 | 32.1% | Medium | Masculine |
| Public accounts | 17 | 1 | 1 | 10.5% | High | Masculine |
| Public Investments | 16 | 2 | 1 | 15.8% | Medium | Masculine |
| Special Funds Account | 15 | 4 | – | 21.1% | High | Masculine |
| ***Departmental Committees*** | | | | | | |
| Administration and National Security | 17 | 2 | – | 10.5% | High | Masculine |
| Agriculture, Livestock and Cooperatives | 15 | 3 | 1 | 21.1% | Medium | Masculine |
| Communication ,Information &Innovation | 15 | 3 | 1 | 21.1% | Medium | Masculine |
| Defence and Foreign Affairs | 15 | 2 | 2 | 21.1% | High | Masculine |
| Education, Research and Technology | 14 | 4 | 1 | 26.3% | Medium | Feminine |
| Environment and natural resources | 13 | 3 | 3 | 31.6% | Medium | Neutral |
| Energy, communication and information | 15 | 4 | – | 21.1% | Medium | Masculine |
| Finance Planning and Trade | 16 | 2 | 1 | 15.8% | High | Masculine |
| Health | 16 | 2 | 1 | 15.8% | Medium | Feminine |
| Justice and Legal Affairs | 13 | 5 | 1 | 31.6% | Medium | Neutral |
| Labour and Social Welfare | 12 | 7 | – | 36.8% | Medium | Neutral |
| Lands and Natural Resources | 15 | 2 | 2 | 21.1% | Medium | Masculine |
| Sports, Culture and Tourism | 13 | 5 | 1 | 31.6% | Low | Feminine |
| Trade, Industry and Cooperatives | 18 | 1 | – | 5.3% | Medium | Masculine |
| Transport, Public Works and Roads | 17 | 1 | 1 | 10.5% | Medium | Masculine |
| ***Other Committees*** | | | | | | |
| Budget and appropriations | 21 | 2 | 4 | 22.2% | Medium | Neutral |
| Delegation registration | 18 | 3 | 2 | 21.7% | Medium | Neutral |
| Implementation | 23 | – | – | 0.0% | Medium | Neutral |
| Regional Integrations | 15 | 6 | 2 | 34.8% | Medium | Masculine |
| Constitutional Implementation oversight | 17 | 3 | 3 | 26.1% | Medium | Neutral |
| National cohesion and Equality Opportunity | 14 | 7 | 1 | 36.4% | Medium | Neutral |
| Parliamentary broadcasting and library | 15 | 6 | 2 | 34.8% | Medium | Masculine |
| Constituencies Development Fund | 15 | – | 4 | 21.1% | High | Masculine |
| **Total** | 510 | 108 | 45 | 23.0% | | |

In the 2017 election women held 14.8% (4/27) of the position of the committee chair and 30% (9/30) of the position of vice-chairperson (see Table 37). Women from constituency seats have the highest chance of being selected as a committee chair at 8.6 (2/23); for women in a reserved seat, it was 3.7 (2/53) and 8.3 (23/274) for men (see Table 25 & 37). In the vice-chairperson position, women from constituency seats have the highest chance of being selected at 13.0% (3/23), reserved seats at 11.5% (6/53) and men at 7.6% (21/274). Most women are selected in the medium prestige and gender-neutral committees, with only one in a masculine committee and one in a low-status gender position. These figures indicate that compared to women in constituency seats and to male MPs, women elected to reserved seats are less likely to have access to these positions of leadership in the parliament.

*Table 37: Kenya Parliamentary Committee Leadership by Prestige and Gender in 2017*

| **Name (Seat/position)** | **Committee** | **Position** | **Classification** | |
|---|---|---|---|---|
| | | | **Prestige** | **Gender** |
| Sabina Chege(Outa) | Health | Chair | Medium | Feminine |
| Josephine Lesuuda (Constituency) | Regional Integration | Chair | Medium | Neutral |
| Gladys Shollei(Outa) | Delegation Legislation | Chair | Medium | Neutral |
| Rachel Nyamai (Constituency) | Lands | Chair | Medium | Masculine |
| Catherine Waruguru (Outa) | Members Service and Facilities | Vice–Chair | Low | Feminine |
| Joyce Chepkoech(Quota) | Labour and social welfare | Vice–Chair | Medium | Feminine |
| Alice Wahome (Constituency) | Justice and legal affairs | Vice–Chair | Medium | Neutral |
| Fatuma Ali(Outa) | Delegation Legislation | Vice–Chair | Medium | Neutral |
| Rosalinda Soipan(Outa) | Liaison | Vice–Chair | Medium | Neutral |
| Sophia Noor(Constituency) | Environment & Natural Resources | Vice–Chair | Medium | Neutral |
| Rueida Obo Chege(Outa) | Regional Integration | Vice–Chair | Medium | Neutral |
| Chelule Liza(Outa) | Broadcasting and Library | Vice–Chair | Medium | Masculine |
| Jessica Mbalu (Constituency | Public Accounts | Vice–Chair | High | Masculine |

Following the 2017 election, unlike after the 2013 election, a woman was not selected as a speaker, and only one woman was in a political party leadership position. These roles give MPs direct entry into the leadership position of certain committees. In the 2017 election, only one woman, Cecily Mbarire, a president nominated MP, was the majority Deputy Chief Whip. The position gives her membership to the appointments committee. In the allocation of parliamentary committee leadership roles, the position of the speaker and the majority political party leader confers an advantage. Suppose women were selected for either of these two positions. In that case, it could have also helped to raise the number of women in parliamentary committee leadership positions. The speaker alone is the chair of five committees, including appointments, procedures and house

rules, parliamentary powers and privileges, house business, and the special funds accounts committee. The deputy speaker is the vice-chairperson in three committees: appointments, procedures and house of rules, and the liaison committee.

In the parliament of Kenya, progress has been made between the different parliaments in terms of women's engagement in committees. This is driven by the introduction of reserved seat quotas, which has increased the number of women MPs available to fill these roles. After the 2013 and 2017 elections, the percentage of women in the cabinet increased in line with the new gender provisions (see Table 38). The women selected for these cabinet posts were exceptionally well qualified and professionally experienced. Over this period of time, women were increasingly selected in non-traditional women's ministries compared to the 2008 parliament. However, in terms of access to leadership roles in the parliamentary committees, it is clear that women from reserved seats have less than the other groups.

*Table 38: Kenya Parliament Summary of MPs Participation in 2008, 2013 and 2017*

| **Activity** | Number of Female MPs & Percentage | | | Number of Male MPs & Percentage | | |
|---|---|---|---|---|---|---|
| | **2008** | **2013** | **2017** | **2008** | **2013** | **2017** |
| Number of MPs in the parliament | 22(9.8%) | 68(19.4%) | 76(21.7%) | 202(90.8%) | 282(80.5%) | 274(78.2%) |
| | | | | | | |
| Ministers | 7(17.9%) | 6(33.3%) | 6(27.3%,) | 32(82.1%) | 12(66.7%) | 16(72.7%) |
| Deputy Ministers | 4(9.5%) | 6(23.1%) | 9(29.0%) | 38(90.5%) | 20(76.9%) | 22(71.0%) |
| | | | | | | |
| Committee Membership | 31(10.1%) | 146(20.2%) | 153(23.0%) | 274(89.9%) | 616(80.9%) | 510(77.0%) |
| Committee Chairs | 2(6.8 %) | 7(29.2%) | 4(14.8%) | 27(93.2%) | 17(70.8%) | 23(85.2%) |
| Committee Vice–Chairpersons | 4(19.0%) | 4(19.1%) | 9(30.0%) | 17(81.0%) | 17(80.9%) | 21(70.0%) |

## 6.5 Government Structure and Leadership Position in Tanzania

The government of the United Republic of Tanzania is a unitary republic and is made up of two governments, the United Republic of Tanzania and the Revolutionary Government of Zanzibar. The president is the leader of the executive of the United Republic of Tanzania. There are three

organs in each central government: the executive, judiciary, and legislature. The executive of the United Republic comprises the president, the vice-president, the president of Zanzibar, the prime minister and the cabinet ministers. Zanzibar is a semi-autonomous part of Tanzania with its own president, devolved government and legislature. The selection of the vice-president is based on the principle that where the president is from one part of the United Republic, the vice-president shall be a person who is from the other part of the Union.[89] The current president John Magufuli is from the Tanzanian mainland; therefore, the vice-president has to be from Zanzibar. This practice has been going on since the formation of the Union, and it is an instrument used to bring balance to the relationship between Tanzania mainland and Zanzibar. Since independence, all presidents/vice-presidents and prime ministers had been men, until in the 2015 election, a women vice-president, Samia Hassan, a constituency MP from Zanzibar, was selected (Kalinaki 2015). The prime minister position is not as powerful as that of the president, as the power of the government in Tanzania is centrally concentrated in the hands of the president.

The Judiciary system in Tanzania is established under article 108 of the constitution. The court of appeal of Tanzania is the highest in the hierarchy of the judiciary system. Under them are the high courts, which are divided into two to cater to the two governments, the high courts of Tanzania mainland and Zanzibar, followed by the subordinate courts, which include the Resident magistrate courts and the district courts. The lowest courts in the hierarchy of the Tanzanian judiciary system are the primary courts that deal with all civil and criminal cases. In Zanzibar, the situation is slightly different with the primary courts at the same level as the Kadhi courts. As in Kenya, Kadhi courts deal with questions of religious law relating to personal matters, especially marriage, divorce or inheritance (Alemika 2009). This legal route is only applicable when all parties believe in the religion. No figures were available for the number of such courts in existence. For the mainstream courts, there is only an overall figure available for the number of women judges at 34.2% (see Table 39).

*Table 39: Main Leadership Positions in Tanzania*

| Position | Female MPs | Male MPs | Total | % Female |
|---|---|---|---|---|
| ***Central government*** | | | | |
| President Vice-president | – | 1 | 1 | 0.0% |

[89] The 1977 Constitution of Tanzania part 47(3).

| | | | | |
|---|---|---|---|---|
| Vice-president | 1 | – | 1 | 100.0% |
| Prime minister | – | 1 | 1 | 0.0% |
| Ministers | 4 | 14 | 18 | 22.7% |
| Deputy ministers | 5 | 11 | 16 | 31.5% |
| Permanent Secretaries | 4 | 18 | 22 | 18.2% |
| Deputy permanent secretaries | 11 | 16 | 27 | 40.7% |
| Ambassador | 12 | 36 | 48 | 25.0% |
| Commissioner | 5 | 14 | 19 | 26.3% |
| Assistant commissioner | 2 | 3 | 5 | 40.0% |
| Directors of ministries | 29 | 83 | 112 | 25.9% |
| Assistant Directors | 49 | 145 | 194 | 25.3% |
| National assembly | 136 | 236 | 372 | 36.6% |
| ***Judiciary*** | | | | |
| Judges | 13 | 25 | 38 | 34.2% |
| ***Local Level*** | | | | |
| Regional Commissioners | 7 | 18 | 25 | 28.0% |
| Regional Administrative Secretaries | 4 | 17 | 21 | 19.0% |
| District commissioners | 20 | 87 | 107 | 18.7% |
| District executives directors | 14 | 86 | 100 | 14.0% |
| District administrators | 32 | 49 | 81 | 39.5% |
| Heads of Department at Local Council | 114 | 526 | 640 | 17.8% |
| **Total** | 462 | 1390 | 1852 | 24.9% |

*Source: Ministry of Community Development Gender and Children 2013, IPU 2017*[90]

Tanzania's local government structure is divided into 30 regions: 25 on the mainland and five on Zanzibar. The regions are also further divided into districts and then subdivided into divisions. The regional and district commissioners head these local government structures. The number of women regional commissioners is at 28.0%, and that of district commissioners is at 18.7%. The districts are also known as local government authorities operating as district councils divided into urban and rural areas. District rural courts are divided into township authorities, then ward and the village, which is also divided into sub-villages. Likewise, the urban units are classified further as municipal/city or town council, followed by ward and then mtaa (street). Unlike Kenya after independence, Tanzania abolished the system of chiefs and therefore compared to Kenya, women are better represented in local government. Overall in Tanzania, the number of key leadership positions held by women is at 24.9%, below the critical mass standard of 30%.

[90] President Office, public service management 2014-2015, Tanzania Bureau of statistic 2017, www. Judiciary.go.tz. Orodha ya waheshimiwa majaji wa makahakama kuu ya Tanzania 2014.

In Tanzania during the 2010 and 2015 elections, there were a total of 270 women MPs and 475 male MPs (see Table 40). These MPs can participate in parliamentary activities both as members and can also be elected at various levels of leadership in parliamentary committees and ministerial positions. Tanzania is different from Kenya because, to be elected at the leadership level in the cabinet, you have to be an MP first.

*Table 40: Composition of the Parliament of Tanzania in 2010 and 2015 Election by Gender*

| **MPs member type** | Number of female MPs & percentage | | Number of male MPs & percentage | |
|---|---|---|---|---|
| | **2010** | **2015** | **2010** | **2015** |
| Attorney /Speaker-Ex official | 1(0.8%) | 1(0.7%) | 1(0.4%) | 2(0.8%) |
| Constituencies MPs | 20(15.6%) | 25(17.6%) | 219(96.5%) | 239(96.4%) |
| Appointed MPs | 5(3.9%) | 3(2.1%) | 7(3.1%) | 7(2.8%) |
| Reserve seat | 102(79.7%) | 113(79.6%) | – | – |
| Total | 128(100%) | 142(100%) | 227(100%) | 248(100%) |

## 6.6 Women Cabinet Ministers in Tanzania

In Tanzania, as in Kenya, cabinet ministers and deputy ministers are appointed by the president, in this case in consultation with the prime minister.[91] The prime minister's name is suggested by the president and approved by the parliament. After the 2010 election, eight women were appointed cabinet ministers out of a total of 29, making women 27.6% of the cabinet, below their parliamentary representation, (see Table 41). A much higher proportion of women from constituency seats were selected than from reserved seats: five out of 21 women constituency MPs were appointed to the cabinet (24%), and 3 out of 107 reserved seat MPs were appointed (3%). The comparable figure for men was 21 out of 241 (9%). Only one woman was appointed to a feminine ministry, and that was Community Development, Gender and Children. Two were appointed to masculine cabinets. Samia Suluhu was selected as a minister of the high-ranking Department of Union Affairs. She was also selected in 2015 as the vice-president of Tanzania. Anna Tibaijuka was selected as the minister of lands, housing and human settlement developments. She is a high profile MP who has worked previously as an executive director of UN-Habitat (New African 2011).

[91] The 1977 Constitution of Tanzania part 51(3).

*Table 41: Tanzania Ministers by Prestige and Gender in 2010*

| Name (Seat/position) | Ministry | Period | Prestige | Gender |
|---|---|---|---|---|
| Sophia Simba (Quota) | Community Development, Gender and Children | 2010–2015 | Low | Feminine |
| Celina Kombani (constituency) | Justice and Constitution Affairs | 2010–2012 | Medium | Neutral |
| Gaudensia Kabaka (Quota) | Labour, Employment and Youth Development | 2010–2015 | Medium | Neutral |
| Hawa Ghasia (constituency) | President's Office, Public Service Management | 2006–2012 | Medium | Neutral |
| Mary Nagu (Constituency) | Investment & Empowerment | 2010–2015 | Medium | Neutral |
| Therezya Hovisa (Quota) | Vice-President's Office, Environment | 2010–2014 | Medium | Neutral |
| Anna Tibaijuka (constituency) | Land, Housing and Human Settlement Development | 2010–2014 | Medium | Masculine |
| Samia Sululu (constituency) | Vice-President's Office, Union Affairs | 2010–2015 | High | Masculine |

In the reshuffle in 2012, Hawa Ghasia was moved from the Ministry of Public Service and Management to the Ministry for Regional Administration and Local Government, both departments with a similar ranking. Celina Kombani was moved out of Justice and Constitution Affairs and replaced by Mathias Chikawe. In 2014, following a corruption scandal, the president was forced to have a further cabinet reshuffle. At this time, one female minister, Anna Tibaijuka, was sacked by the president (BBC 2014),[92] believed to have accepted a US$1 million payment deposited in a personal bank account in her name, rather than into the account for which it was intended (Kimboy 2014; Ng'wanakilala 2014). In the same scandal, the Energy Minister and the Attorney General also had to resign, together with other influential MPs (Mbashiru 2015; Mtulya 2015). As part of this reshuffle, Saada Salum was appointed Minister of Finance and Economic Affairs, a high prestige/masculine department and Asha Rose Migiro, a former United Nations Deputy Secretary-General, was appointed as the Minister for Justice and Constitutional Affairs. Although Justice is usually defined as a medium ranked gender-neutral sector, taking into account that Tanzania was at that time still debating adopting a new constitution, this was a very significant ministry.

After the 2010 election, women only made up 14.3% (3/21) of the deputy ministerial positions, (see Table 41). All cabinet ministers were appointed in the feminine, medium, and low-ranked

[92] BBC News 2014. Available at: https://www.bbc.com/news/world-africa-30585980.

ministries in this election. Half of the ministers were replaced during the major reshuffle in 2012, and others moved to different ministries. In 2012 only one-woman deputy minister for Community Development, Gender and Children remained in position. In 2014 she was also moved to the Environment Ministry. A higher number of men were selected: eighteen out of 241 men were appointed to deputy cabinet positions (7.4%). Meanwhile, only one out of 21 women from constituency seats were appointed and two out of 107 reserved seat MPs (1.8%) were appointed for the deputy ministries position.

*Table 42: Tanzania Deputy Ministers by Prestige and Gender in 2010*

| Name (Seat/position) | Ministry | Period | Prestige | Gender |
|---|---|---|---|---|
| Ummy Mwalimu (Quota) | Community Development, Gender and Children's Affairs | 2010–2014 | Low | Feminine |
| Fenella Mukangara (Quota) | Information, Youth and Sport | 2010–2012 | Low | Feminine |
| Lucy Nkya (Constituency) | Health and Social Welfare | 2010–2012 | Medium | Feminine |

After the 2015 election, the cabinet was selected under the current president John Magufulu. He reduced the number of cabinet posts, that is, both ministers and deputy ministers, from 50 to 37. Of the 18 cabinet ministers, four (22.2%) were women (see Table 42). This is below their level of representation in parliament and marginally lower than their level of representation in the previous government. One women minister was from a constituency seat, and the other three were from reserved seats. This was a significant reduction in the proportion of women from constituency seats appointed to cabinet, from nearly a quarter to 4%, making it below that of men appointed to the cabinet at 5.6%, while reserved seat MPs were lowest at 2.5%. Furthermore, three out of the four women in the cabinet were in feminine ministries. A cabinet reshuffle in 2017 increased the size of the cabinet from 37 to 42. All women ministers retained their ministerial positions except for Angella Kairuki, a reserved seat MP who was promoted to the Energy and Mineral ministry. This is also high profile and masculine ministry, given the recent discovery of mineral resources in Tanzania.

*Table 43: Tanzania Ministers by Prestige and Gender in 2015*

| Name (Seat/position) | Ministry | Period | Prestige | Gender |
|---|---|---|---|---|
| Jenista Mhagama (Constituency) | Policy, Parliamentary Affairs, Labour, Employment, Youth and the Disabled | 2015–to date | Low | Feminine |

| | | | | |
|---|---|---|---|---|
| Joyce Ndalichako (Nominated) | Education, Science, Technology and Vocational Training | 2016–to date | Medium | Feminine |
| Ummy Mwalimu (Quota) | Health, Community Development, Gender, Seniors and Children | 2015–to date | Low | Feminine |
| Angellah Kairuki (Quota) | Public Service Management and Good Governance | 2015-2017 | Medium | Neutral |

Of the deputy ministers following the 2015 election, 31.2 %, that is 5 out of 16, were women (see Table 43). Three of the five were selected for high prestige and masculine ministries: Lands, Finance and Foreign Affairs. In the 2017 reshuffle, two women were dropped, and three continued in the same ministry. However, four new women deputy ministers were appointed, all from reserved seats. Stella Alex was appointed deputy minister with responsibility for the disabled; Mary Mwanjelwa for Agriculture; Subira Mgalu for Energy; and Juliana Shonza as deputy minister for Information, Sports and Culture. In the appointment of the deputy cabinet ministers in 2015, women from constituency seats had the highest chance of being selected at 12% compared to both reserved seat MPs at 1.7% and male MPs at 4.4%.

*Table 44: Tanzania Deputy Ministers by Prestige and Gender in 2015*

| **Name (Seat/position)** | **Ministry** | **Period** | **Prestige** | **Gender** |
|---|---|---|---|---|
| Anastasia Wambura (Quota) | Information, Culture, Artists and Sports | 2015–2017 | Low | Feminine |
| Stella Manyanya (Constituency) | Education, Science, Technology and Vocational Training | 2015–2017 | Medium | Feminine |
| Angelina Lubala (Constituency) | Lands, Housing and Human Settlements | 2015–to date | High | Masculine |
| Ashantu Kijaji (Constituency) | Finance and Planning | 2015–to date | High | Masculine |
| Suzan Kolimba (Quota) | Foreign Affairs, East African Community, Regional and International Cooperation | 2015–to date | High | Masculine |

Following the 2010 and 2015 elections, women from constituency seats had the highest chance of being selected in both full and deputy ministerial positions compared to women from reserved seats and also men. Although women are more likely than men to be appointed to feminine and low ranking departments, there is no clear difference between the types of department that women constituency MPs are appointed to compared to women in reserved seats. In both parliaments, the percentage number of women in the cabinet was significantly below the percentage number of women in parliament, indicating that men (as a group) have a better chance of accessing leadership positions than women (as a group). Furthermore, this advantage increased between 2010 and 2015

as the percentage of the cabinet that was women dropped from 28% to 22% at the same time as the percentage of the parliament that was women increased slightly. There was also a significant shift in the proportion of women from constituency seats and women from reserved seats between the two parliaments. In 2010 women in constituency seats were 6% of the parliament and 17% of the cabinet, while in 2015, this dropped to constituency seat women making up only 5.5% of cabinet and 6.5% of the parliament. Reserved seat MPs in the 2010 election were 29% of the parliament and 11.5% of the cabinet, and in 2015 when they were 30% of the parliament, they were 17% of the cabinet. There was a significant variation in the number of women elected to cabinet positions from reserved seats compared to women selected to the cabinet from constituency seats in both parliaments, with women in constituency seats still having a comparative advantage.

## 6.7 Tanzania Parliamentary Committees

The organization of committees in the Tanzanian parliament is similar to that in the Kenyan parliament as both are based on the Westminster model. In Tanzania, parliamentary committees are divided into four categories: the housekeeping committees, sectoral committees, crosscutting committees and watchdog committees. These are permanent in the sense that they are for the whole parliamentary session. There are also ad hoc committees that are formed to consider specific matters and cease to exist when their duties and functions have been accomplished. The speaker is elected at the first sitting of the parliament; following these, the speaker names the parliamentary committees. MPs then vote for the position of chairperson and vice-chairperson of each committee (Bunge 2016).

Table 44 shows women's representation in the composition of 2010 parliamentary committees is at 38.0% (127/334). The representation of women in committees is fairly good, given the number of women in parliament is 36.9% (IPU 2021). The lowest numbers are in the defence and security committee, a masculine and high-profile committee with regard to prestige committees ranking, which is at 27%. The highest number is at 56% in HIV/AIDs and 53% at social services committee, suggesting a concentration of women in committees reflect women's traditional family roles, and those which are regarded as feminine in gender and as having a low status. There are only four committees that have below 30% women membership. On average, MPs are members of only one committee, although the figures are influenced by the fact that ministers are not committee

members. Therefore, absence from committees does not necessarily indicate inactivity; the exact figures for engagement in committees in 2010 are women from constituency seats 1.09 (23/21), women from a reserved seat at 0.97 (104/107) and men at 0.87 (212/241) (see Table 40 & Table 45).

*Table 45: Tanzania Parliamentary Committee Composition by Prestige and Gender in 2010*

| **Parliamentary Committee** | **Male MPs** | **Female MPs** | | **% Women** | **Classification** | |
|---|---|---|---|---|---|---|
| | | **Reserved** | **Constituency** | | **Prestige** | **Gender** |
| ***Housekeeping Committees*** | | | | | | |
| Steering | 13 | 3 | 2 | 28% | High | Masculine |
| Standing orders | 8 | 2 | 2 | 33% | High | Masculine |
| Parliamentary privileges, ethics and Powers | 10 | 3 | 2 | 33% | | |
| ***Sector committees*** | | | | | | |
| Agriculture, livestock and water | 15 | 5 | 2 | 32% | Medium | Masculine |
| Constitutional, legal affairs and governance | 15 | 4 | 2 | 29% | High | Masculine |
| Defence and security | 1 | 4 | – | 80% | High | Masculine |
| Foreign Affairs | 13 | 5 | – | 28% | High | Masculine |
| Economic affairs, industries and trade | 12 | 9 | 1 | 45% | High | Masculine |
| Infrastructures | 13 | 6 | 1 | 35% | Medium | Masculine |
| Lands, natural resources and environments | 12 | 5 | 2 | 37% | Medium | Masculine |
| Mineral and Energy | 14 | 6 | 1 | 33% | Medium | Masculine |
| Regional administration and local government | 11 | 8 | 1 | 45% | Medium | Neutral |
| Social Services | 8 | 7 | 2 | 53% | Low | Feminine |
| Community Development | 15 | 7 | 1 | 35% | Medium | Neutral |
| ***Cross cutting committees*** | | | | | | |
| Budget | 12 | 4 | 1 | 29% | High | Masculine |
| HIV/AIDS | 8 | 10 | – | 56% | Medium | Feminine |
| *Watchdog committees* | | | | | | |
| Local government accounts | 11 | 8 | 1 | 45% | High | Masculine |
| Public Accounts | 16 | 8 | 2 | 38% | High | Masculine |
| **Total** | 207 | 104 | 23 | 38% | | |

As shown in Table 46, 38.8%, (7/18) of committees are chaired by women. This illustrates some progress is being made towards women moving to positions of leadership in masculine committees. Also, there is no obvious bias in the allocation of positions between women from reserved seats and men from constituency seats. Proportionally women from constituency seats are most likely to be selected at 14.3% (3/21), compared to reserved seats at 3.7% (4/107) and men at 4.6% (11/241) (see Table 40 & Table 46). This improvement in women's leadership role was assisted by the presence of a female speaker, Anne Makinda, as this position means she is the chair of the Steering and the Standing Orders committees.

Women hold 11.1% (2/18) of the vice-chairs of committees, with both women in this position from reserved seats. The only committee having both the chairperson and vice-chairperson a woman is the HIV/AIDS committee, which also has a high female membership of 56%, indicating what a female identified issue it has become.

*Table 46: Tanzania Parliamentary Committee Leadership by Prestige and Gender in 2010*

| **Name (Seat/position)** | **Committee** | **Position** | **Classification** | |
|---|---|---|---|---|
| | | | **Prestige** | **Gender** |
| Margareth Sitta (Quota) | Social Services | Chair | Low | Feminine |
| Jenista Mhagama (Constituency) | Community Development | Chair | Medium | Feminine |
| Lediana Mng'ong'o (Quota) | HIV/AIDS | Chair | Medium | Feminine |
| Pindi Chana (Quota) | Constitutional, legal affairs and governance | Chair | Medium | Neutral |
| Anna Abdallah (Quota) | Defence and security | Chair | High | Masculine |
| Anne Makinda (Constituency- Speaker) | Standing orders | Chair | High | Masculine |
| Anne Makinda (Constituency- Speaker) | Steering | Chair | High | Masculine |
| Diana Mkumbo (Quota) | HIV/AIDS | Vice–Chair | Medium | Feminine |
| Amina Abdulla(Quota) | Budget | Vice–Chair | High | Masculine |

Table 47 shows parliamentary committees following the 2015 election. It can be seen that the representation of women in the parliamentary composition is at 36.1% (159/440). There is a mixed result with regards to the type of committees that women are selected for. In fact, good progress has been made on the masculine, and high prestige ministries as women's representation in these committees have increased. For example, it is at 42% in the budget committee and 43% in the public accounts committee.

*Table 47: Tanzania Parliamentary Committee Composition by Prestige and Gender in 2015*

| **Parliamentary Committee** | **Male MPs** | **Female MPs** | | | **Classification** | |
|---|---|---|---|---|---|---|
| | | **Reserved Seat** | **Constituency Seat** | **% Women** | **Prestige** | **Gender** |
| ***Housekeeping committees*** | | | | | | |
| Parliamentary privileges, ethics and power | 10 | 6 | – | 38% | Medium | Neutral |
| Standing order | 10 | 4 | 1 | 33% | High | Masculine |
| Steering | 17 | 1 | 2 | 15% | High | Masculine |
| ***Sector committees*** | | | | | | |
| Administration and local government | 13 | 9 | 2 | 46% | Medium | Neutral |
| Constitution and legal Affairs | 21 | 8 | 2 | 32% | Medium | Neutral |
| Energy and minerals | 18 | 6 | 3 | 33% | Medium | Neutral |

| | | | | | | |
|---|---|---|---|---|---|---|
| Infrastructures development | 18 | 10 | 1 | 38% | Medium | Neutral |
| Social development services | 16 | 11 | 1 | 43% | Medium | Neutral |
| Subsidiary MPs | 15 | 4 | 1 | 25% | Medium | Neutral |
| Agriculture, Livestock and Water | 21 | 5 | 1 | 22% | Medium | Masculine |
| Industries, trade and environment | 19 | 11 | 0 | 37% | Medium | Masculine |
| Lands, natural resources and tourism | 15 | 6 | 5 | 42% | Medium | Masculine |
| Foreign affairs security and defence | 17 | 7 | 4 | 39% | High | Masculine |
| ***Crosscutting committees*** | | | | | | |
| HIV/AIDs | 10 | 6 | 2 | 44% | Medium | Feminine |
| Budget | 11 | 6 | 2 | 42% | High | Masculine |
| ***Watchdog committees*** | | | | | | |
| Local government | 20 | 8 | – | 29% | Medium | Neutral |
| Public Investments | 14 | 8 | 4 | 46% | Medium | Masculine |
| Public accounts | 16 | 11 | 1 | 43% | High | Masculine |
| **Total** | **281** | **127** | **32** | **36.1%** | | |

In 2015, women parliamentary committee leadership accounts for 16.7%, that is 3 out of 18, for the position of chairperson (see Table 48), and reserved seat MPs were not selected for any of these positions. Although 12% of women from the constituency were selected to be committee chairs compared to 6% of men, given the absence of reserved seat MPs from this role, the overall level of women's engagement is very low. In the vice-chairperson position, women accounted for nearly half at 44.4% (8/18). In this case, 8% of women from constituency seats were selected compared to 5% of women in reserved seats and 4% of men. There are mixed outcomes in the types of committee women were selected to lead, but following the 2015 election, some masculine and high profile committees had women as leaders.

*Table 48: Tanzania Parliamentary Committee Leadership by Prestige and Gender in 2015*

| **Name (Seat/position)** | **Committee** | **Position** | **Classification** | |
|---|---|---|---|---|
| | | | **Prestige** | **Gender** |
| Hasna Mwilima (Constituency) | HIV/AIDs affairs | Chair | Medium | Feminine |
| Mary Nagu (Constituency) | Agriculture, livestock and water | Chair | Medium | Masculine |
| Hawa Ghasia (Constituency) | Budget | Chair | High | Masculine |
| Najma Giga(Quota) | Constitutional and legal affairs | Vice–Chair | Medium | Neutral |
| Pundenciana Kikwembe (Constituency) | Administration and local government | Vice–Chair | Medium | Neutral |
| Christiane Ishengoma (Quota) | Agriculture, livestock and water | Vice–Chair | Medium | Masculine |
| Vicky Kamata (Quota) | Industries, trade and environment | Vice–Chair | Medium | Masculine |
| Kemirembe Lwota(Quota) | Land, natural resources and tourism | Vice–Chair | Medium | Masculine |
| Lolesia Bukwimba (Constituency) | Public Investment | Vice–Chair | Medium | Masculine |
| Tulia Ackson (Nominated) Vice- Speaker) | Standing orders | Vice–Chair | High | Masculine |

| | | | | |
|---|---|---|---|---|
| Tulia Ackson (Nominated)Vice–Speaker) | Steering | Vice–Chair | High | Masculine |

In both the 2010 and 2015 parliaments in Tanzania, women were highly engaged as members of committees. Their percentage representation in the committees was similar to their overall percentage representation in the parliament in 2010, 38.0% versus 34.7% and 2015, 36.1% versus 36.2%. In general, the number of women leaders in committees shows fluctuations. In terms of chairs, it decreased from 38.8% in 2010 to 16.7%. In terms of vice-chairperson, although not given importance compared to the position of chairperson, the figure increased from 11.1% in 2010 to 44.4% in the 2015 election. These fluctuations may be due to the fact that the 2010 speaker was a woman and the 2015 deputy speaker is a woman. These positions allow the speaker to be directly the chair or vice-chair of the steering and standing order committees. In 2010 three of the committees chaired by women were high prestige/masculine, while only one committee chaired by a woman was in this category in 2015.

Overall, in the parliament of Tanzania, male MPs have continued to participate more as both members and as leaders in parliamentary committee and cabinet positions (see Table 49). In the case of women, women from constituency seats were the most likely to be selected for leadership positions compared to reserved seat MPs, who are the most disadvantaged of all groups of MPs.

*Table 49: Tanzania Parliament Summary of MPs Participation in 2010 and 2015*

| **Activity** | **Number of female MPs & percentage** | | **Number of male MPs & percentage** | |
|---|---|---|---|---|
| | **2010** | **2015** | **2010** | **2015** |
| Number of MPs in the parliament | 128(34.7%) | 142(36.2%) | 227(65.3%) | 248(63.8%) |
| Ministers | 8(27.6%) | 4(22.2%) | 21(72.4%) | 14(77.8%) |
| Deputy Ministers | 3(14.3%) | 5(31.2 %) | 18(85.7%) | 11(68.8%) |
| Committee Membership | 127(38.0% | 159(36.1%) | 207(62.0%) | 281(63.9%) |
| Committee Chairs | 7(38.8%) | 3(16.7%) | 11(61.2%) | 15(88.3%) |
| Committee Vice-Chairpersons | 2(11.1%) | 8(44.4%) | 16(88.9%) | 10(55.6%) |

## 6.8 Conclusion

In either Tanzania or Kenya women's presence across all leadership roles has not reached the described international standard of 30%. This is despite Kenya's introduction of the two-third gender principles to be applied in all elective positions and Tanzania's long-standing employment of a 30% gender quota for the parliament. This culture of quotas in Tanzania may be a key reason there are more women in aggregated leadership positions in Tanzania at 24.9% than in Kenya at 15.2%, reflecting the more egalitarian culture that has existed in Tanzania since the foundation of the state.

In terms of a cabinet position in Tanzania, the proportion of women lags behind their parliamentary representation. This is despite there being enough women with strong personal characteristics available for selection to the ministerial positions. In Tanzania, the number of women in cabinet positions has been similar throughout this period but has consistently been lower than the number of women in parliament. In 2010 the number of women in the parliament was at 34.7%, whereas in the cabinet, it was at 27.6%, and for the position of the deputy cabinet minister, it was at 14.3%. In 2015 women in full ministries were at 22.2% and in deputy ministries at 31.2%, approaching closer to the 36.2% of women in parliament. Women in Tanzania were also assigned to a variety of types of cabinet positions, including masculine and high-profile cabinets such as the ministry of finance, which is an atypical post for women internationally, according to the IPU 2017 study. Women from constituency seats are more likely to be appointed by the president to cabinet positions compared to women selected from reserved seats, but men still dominate.

In Kenya, with the change in the way in which cabinet ministers are appointed, the percentage of women in the cabinet is now higher than their percentage in parliament. In 2008 the number of women in cabinet positions was at 17.9%, higher than the number of women's representation in parliament in the 2008 election, which was at 9.8%. However, in the vice-chairperson position is almost similar, with the number of women in the parliament at 9.5%. From the 2013 election, 33.3% of women were selected to a full cabinet position reaching the critical mass, but lower at 23.1% in deputy positions. This shows that while progress had been made, Kenya had not yet met the constitutional two-third requirement with women in the parliament in 2013, which was at 19.4%. Likewise, in the 2017 election, where the number of women in the parliament was at 21.7%, this was still lower than the number of cabinet ministers at 27.3% and deputy ministers at 29.0%. In 2008 in Kenya, most women were selected in the low status and feminine ministries,

while in the cabinets of 2013 and 2017, they were assigned more diverse ministries, including high profile and masculine ones such as the ministry of defence.

In parliamentary committee leadership positions, there are more men than women in Kenya and Tanzania. Women from constituency seats in both Kenya and Tanzania are more likely to be elected in parliamentary committees' leadership positions compared to reserved seat MPs but at a lower rate than men. In Kenya, the percentage of women acting as parliamentary committee's chairperson and vice-chairperson has improved over time. Following the 2008 election, it was at only 6.8% below their level of representation in parliament. Following the reorganisation of government and the introduction of quotas, after the 2013 elections, the percentage of women who were committee chairpersons increased to 29.2%. Following the 2017 election, there was a decrease in the percentage of women in the position of the chairperson to 14.8% and an increase in the vice-chairperson position to 30%. In both 2013 and 2017, women from constituencies had the highest chance of being selected compared to reserved seat MPs as they now no longer held cabinet positions.

In Tanzania, women who were selected as chairpersons in 2010 was at 38.8%, slightly higher than their representation in parliament at just under 34.7%, but the proportion of women in the position of vice-chair was low at 11.1%. Women holding chairs of committees decreased in Tanzania after the 2015 election to 16.7% for chairperson but relatively increased to 44.4% for vice-chair positions. Following both the 2010 and the 2015 elections in Tanzania, women from constituency seats had a higher chance of being selected as committee chairs compared to reserved seat women MPs. Men, however, were at all times the most likely to be selected.

In the case of Tanzania, women from constituency seats are more engaged in parliamentary committees and are also more likely to be elected to leadership roles in parliamentary committee and ministerial positions. Similarly, in the case of Kenya 2013 and 2017, women from the constituency seats were more engaged and also more likely to be elected to leadership positions in parliamentary committees. In both cases, women in reserved seats are comparatively disadvantaged compared to all constituency MPs.

The next chapter examines MPs' policy priorities in Kenya and Tanzania.

# CHAPTER 7: MPS POLICY PRIORITIES IN THE PARLIAMENT OF KENYA AND TANZANIA

## 7.1 Introduction

This chapter investigates women as political actors in parliament by comparing the activities of different categories of female MPs and male MPs. It has been asserted that in established politics, "women have little voice" and "their interests are muted, given the existences of overwhelming male privilege and preferences in policymaking and policy implementation processes" (Staudt 2014:133). It has also been claimed that women have different preferences in the type of policy they advance in parliament (Phillips 1995, 1998), meaning "women may have different policy" preferences to that of men (Staudt 2014:138). To address the questions concerning women's political representation, this chapter examines the range of policies that women engage with within the parliament and their activity level compared to that of men. In addition, it also examines whether the capacity of women to raise issues relevant to women has improved because of gender quotas systems that have increased the number of women in parliament.

This chapter covers the middle years of the two Kenyan parliaments 2011/2012, 2015/2016 and the middle years of the two Tanzanian parliaments 2011/2012, 2016/2017. It first generally looks at all policy issues raised in the two parliaments, then specifically at women's policy issues. This involves an examination of parliamentary questions, petitions, bills and actions in both parliaments. As the parliaments of Kenya and Tanzania operate under different rules with a different range of activities, the most relevant measure for each parliament is used, and this is explained at the beginning of the sections.

## 7.2 MPs and Policy Representation in the Parliament of Kenya

Kenya's new constitution changed how the parliament operated. A significant change for this research was the discontinuation of parliamentary questions as a means for Members to raise policy issues. Parliamentary questions were a feature of the 2008 parliament but not the parliament of 2013. From 2013, MPs had a variety of ways in which they could engage in the legislative

process in the parliament.[93] Even an ordinary MP can sponsor policy initiatives in the parliament and raise petitions and motions. However, having a leadership position has a greater impact on influencing the type of policy issues an individual can raise and on gaining access to avenues of policy influence. If an MP is a parliament speaker or a political party leader, they have specific roles in promoting policy.[94] As seen in Chapter 6, certain leadership positions give MPs control of key committee agendas and, indeed, of the parliament.

### *7.2.1 Parliamentary Policy Issues in Kenya*

The analysis of policy issues in Kenya's 2008 parliament is primarily based on parliamentary questions and the petitions presented in this period. As explained in the methodology chapter, a petition is a document presented to the parliament by a person or group of people asking for action on a matter.[95] In contrast, parliamentary questions are put forward directly by MPs requiring a response from ministers. Of the total of 1451 policy issues raised in the middle years of the parliament, a majority were principal parliamentary questions (1128). However, it also included questions by private notice (295), petitions (24), points of order (2), one personal statement, and one communication from the Speaker of the house. Any MPs could raise these issues through questions. While it is the Speaker or cabinet ministers that most often submit petitions, they are also open to the MPs.

In 2008 only 9.8% of the parliament were women (IPU 2021). Across all policy issues in Kenya, security is the most important for both women and men legislators, and accounts for 17.0% (244 of 1451) of the total number of policy issues raised in the Kenyan parliament (see Table 50). This is not surprising, given the link between Kenya's conflicts, land issues and the unequal resource distribution by the state. These challenges existed before Kenyan independence and have continued to exist after (Kanyinga 1998, Nugent 2004, Tordoff 2002). This analysis shows land disputes exist in various parts of Kenya. Examples include the illegal land transactions at Tutua

[93] Role of the National Assembly. Available at: http://www.parliament.go.ke/index.php/the-national-assembly/about/roles-functions.
[94] The Office of the Majority Leader. Available at:http://www.parliament.go.ke/index.php/the-national-assembly/leadership/majority-leader.
[95] Parliament of Kenya glossary terms. Available at: http://www.parliament.go.ke/index.php/glossary- terms.

lands,[96] the illegal acquisition of a basketball playground in Makadara constituency,[97] non-issuance of titled deeds to members of Biribiriet farm[98] and a petition on behalf of the residents of Siu in Lamu Island on the irregular allocation of land.[99]

Land disputes are divisive; leaders and politicians use the differences to their advantage, adopting 'divide and rule' as a method of leadership in Kenya (Kanyinga 1998). Land disputes have also influenced violent behaviour, especially during elections. The 2007/2008 post-election violence included, for example, a total of 6,081 reported offences including murder, robbery with violence, arson, malicious damage to property, assault, grievous harm, being armed in a public place, taking part in a riot, publishing false rumours and the theft of stock and of farm produce (Question no.920, Hansard-23/11/2011). At the same time, several militant groups have emerged, such as the Somali terrorist organisation al-Shabaab, who are recruiting local citizens in Kenya, especially youth and vulnerable people, to carry out attacks (Agutu 2015; Botha 2013). In 2017, al Shabaab carried out 71 attacks in Kenya and was suspected of carrying out another five (Global Terrorism Database 2019).[100] Al- Shabaab in Kenya has been linked, among others, to the attack on the Nairobi Westgate shopping mall on 23 September 2013 and to the Garissa University College attack where at least 148 people were killed on 2 April 2015 (Cannon & Pkalya 2017; Krause & Otenyo 2005).

Table 50: Kenyan MPs General Policy Issues in Kenya 2011, 2012

| **Ministry** | **Female Constituency** | **Female Appointed** | **Female Total** | **Male** | **Total** |
|---|---|---|---|---|---|
| Security- Home Affairs, Immigration, Defence, Attorney General | 13(22.4%) | 5(10.4%) | 18(17.0%) | 226(16.8%) | 244(17.0%) |
| Transportation | 5(8.6%) | 3(6.3%) | 8(7.5%) | 174(12.9%) | 182(12.5%) |
| Education, Higher Education | 5(8.6%) | 2(4.2%) | 7(6.6%) | 119(8.8%) | 126(8.7%) |
| Lands and housing | 7(12.1%) | 5(10.4%) | 12(11.3%) | 102(7.6%) | 114(7.9%) |
| Finance, economy, planning | 4(6.9%) | – | 4(3.8%) | 103(7.7%) | 107(7.4%) |
| Public health-Medical Services, Sanitation | 3(5.2%) | 11(22.9%) | 14(13.2%) | 85(6.3%) | 79(6.8%) |
| Water & Irrigation | 1(1.7%) | 6(12.5%) | 7(6.6%) | 87(6.5%) | 94(6.5%) |
| Energy, Environment, Mineral natural Resources | 3(5.2%) | 2(4.2%) | 5(4.7%) | 72(5.4%) | 72(5.0%) |
| Agriculture, Food | 5(8.6%) | – | 5(4.7%) | 59(4.4%) | 64(4.4%) |

[96] Question no.1020–Tuesday, 17 April 2012.
[97] Question no.538–Tuesday, 8 February 2011.
[98] Question no.1563–Thursday, 27 September 2012.
[99] Petition–Thursday, 21 June 2012.
[100] Global Terrorism Database. Available at: https://www.start.umd.edu/gtd/.

| | | | | | |
|---|---|---|---|---|---|
| Local & central government, Provisional administration, Public Service & Work | 3(5.2%) | – | 3(2.8%) | 50(3.7%) | 53(3.7%) |
| Industrialisation, Co-operatives, Marketing, Trade | 1(1.7%) | 2(4.2%) | 3(2.8%) | 48(3.6%) | 51(3.5%) |
| Labour, Employment | 3(5.2%) | 2(4.2%) | 5(4.7%) | 40(3.0%) | 45(3.1%) |
| Forestry, wildlife | – | – | – | 44(3.3%) | 44(3.0%) |
| Youth Affairs & Sports, National Heritage, Tourism | 2(3.4%) | 2(4.2%) | 4(3.8%) | 38(2.8%) | 42(2.9%) |
| Foreign Affairs, East African Community | 2(3.4%) | – | 2(1.9%) | 28(2.1%) | 30(2.1%) |
| Communication, information | 1(1.7%) | 1(2.1%) | 2(1.9%) | 23(1.7%) | 25(1.7%) |
| Livestock & Fisheries Development | – | 2(4.2%) | 2(1.9%) | 21(1.6%) | 23(1.6%) |
| Women, children, elderly, disabled | – | 5(10.4%) | 5(4.7%) | 15(1.1%) | 20(1.4%) |
| Justice, constitutional affairs | – | – | – | 11(0.8%) | 11(0.8%) |
| **Total** | **58** | **48** | **106** | **1345** | **1451** |

The issues raised by MPs show a high level of concern with violence at the local level. Examples include an inquiry into the killing of Mr Nicodemus Mwanzi[101] and also an investigation into the circumstances which led to the death of two army officers Mr James Njue Ndwiga (PFNo.76924) and Mr Wesley Kipkemboi Maiyo (PFNA. 81848).[102] There are also security concerns surrounding many areas in Kenya, such as Emuhaya, Kamukunji, and the Marakwet constituency.[103] A number of questions also dealt with fatal shootings and the use of firearms, for example, an inquiry on the death of Ms Fatuma Farah in Garissa, who was shot and killed by a police officer.[104] This high level of ongoing insecurity has produced a political response that lacks a clear gender-specific dimension. Examples include the attack on Gatundu Town residences by an unknown number of gangsters in 2011[105] and the increased wave of insecurity in Vihiga County the same year.[106] This may also arise from the high level of inequalities in Kenya as "countries confronted by large differences between 'haves' and 'have nots' are additionally vulnerable to conflict, which may include resorting to acts of terrorism" (Botha 2013:14). Consequently, the issues both female and male MPs have raised in the parliament are similar in many ways. It is only in health policy issues that women MPs appointed by the president show a different pattern to that

[101] Question no.1749 –21 November 2012.
[102] Question no.1051–17 August 2011.
[103] Question no.446–February 2011, Question no.1279–25 October 2011 and Question no.1037–7 March 2012.
[104] Question no.929–8 June 2011.
[105] Private notice–25 August 2011.
[106] Question by Private Notice–March 2011.

of men. In this case, women have asked twice as many questions and petitions on health policy issues than security policy issues (see Table 50). This is a reflection of the key issue affecting most women in Kenya outside the general level of security in the country.

In Kenya, the figures for individual MP performance in parliament using the average ratio of questions asked and petitions submitted demonstrates no difference between female MPs and male MPs as a group, 9.63 and 9.60 (see Table 51). However, data for each group show that women from constituency seats have raised more policy issues through the use of questions and petitions than any other category of MPs.

*Table 51: Kenya Policy Issues, Parliamentary Questions and Petitions by Number and Average Ratio in Kenya Between 2011 and 2012*

| **Legislator by gender and categories** | | **Total number of questions/petitions** | **Average ratio**[107] |
|---|---|---|---|
| Men | | 1345 | 9.60 |
| Women | Constituency and nominated female | 106 | 9.63 |
| | Constituency seat | 58 | 11.6 |
| | Nominated female | 48 | 8.0 |
| Total | | 1451 | 9.61 |

After the 2013 election, parliamentary questions were not utilised until after the following election year 2017. However, the use of petitions increased and, therefore, this section of the chapter analyses petitions only. The data shows that male MPs have raised more petitions than women as a group in terms of petitions at the individual level. However, the difference is relatively low, 0.53 and 0.44, respectively. However, in the three types of MPs, women from the constituency seat have brought more petitions to the parliament than other MPs groups (see Table 52). The outcome, in this case, is affected by the presence of a female deputy speaker who was a constituency MP. Although all MPs can raise petitions, parliamentary speakers had a greater role than ordinary MPs in 2015/2016 when men presented 83.4% (151/181) of petitions. 70.7% (128/181) of the petitions were presented by MPs and 29.3% (53/181) by parliamentary speakers. Of these 53 petitions presented by the speakers, 42 are by the male speaker, and 11 are by the deputy speaker, a female MP from a constituency seat.

[107] The average ratio is calculated by taking the total number of questions asked divided by the number of MP in each category, and ministers are excluded in the analysis: men 1345/140=9.60; female from constituency seat 58/5=11.6 and female nominated MP 48/6=8.

Women in leadership positions, such as deputy speakers, had a significant impact on increasing the number of petitions raised by women in the parliament. Of the petitions presented in parliament by MPs, only 16.6% (30/181) comes from women MPs. Amongst these, five are from women selected through quotas, seven from president-nominated women and 18 from women holding constituency seats. Otherwise, the number of petitions put forward by women would have been only at 10.5% (19/181), reinforcing the impact of access to leadership positions.

*Table 52: Kenya Policy Issues Petitions by Number and Average Ratio in Kenya between 2015 and 2016*

| **Legislator by gender and categories** | | **Total number of policy issues** | **Average ratio**[108] |
|---|---|---|---|
| Men | | 151 | 0.53 |
| Women | Constituency and nominated female | 30 | 0.44 |
| | Constituency seat | 18 | 1.12 |
| | Nominated female | 12 | 0.23 |
| Total | | 181 | 0.51 |

In terms of petitions in 2015/2016, land and security were given priority over other issues in Kenya (see Table 53). Petitions about land issues were submitted on various topics, including alleged grabbing of public land belonging to Chuka Township Primary School[109] and the Moi Ndabi settlement scheme land.[110] Added to this is the eviction of residents from community land.[111] A public petition from Yatta residences raised the issue of irregular acquisition of land in Machakos County.[112] Furthermore, a petition for urgent resolution of the abuse, torture and land conflict cases in Segera in Laikipia County[113] indicates how widespread land-related conflicts are in Kenya.

The petitions on insecurity for the period 2015/2016 deal with many of the same issues presented in 2011/2012. For instance, petitions were submitted with regard to the presence of armed criminal gangs that create insecurity in various constituencies such as the alleged presence of Mungiki

[108] The average ratio is calculated by taking the total number of petitions asked divided by the number of MP in each category: men 151/282=0.53; female from constituency seat 18/16=1.12 and reserved seat MP 12/52=0.23.
[109] Petition no.104–Thursday, 30 June 2015.
[110] Petition no.216–Wednesday, 17 August 2016.
[111] Petition no.093–Thursday, 23 April 2015.
[112] Petition no.251–Tuesday, 29 November 2016.
[113] Petition no.122–Thursday, 27 August 2015.

among the residents of Kikuyu constituency and other militia in Kiambu County;[114] illegal activities in Kibra slums;[115] and recovery of illegal firearms within North Rift Region.[116] There are also petitions on individual violence cases related to Kenya defence forces, allegedly including the brutal murder of Cosmas Mutunga[117] and the alleged mistreatment and detention of Mr Nespo Maabu.[118] Furthermore, petitions reflected insecurity in various issues, including residents of Nyaribari Masaba constituency along the Kisii and Narok County borders[119] and in Meru County.[120]

*Table 53: Kenyan MPs General Policy Issues in Parliamentary Petitions in Kenya 2015, 2016*

| **Ministry** | **Female constituency** | **Female quota** | **Female total** | **Male** | **Total** |
|---|---|---|---|---|---|
| Lands and housing | 4(23.5%) | 1(7.7%) | 5(16.7%) | 22(14.6%) | 27(14.9%) |
| Security- Home Affairs, Immigration, Defence, Attorney General | – | 3(23.1%) | 3(10.0%) | 23(15.2%) | 26(14.4%) |
| Education, Higher Education | 3(17.6%) | – | 3(10.0%) | 15(9.9%) | 18(9.9%) |
| Transportation | 1(5.9%) | – | 1(3.3%) | 15(9.9%) | 16(8.8%) |
| Justice, constitutional affairs | 3(17.6%) | 1(7.7%) | 4(13.3%) | 11(7.3%) | 15(8.3%) |
| Public health-Medical Services, Sanitation | 1(5.9%) | 1(7.7%) | 2(6.7%) | 12(7.9%) | 14(7.7%) |
| Finance, economy, planning | 1(5.9%) | – | 1(3.3%) | 11(7.3%) | 12(6.6%) |
| Labour, Employment | – | 4(30.8%) | 4(13.3%) | 6(3.9%) | 10(5.55) |
| Local & central government, Provisional administration, Public Service & Work | 2(11.8%) | – | 2(6.7%) | 8(5.3%) | 10(5.5%) |
| Agriculture, Food | 1(5.9%) | – | 1(3.3%) | 6(3.9%) | 7(3.9%) |
| Energy, Environment, Mineral natural Resources | – | 1(7.7%) | 1(3.3%) | 4(2.6%) | 5(2.8%) |
| Water & Irrigation | – | – | – | 4(2.6%) | 4(2.2%) |
| Youth Affairs & Sports, National Heritage, Tourism | – | – | – | 4(2.6%) | 4(2.2%) |
| Children, elderly, disabled | – | 1(7.7%) | 1(3.3%) | 3(2.0%) | 4(2.2%) |
| Forestry , wildlife | – | 1(7.7%) | 1(3.3%) | 2(7.7%) | 3(1.7%) |
| Industrialization, Co-operatives, Marketing, Trade | 1(5.9%) | – | 1(3.3%) | 1(0.7%) | 2(1.1%) |
| Foreign Affairs, East African Community | – | – | – | 2(7.7%) | 2(1.1%) |
| Communication, information | – | – | – | 2(7.7%) | 2(1.1%) |

[114] Petition no 151–Tuesday, 23 February 2016.
[115] Petition no 172–Tuesday, 21 June 2016.
[116] Petition no 095–Wednesday, 29 April 2016.
[117] Petition no 214–Tuesday, 16 August 2016.
[118] Petition no 215–Wednesday, 17 August 2016.
[119] Petition no 255–Wednesday, 30 November 2016.
[120] Petition no 133–Tuesday, 22 October 2015.

| | | | | | |
|---|---|---|---|---|---|
| Total | 17(100%) | 13(100%) | 30(100%) | 151(100%) | 181(100%) |

In the 2013 election, most Kenyan women MPs were elected to reserved seats, based on a separate election for female representatives, one from each of the 47 counties of Kenya. In this role, women have presented petitions from both their county and other general geographical areas regardless of the location of the seat that they are in (see Appendix 2). For example, reserved seat county representative Sarah Korere, born in Laipikia county, represented a petition from the residents of her county. Similarly, Sunjeev Birdi, born in Nairobi, represented a petition on immigrants residing in Kenya. In addition, she also represented a petition for alleged negligence by Our Lady of Mercy Secondary School management of Nairobi, which led to the death of a female student.

In terms of petitions, a woman holding the position of deputy speaker has had an overall influence on the number of policy issues raised in the parliament of Kenya by women. Similarly, women's engagement in the promotion of motions and bills is also determined to a larger extent through their leadership roles.

### *7.2.2 Motions and Bills in the Parliament of Kenya*

Motions are mainly proposed in parliament by three groups: leaders of parliamentary committees (chairperson/vice-chairperson), political party leaders (majority whip, leaders of majority party/minority party and deputy leaders of majority/minority parties); and, also in some circumstances, MPs. Holding different leadership functions play a big part in the number of the motions that an individual proposes. Political party whips are the party's 'enforcers' organising their fellow legislators to attend voting sessions and vote according to the official party policy agenda (The National Assembly of Kenya 2017).[121] Leaders of the parliamentary committees are also responsible for introducing motions in the parliament. In particular, the chairpersons of the committees are responsible for providing reports in the parliament from their committees. Vice-chairpersons rarely get the opportunity to propose motions.

[121] The Role of Political Parties and Key Parliamentary Offices Fact Sheet 33, National Assembly of Kenya 2017.Available at: http://www.parliament.go.ke/sites/default/files/2018-04/33_The_Role_of_Political_Parties_and_Key_Parliamentary_Offices.pdf.

As most of the leadership positions in the Kenyan parliament are held by men, men have also proposed most motions (see Table 54). In 2015/2016, men proposed 86.2% (349/405) of motions in the parliament. The highest number of motions have been proposed by the parliamentary committee chairperson and leader of the majority political party. In 2015/2016, 53.6% (217/405) of motions were proposed by parliamentary committees. Of these, 40.9% (166/405) were introduced by the committee chairperson, only 7.7% (31/405) were proposed by the vice-chairperson, and parliamentary committee members introduced only 4.9% (20/405). Leaders of political parties have introduced 30.1% (122/405) of motions. Of which, 24.4% (99/405) comes from the leader of the majority party, 3.9%(16/405) from the majority party whip, and only 0.2%(1/405) and 0.4%(2/405) from the leader of the minority party and the deputy leader of minority party respectively. Men overall raised the highest number of motions with the average ratio of 1.23%(349/282). At the individual level, women in reserved seats were at 0.88(46/52) higher than women from constituency seats at 0.63(10/16), indicating that women from reserved seats are not any less capable of engaging in motions compared to women from constituency seats.[122]

Women in total proposed only 13.8% (56/405) of motions in parliament (see Appendix 1). Of these, the parliamentary committee chairperson proposed 28 out of 56 motions, with two being proposed by a woman who was the parliamentary deputy speaker Joyce Laboso. It should be noted that in Table 54, the speaker's position is not listed since the speaker is directly given the position of a chairperson in the liaison committee in the parliament by the constitution. However, the position of the deputy speaker is less influential on the activities of parliaments as the deputy speaker presides over the sitting of the parliament only in the absence of the speaker (The National Assembly of Kenya 2017). Nine motions were proposed by parliamentary committee vice-chairpersons who were women, and four motions were proposed by the deputy leader of the majority party Naomi Shaban. She was also a member of a joint parliamentary select committee on matters relating to elections under the Independent Electoral and Boundaries Commission (IEBC) founded in 2011 by the Constitution of Kenya. An analysis of committee motions

[122] The average ratio is calculated by taking the total number of motions asked divided by the number of MP in each category in the analysis: men 349/282=1.239.60; female from constituency seat 10/16=11.6 and female reserved seat MP 46/52=0.88.

presented by women from reserved seats shows that all the motions proposed cover general policy issues and did not relate to the county that they nominally represented (see Appendix 1).

*Table 54: Motions Leadership Role by Sex 2015 and 2016 in the Kenyan Parliament*

| **Actors** | **Leadership** | **Male MPs** | **Female MPs** | | Total |
|---|---|---|---|---|---|
| | | | **Reserved seat** | **Constituency seat** | |
| Political parties | Majority party whip | 16 | – | – | 16 |
| | Leader of majority party | 99 | – | – | 99 |
| | Deputy leader majority party | – | – | 4 | 4 |
| | Leader of minority party | 1 | – | – | 1 |
| | Deputy leader minority party | 2 | – | – | 2 |
| Parliamentary Committees | Chairperson | 138 | 23 | 5 | 166 |
| | Vice-Chairperson | 22 | 9 | – | 31 |
| | Members of committees | 20 | – | – | 20 |
| Others | MPs | 51 | 14 | 1 | 66 |
| Total | All | 349 | 46 | 10 | 405 |

Before the new constitution, bills were presented by cabinet ministers and MPs. In the 2008 parliament, men have the highest number of bills sponsored at 90.7% (147/162), and female MPs introduced only 9.2% (15/162) of the bills (see Table 55). Amongst the 15 bills introduced by women, seven of the presenting MPs were from reserved seats and eight from constituency seats. Of this, 71.6% of the bills in this parliament were raised by cabinet ministers and the remaining 28.4% by MPs. The 2010 Kenya Constitution removed the provision allowing cabinet ministers to be MPs. Therefore, in the parliament of 2013, bills were presented mainly by majority political party leaders, parliamentary committee chairpersons and male MPs. All government bills were presented by the leader of the majority political party. Ordinary MPs can also propose and sponsor non-monetary bills under the private bill's provisions (Kenya National Assembly 2017). However, the majority party leader is the main sponsor of all government bills (The National Assembly of Kenya 2017). Not only that, he also monitors private bills in the parliament and can restrict the capacity of MPs to propose bills. For example, Gatundu South constituency MP Moses Kuria accused the majority leader Aden Duale of frustrating most private bills, ensuring that they do not get to the assembly floor (Nyawira 2019).

In Kenya, it shows there were few bills during the research period that dealt with women's interests. Women have sponsored only 5.5% (5/90) of the bills. Throughout this period, 2011, 2012, 2015, and 2016, only one bill focused on issues directly affecting women, the Breast Milk

Substitutes (Regulation and Control) Bill 2012. However, Kenya Women Parliamentary Association (KEWOPA) noted that there were acts passed between 2007 and 2015 that deal with women's issues, including the Prohibition of Female Genital Mutilation Act (No 32 of 2011) by Fred Kapondi; Breast Milk Substitutes (Regulation and Control) Act (No 34 of 2012) by Beth Mugo; Matrimonial Property Act (No 49 of 2013) by Samuel Chepkonga; Marriage Act (No 4 of 2014) Samuel Chepkonga; Victim Protection Act (No 17 of 2014) by Millie Odhiambo; Protection Against Domestic Violence Act, (No 2 of 2015) by Samuel Chepkonga (https://www.kewopa.org). It should be noted that the two men mentioned here were the chairpersons of the relevant committees. Fred Kapondi was chairperson of the national security committee in the 2008 parliament, and Samuel Chepkong was chairman of the committee on justice and legal affairs after the 2013 election.

*Table 55: Women Legislator Bills in the Parliament of Kenya 2011, 2012, 2015, 2016*

| Sponsor Name | Seat | Ministry/ Position | Bills | Date |
|---|---|---|---|---|
| Amina Abdalla | Nominated | – | The National Drug Control Authority Bill 2011 | 24/03/2011 |
| Millie Odhiambo | Constituency | – | The Ratification of Treaties Bill 2011 | 16/06/2011 |
| Amina Abdalla | Nominated | – | The Statutory Instruments Bill 2011 | 12/07/2011 |
| Joyce Laboso | Constituency | – | The Social Assistance Bill 2012 | 08/09/2011 |
| Sally Kosgei | Constituency | Agriculture | The Seeds and Plant Varieties (Amendment) Bill 2011 | 28/11/2011 |
| Sally Kosgei | Constituency | Agriculture | The Kenya Plant Health Inspectorate Service Bill 2011 | 28/11/2011 |
| Sally Kosgei | Constituency | Agriculture | The Sugar (Amendment) Bill, 2011 | 28/11/2011 |
| Sophia Noor | Nominated | – | The Public Benefit Organizations Bill 2012 | 21/12/2011 |
| Beth Mugo | Constituency | Public Health and Sanitation | The Breast Milk Substitutes (Regulation and Control) Bill 2012 | 02/08/2012 |
| Millie Odhiambo | Constituency | – | The Victim Protection Bill 2012 | 05/09/2012 |
| Sally Kosgei | Constituency | Agriculture | The Crops Bill 2012 | 10/09/2012 |
| Sally Kosgei | Constituency | Agriculture | The Kenya Agricultural Research Bill 2012 | 10/09/2012 |
| Sally Kosgei | Constituency | Agriculture | The Agriculture, Livestock, Fisheries & Food Authority Bill 2012 | 10/09/2012 |
| Margaret Kamar | Constituency | Higher Ed, Science & Technology | The Technical and Vocational Education and Training Bill 2012 | 11/09/2012 |
| Margaret Kamar | Constituency | Higher Ed, Science & Technology | The Science, Technology and Innovation Bill, 2012 | 11/09/2012 |
| Cecilia Ng'etich | Women representative | - | The Engineering Technologists and Technicians Bill, 2015 | 27/2/2015 |
| Priscilla Nyokabi | Women representative | - | The Access to Information Bill, 2015 | 30/6/2015 |
| Florence Mutua | Women representative | - | The Sexual Offences (Amendment) Bill 2016 | 22/07/2016 |

| | | | | |
|---|---|---|---|---|
| Grace Kiptui | | - | The Basic Education (Amendment) Bill, 2016 | 25/8/2016 |
| Gladys Wanga | Women representative | - | The Cancer Prevention and Control (Amendment) Bill 2016 | 09/12/2016 |

Leadership positions that are available in the Kenyan parliament influence the capacity of MPs to articulate policy as such positions offer more opportunities to influence policy outcomes in parliament. In the Kenyan parliament, ordinary parliamentarians have a major role to play in parliamentary questions and petitions. The parliamentary question system was the most widely used in the 2008 parliament. Women were able to contribute significantly to questions and petitions at the individual level in 2011/2012 and 2015/2016. However, the impact of questions and petitions is small compared to that of an act or bill. Since the Kenyan constitution of 2010, Ministers are no longer members of the parliament. This means MP had more time to engage in parliamentary activities. These constitutional changes have also given more power to the leaders of political parties, speakers and committee chairpersons who are the main sponsors of petitions, motions and bills. As we saw in Chapter 4, Kenyan women were not elected leaders in political parties and, as we saw in Chapter 6, had limited access to other leadership positions. This limits their ability to promote specific policies.

The following section analyses women's interest policy issues in Kenya.

## 7.3 Types of Women's Interest Policy Issues in Kenya

It is noticeable that in the parliamentary terms covered by this research, only a small proportion of policies related specifically to issues of concern to women. In fact, in the four years in which data was collected, only 51 such instances arose. This figure is made up of various forms of parliamentary questions (23), petitions (9), communication from the chair (6), bills (4), motions (4), points of order (4) and one MP's personal statement. Men raised an overwhelming majority of the issues. In 2011/2012, there were few women in parliament, and some were appointed to the cabinet meaning they could not ask questions. The number of women in parliament increased from 9.8% after the 2008 elections to 21.8% after the 2013 election but, although the number of women in parliament increased for the years surveyed, as women were not selected for leadership roles in proportion to their numbers in the parliament, they had less opportunity than men to raise issues.

As discussed in Chapter 1 in the debates on quotas, pessimists doubt the theoretical argument---based on principles embedded in the theories of critical mass and the politics of the 'presence'---that an increase in the number of women in parliament will result in an increase in the number of policies favourable for women being put forward in parliament. However, on average, at the individual level, women have asked more women's interests questions than men MPs (see Table 56). Findings in relation to Kenya show that women are more likely to represent women's interests in line with the politics of the presence theory. This is true, as in Kenya, even when the volume of issues raised that relates to women's interest policies declines as the proportion of women in parliament rises.

*Table 56: Comparative Finding of Policy with Women's Interests by Number and Average Ratio in Kenya*

| **Category of MPs** | | **Total number of policy** | | **MPs average ratio**[123] | |
|---|---|---|---|---|---|
| | | **2011/2012** | **2016/2017** | **2011/2012** | **2015/2016** |
| Male | | 22 | 14 | 0.16 | 0.04 |
| Female | Constituency seat | 3 | 5 | 0.60 | 0.31 |
| | Appointed/Reserved seat | 5 | 2 | 0.83 | 0.04 |
| Grand total | | 30 | 21 | 0.53 | 0.13 |

This section utilises Moser's (1993) practical and strategic gender interests to categorise the type of issues raised. It is often difficult to have a clear-cut division between practical and strategic gender interests as they are closely interlinked. For example, having regular employment or income could be categorised as a practical gender need. It brings women a daily income even if the job itself is still traditional, such as preparing and selling cooked food, cultivating and selling farm produce like fruits and vegetables. However, women's engagement in business becomes a strategic interest when dealing with access to bank capital or loans. It could also be argued that an own income allows women to live a life not dependent on their male partners, making it possible to consider it a strategic gender need.

In this respect, women's gender needs in Africa are different from those in Europe. In Africa, most women run petty or small businesses and generally operate as an individual trader or one within a

[123] The average ratio is calculated by taking the total number of questions asked divided by the number of MP in each category in 2008 and 2013 elections: men in 22/140=0.16, 14/282=0.04; female from constituency seat 3/5=0.60,5/16=0.31 and female reserved seat5/6=0.83,2/52=0.04.

family. In these job circumstances, women who are not officially employed call themselves 'mjasiriamali' (entrepreneur). The focused discussion will be on the two main issues raised and whether there are differences in the tone or contexts from those asked by women and men MPs.

### *7.3.1 Women's Interests on Gender Equality and Gender-Based Violence in Kenya*

In Kenya, the main focus has been on gender equality and gender-based violence policy issues for male and female MPs, reflecting dominant international norms (see Table 57). Gender equality as a policy issue is a strategic gender interest aimed at boosting women's engagement in leadership positions in Kenya. The issues raised in this case were a response from MPs towards the actualisation and implementation of the agreed 2010 Kenya Constitution, which commits to a two-third gender principle. Although both genders focused on similar issues, they concentrated on different aspects. In particular, female MPs urged for the use of affirmative action in political, economic and all the other issues.[124] In addition, they also focused on ensuring that gender principles were used as criteria for appointment and recruitment processes of county commissioners;[125] public service;[126] assistant chief,[127] and the selection of deputy chief justice.[128] Furthermore, women also urged men's support for 'HeForShe',[129] a solidarity campaign for the advancement of women initiated by UN Women. Its goal is to engage men and boys as agents of change by encouraging them to act against negative inequalities faced by women and girls (McDonald 2014; UN Women 2014). The need for equal financial support during elections from political parties was also raised after a male legislator made a public statement regarding some wealthy female politicians and therefore, not necessarily requiring financial support from political parties. A female MP responds by saying that the male statement seems to be out of balance because it is implying that "women should survive on their own politically if they are wealthy and yet, even my wealthy male colleagues still receive support from the political parties" (Kenya Hansard 2016:10).[130]

[124] Question the amendment of Election Bill–Friday 26 August 2011am.
[125] Question no.1682–Wednesday, 5 September 2012 pm.
[126] Question no. 1362–Thursday, 7 June 2012 pm.
[127] Question no. 1450–Wednesday ,16 May 2012 pm.
[128] Motion–Thursday, 27 October 2016pm.
[129] Communication from the chair–Tuesday, 22 November 2016pm.
[130] Personal statement–Thursday, 21 April 2016pm.

Male MPs raised the need for decision-making institutions to abide by the Constitution of Kenya and for the decision-making structure of the Kenyan society to be as inclusive as possible.[131] The way that men have raised this issue has been more constituency specific. There is a call for the government to apply the two-third gender principle in the Mombasa area,[132] the realisation of gender parity/equity in the national assembly/senate,[133] and the request for gender balance in the composition of board members of Kenya Maritime Authority.[134] Men have also asked questions on gender equality in education systems between girls and boys, again from a constituency perspective. For instance, a question was raised to ask the government to increase the level of girl-child enrolment in Marsabit/Isiolo/Migori counties[135] and also to improve the infrastructure at God Ngoche Girls Boarding School to increase the attendance rate of girls who were scared after the 2008 skirmishes along the Migori/Trans Mara border.[136] In addition, men requested a measure to protect and empower education for the boy child, a response to the perceived focus on the girl child in funding and policy.[137]

*Table 57: Women's Interest Policy Issues in Kenya*

| Policy Area | Female MPs | | Male MPs | |
|---|---|---|---|---|
| ***Strategic Gender Interests*** | 2011/2012 | 2015/2016 | 2011/2012 | 2015/2016 |
| Business (bank, loan fund) | – | – | 2(9.1%) | 3(23.1%) |
| Gender based violence | 4(50.0%) | 1(16.7%) | 7(31.8%) | 1(7.7%) |
| Gender equality/ representation | 4(50.0%) | 3(49.9%) | 7(31.8%) | 4(30.8%) |
| Women political support in elections | – | 1(16.7%) | – | – |
| Women NGOs and state relation | 0(0.0%) | – | 1(4.5%) | 1(7.7%) |
| | | | | |
| ***Practical Gender Interests*** | | | | |
| Health | – | – | 3(13.6%) | 3(23.1%) |
| Central Government- gambling | – | – | - | 1(7.7%) |
| Security | – | 1(16.7%) | 1(4.5%) | – |
| Water project | – | – | 1(4.5%) | – |
| Total | 8(100%) | 6(100%) | 22(100%) | 15(100%) |

In the contexts of Kenya and other African states where traditional culture and norms, while changing, are still strong, especially in rural areas, the Gender-Based Violence issues (GBV)

[131] Communication from the chair–Thursday, 11 August 2011 pm.
[132] Communication from the chair–Thursday, 16 August 2012 pm.
[133] Question no.1637–Wednesday, 29 August 2012 pm.
[134] Question no.1860 –Thursday, 13 December 2012 pm
[135] Question no. 763–Wednesday 02 November 2011 am.
[136] Question no.1751–Wednesday 26 September 2012 am.
[137] Question no.1042–Wednesday, 14 December 2011pm.

raised by women have focused on women's limited ability to negotiate terms and conditions with regards to sex.[138] Female politicians raised the issue of domestic violence, including a request for information on the number of cases of intimate-partner violence (including husband-abuse, wife-abuse, boyfriend/girlfriend-abuse) and the need for the government to introduce a Domestic Violence and Family Protection Bill to the parliament.[139] Furthermore, female MPs raised the issue of Female Genital Mutilation (FGM) in Kenya, focusing particularly on measures to combat it.[140]

This was an issue of current interest in the parliament given that there are places in East African states where FGM is still practised, and those areas cross country borders (Kobia 2019). A bill was introduced known as The East African Community Prohibition of Female Genital Mutilation Bill 2016 as a joint effort to fight against FGM[141] in Kenya, Somalia, Uganda, Tanzania, and Ethiopia. Although Kenyan governments have condemned FGM, it continues to be secretly practised in some rural communities (Murithi 2019). In Kenya, community elders and religious leaders from the 22 counties most affected by FGM have committed to ending the practice by 2022 (Waweru 2019). As an overarching issue, female MPs have inquired about the availability of qualified medical doctors and trained staff to manage victims of sexual violence under the National Guidelines on Management of Sexual Violence in Kenya.[142]

The focus of the policy issues raised by men on GBV is calling for government action at the constituency level. For example, a government report on an investigation over rape, including rape as a result of cattle rusting in the south/North Rift regions, was requested.[143] A male MP called on the government to intervene to prevent the sexual harassment of women and young girls following the raid at Booker police post in Mumias West constituency by gangsters.[144] Another question called for an inquiry into the failure to arrest police officer Muema Mutisya following an alleged assault on his estranged wife.[145] As a more nationally focused question, the issue of named girls trafficked for domestic work in Saud Arabia was also raised. Similar to the male-focused question

[138] Question by Private notice–Thursday, 31 May 2012 and Tuesday, 18 September 2012.
[139] Question no. 963–Tuesday, 31 May 2011pm.
[140] Order for the whole house committee read–Wednesday, 7 September 2011 pm.
[141] Statement pending before the committee on delegated legislation–Wednesday, 26 October 2016 pm.
[142] Question the amendment of Election Bill–Friday 26 August 2011am.
[143] Notice of Motions–25 February 2016.
[144] Statement–Thursday, 24 November 2016pm.
[145] Statement–Thursday, 26 May 2011pm and Wednesday, 8 June 2011.

on the education of the "boy child," there was a request to investigate the causes of husband battering in Nyeri county.[146]

It is not surprising that policy issues on women's interests are extensively influenced by the current discussion on the implementation of the 2010 constitutional two-third gender rule as it has received a lot of media attention (Ayaga and Ng'etich, 2016; Korir and Obala 2018; Onyango 2019). Women MPs have also been motivated by the parliament's failure to pass the 'two-third gender' bill for lack of a quorum. The bill was deferred for a fourth time on 27th February 2019 since the declaration of the new constitution in 2010 (Marita 2019). In addition, both men and women MPs are using the two-gender principle as a reference point in demanding other election bodies to comply.

Similarly, the interest in the issue of sexual gender violence might be influenced by the introduction of the National Government Affirmative Action Fund (NGAAF) in support of the government's commitment to addressing past disadvantages among certain sections of the population. The fund is supervised by the Ministry of Public Service, Youth and Gender Affairs. It is also tethered to the Kenyan Vision 2030 development blueprint under the Social Pillar, which aims to address the dilemma of vulnerable groups through enhanced access to financial facilities for socio-economic empowerment, including that of women.[147] One of the projects launched as part of this fund was on sex-based violence. Therefore, the existence of this funding acts as a catalyst in addressing women's interests that directly target gender-based violence, indicating the linkage between the policy debate in parliament on women's interest policy issues and government initiatives.

As discussed in Chapter 3, women's interests are context-related and change over time. Of the 17 issues mentioned in the Kenyan Women's National Charter of 2012, only "the role of media in the promotion of women empowerment" has not been raised as an issue in parliament. Kenyan women MPs contribute to the parliament using the national plan, CEDAW, and related documents to

[146] Question by private notice – question 2 Thursday, 1 March 2012pm.
[147] NGAAF is under the Ministry of Public Service, Youth and Gender Affairs was enacted through Legal Notice No.24 of the Public Finance Management Act, 2012 and published on 13 February 2015. Available at: http://www.ngaaf.go.ke/index.php.

support their point. For instance, using the 2012 Kenya Women National Charter Article 3: Pg. 7 on Right to Dignity and Respect, Rachel Shebesh contributed to a discussion stating:

> "On a point of order, Mr. Deputy Speaker, Sir. Can we continue to discuss an issue that is contrary to the Bill of Rights? I want to quote the Bill of Rights, so that the Assistant Minister is aware that he cannot just answer this Question as easily has he is trying to do. This is Article 28 on Human Dignity. It says that: - "Every person has an inherent dignity and the right to have that dignity respected and protected." (Kenya National Assembly Report: Tuesday, 4th September, 2012).

Most issues raised in the CEDAW Kenya report of 2017 have been mention by both men and women during debates. However, MPs' key emphasis has mostly been on implementing the Constitution's two-third gender provision and funding to deal with gender-based violence. Overall at the individual capacity, women are more likely than men to represent women's interests. Furthermore, it is also notable that women raise more general policy points while men are more likely to raise constituency specific issues. They also raise issues specific to the welfare of boys and men on topics primarily seen as women's issues.

Men hold more leadership positions than women in Kenya, which contributes to the generally low number of policy issues raised. This limits the capacity of women, especially in the promotion of policies through the discussion of motions, acts and bills. However, at an individual level, women in reserved seats and constituency seats are very active. In addition, MPs raising issues in the parliament, man or woman, does not necessarily use gender language. This is also reflected in chapter 1 on the debates on gender quotas, where pessimists argue that it is theoretically incorrect to assume that the increase in the number of women will automatically increase the representation of women's interests (Childs and Krook 2006). It is also the case that women have a democratic right to be present and represent both women and men in their states. Furthermore, it could be argued that during the 1980s and 1990s, there was a global increase in awareness of women's interests when many states introduced a range of laws to ensure women's welfare and safety. Hence the focus is on the implementation of existing laws rather than the introduction of new laws.

## 7.4 The General Policy Issues in Tanzania

In Tanzania, policies are discussed in the form of parliamentary questions, acts and bills. The parliamentary question is the main tool by which MPs raise policy concerns. Those holding leadership positions--the prime minister, cabinet ministers, parliamentary speaker and the attorney general==are the principal sponsors of acts and bills in the parliament. Unlike Kenya, in Tanzania, a minister has to be elected as an MP, and when in the cabinet, do not ask questions. The questions for the four years (two in each parliamentary term) have been added together as there were very marginal differences between the two parliaments in deciding on policy priorities. Also, Tanzania's constitution did not change during this part, so parliamentary procedures remained the same throughout. In both parliaments, all MPs were influenced by contemporary policy concerns around mineral extraction, given the extensive new findings of oil and related transport questions. The questions are divided up by the ministry sector to which they were addressed. In both years, very few questions addressed women, children, the elderly and the disabled. Of 3432 questions asked, only 39 involved these groups, only one of which came from a woman constituency MP, 19 from male MPs, and 19 from women reserved seat MPs. Only the internally focused category of parliamentary affairs had a lower score. In Tanzania, the important policy issues of foreign affairs and East African affairs also have a low score, perhaps signalling they are not important issues for voters and therefore not prioritised by ordinary MPs who may be more focused on constituency work.

Energy/mineral is the policy area most prioritised by MPs as a whole, accounting for 12.3% (421/3431) of all the questions raised in parliament in 2011, 2012, 2016 and 2017 (see Table 58). Men give this issue a higher priority than women. The gap is much more significant between male MPs and women from reserved seats at 13.4% and 7.7%, respectively, with women from constituency seats at 10.7%. Questions on energy and minerals reflect issues of major public concern with the recent discovery of mineral resources in Tanzania. Gas reserves estimated to be 53.2 trillion cubic feet have been found on the southern coast of Tanzania.[148] Tanzania has granted a Chinese firm the licenses to build a mineral smelter and two gold refineries in Tanzania worth over $100m (McKay 2019). For instance, one MP raised a question regarding the number of gases

[148] Session 9 sitting 7 question no.94 –15 November 2017; Session 6 sitting 8 question no.94–8 February 2017; Session 7 sitting 1 question no.05–4 April 2017.

and minerals resources that have been discovered in the country and the benefits associated with the said discovery.[149]

The questions on mineral resources raised issues around society engagement, establishing policies to govern mineral management in Tanzania, and rights of individuals. These included questions on the request for the central government to involve Mbeya Council in the mining, and the request for citizens' education provision to ensure the rural community in the Mbeya region benefit from these projects;[150] and the government's allocation of mining land area for small miners following the research and discovery of gold mines in Mbogwe, Nyagatare, Kenegere.[151] Another issue discussed was compensation for residents severely affected by the Geita Gold Mine (GGM), where homes have developed cracks and collapsed due to constant earthquakes associated with mining exploration activities.[152]

In Tanzania, availability and accessibility to electricity continue to mount challenges. A recent report from the Tanzania Ministry of Energy and Minerals (2014) points out that only 24% of the population have electricity. The situation in urban areas is better with 71% electricity coverage compared to the rural areas with only 4%. Even when electricity is connected, constant power cuts and power rationing are regular occurrences. For example, several questions were raised in parliament over the government plan to address electricity disruptions in several areas, including the Kigamboni/ Nachingwea/ Chunya districts, Mtwara regions, Moshi municipal council, among others.[153] In addition, submissions were also made requesting government subsidies for electricity costs to make it more affordable.[154] What the questions in these two policy areas have in common is that they reflect local concerns and could be seen as MPs representing their local constituencies.

*Table 58:Legislator General Policy Area in The Tanzanian Parliament 2011, 2012 And 2016, 2017*

[149] Session 2 sitting 5 question no.52–1 February 2016.
[150] Session 3 sitting 20 question no.170–16 May 2016.
[151] Session 5 sitting 7 question no.74–8 November 2016; Session 9 sitting 4 question no.50–10 November 2017.
[152] Session 2 sitting 5 question no.52–1 February 2016.
[153] Session 9 sitting 1 question no.04–7 November 2017; Session 7 sitting 7 question no.59–13 April 2017; Session 7 sitting 14 question no.112–28 April 2017; Session 8 sitting 1 question no.8–5 September 2017; Session 9 sitting 4 question no.51–10 November 2017.
[154] Session 6 sitting 1 question no.12–31 January 2017.

| Ministry | Female Constituency | Female Reserved seats | Female total | Men total | Female and Male total |
|---|---|---|---|---|---|
| Energy, Minerals, Environment, Natural Resources | 25(10.7%) | 97(9.0%) | 122(9.3%) | 303(14.3%) | 425(12.4%) |
| Transportation | 25(10.7%) | 83(7.7%) | 108(8.3%) | 285(13.4%) | 393(11.5%) |
| Water and Irrigation | 27(11.5%) | 69(6.4%) | 96(7.3%) | 222(10.5%) | 318(9.3%) |
| Education | 29(12.4%) | 132(12.3%) | 161(12.3%) | 152(7.2%) | 313(9.1%) |
| Health | 22(9.4%) | 111(10.3%) | 133(10.2%) | 147(6.9%) | 280(8.2%) |
| Agriculture and Food Security | 29(12.4%) | 87(8.1%) | 116(8.9%) | 142(6.7%) | 258(7.5%) |
| Security, Home Affairs, Defence/JWTZ/National Services | 10(4.3%) | 77(7.2%) | 87(6.7%) | 166(7.8%) | 253(7.4%) |
| Finance and Economy | 12(5.1%) | 75(7.0%) | 87(6.7%) | 125(5.9%) | 212(6.2%) |
| Employment, Youth, Sports, Culture | 9(3.8%) | 56(5.2%) | 65(5.0%) | 99(4.7%) | 164(4.8%) |
| Industry, Business/Trade, Marketing | 10(4.3%) | 61(5.7%) | 71(5.4%) | 83(3.9%) | 154(4.5%) |
| Justice/ Constitution/ Human Rights | 6(2.65) | 47(4.4%) | 53(4.1%) | 61(2.9%) | 114(3.3%) |
| Local Government | 5(2.1%) | 30(2.8%) | 35(2.7%) | 62(2.9%) | 97(2.8%) |
| Land/ Human Settlement (Housing) | 4(1.7%) | 27(2.5% | 31(2.4%) | 58(2.7%) | 89(2.6%) |
| Communication and Information | 8(3.4%) | 15(1.4%) | 23(1.8%) | 60(2.8%) | 83(2.4%) |
| Central Government | 4(1.7%) | 45(4.2%) | 49(3.7%) | 30(1.4%) | 79(2.3%) |
| Livestock and Fisheries Development | 1(0.4%) | 18(1.7% | 19(1.5%) | 58(2.7%) | 77(2.2%) |
| Foreign Affairs, East African Cooperation | 6(2.6%) | 15(1.4%) | 21(1.6%) | 31(1.5%) | 52(1.5%) |
| Women, Children, Elderly and Disabled | 1(0.4%) | 19(1.8%) | 20(1.5%) | 19(0.9%) | 39(1.1%) |
| Parliamentary Affairs | 1(0.4%) | 10(0.9%) | 11(0.8%) | 21(1.0%) | 32(0.9%) |
| Total | 234(100%) | 1074(100%) | 1308(100%) | 2124(100%) | 3432(100%) |

Transport was the second-highest policy area for men, and it was also a significant one for women. The high priority given to transport reflects the seriousness of Tanzania's transport problems and the degree of their importance at the constituency level. Most rural areas have no proper roads and become difficult to access during rainy seasons. MPs were eager to ask the government for official statements on the commencement and completion of paved roads from Kidatu - Ifakara and Ifakara – Mlimba and Kilombero river bridge construction linking Kilombero, Malinyi, Ulanga Districts[155] and Kigongo Busisi bridge.[156] Additionally there was a request for information on when the road from Tarime to Serengeti was to be built, given its importance for the residents of these districts.[157] Over the four years on average, women MPs most frequently raised policy issues related to education (12.3%) and health

[155] Session 2 sitting 2 question no.22–27 January 2016.
[156] Session 9 sitting 9 question no.118–17 November 2017.
[157] Session 7 sitting 1 question no.07–4th April 2017.

(10.2%) (see Table 58). This is in line with what has been seen as traditional women's interests issues. Both issues are only marginally more significant than energy and mineral for women MPs in total, but they are of more importance to reserved seat MPs.

In Tanzania, the individual-level performance data shows that women MPs have asked more questions than male MPs (see Table 59). This situation is more pronounced in the second parliament of 2016/2017. While women in constituency seats maintained a higher level of activity than men in the second parliament, women's profiles in reserved seats became more similar to that of men. This may be a reflection of the fact that a larger proportion of women in reserved seats were given cabinet posts in this parliament and, therefore, were not in a position to ask questions in the parliament. Women MPs, especially from constituency seats, are working harder by asking more questions to establish their position. The reason behind this could be that retaining a constituency seat is very competitive and MPs need to represent the needs of their constituents to do so.

*Table 59: Tanzania Policy Issues by Number and Average Ratio in 2011, 2012 and 2016, 2017*

| **Legislator by gender and categories** | | **Policy area** | | **Average ratio**[158] | |
|---|---|---|---|---|---|
| | | **2011/2012** | **2016/2017** | **2011/2012** | **2015/2016** |
| Men | | 1125 | 999 | 4.67 | 4.02 |
| Women | Constituency seat | 111 | 123 | 5.29 | 4.92 |
| | Reserved seat | 564 | 510 | 5.27 | 4.36 |
| Grand total | | 1800 | 1632 | 5.07 | 4.43 |

Unlike parliamentary questions, in Tanzania sponsoring bills in parliament is a leadership task, primarily undertaken by cabinet ministers but also by the prime minister and attorney general. A total of 30 bills were proposed in 2016/2017. Cabinet ministers sponsored 76.7% (23/30) of the bills.[159] Prime ministers sponsored two bills, and the attorney general sponsored 23.3% (7/30) of the bills. Since men hold more leadership positions, they have sponsored most bills at 90% (27/30). The only three bills in 2016/2017 sponsored by women were introduced by reserved seat MP the

[158] The average ratio is calculated by taking the total number of questions asked divided by the number of MP in each category in 2011/2012 and 2015/2016: men 4.67 (1125/241),4.02(999/248; female from constituency seat 5.29(111/21), 4.92(123/25), female nominated/reserved seat MP 5.27(564/107), 4.36(510/117) and total parliament average ratio 3432/682=5.03.

[159] The figure is calculated by taking the total number of bills asked by cabinet minister 23 divided by the total number of bill 30. Therefore 23/30=76.7%.

Minister for Health, Community Development, Gender, Elderly and Children. None of these bills had a significant gender component.

In Tanzania, supplementary acts and subsidiary legislation acts are also introduced by those in leadership roles: the prime minister, cabinet minister, and attorney general. In this period, there were a total of 50 Acts. Cabinet ministers sponsored 29 of the 50 (58%) Acts, and two were sponsored by the prime minister while the Attorney General sponsored eleven (22%). Women ministers represented only three subsidiary legislations--Jenista Mhagama (a constituency seat MP) introduced two acts, and Angellah Kairuki (a reserved seat MP) introduced one (see Table 60). These bills did not deal directly with women's interest issues.

*Table 60: Women Subsidiary Legislation Acts in Tanzania 2016*

| **Sponsor** | **Seat** | **Ministry or other government position** | **Bills** | **Date** |
|---|---|---|---|---|
| Angellah Kairuki | Special seat | President's Office (Public Service Management and Good Governance) | The Public Service (Tanzania Foreign Service ) Regulations 2016 | 24/09/2016 |
| Jenista Mhagama | Constituency | Prime Minister's Office (Policy, Parliamentary Affairs, Labor, Youth, Employment, Persons with Disability) | Occupational Safety and Health (Notification of Occupational Diseases, Injuries and Dangerous Occurrences) Rules 2016 | 16/09/2016 |
| Jenista Mhagama | Constituency | Prime Minister's Office (Policy, Parliamentary Affairs, Labor, Youth, Employment, Persons with Disability) | The Workers, Compensation Regulations 2016 | 24/04/2016 |
| Nasama Massinda | – | Chief Executive Officer of the Capital Markets and Securities Authority | The Commodity Exchanges Regulations 2016 | 20/04/2016 |

Subsidiary legislation is sponsored by individuals who are not MPs and who represent institutions outside the parliament. In this category, 20% (10/50) of acts were introduced by the leaders of various governmental bodies. Of these, only one female, Nassama Massinda, the Chief Executive Officer of the Capital Markets & Securities Authority, presented the 2016 Commodity Exchanges Regulations Act. Men such as the Chairman of the Engineers registration board in Tanzania and company directors, including of the Electricity Board and the Water and Sanitation Services Board, introduced the remaining acts. This finding emphasised that the low number of women in top leadership positions in these governmental bodies also affects the volume of women's contribution to parliament.

In this parliament, policy issues reflecting women's interest were only raised in the MPs parliamentary questions. This will be discussed under women's interest policy issues in the following section.

## 7.5 Types of Women's Interest's Policy Issues in Tanzania

The number of questions that relate directly to women's interests is very small. For the years reviewed, they amount to only 160 out of 3432, which is 4.6%. It is a more significant engagement with women's interests than in the Kenyan parliament. This could be a result of the different parliamentary procedures and the continued use of questions in the Tanzanian parliament that gives a voice to backbench MPs. In terms of policy reflecting women's interests, women from reserved seats on average have raised issues with women's interests more frequently than constituency seat men and women MPs in both the 2010 and the 2015 parliaments (see Table 61). The number of policy issues raised has had to remain almost the same between the parliaments, with a small increase from 72 in 2011/2012 to 88 in 2016/2017. The very low number of questions related to women's issues asked by women in constituency seats can be explained both by the small number of constituency women MPs and the fact that a significant proportion of them are cabinet ministers. The difference between reserved seat MPs and male MPs is very marked as, although women in reserved seats were only 30% of the parliament, they have asked 75% of all questions related to women's interests. This could be evidence to support the view that women are more likely to promote women's interests because of their life experiences (Staudt 2014; Phillip 1998).

*Table 61: Comparative Finding of Questions with Women's Interests by Number and Average Ration in Tanzania*

| **Legislator by gender and category** | | **The total number of question** | | **Average ratio**[160] | |
|---|---|---|---|---|---|
| | | **2011/12** | **2016/17** | **20111/12** | **2016/17** |
| Male | | 18 | 19 | 0.09 | 0.08 |
| Women | Constituency | 1 | 2 | 0.06 | 0.09 |
| | Appointed/Reserved | 53 | 67 | 0.52 | 0.61 |
| Grand total | | 72 | 88 | 0.23 | 0.25 |

[160] The average ratio is calculated by taking the total number of questions asked divided by the number of MP in each category: men 18/202=0.08,19/223=0.08; female from constituency seat 1/15=0.06, 2/21=0.09 and reserved seat 53/102=0.52, 69/113=0.61.

Across all categories of MPs, the most significant strategic gender interest was related to finance and trade. In terms of practical gender needs, health issues were dominant in both parliaments and became increasingly dominant over time. For women, questions on health made up half of all the questions asked that addressed practical gender needs. For men, it was even more dominant and in terms of practical gender needs, only one question was asked that was not related to health (see Table 62).

*Table 62: Women's Interests Policy Issues in Tanzania 2011, 2012 and 2016, 2017*

| Policy Area | Female MPs | | Male MPs | |
|---|---|---|---|---|
| ***Strategic Gender Interests*** | 2011/2012 | 2016/2017 | 2011/2012 | 2016/2017 |
| Banking-loan/fund/ business/finance/trade /market | 12(22.2%) | 21(30.4%) | 6(33.3%) | 4(21.1%) |
| Gender based violence | 8(14.8%) | 12(17.4%) | 2(11.1%) | 1(5.3%) |
| Gender equality/representation | 10(18.5%) | 2(2.9%) | 1(5.6%) | 1(5.3%) |
| Education at all levels | 3(5.6%) | 2(2.9%) | 1(5.6%) | 1(5.3%) |
| Human right/constitution | 1(1.9%) | 5(7.2%) | 2(11.1%) | 1(5.3%) |
| Women NGOs and state relations | 1(1.9%) | 1(1.4%) | – | – |
| Security | 4(7.4%) | – | – | – |
| | 39 | 43 | 12 | 8 |
| ***Practical Gender Interests*** | | | | |
| Health | 8(14.8%) | 23(33.3%) | 5(27.8%) | 10 (52.6%) |
| Disaster management, state development and social welfare | 2(3.7%) | – | 1(5.6%) | 1(5.3%) |
| Transportation | 2(3.7%) | 2(2.9%) | – | – |
| Water | 2(3.7%) | 1(1.4%) | – | – |
| Agriculture/ food security | 1(1.9%) | – | – | – |
| Total | 54 | 69(100%) | 18 (100%) | 19 |

### *7.5.1 Women's Interests on Income Generating Activities and Health*

Although this is a big difference in the number of questions asked on finance and trade in terms of the content of the questions, there was a broad similarity between women and men MPs. These questions raised policy issues that dealt with obtaining funding through various means and improving working conditions. Men MPs have requested that the government ensure the provision of loan[161]/fund;[162] lower tax[163] rates to assist women in business development; and to open more

[161] Session 4, question no.223–13 July 2011; Session 5, question no.42–11 November 2011; Session 3, sitting 17, question no.140–1 May 2016; Session 5, sitting 1, question no.3–1 November 2016.
[162] Session 8, sitting 43– 9 August 2012; session 9, question no.21–31 October 2012.
[163] Session 7, sitting 50, question no.408 – 19 June 2017.

women's bank branches to assist women's economic advancement.[164] The other questions include a request for the government to build a working area for women engaged in small businesses in public spaces to avoid inconveniences arising from being asked to move by state authorities.[165] Similarly, women MPs also have asked about various policy issues on the opening of more women bank branches to provide loans to women.[166] On the question of the provision of loans for women, women MPs have argued for the need for minimum interest rates to be provided for women, in particular in rural areas.[167] They have also requested that training be given to women along with ensuring the availability of markets for agricultural products in various areas.[168] Constant police harassment of women small traders selling food on the street 'mama ntilie' was raised,[169] along with the assertion that the government needed to build working venues for these women.[170] Significantly, it was women that raised the issue of increasing the budget 2011/2012 for the Ministry of Community, Gender and Children to allow the ministry to perform its duties effectively.[171]

In Tanzania, this issue of income-generating activities for women was the first item on the ministry's website for Health, Community Development, Gender, Elders and Children, described as the main tool to boost women's economic empowerment and poverty eradication.[172] In Tanzania, women are comparatively poorer than men—about 60% live in absolute poverty (ibid.). This makes income generation for women a key policy objective and an important issue for women

[164] Session 4, question no.113–4 June 2011; session 8, sitting 9, question no.113–15 September 2017; session 6, sitting 4, question no.47–3 February 2017.
[165] Session 4, question no.487–25 August 2011.
[166] Session 5, sitting 6, question no.63–07 November 2016, Session 4, question no. 60–16 June 2011; Session 3, sitting 13, question no.105–5 May 2016.
[167] Session 2, question no.3– 8 February 2011; Session 3, sitting 47, question no.408–8 June 2016; Session 3, sitting 45, question no.388–7 June 2016; session 8, question no.179–1 July 2012; Session 2, sitting 3, question no.37–28 January 2016; Session 7, question no.56–16 April 2012; Session 7, question no. 111–20 April 2012; Session 4, sitting 44, 11 August 2012; session 8, question no.31–18 June 2012; Session 3, sitting 24, question no.203– 20 May 2016; Session 5, sitting23, question no.21–2 November 2016; Session 8, question no.342–7 August 2012; Session 8, question no.379–14 August 2012; Session 3, sitting 36, question no.293–3 June 2016.; session 7, sitting 15, question no.121– 02 May 2017; session 7, sitting 33, question no.272–24 May 2017; session 7, sitting 52, question no.428–21 June 2017; session 9, sitting 7, question no.84–15 November 2017.
[168] Session 4, question no.188–6 July 2011; Session 2, sitting 2, question no.23–27 January 2016; Session 4, sitting 5, question no.72–14 September 2016.
[169] Session 4, sitting 3, question no.32–8 September 2016.
[170] Session 5, question no.41–11 November 2011; Session 3, sitting 35, question no.284–2 June 2016; Session 3, sitting 54, question no.462–30 June 2016.
[171] Session 4, question no. 54–15 June 2011.
[172] http://www.mcdgc.go.tz/index.php/issues/category/gender/.

voters. Therefore, the focus that women in constituency seats have given this issue reflects Tanzanian women's interests as a whole. It is also one of the key objectives of the government policy discussed in Chapter 3. These issues are identified in the Tanzania National Gender Development (NSGD) 2005 plan article 6 (page11) under Economic Empowerment. It is also covered under a similar heading on Tanzania CEDAW 2016 report, the Economic Empowerment of Women (page 10). In Tanzania, women's interests are mostly represented by women. Income-generating activities are a dominant issue that could be categorised as both a strategic and practical gender need. It has been identified as a strategy to boost women economically. It is also an issue that received donor funds and is supervised by the Ministry of Health, Community Development, Gender, Elderly and Children.

After finance and trade, the second largest number of questions was on the practical gender issue of health policy. The policy issues articulated include aspects on transport, availability of delivery wards, medications, qualified personal and treatment of diseases. In this case, men and women MPs differ in some of the issues they concentrated on. In terms of similarity, for example, male MPs requested the provision of fuel and means of transport such as ambulance car or a boat for lake Tanganyika to assist people in critical condition, especially women during delivery,[173] and they raised requests for a new/repair hospital and expansion/construction of new maternity delivery wards especially in rural areas.[174]

Similarly, female MPs' questions included the building/repairing of hospital delivery units and establishing a premature babies centre to reduce maternal death rates and infant mortality. Additionally, it included questions on the general improvement of the provision of pregnant women's services[175] and the request for government strategies to support pregnant women

[173] Session 5, question no.69–15 November 2011; Session 7, question no.75–17 April 2012; Session 3, sitting 5, question no.41–25 April 2016; session 7, sitting 22, question no.187–11 November 2017.
[174] Session 3, sitting 46, question no.390–20 June 2016; session 5, sitting 9, question no.94–10 November 2016; session 3, sitting 35, question no.120–09 May 2016; session 8, sitting 6, question no.67–12 September 2017; session 7, sitting 22, question no.187–11 November 2017. session 8, sitting 9, question no.97–09 February 2017.
[175] Session 3, question no. 2–5 April 2011: Session 9, question no.106–9 November 2012; Session 2, sitting 8, question no.96– 04 February 2016; session 3, sitting 17, question no.141–11 May 2016; session 3, sitting 46, question no.390–20 June 2016; session 3, sitting 46, question no.398 -20 June 2016; session 5, sitting 3, question no.38–3 June 2016; session 6, sitting 1, question no.03–31 January 2017; session 9, sitting 6, question no.70–14 November 2017; session 8, sitting 7, question no.84–13 September 201; session 8, sitting 3, question no.30–7 September 2017; session 7, sitting 21, question no.175–10 May 2017; session 6, sitting 1, question no.03–31

attending hospitals, particularly from rural areas where these services are most likely unavailable.[176] This range of issues is covered by CEDAW 2016 Tanzania report dealing with rural women and indigenous women that discusses the difficulties rural women have getting access to health services.

One of the differences between men and women MPs reflects the different health needs of men and women, with male MPs looking for government action to treat men with prostate cancer and male impotence in Tanzania. Men also requested the government to provide DNA machines in hospitals to prove paternity. This issue was also raised in relation to the government's controversial ban on pregnant girls attending school (Human Rights Watch 2019).[177] Women MPs have asked the government to train more women doctors as some women prefer female doctors at childbirth. [178] This has both strategic and practical aspects to it. The request for more training for women is strategic, but the goal of increasing women's comfort is practical. Women have asked for more resources to treat uterine fibroids, cervical obstetric fistula, cancer, and infertility issues,[179] and for increased government funding to research cervical cancer diagnoses and other women related diseases.[180] The CEDAW 2016 Report also highlights vesicovaginal fistula, a complication related to poor health care in rural areas in Tanzania. Another issue was the need for better toilet facilities on the Mzumbe University campus,[181] also mentioned in the CEDAW 2016 report, which describes poor infrastructure—including lack of toilet facilities—as a barrier to girls' access to high-quality education. Women MPs have also raised a number of other issues only of interest to women, such as requests for the removal of tax on sanitary towels.[182] The availability of adequate sanitary towels is again mentioned in the CEDAW 2016 report.

January 2017; session 7, sitting 31, question no.252–22 May 2017; session 7, sitting 54, question no.443–23 June 2017.

[176] Session 5, sitting 6, question no.64–07 November 2016.

[177] Africa: Pregnant Girls, Young Mothers Denied School Education, Humanitarian Plans Should Include All Students. Available at: https://www.hrw.org/news/2019/06/16/africa-pregnant-girls-young-mothers-denied-school.

[178] Session 3, sitting 15, question no.121–9 May 2016; Session 2, sitting 4, question no.40–29 January 2016.

[179] Session 3, question no.93–14 April 2011; Session 3, sitting 43, question no.371–15 June 2016; session 3, sitting 12, question no.100–04 May 2016.

[180] Session 4, question no.265-19 July 2011; Session 3, question no.104–15 April 2011.

[181] Session 7, sitting 45, question no.372–12 June 2017.

[182] Session 8, sitting 7, question no.85–13 September 2017.

Most questions raised on health are identified in the 2005 Tanzania Gender Development Plan article number 13, although wherever it mentions health, it also mentions HIV/AIDs. This is a reflection of the era where the rate of HIV/AIDs was relatively high. The 2016 CEDAW report, however, deals with a range of issues such as teenage pregnancy; limited access to contraceptives, especially in rural areas; high prevalence of HIV/AIDS; and stereotypes and harmful practices including attacks on albinos and FGM. These questions related to these issues were all raised by reserved seat MPs, who also asked about the types of drugs used to slow down the HIV/AIDs virus.[183] In Tanzania, especially in the lake regions, violence against albinos is common. It is fuelled by a superstitious belief in the healing powers of albino body parts and served by those who capitalise on that greed and supply the demand by attacking and killing albinos, especially the young. The question has been asked in parliament about what the government is doing to tackle these practices.[184] Similarly, a request was also made for the government to continue actions against the genital mutilation of girls.[185] Concerning teen pregnancy, questions were asked on Tanzania's efforts to reach the millennium development goal of educating girls, given that teenage pregnancy is one of the main reasons for girls dropping out of education.[186] This trend has been reinforced by a highly contested government ban on pregnant girls attending school, so questions have been raised on the government's policy on allowing female students to attend school after birth.[187] It has also been asked what the government is doing about tackling the issue of why teenage girls are becoming pregnant and what they are doing to provide family planning education in schools.[188] Women MPs have also raised questions that call for reform of inheritance laws that discriminate against women and negate their capacity to own land.[189] It should be noted that reserved seat MPs raised all these questions.

It is notable that women MPs have asked twice as many strategic focus questions than practical gender focused ones—82 compared to 41. Over the two parliaments, men asked marginally more questions with a strategic focus (20) only marginally more than they asked questions with a practical focus. The dominance of practical gender needs to be increased in the second parliament.

[183] Session 2, question no.25–9 February 2011.
[184] Session 7, question no.22–11 April 2012.
[185]Session 4, question no.160–1 July 2012.
[186] Session 7, question no.115–20 April 2012.
[187] Session 9, question no.86–7 November 2012.
[188] Session 4, question no.63–16 June 2011.
[189] Session 4, question no.105–22 June 2011; session 8, question no.115–2 July 2012.

It is noticeable that women have had a stronger focus than men on gender-based violence--20 questions raised by women compared to three by men. Also, it is women MPs that have strongly raised issues of gender equality and representation. Although they asked only 12 questions on gender-equality-related issues, much less than their 33 questions related to finance, they asked six times as many such questions as men, who only asked two.

There is only one policy area that was not mentioned by MPs but is included in the Tanzania CEDAW report 2016: the trafficking of women and girls. It must be noted that Tanzania had already passed the Anti-Trafficking in Person Act of 2008 and has also passed the National Anti-Trafficking in Person Action Plan (2013-2017). In Tanzania, three questions did not come up in parliament but are part of the National Strategy for Gender Development 2005---the use of appropriate technology, gender mainstreaming, and gender/sex disaggregation of data. Tanzanian women's organisations, especially the Tanzania Gender Networking Program (TGNP), have dealt with gender mainstreaming and the sex segregation of data since their establishment. Their publication, 'Why gender-sensitive budgets will keep girls in schools', is an example.[190] As highlighted in Chapter I, it is not only women in parliament who has to represent women; there are also other actors involved in pushing for a women's agenda to be realised (Saward 2010). Issues from the strategic plan not raised in the parliament are part of an external donor agenda not relevant to ordinary people, especially for people from rural areas where the majority population lives. It is perhaps not surprising, therefore, that MPs do not raise these issues.

## 7.6 Conclusion

Reserved seats and constituency seats women have the same ability to participate in policy advancement in parliament. In Kenya, this is particularly evident in the capabilities of the ordinary MPs to raise policy areas in terms of parliamentary questions and petitions. In 2008 Kenyan women contributed to the parliament by raising more policy issues at this level, on average as frequently as men, with women constituency MPs contributing more frequently. In Tanzania, MPs' use of parliamentary questions has remained a way in which they raise issues. In fact, women from

[190] Why gender sensitive budgets will keep girls in schools. Available at: https://tgnp.org/2017/09/29/why-gender-sensitive-budgets-will-keep-girls-in-schools/.

constituency seats are the strongest group in Tanzania because they have asked more questions on average than any other type of MP.

The situation is turned around when it comes to bills, acts and motions since the leaders are constitutionally given a major role in shaping the country's laws in Kenya and Tanzania. Women's engagement in a leadership position has been limited and, as we saw in Chapter 4, they have not been elected as leaders in political parties. Not only that, unlike men they were also denied other leadership positions, including the cabinet, speaker of parliament and attorney general. The constitution gives these leaders an automatic position as the chair of parliamentary committees. No change has occurred between the 2010 and 2015 elections in Tanzania, yet the ministers, speaker, and attorney general are more involved in policy-making. In the case of Kenya, since the 2010 constitution, ministers are no longer members of parliament. This has given the political party leaders a powerful role in influencing policy discussions in the Kenyan parliament. In this way, the fact that women do not hold leadership positions prevents them from significantly influencing the policies passed in the parliament of Kenya and Tanzania.

In the general policy areas in Kenya, security has been ranked as the highest policy priority. This is due to the unequal distribution of land and resources and the related problems which have resulted in violence, especially during elections. In the case of Tanzania, it is a question of mineral resources due to the recent discovery of mineral deposits in many parts of the country. Transport is also an issue as most rural roads are inaccessible, lacking in pavements and bridges.

On policies with women's interests, Kenya has paid particular attention to the strategic gender needs of implementing the two-third gender rule enshrined in the 2010 constitution, and to gender-based violence. The two issues have been promoted as a result of donor funding. In Tanzania, income-generating activities have been given priority due to the high level of poverty that has plagued women; this is a practical gender need dealing with women's daily income. As discussed in Chapter 1, women's interests have continued to change and evolve, and context is critical in understanding the relevance of MPs' prioritisation of certain policies in parliament. In these parliaments, many of the questions are being guided by the national gender plan and the CEDAW reports, which have raised the key issues on the challenges women face. These reports are compiled by experts who, as we saw in chapter 3, are more feminists and therefore dealing with

strategic gender issues compared to the policy priorities of MPs who are mostly dealing with practical issues that women face daily.

In terms of representation of women's interests regardless of the type of seat they occupy, women are more likely to represent women's interests than men MPs. This is in line with the ideas embedded in the politics of the presence theory, which claims that women are more likely to represent women because of their shared experiences in life. In Kenya, elected women from constituency seats have advanced the most number of policies containing women's interests, while in Tanzania, it is women from the reserved seats. Tanzania has advanced more policies related to women's interests than the Kenyan parliament. This may be a result of the Tanzanian parliamentary system that gives the ordinary MP more opportunity to participate via parliamentary questions unlike Kenya, where the parliamentary question system was not used in the 2013 parliament. Nevertheless, the 2010 Kenya constitution has given political party leaders greater power to influence policy, especially the majority party whip and majority political party leader positions that women do not have. It is also true that in raising questions with a women's issue, the focus of male MPs in Tanzania was more likely to be narrow constituency or personalised issues.

There is generally a low number of policies with women's interests raised in both parliaments. This is attributed to the fact that MPs advancing policies, including women MPs in parliament, are not only there to represent their fellow women but also to represent all the people, including men in their constituencies. As we saw in Chapter 1, women have a democratic right to represent society as a whole. In agreement with Chapter 1, pessimists claim, which has identified as a theoretical problem if elected women are considered only be effective if they work on women's interest policies only. To understand the role of women MPs, it is necessary to have a broader view that looks at the actions and form of representation that women MPs engaged in beyond women's policy interests. Also, there is the impact of how women's interests change over time. From the 1970s to the early years of the 21st century, there was a high awareness of gender issues. Many policies were adopted that enhanced women's equality, welfare and empowerment, including in Kenya and Tanzania. The same pressure to enact new legislation does not exist today that did in the past, but there is a realisation of the need to implement existing laws effectively. Many of the questions raised with a positive women's issues focus mostly call for either amendment to existing policies or for their implementation to meet women's current demands.

# Thesis Conclusion

The main objective of this thesis is to examine the impact of implementing reserved seat gender quotas in African states on the status of women MPs, using the comparative case study of Kenya and Tanzania. This conclusion discusses the theoretical and empirical findings of the thesis and the contribution of the thesis to the understanding of the impact of implementing reserved seat quota in parliaments.

This study demonstrates that the perceived low status of reserved seat women MPs is not related primarily to their personal characteristics or professional experience. In both states, on average, women from reserved seat MPs as a group are younger, have a lower standard of education and have less political experience than men or women constituency MPs. However, in both states, notwithstanding the difference on average between the three categories of MPs (that is, women selected through the reserved seat and constituency women and men elected MPs), women MPs provide a potential pool of candidates for leadership positions with comparatively high levels of education and experience. This study agrees with the literature that emphasises the importance of MPs qualifications, including women being qualified enough to be elected and accomplish their responsibilities while in office. According to the literature, education is an "especially powerful predictor of political participation" of both women and men, with high levels of participation among the more educated groups (Burns et al. 2001: 286). It is also true in both states that these differences have reduced over time and that it is women in constituency seats that are a more distinct group, being on average older, better educated and with more political experience.

In both states, there are enough women in the pool with strong qualifications to enable them to participate and be elected to lead in decision-making institutions, but they are not elected like men. This agrees with the literature, which shows that women are not given leadership positions because of the negative traditional and cultural norms that are rooted in decision-making institutions (FIDA-Kenya 2013; Nzomo 1997; Ponge 2013). Contributing to it is the media in Kenya and Tanzania, which continues to portray women negatively by not posting messages with a gender-neutral language, which discourages women in the elections processes (Omtatah (2008). Likewise,

cultural norms also lead political parties to elect more men than women, believing that “men are more likely to capture the seat than a woman, and therefore they prefer men candidates” (Andela et al. 2009:27). As is the case of Kenyan and Tanzanian parliaments, therefore, reserved seat gender quotas have not resulted in the election of a less qualified group of women MPs. Therefore, any differences in the way women MPs are treated are not directly based on their personal characteristics. However, in Tanzania, women elected through the constituency seats have stronger personal characteristics than the other categories of MPs; they are the oldest, better educated and have the longest political experience. In African country contexts, such as Kenya and Tanzania, an older person is associated with more experience gained through life and is given more respect and trust in society than a younger person. Women from constituency seats had been members of a political party longer than any other MPs, and this political experience would be an advantage in being selected for constituency seats. This is reflected in African countries where there is a significant special emphasis is placed on education and the status it provides to an individual (Meena et al. 2015; Shalala 2016). In this study, the experience of women in political parties combined with their seniority has been seen to enable women to succeed in being elected in the constituency seats as they have the trust of the party as well as of the voters.

The main distinction between women who are elected through the reserved seat gender quotas and those who are elected through constituency seats lies in how they are elected. The constituency elections seem to be more legitimate in the eyes of the public than the selection of reserved seat positions. This results in the reserved seat having a lower status in the public's eyes due to the way they are elected through a separate system, with an unclear role. In Kenya, reserved seat MPs are elected from 47 counties by a general vote and are considered to represent 'women's interests.' In Tanzania, candidates for reserved seat MPs are selected through internal political party processes, either through a political party’s women's branch or they are hand-picked by political party executives. In both cases, in the eyes of voters, the procedures are not seen to be as valid, and therefore the reserved seat MPs are not seen as having the same status as the constituency MPs.

Another significant difference between reserved seat MPs and other MPs, both male and female, is that women elected through reserved seat gender quotas are not given the same rights, including the same level of financial support as constituency MPs. The difference in funding is very significant and thus limits their ability to work in their constituency. The majority of the world’s

poor are still women; this applies to Kenya and Tanzania. Therefore, lack of support prevents women from participating at the same level as men in political activities that require money, including campaigns during elections and in the development of their communities.

Also contributing to the marginal position of women in politics is the fact that in Kenya and Tanzania, women have not occupied leadership positions in political parties. Political parties have been identified as the primary gatekeepers for women's access to politics as it is from political parties that MPs are selected, and it is parties that veto the selection of candidates (Caul 1999; Donge and Liviga 1989; Lovenduski 2010; Ohmani and Lintari 2016; UNDP 2007). As both countries also have a single-seat constituency electoral system, this also meant that the number of women occupying constituency seats has remained very low as male political party leaderships tend to choose male candidates. The lack of women in leadership positions in political parties has been a significant factor in influencing women's level of engagement in parliamentary committees and other government leadership positions. The level of women in cabinet positions in Tanzania has always been below their proportional representation in parliament. This indicates that the relatively good number of women in parliament is not accurately reflecting their actual political status. In both states, but particularly in Kenya, MPs in political party leader's positions are automatically the leaders of important parliamentary committees and thus have a greater ability to engage and influence the number and types of policies enacted in parliament. That women are not occupying political party leadership positions, therefore, also undermines their ability to achieve leadership roles in policy-making processes of the parliament.

The thesis also considered the position of women in constituency seats and how their experience compared to male MPs on the one hand and to women in reserved seats on the other. In Kenya, the number of women elected to constituency seats before the introduction of quotas was very low, less than 5% up to 2002. There is no evidence that this small group of women had any political impact or played any significant leadership role. In spite of this, it is evident that in the case of Kenya, notwithstanding the relatively low status of the reserved seat MPs, the status of all women politicians has increased since the introduction of reserved seats. In Tanzania, the number of women elected through constituency seats has been below 10% since the introduction of the reserved seat gender quota in 1975. In both cases, but especially in Tanzania which has had

reserved seats for longer, the experience women gain in reserved seats has not been a 'stepping stone' to winning constituency seats, contrary to the optimistic view suggested by Yoon (2011).
A key difference between the states is that all Kenyan MPs have less political experience than those in Tanzania. This is explained by the nature of politics in Kenya, which has been very unstable since 2007 and is characterised by a large number of political parties that create strategic party coalitions shortly before elections. The legal framework in Kenya makes it very easy to form a party, resulting in a high number of parties often with short lifespans, that come and go with the elections. In Tanzania, strict rules govern the formation of a party, limiting the number of political parties that can be formed, and the main opposition parties in Tanzania remain very stable. Therefore, aspirant candidates are selected from parties that have been established for a long period, unlike in the case of Kenya, where many new parties have run in each election in recent years.

The analysis of the characteristics of MPs indicates that in both states, there are a pool of women MPs with solid personal experience and, therefore, the potential to engage effectively in parliament and hold leadership positions both in parliamentary committees and in a cabinet. Despite this, it has been observed that more men than women are selected for cabinet positions in both Kenya and Tanzania. In Kenya, 82.1% of the cabinet was male in 2008; this fell to 66.7% in 2013 and rose again to 72.7% in 2017. In Tanzania, the number of women in cabinet positions has consistently been lower than the number of women in parliament. In 2010 the number of women in the parliament was at 34.7%, whereas only 27.6% of full ministers were women, while in 2015, 36.2% of the parliament were women but only 22.2% were cabinet ministers. This is in spite of the high level of experience and education that many women MPs have.

In Kenya, ministers have not been members of parliament since the 2013 election, instead, the president appoints cabinet members who cannot be MPs. Following the 2013 election, women reached the constitutional requirement of 33.3% in the cabinet, and a survey of their characteristics indicates that they were highly qualified and experienced women. After the 2017 election, the proportion of women in the cabinet dropped to 27.3%. In both cases, this was higher than women's parliamentary representation, at 19.4% in 2013 and 21.7% in 2017. In Kenya, there is no doubt that many women qualify to be selected as cabinet ministers. However, the president has not chosen to increase the number of women, even to meet the constitutional one third gender rule.

Neither has the state implemented the constitutional requirement that the parliament should be at least a third woman, and the form of reserved seat quotas it has chosen can never reach this target. In Tanzania, the research also shows that women MPs from reserved seats are being selected for cabinet positions as well as women from constituency seats. However, a higher proportion of women from constituency seats are given these posts. Women in recent years are also being selected for leadership positions in the parliament that had previously only been held by men. An IPU study (2017) surveyed 1237 portfolios in 186 countries, demonstrating that women are most frequently selected for the following ten types of ministries from a list of 29 ministries: 'Environment Natural Resources Energy,' 'Social Affairs, 'Family, Children, Youth, Elderly, Disabled,' 'Women's Affairs, Gender Equality,' 'Education,' 'Culture,' 'Employment, Labour, Vocational Training,' 'Trade, Industry.' In both Kenya and Tanzania, women have also been appointed to more diverse ministries, including those considered high profile and traditionally masculine (Henig and Henig 2001; Reingold 2006; IPU 2017). For example, in Kenya, Raychelle Awour Omamo has been the minister of defence since 2013. In Tanzania, Dr Ashatu Kijaji is currently deputy minister for Finance, being selected for this position in the cabinet reshuffle in 2015. Women are expected to have less impact if they head ministries in 'soft' policy areas than if they are leaders, including in ministries, which are considered to be more important (Krook & O'Brien 2010). Women have also begun to occupy top positions in parliament as speakers. In Kenya 2013, the deputy speaker was a women constituency MP, Dr Joyce Laboso. In addition, in Tanzania, from 2010, the parliamentary speaker was a woman constituency MP, Anna Makinda, and in 2015 the deputy speaker Dr Tulia Akson was a nominated woman MP.

Chairing parliamentary committees is a significant role, and the number of women selected as chairpersons has been unstable in both states over the past two/three parliaments. In Kenya, as a result of reserved seat quotas, there had seen an improvement in the number of women committee chairpersons since 2008 when there were no women appointed to any leadership position. In 2012 in a reorganisation, 6.8% of committee chairs were women rising to 29.2% in 2013. The increase was also the result of a woman MP being selected as a deputy speaker, which meant a woman was the chairperson of the important liaison committee. In 2017, the proportion dropped back to 14.8%. In 2013 in Kenya, four out of seven women committee chairs were from reserved seats, and in 2017 it was two out of four. In Tanzania, in 2010, the proportion of committee chairs who were

women was at its highest, at 38.8%, and this was higher than the proportion of the parliament, where women were at 34.7%. As with women's access to cabinet positions, their share of committee chairs decreased to 16.7% after the 2015 election. While women from reserved seats were chairs of four of the seven committees, no reserved seat women were committee chairs in 2015. This is an illustration of the greater access to leadership roles that women constituency MPs have over reserved seat MPs in Tanzania and also the impact of the attitude of the leader of the ruling party.

This study has observed that male MPs have raised more policy proposals in the parliament than women. This is because the number of men in both parliaments is still so much higher than women. This is particularly true of Kenya from 2013, where men occupy most of the leadership positions, giving them more opportunities to speak and set policy priorities. In Kenya in 2008, MPs who were cabinet ministers dealt with the issue of sponsoring bills in the parliament. However, after adopting the 2010 constitution, political party leaders, parliamentary committee chairs, and the parliamentary speaker are the MPs that engage in this form of policy promotion, while ordinary MPs only have a very limited role. As women do not occupy these leadership roles, they are less visible in policy-making in the parliament. In Tanzania, unlike Kenya, government bills are sponsored by ministers, and as the majority of ministers are men, this gives men a greater chance to influence policy development and decision making in the parliament.

Despite the disadvantages women face in terms of their access to leadership positions in both Kenya and Tanzania, women MPs are very active parliamentarians in terms of raising parliamentary questions and petitions. Women constituency seat MPs are the most active, followed by reserved seat MPs and, lastly, male MPs. In Tanzania, where parliamentary questions are an important way that ordinary MPs question ministers and raise the issues of concern, constituency women have raised on average more questions than other categories of MPs. It might suggest they want to prove that they are capable of doing the same job as men, and also, it will help them build a reputation so they can be re-elected in the constituency seat or be appointed to leadership posts in the future. The study shows that women are very active in parliament in those aspects that are open to them. However, their lack of access to leadership positions (even in proportion to their representation in parliament) limits their capacity to be active in policy-making.

In the parliamentary terms covered by this research, very few policy issues were raised that could be considered to be with “women’s interests.” In terms of the general policy areas, the topics that women gave priority to were the same as male MPs. In Kenya, the policy priority for MPs was the issue of security and the related issue of problems associated with land ownership, which has been a root cause of violence in Kenya since independence. In the case of Tanzania, policies around mineral resources were the top policy priority for both men and women, following the discovery of minerals resources and their importance to the development of the Tanzanian economy. Although women in both states, on average, gave a slightly higher priority to issues such as health and education, what is more noticeable is that men and women tended to give a similar priority to a range of policy areas.

In both states, there were only a very small number of women's issues raised in the parliament. More specific women's interest issues were raised in Tanzania compared to Kenya, primarily through the use of parliamentary questions, which after 2010 were not used in the Kenyan parliament. At an individual level, women MPs, regardless of the seats to which they were elected, have brought up significantly more women’s interest issues than men. This supports the idea of the politics of presence and the proposition that says that women will articulate women's issues more than men (Phillips 1995, 1998; Escober-Lemmon and Taylor-Robisnon 2016). As with the general policy areas, the "women's interests" policy focus emphasised the two countries' current concerns. For Kenya, the key issue was ensuring that all elective bodies follow the 2010 constitution and the one-third gender principle that it contained. In Tanzania, it was questions around income-generating activities, reflecting that Tanzania is a poorer state and one in which the government has continued to be active in economic development. This was also a policy area on which men raised issues. However, in Tanzania, it is on policy dealing with aspects of gender-based violence, gender equality and health that women raised significantly more questions than men, not just proportionally but also in terms of actual numbers (although the total numbers were small). The fact that so few policy issues with a women's interest dimension were discussed in the parliaments is a product of the era in which the parliaments took place. A high level of awareness of women's interests was generated by the UN decade for women 1975-1985 the Beijing conference, and the platform for action in 1995. As a result, many policies on women's rights were adopted in Kenya and Tanzania in the years that followed. It is also true that while there is a

demand for laws that exist be implemented, there is not the same pressure from women activists for a range of new laws. For example, the focus in Kenya on the use of quotas is due to the fact that the two-third-gender rule in the 2010 constitution has not been implemented. Although a bill has been before the parliament since 2013, it has failed to pass because of a lack of political will on the part of the government. In the past it has fallen because of the lack of a quorum in the parliament. What is more surprising is that not all women MPs attended to support this bill. This indicates that it is not only increasing the number of women in parliament to a critical mass that is important; it is also important to have women who are willing to be 'critical actors' to promote progressive change (Childs and Krook 2009; Dahlerup1988; Dahlerup's 2006b).

Whether politicians are selected in a constituency or reserved seats, women MPs believe they are in parliament to represent society as a whole, including women and men. It has been pointed out that there is a theoretical problem when women are only expected to speak about or on behalf of women in policy-making (Childs and Krook 2006). In addition, it is also necessary for women to be successful politicians and engage with what is important for the general public. It is therefore not surprising that they contributed to the discussion on the same range of policies as men. However, it is also true that women MPs are more likely than men to represent women's interests, supporting the politics of the presence theory that urge woman's presence in decision-making institutions in case their view may otherwise be overlooked (Phillips 1995, 1998).

The findings of this thesis contradict the optimistic view of the potential of a reserved seat. In both countries, it shows some resistance in changing the gendered nature of the public sphere towards the participation of women in decision-making institutions. There is evidence that traditional harmful norms still inhibit women from running and also from being elected in constituency seats. These attitudes are also supported by gender bias in the media coverage of election campaigns. Taking the case of Tanzania that has had reserved seats since 1985, the number of women in constituency seats has only grown slightly and is still very low, at 10% of constituency seats and 6% of the parliament. In Tanzania, women candidates were advised by political party leaders not to put their names forward for constituency seats, and they were promised that they would be given a reserved seat instead (Meena et al. 2015). This indicates that political parties are consciously keeping the number of women in constituency seats low. In this case, the existence of the reserved seat quota prevents women from being elected to the constituency seat. It creates what is termed a

‘glass ceiling effect’ that blocks a higher proportion of women’s representation that would allow them to form a critical mass in parliament and the government of the states of Kenya and Tanzania (Tamale 2004a).

On the balance, there is no doubt that the use of reserved seats has increased the representation of women in politics in an electoral system, where first past the post-single-seat constituencies make it more difficult to use other forms of quotas. In addition, the existence of a gender quotas system has increased the diversity of elected women. The presence of women in sufficient numbers at least equal to the internationally agreed critical mass of 30% enables women to participate in various activities. This includes parliamentary committees and also various leadership positions in committees and in cabinet ministries like in Tanzania, where the minister must still be a member of parliament first. The presence of women is also expected to act as a role model for young girls and as encouragement for other women who would like to participate in political and leadership activities at various levels in the state of Kenya and Tanzania. On the other hand, the introduction of quotas limits the effectiveness of women politicians by undermining the authority of women elected through the reserved seat who fail to perform their duties due to the lack of practical post-election rights that their constituency seat colleagues are constitutionally granted. Reserved seat MPs are not given a fund because they do not have a specific constituency and are therefore constrained in activities that they can carry out compared to other MPs who are given that fund for community development. Not only this, reserved seat MPs also face restrictions in their movement. For example, they need permission from the constituency MP to visit areas for community development activities (Mkilanya 2011). They are also not allowed to participate in some of the key committees that discuss various community development programs (ibid.). This lack of basic rights reduces the capacity of the reserved seat in the workplace, and that is why some scholars think that the gender quota system has created a ghetto for women within parliaments that inevitably reduces the status of women MPs (Krook 2008; Moulidi 2014; Schwindt-Bayer 2009). This research demonstrates that in the performance of parliamentary duties, women elected through reserved seats are not ghetto women, as they are just as active as other female and male MPs elected to constituency seats. The difference between the performance of women and men in the Kenyan and Tanzanian parliamentarians is that women in general (from the reserved seat and constituency seat) have not been able to hold as many influential positions in parliament as men.

As we have seen in Kenyan states, high-profile positions in parliament, including that of a majority political party leader, is occupied by a man who has a greater ability to push forward different agendas in parliament compared to ordinary MPs whose capacity is limited. Most of them are women.

A lesson that can be learnt from the experience of Kenya and Tanzania is that the way in which the quota system is designed has a significant impact on the comparative status of reserved seat MPs and probably also on public perceptions of their role. In both cases, there are problems with how women are elected. There is no clarity about their role, they receive comparatively low levels of financial support compared to other MPs, and there are restrictions on their political actions.

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# Appendix 1 Women MPs Motions in Kenya

| Proposer | Seat | Position | Notice of Motion | Date |
|---|---|---|---|---|
| Joyce Lay | Women representative | MP | National Council for Law reporting to progressively translate the laws of Kenya into Kiswahili | 11/2/2015 |
| Rachel Shebesh | Women representative | MP | report of Pan-African Parliament and the Annual Speakers' Conference (2014), and revised protocol to the Constitutive Act relating to the Pan-African Parliament | 12/2/2015 |
| Tiyah Galgalo | Women representative | Vice Chair-Labour & Social Welfare | Sessional Paper No. 4 of 2013 on the Employment Policy and Strategy for Kenya | 19/2/2015 |
| Sabina Chege | Women representative | Chair-Education, Research and Technology | The vetting of Nominees for Appointment to the Teachers Service Commission | 24/2/2015 |
| Susan Musyoka | Women representative | MP | The government immediately develops and implements a national curriculum for the training of all medical personnel in the Country on emergency medical care | 10/3/2015 |
| Tiyah Galgalo | Women representative | Vice Chair-Labour & Social Welfare | Sessional Paper No. 2 of 2013 on the National Industrial Training and Attachment Policy | 10/3/2015 |
| Tiyah Galgalo | Women representative | Vice Chair-Labour & Social Welfare | Sessional Paper No. 3 of 2013 on the National Productivity Policy | 10/3/2015 |
| Tiyah Galgalo | Women representative | Vice Chair-Labour & Social Welfare | Sessional Paper No. 2 of 2014 on the National Social Protection Policy | 10/3/2015 |
| Naomi Shaban | Constituency | Deputy Leader of the Majority Party | Provisions of Standing Order 28, this House adjourns until Tuesday, April 14, 2015, in accordance with the Calendar of the Assembly (Regular Sessions) | 02/04/2015 |
| Soipan Tuya | Women representative | Chair-Implementation | Report of the Select Committee on Implementation on status of implementation of House resolutions from May 2013 to February 2015 | 02/04/2015 |
| Priscilla Nyokabi | Women representative | Vice Chair-Justice & Legal Affairs | Petition for the removal of the Chairperson and the Vice-Chairperson of the Ethics and Anti-Corruption Commission (EACC) | 15/04/2015 |
| Priscilla Nyokabi | Women representative | Vice Chair-Justice & Legal Affairs | Petition for Removal of two Commissioners of the Ethics and Anti-Corruption Commission (EACC) | 21/04/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Senate Amendments to the Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No.31 of 2014) be now considered | 23/04/2015 |
| Florence Kajuju | Women representative | Chair-Regional Integration | Report of the Committee on Regional Integration on East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact | 29/4/2015 |
| Amina Abdalla | Nominated | Co-Chair-Mediation | Report of the Mediation Committee on the Environmental Management and Coordination (Amendment) Bill (National Assembly Bill No. 31 of 2014) | 26/5/2015 |
| Rachel Shebesh | Women representative | MP | The national and county governments must urgently commence negotiations to transfer levels 4 and 5 | 25/6/2015 |

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| | | | health facilities to the national government and develop a plan for progressive devolution of health services to County Governments | |
| Rose Nyamung | Women representative | MP | Government to establish both inland and coastal training institutions and processing plants with a view of building capacity for fishing communities to maximize their returns from the lucrative fishing sector | 01/7/2015 |
| Sunjeev K. Birdi | Nominated | MP | Government to establish Fire Disaster Management Centres in all slums countrywide | 01/7/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Sessional Paper No. 10 of 2014 on the National Environment Policy | 02/7/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Sessional Paper No.11 of 2014 on the National Education for Sustainable Development Policy | 02/7/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Sessional Paper No. 12 of 2014 on the National Wetlands and Conservation Management Policy | 02/7/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Sessional Paper No. 13 of 2014 on the Integrated Coastal Zone Management (ICZM) Policy | 02/7/2015 |
| Priscilla Nyokabi | Women representative | Vice Chair-Justice & Legal Affairs | Sessional Paper No. 8 of 2013 on the National Values and Principles of Governance | 02/7/2015 |
| Joyce Emanikor | Women representative | MP | Government establishes a comprehensive policy to guarantee career advancement, promotions and security of tenure for public servants and officers who undertake to refine their skills through further studies. | 26/8/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Report of the Departmental Committee on Environment and Natural Resources on the investigation into Wildlife Poaching in Kenya | 01/10/2015 |
| Gladys Wanga | Women representative | MP | scholarships to at least one (1) Medical Masters student per County to study oncology, and signing contractual agreements with them to serve in designated cancer treatment and management centre | 15/10/2015 |
| Naomi Shaban | Constituency | Deputy Leader of the Majority Party | provisions of Standing Order 28, this House adjourns until Tuesday, November 10, 2015 | 29/10/2015 |
| Naomi Shaban | Constituency | Deputy Leader of the Majority Party | provisions of Standing Order 30(3)(b), this House resolves to hold Sittings on Thursdays Mornings schedules | 11/11/2015 |
| Rosalinda Soipan | Women representative | Chair-Implementation | Report of the Select Committee on Implementation on the implementation status of House resolutions for the period April to November 2015 | 02/12/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Approves appointment of Mr Charles Sunkuli as the Principal Secretary, State Department for Environment and Dr Margaret Mwakima as the Principal Secretary, State Department for Natural Resources | 16/12/2015 |
| Rachel Nyamai | Constituency | Chair-Health | Approves the appointment of Dr Nicholas Muraguri as the Principal Secretary, State Department of Health | 16/12/2015 |

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| Sabina Chege | Women representative | Chair-Education, Research & Technology | Approves the appointment of Dr Dinah Jerotich Mwinzi as the Principal Secretary, State Department for Vocational and Technical Training | 16/12/2015 |
| Tiya Galgalo | Women representative | Vice Chair-Labour & Social Welfare | Vetting of Persons for Appointment as Principal Secretaries | 16/12/2015 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Senate amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014) | 23/2/2016 |
| Gladys Wanga | Women representative | MP | Scholarship for students to study oncology since more than 70% of all cancer deaths occurring in developing countries | 24/2/2016 |
| Rosalinda Tuya | Women representative | Chair-Implementation | Report on the Implementation status of House Resolutions for 2015 | 24/2/2016 |
| Florence Kajuju | Women representative | MP | Reduction of the publication period of the Judiciary Fund Bill (National Assembly Bill No. 3 of 2016) from 14 to 11 days | 01/3/2016 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Report on the inquiry into the alleged lead poisoning at the Owino – Uhuru village in Mikindani, Mombasa by Metal Refinery EPZ Ltd and Max industries | 02/3/2016 |
| Joyce Laboso | Constituency | Chair-Liaison (Deputy speaker) | Report on the Budget Policy Statement and the Debt Management Strategy for 2016/2017 and approves the budget ceilings | 03/3/2016 |
| Amina Abdalla | Nominated | Co-Chair-Mediation | Report of the mediation committee on the Mining Bill, 2014. | 08/3/2016 |
| Joyce Laboso | Constituency | Chair-Liaison (Deputy speaker) | Report on the First Supplementary Estimates for the Financial Year 2015/2016 | 19/4/2016 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Senate amendments to the Water Bill (National Assembly Bill No. 8 of 2014) | 05/5/2016 |
| Rose Nyamunga | Women representative | MP | Establishment of training institutions and fish processing plants | 09/6/2016 |
| Rachel Nyamai | Constituency | Chair-Health | Process of civil servants outpatient scheme | 14/6/2016 |
| Amina Abdalla | Nominated | Chair-Environment & Natural Resources | Report on the study visit to China regarding the bamboo sector undertaken from 5th to 12th September 2015. | 30/6/2016 |
| Amina Abdalla | Nominated | Chair-Mediation | Mediation on the Water Bill 2014 and approves of the Water Bill (National Assembly Bill No. 8) | 28/7/2016 |
| Joyce Emanikor | Women Representative | MP | Establishment of comprehensive employment policy for public servants | 02/8/2016 |
| Joyce Emanikor | Women Representative | MP | Establishment of policy on alcohol and drug abuse rehabilitation centres | 09/8/2016 |
| Priscilla Nyokabi | Women representative | MP | Senate Amendments to the Access to Information Bill (National Assembly No. 36 of 2015) | 11/8/2016 |
| Naomi Shaban | Constituency | Deputy Leader of the Majority Party | Establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC) | 18/8/2016 |
| Jessica Mbalu | Constituency | MP | Construction of standardized staffrooms/storage facilities for schools | 31/8/2016 |
| Priscilla Nyokabi | Women representative | Vice Chair-Justice and Legal Affairs | Vetting of the Nominee for appointment as the Deputy Chief Justice of the Republic of Kenya | 26/10/2016 |

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| Rachel Nyamai | Constituency | Chair-Health | Ratification of the Agreement between Kenya and USA concerning Co-operation in Threat Reduction Biological Engagement Programs | 22/11/2016 |
| Florence Kajuju | Women representative | Chair-Regional Integration | Ratification of the Nile Basin Cooperative Framework Agreement | 01/12/2016 |
| Florence Kajuju | Women representative | Chair-Regional Integration | Ratification of the East African Community Protocol on Privileges and Immunities | 01/12/2016 |
| Florence Kajuju | Women representative | Chair-Regional Integration | Ratification of the protocol to operationalize the extended jurisdiction of the East African Court of Justice | 01/12/2016 |

# Appendix 2 Women Legislator Petition in the 2015 and 2016 Parliament of Kenya

| Presenter | Seat and Position | Petitioner | Issues | Date |
|---|---|---|---|---|
| Susan Musyoka | Women representative Machakos County | Mr Raphael Kitivi | Reinstatement into the Public Service and payment of his dues | 17/03/ 2015 |
| Jessica Mbalu | Kibwezi East Constituency | Residents of Masongaleni, Kibwezi East Constituency | Dispute over land ownership - Plot No.280 Makueni/Masongale ni Settlement Scheme | 19/03/2015 |
| Sunjeev Birdi | Nominated - Nairobi | Kenya Long Distance Truck Drivers and Allied Workers Union | Alleged corrupt practices at weigh bridges in the country | 23/04/2015 |
| Jessica Mbalu | Kibwezi East Constituency | Parents, teachers, pupils and Stakeholders of Matangini Primary School in Kibwezi Constituency | Impending relocation of Matangini Primary to the sub-standard temporary structure | 29/04/ 2015 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Mr. Solomon Muriungi Mburung'a | Amendment of the Cancer Prevention and Control Act of 2012 | 30/07/2015 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Kaseko Ward Village Managers | Compensation for service rendered by the Village Managers | 06/08/2015 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Akorinu Students Association | Alleged discrimination of Students of Akorinu faith | 06/08/2015 |
| Beatrice Nyaga | Women representative Tharaka Nithi County | Residents of Tharaka Nithi County | Alleged nonreimbursement of cash bails by Marimanti Law Court | 27/08/ 2015 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Major (Rtd) Joel Rop | Proposed formula to address the One-Third Gender Representation | 27/08/ 2015 |
| Zuleikha Juma | Nominated- Kwale | Employers of the Kwale Sugarcane Company | Deployable working conditions at the Kwale Sugarcane Company | 27/08/ 2015 |
| Florence Kajuju | Women representative Meru County | Residents of Meru County | Insecurity in Meru County | 22/10/ 2015 |
| Zuleikha Juma | Nominated - Kwale | Kaya Burani and Lawaridi Women Groups | Mismanagement of women groups savings by the Kenya Women Finance Trust (KWFT) | 12/11/ 2015 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Kiboroa Squatters Alliance | Alleged evictions of Kiboroa Squatters from their land | 24/11/ 2015 |
| Florence Kajuju | Women representative Meru County | Residents of Kithoka, Nkunga and Tigania West Divisions | Increased cases of human-wildlife conflict in Meru County | 03/12/2015 |
| Jessica Mbalu | Kibwezi East Constituency | Residents of Kibwezi East Constituency | Relocation of Sub-County Headquarters to Kambu Town | 23/02/2016 |
| Grace Kipchoim | Baringo South Constituency | Residents of Mochongoi Settlement Scheme | Degazettement of Mochongoi Settlement Scheme | 24/02/2016 |
| Rachel Nyamai | Kitui South Constituency | Concerned residents of Kitui South Constituency | The state of Kitui- Kibwezi Roas (Class B7) | 17/03/2016 |

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|---|---|---|---|---|
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Ms Margaret Kiiru, Member of County Assembly of Nakuru | Alleged unlawful establishment of County/City Courts, County Inspectorate and Enforcement Units by various County Governments | 21/06/2016 |
| Esther Murugi | Nyeri Town Constituency | Residents of Blue Valley Estate, Nyeri | Removal and banning of the use of asbestos as a roofing material in Nyeri County | 19/07/2016 |
| Sarah Korere | Nominated - Laikipia | Residents of Laipikia North Sub-county | Human-wildlife conflict | 27/07/2016 |
| Sunjeev Birdi | Nominated - Nairobi | Concerned immigrants residing and working in Kenya | Delayed issuance of citizenship by registration to immigrants in Kenya | 02/08/2016 |
| Esther Gathogo | Ruiru Constituency | Mr Ephraim Kamuhu Wambugu | Unlawful interdiction of Mr. Ephraim Kamuhu Wambugu by the Teachers Service Commission | 16/08/2016 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Mr Rage Ismael Hussein | The proposed review of the Constitution | 24/08/2016 |
| Sabina Chege | Women Representative Murang'a County | Shareholders of Nanga Kihoto (Naivasha) Limited | Alleged attempted irregular transfer of land parcel belonging to Nanga Kihoto (Naivasha) Limited | 24/08/2016 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Mr Charles Atiang' Atyang' | Alleged Mismanagement of Chemilil Sugar Company | 25/08/2016 |
| Sunjeev Birdi | Nominated - Nairobi | Residents of Narok County | Alleged refusal by the China Road and Bridge Corporation to engage residents of Narok county in the construction of the Standard Gauge Railway (SGR) Project | 12/10/2016 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Mr Mwaura Kelvin Karuga and twenty two (22) other persons | Enactment of legislation on the enforceability of over the counter financial derivatives in Kenya by domesticating the Model Netting Bill | 19/10/2016 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Members of Nutritionists and Dieticians Association | Proposed amendments to the Nutritionist and Dietician Act, 2007 and violation of the Nutritionist and Dietician Act | 22/11/2016 |
| Sunjeev Birdi | Nominated - Nairobi | Family of the late Emily Chelangat | Alleged negligence by Our Lady of Mercy Secondary School management which led to the death of a student, namely Emily Chelangat | 23/11/2016 |
| Joyce Laboso | Sotik Constituency (Deputy Speaker) | Former employees of BIDCO Africa Limited | Alleged violation of labour laws by BIDCO Africa Limited | 24/11/2016 |

# Appendix 3 General Policy Areas in the Tanzanian Parliament 2011 and 2012

| Ministry | FC | FS | FT | M | TMF |
|---|---|---|---|---|---|
| Energy, Minerals, Environment, Natural Resources | 11(9.9%) | 55(9.8%) | 66(9.8%) | 162(14.4%) | 228(12.7%) |
| Transportation | 10(9.0%) | 38(6.7%) | 48(7.1%) | 152(13.5%) | 200(11.1%) |
| Security, Home Affairs, Defence, JWTZ, National Services | 6(5.4%) | 42(7.4%) | 48(7.1%) | 109(9.7%) | 157(8.7%) |
| Agriculture and Food Security | 15(13.5%) | 43(7.6%) | 58(8.6%) | 96(8.5%) | 154(8.6%) |
| Water and Irrigation | 14(12.6%) | 30(5.3%) | 44(6.5%) | 95(8.4%) | 139(7.7%) |
| Education | 12(10.8%) | 55(9.8%) | 67(9.9%) | 69(6.1%) | 136(7.6%) |
| Health | 11(9.9%) | 64(11.3%) | 75(11.1%) | 54(4.8%) | 129(7.2%) |
| Finance and Economy | 9(8.1%) | 44(7.8%) | 53(7.9%) | 76(6.8%) | 129(7.2%) |
| Industry, Business/Trade, Marketing | 4(3.6%) | 33(5.9%) | 37(5.5%) | 44(3.9%) | 81(4.5%) |
| Employment, Youth, Sports, Culture | 1(0.9%) | 34(6.0%) | 35(5.2%) | 39(3.55) | 74(4.1%) |
| Justice/ Constitution/ Human Rights | 3(2.7%) | 21(3.7%) | 24(3.6%) | 35(3.1%) | 59(3.3%) |
| Local Government | 3(2.7%) | 17(3.0%) | 20(3.0%) | 33(2.9%) | 53(2.9%) |
| Land/ Human Settlement (Housing) | 3(2.7%) | 13(2.3%) | 16(2.45) | 36(3.2%) | 52(2.9%) |
| Central Government | 3(2.7%) | 19(3.4%) | 22(3.3%) | 26(2.3%) | 48(2.7%) |
| Communication and Information | 3(2.7%) | 9(1.65) | 12(1.8%) | 33(2.9%) | 45(2.5%) |
| Livestock and Fisheries Development | 0(0.0%) | 12(2.1%) | 12(1.8%) | 29(2.6%) | 41(2.3%) |
| Foreign Affairs, East African Cooperation | 1(0.9%) | 13(2.3%) | 14(2.1%) | 18(1.6%) | 32(1.8%) |
| Parliamentary Affairs | 1(0.9%) | 9(1.6%) | 10(1.5%) | 13(1.2%) | 23(1.3%) |
| Women and Children | 1(0.9%) | 13(2.3%) | 14(2.1%) | 6(0.5%) | 20(1.1%) |
| Total | 111(100%) | 564(100%) | 675(100%) | 1125(100%) | 1800(100%) |

# Appendix 4 MPs General Policy Area in the Tanzanian Parliament 2016 and 2017

| Ministry | FC | FS | FT | M | TMF |
|---|---|---|---|---|---|
| Transportation | 14(11.4%) | 42(8.2%) | 56(8.8%) | 141(14.1%) | 197(12.1%) |
| Energy, Minerals, Environment, Natural Resources | 15(12.2%) | 45(8.8%) | 60(9.5%) | 133(13.3%) | 193(11.8%) |
| Water and Irrigation | 13(10.6%) | 39(7.6%) | 52(8.2%) | 127(12.7%) | 179(11.0%) |
| Health | 17(13.8%) | 77(15.1%) | 94(14.8%) | 83(8.3%) | 177(10.8%) |
| Security, home affairs, Defence, JWT, National Service, Police | 11(8.9%) | 47(9.2%) | 58(9.2%) | 93(9.3%) | 151(9.3%) |
| Education | 14(11.4%) | 44(8.6%) | 58(9.2%) | 46(4.6%) | 104(6.4%) |
| Finance and Economy | 4(3.3%) | 35(6.9%) | 39(6.2%) | 57(5.7%) | 96(5.9%) |
| Agriculture and Food Security | 8(6.5%) | 22(4.3%) | 30(4.7%) | 60(6.0%) | 90(5.5%) |
| Employment, Workers, Youth, Sports, Culture | 3(2.4%) | 31(6.1% | 34(5.4%) | 49(4.9%) | 83(5.1%) |
| Industry, Business, Trade, Marketing | 6(4.9%) | 28(5.5%) | 34(5.4%) | 39(3.9%) | 73(4.5%) |
| Land, Human Settlement, Housing | 3(2.4%) | 26(5.1%) | 29(4.6%) | 26(2.6%) | 55(3.4%) |
| Regional Development & Local Government | 2(1.6%) | 13(2.5%) | 15(2.4%) | 29(2.9%) | 44(2.7%) |
| Justice, Constitution, Human Rights | 1(0.8%) | 14(2.7%) | 15(2.4%) | 22(2.2%) | 37(2.3%) |
| Livestock and Fisheries Development | 5(4.1%) | 6(1.2%) | 11(1.7%) | 27(2.7%) | 38(2.3%) |
| Communication and Information | 1(0.8%) | 6(1.2%) | 7(1.1%) | 29(2.9%) | 36(2.2%) |
| Women, Children, Elderly, Disabled | 1(0.8%) | 26(5.1%) | 27(4.3%) | 4(0.4%) | 31(1.9%) |
| Central Government-Good Governance | 5(4.1%) | 2(0.4%) | 7(1.1%) | 13(1.3%) | 20(1.2%) |
| Foreign Affairs, East African Cooperation | 0(0.0%) | 6(1.2%) | 6(0.9%) | 13(1.3%) | 19(1.2%) |
| Forestry, Wildlife Development | 0(0.0%) | 1(0.2%) | 1(0.2%) | 8(0.8%) | 9(0.6%) |
| Total | 123(100%) | 510(100%) | 633(100%) | 999(100%) | 1632(100%) |

# Appendix 5 Women Interests in Kenya and Tanzania

**Women's Interests Kenya**

- Assault on the wife of Nigerian High Commissioner to Kenya–Point of order; Thursday 26th May 2011pm. (Gender-Based Violence–GBV)
- The number of Intimate-partner abuse cases–Question no. 963; Tuesday 31st May 2011. (GBV)
- The number of doctors to manage victims of sexual violence–Question no. 962; 27th July 2011. (Health/GBV–staff)
- The election bill article 27(3) on affirmative action measures not be construed as being discriminatory but as being recognised in the Kenyan constitution–Election bill discussion; Friday 26th August 2011am. (Gender equality–equal representation)
- The prohibition of female genital mutilation bills clause amendment–Bill discussion; Wednesday 07th September 2011pm. (GBV)
- Violation of constitution in the recruitment of assistant chief–Question no. 1450; Wednesday 16th May 2012pm. (Gender equality–equal representation)
- Mechanisms to comply with gender requirement in public service; Question no. 1362; Thursday 7th June 2012pm. (Gender equality–equal representation)
- Criteria used for the appointment of county commissioners–Question no.1682; Wednesday 05th September 2012pm. (Gender equality–equal representation)
- The proposed formula to address the representation of one third gender principle in Kenya–Petition no 122; Thursday 27th August 2015. (Gender Equality)
- The Mismanagement of the women's groups savings by the Kenya Women Finance Trust–Petition no 136; Thursday 12th November 2015. (Gender Equality)
- Female MP cast in a negative light–Personal statement; Thursday 21st April 2016pm. (GBV)
- Approval for the appointment of deputy chief justice–Motion; Thursday 27th October 2016pm. (Gender equality- equal representation)
- Appeal to male members to support the 'HEFORSHE' campaign–Communication from the chair; Tuesday 22nd November 2016pm. (Gender equality)
- The East African Community Prohibition of Female Genital Mutilation Bill 2016– Statements; Wednesday 26th October 2016pm. (GBV)

**Men's Interests Kenya**

- The non-arrest of police officer Muema Mutisya following the alleged assault on his estranged wife – Point of Order; Thursday 26th May 2011pm. (GBV)
- Shortage of maternity beds at Thika hospital–Question no. 884; Tuesday 26th July 2011pm. (Health- staff)
- The National gender and equality commission bill speaking to the abolition of discrimination concerning marriage, divorce, burial, inheritance, personal law amongst others, including the rights to participate in political and social life–Communication from the chair; Thursday 11st August 2011pm. (Gender equality)
- Lack of female cell at Yatta Police Station–Question no.867; Tuesday 01st November 2011pm. (Security)

- Level of girl-child enrolment in Marsabit/Isiolo counties–question no. 763; Wednesday 02nd November 2011am. (Girl child–education)
- Measures to protect and empower boy-child education–question no.1042; Wednesday 14th December 2011pm. (children affairs)
- Causes of husband battering in Nyeri County–question by private notice no.2; Thursday 01st March 2012pm. (GBV)
- The land registration bill clause 29 of the bill be amended from 'spousal rights over matrimonial property' to 'interests of spouses in actual occupation of the land of home, during and on termination of marriage–Communication from the chair; Wednesday 25th April 2012 pm. (GBV)
- Illegal detention of Ann Wanjikui Githai by SD. Al Anzee in Dubai–question by private notice, Thursday 31st May 2012. (GBV–Human trafficking)
- Repatriation of Ms Rosemary W. Nduati from Saudi Arabia–Question by Private Notice; Tuesday 18th September 2012. (GBV–Human Trafficking)
- Lack of delivery room at Kavuthu Health Centre–Question no.1338; Wednesday 13th June 2012pm. (Health–delivery room)
- The sexual offences act 2006 amendment–Communication from the chair; Wednesday 20th June 2012. (GBV)
- Two-third gender requirement in Mombasa–Communication from the chair; Thursday 16st August 2012pm (Gender equality–equal representation)
- The realisation of gender parity/equity in national assembly and senate–question no.1637; Wednesday 29th August 2012pm. (Gender equality-equal representation)
- Protection of Sumburu East Women Empowerment Forum from interference from the state–question by private notice; Tuesday 18th September 2012 pm. (NGOs and state relations)
- Provision of sanitary towels to primary schools–Question no.1658; Wednesday 26th September 2012pm. (Education-health)
- Disparities between girl-child and boy-child in Migori–question no.1751; Wednesday 26th September 2012am. (Gender equality–equal representation)
- The truth justice and reconciliation amendment bill on the issue where in1963/64 over 20 people were killed indiscriminately by security officers and rape of Samburu women has not been investigated–Point of order; Tuesday 20th November 2012pm (GBV)
- Commission of CHWA women group water project–Question no. 1853; 29th November 2012. (Water)
- Delayed disbursement of loans by Women enterprise development fund–question no. 1856; Wednesday 05th December 2012am. (Loan)
- A gender balance in the composition of the board of Kenya Maritime Authority–Question no.1860; Thursday 13th December 2012pm. (Gender equality–equal representation)
- The two-third gender rule laws the amendment bill 2015– Bill no.35; 30th April 2015. (Gender Equality)
- Waiver of taxes levied on raw materials used in the production of sanitary towels–Petition no.149; Wednesday 17th February 2016pm. (Education-health)
- Negative socio-economic impact of cattle rustling in Kenya, including defiled/rape victims in the Rift regions and other regions in Kenya–Motion no.50; 25th February 2016. (GBV)
- Establishment of lactation centres for women–Notices of Motions; Wednesday 02nd March 2016am.(Health)

- Alleged intimidation and coercion of MPS by Federation of Women Lawyers in Kenya (FIDA-Kenya) – Point to Order; Wednesday 27th April, 2016am. (Security)
- Establishment of men enterprise fund–Petition no.184; Thursday 05th May 2016pm. (Industry-small business development)
- Establishment of men enterprise fund–Motion; Wednesday 27th June 2012am. (Industry-small business development)
- Affirmative action for youth representation in public offices–Petition; Wednesday 22nd June, 2016pm (Gender equality–equal representation)
- Waiver of taxes on sanitary towels raw materials–Petition; Thursday 13th October 2016pm. (Education–health)
- Detention of a girl body by Nairobi Women hospital because not been able to pay the hospital costs–Petition no 219; Tuesday 23rd August 2016. (Health)
- Police brutality taking place in Mumias West Constituency following the raid at booker police post by gangsters yesterday–Statement; 23rd November 2016pm. (GBV)
- The exercise sexual harassment of women and young girls–Statement; Thursday 24th November, 2016pm. (GBV)

**Women's Interests Tanzania**

- The need for opening more women's banks–session 2, question no.3; 08th February 2011. (Bank)
- Building hospitals to cater for women during delivery to reduce women's death–session 3, question no. 2; 5 April 2011. (Health)
- Peace and safety surrounding girl's schools–session 4, question no.2, 7 June 2011. (Security)
- Reserve seat legislators to be considered for constituency development fund–session 5, question 31; 10 November 2011(Gender equality- equal representation)
- Building working venues for women selling cooked food 'mama ntilie' and street vendors' machinga'–session 5, question no.41; 11 November 2011. (Business)
- Increase women employment rate–session 5, question no.43; 11th November 2011). (Employment)
- Tanzania to abide with the 2000 Tanzania signed International Labour Organization (ILO) no.183 concerning women working rights–session 5, question no.44; 11th November 2011. (Employment)
- Country need for re-evaluating sexual offences act of 2002–session 2, question no.51; 11th February 2011. (GBV)
- Request for the budget 2011/2012 for the ministry of community, gender, and children budget increase to meet ministry demands–session 4, question no. 54;15th June 2011. (Finance-institution)
- The number of women business development groups that have received loans between 2005/2010 in the Rukwa region–session 4, question no. 60;16th June 2011. (Loan)
- Local government law allowance for women from the special seat to participate in committees–session 3, question no.61; 12 April 2011. (Gender equality- equal representation)
- Water shortage leading to the outbreak of diseases and women caught by crocodiles while fetching water–session 3, question no.73; 12 April 2011. (Water)
- Women's day celebration 08th March to be made public holiday to allow working women engagement–session 5, question no.82;15 November 2011. (Gender equality)

- The equalisation of the proportion of girls and boys in higher education–session 2, question no.92;18th February 2011. (Gender equality- equal representation)
- Women were suffering from cervical cancer and infertility–session 3, question no.93; 14 April 2011. (Health)
- Causes of female students falling and shouting–session 3, question no.104; 15 April 2011. (Health)
- Revision of custom law against succession rights–session 4, question no.105; 22 June 2011. (GBV)
- Men salons to be checked against transmissions of HIV/AIDs–session 5, question 122; 18th November 2011 (Health)
- Government plan to tackle circumcision–session 4, question no.160; 1 July 2011. (GBV)
- Support for women after twin delivery–session 4, question no.169; 4 July 2011. (Women support for child care)
- NGOs support for poor people, especially women and children–session 4, question no. 170; 04th July 2011. (NGOs and state relations)
- Provision of business education and fund to purchase food processing machine–session 4, question no.188; 6 July 2011. (Loan)
- The number of women and children identified under the violence against women and children plan for 2001-2015 and mechanisms to tackle it–session 4, question no.253;18 July 2011. (GBV)
- Research on cervix cancer–session 4, question no.265;19 July 2011. (Health)
- Women facing crude public insults–session 4, question no.309; 26th July 2011. (GBV)
- Mechanism of government to address water shortage causing women to travel long distances and pay water charges which are 1,000Tshs (.50c euro) per bucket–session 4, question no.393–10 August 2011. (Water)
- Female security in the village–session 4, Question no.463;22 August 2011. (Security)
- Lack of women participation in the discussion on the new constitution–session 6, question no. 3; 31 January 2012. (Gender equality)
- Women's insults in prison–session 6, question no.29; 1 February 2012. (GBV)
- Zanzibar special seat MP engagement in constituency development fund–session 7, question no.30;12 April 2012. (Gender equality- equal representation)
- Provision of bank loans for women and youth–session 8, question no.31;18th June 2012. (Loan)
- Marriage sexual rights in prison for couples–session 9, question no.44; 2 November 2012. (GBV)
- Increase the number of women bank branches–session 7, question no.56;16 April 2012. (Bank)
- Buses to incorporate toilet facilities to allow people with diabetes, typhoid fever and pregnant women bathroom access–session 9, question no.69; 6 November 2012. (Health)
- Promotion of women in the mushroom plantation–session 8, question no.83; 26th June 2012. (Agriculture and food security)
- Back to school for pregnant girls after delivery–session 9, question no. 86; 7th November 2012. (Education)
- Need for the maternity ward and pregnant women services–session 9, question no.106; 9 November 2012. (Health)
- Banks lower rate to enable women access to loan–session 7, question no. 111; 20th April 2012. (Loan)

- Need for amendment of succession law and land inheritance that works against women rights– session 8, question no.115; 2 July 2012. (GBV)
- Policy station without female police and female cell–session 8, question no.140; 5 July 2012. (Security)
- Reintroduction of vocational training to decrease the rate of drugs, robbery, rape and unsafe sex amongst youth–session 8, question no.169; 10 July 2012. (Education)
- Women bank to extended services by opening more branches in Tanzania, Zanzibar and villages–session 8, question no.179;11 July 2012. (Bank)
- Violation of human rights against women, children, elderly and people with disability– session 8, question no.304;1 August 2012. (Human rights)
- Women equal participation in leadership positions such as Principal Administrative Secretary, Managing Director, and District Commissioner–session 8, question no.341;7 August 2012. (Gender equality- equal representation)
- Women face difficulty obtaining a loan to borrow agricultural inputs–session 8, question no.342; 07th August 2012. (Loan)
- Government to reinstate Ndanda secondary school for girls–session 8, questions 368; 13th August 2012 (Education)
- First ladies private NGOs accused of utilising government resources–session 8, question no.371;14 August 2012. (NGOs and state relations)
- The 1993 Women Development Fund, which is 500,000 Tshs (250 euro), will be increased to cater to municipals women's needs–session 8, question no.379;14th August 2012. (Fund)
- Prevention of special seat MP from receiving community development fund and engagement in Municipal fund distribution committees–session 4, sitting 45; 25th August 2011. (Gender equality- equal representation)
- The country follows up a plan for implementing Millennium Development Goals (MDG) number 4 and 5 on mother and child health–session 3, sitting 7; 14th April 2011. (Health)
- Remission of tax to help boost small business development for youth and women–session 8, sitting 33; 26th July 2012. (Business)
- Census to segregate data by age and gender–session 8, sitting 43; 09th August 2012. (Gender equality)
- Breastfeed women fear safety during voting periods–session 4, sitting 8; 19th April 2012. (Security)
- Women support from affordable loans for business development– session 4, sitting 44; 11th August 2012. (Loan)
- Lack of loan and market for women from processing fruits for Morogoro region–session 2, sitting 2, question no.23; 27th January 2016. (Trade)
- Women bank requisite to open branches in Zanzibar–session 2, sitting 3, question no.37; 28th January 2016. (Banking)
- Lack of specialised children, women and bones doctors in Tabora regional hospital–session 2, sitting 4, question no.40; 29th January 2016. (Health)
- Water shortage in Katumba ward causes women to travel long distances to fetch water– session 2, sitting 4, question no.38; 29th January 2016. (Water)
- Violation of maternity provision rights might endanger women's lives–session 2, sitting 5, question no.54; 1st February 2016. (Health)
- The finishing of the maternity complex in Dodoma hospital building to strengthen women and children health–session 2, sitting 8, question no.96; 4th February 2016. (Health)

- Amendment of traditional inheritance rights, the 1971 marriage law and human rights to assist women and girls with oppressive laws–session 3, sitting 6, question no.60; 27th April 2016. (GBV)
- Government support for NGOs assisting women's rights such as TGNP, WILDAF and TAWLA–session 3, sitting 10, question no.80; 2nd May 2016. (NGOs)
- The assistance of women from uterine fibroid–session 3, sitting 12, question no.100; 4th May 2016. (Health)
- The number of women benefited from 5% council income in the Iringa area–session 3, sitting 13, question no.105; 5th May 2016. (Loan)
- Establish industries in the Katavi region together with providing business education to youth and women–session 5, sitting 3, question no.114; 6th May 2016. (Industries)
- Strategy to deal with children rape–session 3, sitting 14, question no.118; 6th May 2016. (Children rape-GBV)
- Training more women doctors to avoid men helping women during delivery–session 3, sitting 15, question no.121; 9th May 2016. (Health)
- Expansion of women and children wards at Kirando clinic to match the number of women and children in the area–session 3, sitting 17, question no.141; 11th May 2016. (Health)
- Increase financial accessibility to the village to enable women to benefit from borrowing services–session 3, sitting 24, question no.203; 20th May 2016. (Loan)
- The marriage law of 1971 age for girls is 15 years and for boys 18 years to be ratified– session 3, sitting 28, question no.238; 25th May 2016. (GBV-Marriage laws)
- Provision of ultrasound at Chamwino clinic to assist women and children health services–session 3, sitting 32, question no.258; 30th May 2016. (Heath)
- Police apparatus violation of human rights against small business owners, especially women selling cooked food 'mama ntilie', bicycle & motorcycle taxis' bodaboda' and street traders' machinga' in various places–session 3, sitting 35, question no.284; 2nd June 2016. (Business)
- Economic empowerment of youth and women–session 3, sitting 36, question no.293; 3rd June 2016. (Fund)
- Revisited of District council finance and planning committee to allow involvement of special seat legislators–session 3, sitting 40, question no.334;10th June 2016. (Gender equality- equal representation)
- Village treatment for women suffering from obstetric fistula–session 3, sitting 43, question no.371;15th June 2016. (Health)
- Women bank to open a branch in all regions including Morogoro to benefit women–session 3, sitting 45, question no.388; 17th June 2016. (Banking)
- More women delivery ward in Morogoro region–session 3, sitting 46, question no.390; 20th June 2016. (Health)
- Reduction of death for pregnant mothers during delivery and babies–session 3, sitting 46, question no.398; 20th June 2016. (Health)
- Strategies to open more women banks in the Songwe region to provide loans for women with minimum interests–session 3, sitting 47, question no.408; 28th June 2016. (Banking)
- Disturbance of women selling cooked food 'mama ntilie' and street traders' machinga' by city councils police affect their business–session 3, sitting 54, question no.462; 30th June 2016. (Business)
- Measurement and quality of manufactured cloth 'khanga' and its suitability for women– session 3, sitting 54, question no.466; 30th June 2016. (Industry)

- Women musicians are not wearing clothes to cover their bodies–session 4, sitting 1, question no.7; 6th September 2016. (Human rights/culture- sexuality)
- Small tax for women selling food on the street 'mama ntilie' and police to stop harassing them–session 4, sitting 3, question no.32; 8th September 2016. (Business marketing)
- Treatment and medication availability for women and children suffering from diabetes–session 4, sitting 4, question no.52; 9th September 2016. (Health)
- Punishment from parent-children rape to be increased from the current 30 years' prison sentence–session 4, sitting 4, question no.51; 9th September 2016. (Children rights-GBV)
- Provision of business training to increase the efficiency of women in Simiyu region–session 4, sitting 5, question no.72; 14th September 2016. (Business)
- Marriage law to be rectified as it works against women and children–session 4, sitting 8, question no.100; 16th September 2016. (GBV)
- Provision of loan for women and youth to boost their income–session 5, sitting 23, question no.21; 2 November 2016. (Loan)
- Implementation of the student's policy of 20 girls per latrine and 25 boys per latrine–session 5, sitting 4, question no.42; 4th November 2016. (Education)
- The number of women who have benefited from the loan through the establishment of a women bank in the Dodoma region–session 5, sitting 6, question no.63; 7th November 2016. (Banking)
- Support for pregnant women attending referral hospital–session 5, sitting 6, question no.64; 7th November 2016. (Health)
- Prevention mechanism against Female Genital Mutilation (FGM) amongst babies–session 5, sitting 7, question no.73; 8th November 2016. (GBV)
- Shortage of ambulance car, hospital bed for the maternity ward and medication in Mara hospital–session 5, sitting 8, question no.81; 9th November 2016. (Health)
- The government addresses the issue of children rape–session 6, sitting 1, question no.06; 31st January 2017. (GBV)
- Hospital construction and funds to provide small surgical services to reduce mother and child mortality with other citizens–session 6, sitting 1, question no.03; 31st January 2017. (Health)
- Establishment of women bank in all regions to raise women economically–session 6, sitting 4, question no.47; 3rd February 2017. (Bank)
- Improvement of learning environment for girls in their higher education for passing exams–session 6, sitting 4, question no.49; 3rd February 2017. (Education)
- Male impregnates student to be jail for 30 years, and a student continuing studies after childbirth–session 6, sitting 8, question no.90; 8th February 2017. (Human rights/education)
- The government's strategy to eradicate child marriages–session 7, sitting 1, question no.09; 4th April 2017. (GBV)
- Need to revisit the 1971 Marriage Act as it is now outdated–session 7, sitting 6, question no.54; 12th April 2017. (GBV)
- Research to be conducted on FGM in the Manyara region–session 7, sitting 11, question no.94; 24th April 2017. (GBV)
- Prevention of women wearing hijab to be uncovered by male security officers–session 7, sitting 18, question no.150; 5th May 2017. (Human rights)
- The 2009 Constituency Development Fund (CDCF) Act discrimination against women from reserve seat–session 7, sitting 18, question no.145; 5th May 2017. (Gender equality)
- Extension of the maternity ward, lack of sleeping and women delivery beds–session 7, sitting 21, question no.175; 10th May 2017. (Health)

- Rail stations service provision such as water, toiletries and seating areas for passengers, especially mothers and children–session 7, sitting 29, question no.239;19th May 2017. (Transport)
- The government plan for removing women delivery kit and surgery costs–session 7, sitting 31, question no.252; 22nd May 2017. (Health)
- Government to negotiate with banks to allow women from rural areas to get a loan from the bank using traditional house deeds–session 7, sitting 33, question no.272; 24th May 2017. (Loan)
- Women's and children's rights are outdated and need to be adjusted–session 7, sitting 37, question no.299; 30th May 2017. (Human rights)
- Doctors live close to the hospital to address challenges that sometimes lead to the death of patients, including pregnant women–session 7, sitting 38, question no.307; 31st May 2017. (Health)
- Rehabilitation toilet of Mzumbe campus to help girls who need more water use than others–session 7, sitting 45, question no.372; 12th June 2017. (Health)
- Government to deal with imprisoned women and their infants–session 7, sitting 51, question no.420; 20th June 2017. (Human rights)
- District Councils to ensure allocation of 10 % of its income for youth and women–session 7, sitting 52, question no.428; 21st June 2017. (Finance)
- Repair of mother and child hospital building and services–session 7, sitting 54, question no.443; 23rd June 2017. (Health)
- Government to deal with abuse for women domestic workers in Arab states–session 8, sitting 1, question no.14; 5th September 2017. (GBV)
- Government to deal with girl children circumcision in Manyara Region–session 8, sitting 2, question no.22; 6th September 2017. (GBV)
- Sumbawanga district hospitals must cater to women during delivery and child care–session 8, sitting 3, question no.30; 7th September 2017. (Health)
- Male circumcision is to be made compulsory to all men as it has been proven to reduce the transmission of HIV–session 8, sitting 6, question no.78; 12th September 2017. (Health)
- Type of items included in the distribution of women delivery kit–session 8, sitting 7, question no.84;13th September 2017. (Health)
- Removal of tax on sanitary towels given its importance for women in the country–session 8, sitting 7, question no.85;13th September 2017. (Finance)
- Road inaccessibility thus leads to a great deal of risk for women, children, patients, and other government services; session 8, sitting 8, question no.98 -14th September 2017. (Transport)
- Need for women bank to be established in the whole country–session 8, sitting 9, question no.113; 15th September 2017. (Bank)
- Geita Regional Hospital lacks qualified women/children doctors and delivery wards–session 9, sitting 6, question no.70; 14th November 2017. (Health)
- Elimination of tariffs and small taxes because it brings discomfort to small entrepreneurs such as 'mama lishe' (nutrition mothers), bodaboda operators and so forth–session 9, sitting 7, question no.84;15th November 2017. (Bank)

**Men's Interests Tanzania**

- Build girls secondary school boarding to reduce female pregnancy–session 2, question no.15; 9th February 2011. (Education)
- Opening women bank branches in Zanzibar–session 4, question no.113; 24th June 2011. (Bank)
- Provision of loan for youth and women's group for investment–session 4, question no.223; 13th July 2011. (Loan)
- Building a working area for women engaged in small business to avoid disturbance–session 4, question no.487; 25th August 2011. (Business)
- Gender difference in the education system between rich and poor areas–session 5, question no.4; 8th November 2011. (Gender equality- equal representation)
- Women cervical cancer and men prostate–session 5, question no.9; 8th November 2011. (Health)
- Prevention of disaster as it affects more women, children and disabled–session 5, question no.16; 9th November 2011. (Women)
- Provision of loan for women–session 5, question no.42; 11th November 2011. (Loan)
- Provision of hospital ambulance to reduce women death–session 5, question no.69;15th November 2011. (Health)
- Women habit of dumping children after birth–session 6, question no.38; 02nd February 2012. (Human rights-children)
- Free medical services for children under five and pregnant women–session 7, question no.64; 16th April 2012. (Health)
- Boat access on Lake Tanganyika to assist sick people, especially pregnant women–session 7, question no.75; 17th April 2012. (Health)
- Establish Islamic law to deal with succession, marriage and separation matters–session 7, question no.79; 17th April 2012. (GBV)
- Land disputes in Maswa game reserve which leads to issues such as death, rape, leaders beating etc.–session 8, question no.38;19th June 2012. (GBV)
- Need of DNA machine in hospitals to identify the fathers of pregnant students–session 8, question 90; 27th June 2012. (Health)
- Exercising human rights during the month of Ramadhan where hotel and restaurant closure and prevention of women wearing short clothes–session 8, sitting33; 26th July 2012. (Human right/religion/culture)
- Establishment of general-purpose grant to assist women in the business development sector–session 8, sitting 43; 9th August 2012. (Loan/grant)
- Provision of women development fund–session 9, question no.21; 31st October 2012. (Fund)
- The establishment of councils for women, youth, elderly and children are necessary to assist the overall state development–session 2, sitting 7, question no.87; 3rd February 2016. (State development)
- Provision of ambulance car and fuel to rescue women and children lives–session 3, sitting 5, question no.41; 25th April 2016. (Health)
- District council's allocation 5% of their income for a loan to youth and women–session 3, sitting 17, question no.140; 1st May 2016. (Loan)
- Strength health services in Ukerewe district to prevent pregnant women and children death–session 3, sitting 11 question no.83; 3rd May 2016. (Health)

- Building maternal ward in Chiwale clinic–session 3, sitting 35, question no.120; 9th May 2016. (Health)
- Expansion of Nyankumbu girls secondary school hostel and teachers houses to enable more girls to access education–session 3, sitting 17, question no.143;11th May 2016. (Education)
- Men to provide support for their children after impregnating girls–session 3, sitting 20, question no.169; 16th May 2016. (Men child support)
- Need for more women delivery ward in Morogoro region–session 3, sitting 46, question no.390; 20th June 2016. (Health)
- Provision of loan for youth and women–; session 5, sitting 1, question no.3; 1st November 2016. (Loan)
- Expanding maternity ward in Lushoto–session 5, sitting 9, question no.94; 10th November 2016. (Health)
- Fund needed for new district hospital and to enable dispensaries to carry out an operation to reduce mothers and child death–session 8, sitting 9, question no.97; 9th February 2017. (Health)
- Father rights for child visit after separation–session 7, sitting 1, question no.08; 4th April 2017. (Human rights)
- Councils to ensure 10% income collected reaches the beneficiaries including women and youth–session 7, sitting 15, question no.121; 2nd May 2017. (Fund)
- Request for councils to collect low taxes to increase women gross income–session 7, sitting 50, question no.408; 19th June 2017. (Business)
- Government plan to deal with increased men impotence in Tanzania–session 8, sitting 2, question no.21; 6th September 2017. (Health)
- Need for hospital ambulance to help save lives of mothers and children–session 7, sitting 22, question no.187; 11th November 2017. (Health)
- DNA inquiry to avoid continued increased abuse to women and children–session 8, sitting 6, question no.77;12th September 2017. (Health)
- The hospital needs repair and a new women delivery ward in Tunduma constituency–session 8, sitting 6, question no.67; 12th September 2017. (Health)
- A government order to seize women in prostitution–session 8, sitting 9, question no.114; 15th September 2017. (GBV)