Lethargic Policymaking: The Case of Gender Quota Legislation in Kenya

Mercy K. Dena

University of Texas at Arlington, mercydena@gmail.com

Follow this and additional works at: http://digitalcommons.kennesaw.edu/assr

Recommended Citation
Available at: http://digitalcommons.kennesaw.edu/assr/vol5/iss1/6

This Article is brought to you for free and open access by DigitalCommons@Kennesaw State University. It has been accepted for inclusion in African Social Science Review by an authorized administrator of DigitalCommons@Kennesaw State University. For more information, please contact digitalcommons@kennesaw.edu.
Lethargic Policymaking: The Case of Gender Quota Legislation in Kenya

Mercy Dena  
University of Texas at Arlington

Abstract: Governments around the world have in recent years, increased the numbers of women legislators through gender quotas. Kenyan women inched closer to the glass ceiling when a new constitution in 2010 guaranteed them 13 percent representation in the parliament. Kenya currently stands at 10 percent women representation, which is significantly lower than neighboring countries Uganda, Tanzania, and Rwanda, that stands at above 30 percent. Using the theory of representative bureaucracy by Krislov and Rosenbloom (1981), and Kingdon (2003) concept of agenda setting and the policy process, this analysis delineates past government policies and analyzes the constitutional process encompassing gender quota legislation. This research utilizes multiple secondary and archival data sets such as government reports, academic and professional publications, news articles, and statistical agencies’ reports. Findings show that the Kenya government is slow in increasing women representation because political, cultural, and ideological structures continue to pose obstacles in policymaking.

Keyword: Gender quota, lethargic policymaking, Kenyan’s legislation

Introduction

Gender equality in politics has been a struggle for Kenyan women and their male supporters. However, women made measurable strides towards equality during the 1990s with the introduction of multiparty politics by demanding to be heard (Nzomo 1997). According to (Nzomo 1997) a distinguished writer and academician in women’s studies, Kenyan women’s participation in politics prior to 1992 was constrained by many factors, some gender specific and others related to political norms of the country. She claims that to participate in politics, women faced gender-role stereotypes, male resistance, limited resources, and political structures that impeded their political activity.

Many studies affirm that women are the majority voters, but few pursue political office, and even fewer succeed in becoming members of parliament (Nzomo 1997; Dahlerup and Freidenvall 2005; 2010; Krook and Childs 2010; Stokes 2005; Tripp 2005; Tripp et al. 2006; Kenya National Bureau of Statistics 2010). The general trend has been one of women’s marginalization in policymaking at the national level hence no inclusion of their concerns in the legislative agenda. Poor representation of women in legislatures reduces the chances of enacting policies that promote gender equality. Increasing the number of women in legislatures, increases women’s capacity to address their concerns. One of the ways that most African countries have managed to increase the numbers of women in their legislatures is through gender quotas.

Wendy Stokes (2005, 77) a scholar in gender studies, defines quotas as “the number or
proportion of seats or places on a list that has been set aside for members of a particular group of people.” She adds that women in key leadership positions make decisions or policies on behalf of women. This points directly to the theory of representative bureaucracy where the “preferences of a heterogeneous population are represented in bureaucratic decision-making” (Ricucci and Saidel 1997, 423). The theory of representative bureaucracy provides a major justification for raising the proportion of women in government. According to this theory, “the demographic composition of the bureaucracy should mirror the demographic composition of the public” (Ibid). Frederickson and Smith (2003) explain the central tenet of the theory, indicating that a bureaucracy reflecting the diversity of the community it serves is more likely to respond to the interests of all groups in making policy decisions.

The purpose of this research is to analyze the policymaking process that shaped gender quota legislation in Kenya and to suggest a way forward as Kenya embarks on the journey to increase women representation. This article begins with a brief background into the issues facing Kenyan women and their need for political representation. To put the analysis into perspective, it provides a snapshot of the country of Kenya and a glance at past government policies involving women representation. The theoretical framework is then applied to the Kenyan policymaking process towards gender quota legislation. The analysis finds the policy process to be participatory but heavily influenced by the international community and a generally lethargic Kenyan government. Given the findings, a discussion follows on the arguable effectiveness of gender quotas, future hurdles, and strategies to increase women representation. Significant policy implications are in the areas of government decision-making and women representation in parliament to ensure more targeted services to a diverse population.

Background
Key issues facing women in politics, as identified in the literature, include limited access to education, lower participation in labor force, lack of economic resources to pursue political office, and a patriarchal culture that continues to subjugate women. Traditional customs play a significant role as an obstacle in women politics. According to the federation of women lawyers report, traditional customs in Kenya promote imbalance of power between men and women (FIDA-KENYA 2008). Customs that marginalize women and render them helpless in society are observed predominantly in rural Kenya. These customs include early marriage of young girls between ages 8 and 15, female genital mutilation, and discrimination in land and property ownership.

In regard to early marriage, parents receive large sums of money and/or livestock in bride price to marry-off their young girls to mature men in their communities. Girls at this age tend to be in elementary school if they have the opportunity to access education. After marriage, the girls do not return to school but focus on their domestic roles, hence depriving them their childhood and education. In addition, some traditional customs in Kenya discourage education of the girl-child, giving only boys the opportunity to go to school. As a result, women end up illiterate and ill-disposed to have gainful employment or acquire economic wealth and status in society.

With regard to land and property ownership, some traditions in Kenya do not allow women to
own property or have their names on land title deeds. In such cases, property is in the name of the father, husband, or first-born son. In the event that a married woman loses her husband in death or divorce, the woman is unable to inherit her husband’s wealth; instead, ownership is transferred to her in-laws or to her eldest son. This practice affects daughters, mothers, sisters, and wives, particularly those who invest in family businesses and lose them under customary law. Article 68 [c] iii in the new constitution protects the rights of women in land and property ownership; the new constitution also overwrites limitations of religious and customary laws (Constitution of Kenya 2010). Future research on implementation of this article and evaluation of the policy outcomes will be useful in assessing improvement in this area.

Female genital mutilation (FGM) or circumcision is practiced in Kenya, although it is a declared health risk by the World Health Organization (BBC News Africa 2006; 2008). Research shows that 50 percent of Kenyan women have undergone circumcision, and in some areas, this percentage is as high as 95 percent (Women Aid International 2011). The same research also indicates that the practice of FGM is done to teenage girls mostly between the ages of 10 and 15 years. Such cultural practices have a propensity to subjugate women yet they are encapsulated under customary law, which has until August 2010, been legally recognized in Kenyan courts of law (Kameri-Mbote 1995). With few women representatives in parliament to champion these issues, a patriarchal society such as the one in Kenya, may not pass policies in parliament that protect or benefit women. The status of women remains relatively low; they continue to be marginalized and discriminated against in almost all aspects of their lives, a situation reinforced by existing laws and socio-cultural factors.

Culture is a way of life; it is not static, and it changes with new generations. In addition, culture contributes to everything in our lives and has been defined in different ways. Childers and Hentzi (1995) give a Marxist definition of culture as a product of the ruling class, which serves to keep the powerless dominated. It is an ideology formulated by those in power for their own ends; it does not serve all members of society. Kenya’s patriarchal and harmful cultural practices reflect the Marxist definition of culture where society uses customs to render women powerless, and government does little, in policymaking and enforcement, to subvert it. The traditional gender roles assigned to women create fewer opportunities to the girl-child and as she becomes an adult, she is illiterate, unable to compete with male counterparts in the job sector, and has limited access to economic resources.

Kenya: A Snapshot

By African standards, Kenya is not a large country. Its 569,250 square kilometers rank it 22nd in size among the nations of sub-Saharan Africa (The National Academies Press 2010). Kenya has long been considered a success story in the developing world and most particularly in East and Central Africa due to economic gains and its role as a hub for refugees from surrounding warring countries (Ibid). The country has enjoyed, for the most part, political stability and social tranquility except for the 2007 violence due to controversial election results.

Kenya is located in East Africa, bordered in the north by Sudan and Ethiopia, in the east by Somalia, on the southeast by the Indian Ocean, on the southwest by Tanzania and to the west by
Lake Victoria and Uganda. Kenya’s population according to the 2009 census is 38.6 million (Kenya National Bureau of Statistics 2010). The country ranks at number thirty-three in world population and forty-eight in size (U.S. Census Bureau 2010). Women comprise 50.3 percent of the total population while men make up 49.7 percent of the population (Kenya National Bureau of Statistics 2010).

Kenya is predominantly rural with a fast growing urban population. In 2009, 32.3 percent of Kenyans lived in urban areas (Kenya National Bureau of Statistics 2010). Eleanor Stanford (2010), author of “Culture of Kenya,” claims that in urban areas, women are more likely to take jobs outside the home and that 40 percent of the urban work force is female. She adds that for the most part, women are confined to lower-paying and lower status jobs such as food service or secretarial work. These statistics shed light on the position of women in the nation – they form half of the country’s population, yet they are inadequately represented in parliament as well as other sectors. This snapshot demonstrates the plight of women in gaining equal status in the nation and helps to put this analysis into perspective.

**Government Policies on Women Representation in Kenya**

Violent unrest in Kenya from an autocratic regime, and international pressure in the early 1990s led to multi-party politics (BBC News Africa 2011). The 1992 multi-party election was the first ever for Kenya since the country’s independence from British colonial rule in 1963. This transition to democracy opened new opportunities for women’s movements to make claims on the political system. Hassim (2009) having done extensive research on gender quotas in African countries, asserts that women representation in most African countries portrays an image of progressive democracy. Hassim’s research is particularly relevant in countries such as Kenya that emerged out of an authoritarian regime.

The Kenyan government made certain deliberate decisions toward increasing women representation in parliament and the civil service. Kenya introduced constitutional quotas through executive appointments in 1997 (Hassim 2009). President Kibaki issued an executive decree in October 2006 that 30 percent of all appointments to public positions would comprise of women (CEDAW 2009). Although 30 percent would not ensure equality in the actual sense, the Presidential executive directive was a welcome departure from the tradition of inequality (Ibid). However, subsequent government appointments, including appointment to the Waki and Kriegler Commissions that investigated the 2007 presidential elections and post election violence respectively, did not comply with this directive (Ibid).

Other instances of creating positions for women politics include The Political Parties Act, No. 10 of 2007, which was enacted to ensure equal participation between men and women in political life and decision making (CEDAW 2009). The Act has a requirement that at least 30 percent of the office bearers be of opposite gender. These efforts have not led to high increases in the number of women in parliament because Kenya is currently at 10 percent representation, which is significantly low thus reducing parliament’s capacity to effectively address women’s issues. Nonetheless, an increase in women representation has been noted in the judicial sector. In 1980, no
woman had been appointed to the High Court of Kenya or to the Court of Appeal (Ogosia 2010). The first woman judge to the high court in Kenya was appointed in 1982, the second one in 1986, and the third in 1991 (Nzomo 1997). Today, a good portion of magistrates are women. There are eighteen female judges and one Court of Appeal judge (Ogosia 2010).

In the advent of the multiparty regime in 1992, the first National Women’s Convention was held to create awareness about democracy among women (Nzomo 1997). This yielded fruit when the general elections brought the number of women in parliament to 6 out of 225 parliamentarians at the time. Before August 2010, Kenya’s constitution had been in existence since 1963, with revisions in 1982 to create a one-party state, and in 1992 to re-establish Kenya as a multi-party state (Committee of Experts on Constitutional Review 2010). Although multi-partism was a step forward, the country remained corrupt hence the public desired a revised constitution.

A couple of draft constitutions were formulated but the attempts failed. The 2004 Bomas draft constitution made considerable gains in its proposal on women representation by removing gender limitations on customary and religious laws (The East African Standard 2005). In addition, the Bomas draft allowed for a one third representation of women in all elective and appointed public bodies (Center for Governance & Development 2004), but the draft fell apart due to political differences (The East African Standard 2005). The next attempt was the 2005 Attorney General’s draft, otherwise known as the Wako draft, which contained inconsistencies and omissions on gender equality and women’s political participation (Ibid). It imposed limitations on gender equality provisions that enabled customary and religious law to supersede its provisions (Ibid). The draft was defeated at a national referendum in 2005 by a 57 percent vote (Committee of Experts on Constitutional Review 2010).

Following the failed referendum, the politicians who had campaigned against the draft formed a political party known as the Orange Democratic Movement. The party appeared to be in a strong position going into the December 2007 presidential election, but was ultimately defeated in controversial election results, leading to the 2008 post-election violence.

The peace deal, which ended the post-election crisis, mandated the formation of a new constitution, which led to a new draft in November 2009 (Committee of Experts on Constitutional Review 2010). The 2009 draft mirrored propositions that were contained in the 2004 Bomas draft indicating that the new constitution was a buildup of previous constitutional efforts. The referendum held on August 4, 2010 presented the proposed constitution and received 66.9 percent positive votes thus passing a new constitution that guarantees a minimum of 13 percent women representation in a new bicameral legislature (The Daily Nation 2010). This represents Kenya’s newest constitution, thus implementation of the 13 percent gender quota is yet to be evaluated. Kenya’s legislature currently has 22 women parliamentarians out of a total 224 MPs, which forms 10 percent women representation (Quota Project 2010).

**Representative Bureaucracy: Making the Case for Gender Quotas**

Legitimating governmental power from a democratic point of view is conveyed through governmental representation of the public and by civic participation Krislov and Rosenbloom (1981). In propounding the theory of representative bureaucracy, Krislov and Rosenbloom (1981, 22-23)
state that “Government should, through the composition of the civil service, reflect racially and otherwise, the varied characteristics of a population.” This implies that a government should represent characteristics of its population such as age, race, gender, and disability among others. They also discuss representation by administrative organization referring to various interests found in the political community through their organizational structures and missions. The authors explain representation through citizen participation, where citizens have direct responsibilities in a number of policy areas, for example, in voting and suffrage laws.

According to Aili Mari Tripp (2005), a scholar in African politics and gender quotas, countries that have high rates of female representation in parliament have, on average, higher per capita gross domestic product than those with lower rates. By virtue of its influence on the economy, increasing women representation acquires a stronger justification as a contributor to the national economy. The theory of representative bureaucracy caters to a government’s responsiveness and allows for the use of initiatives like gender quotas to aid in increasing the number of women in administration.

The International Parliamentary Union report of 2010 shows that women occupy 18.2 percent of seats in national parliaments around the world. Kenya at 10 percent is thus significantly lower than the world average. Furthermore, Kenya’s recent increase from 10 to 13 percent representation is still significantly lower than the world average. Krook (2009) states that the degree of women’s exclusion from political office varies enormously across the globe; she maintains that gender quotas serve both feminist and non-feminist ends. To this argument, she gives four reasons for quotas that are, in most cases, implied rather than stated explicitly. She claims that quotas are adopted; one, by political parties because of competition from other parties in order to get votes; two, by governments as a symbolic strategy; three, because of strong backing by international organizations and norms; and four, because of mobilization of women for increased women representation. Similarly, (Dahlerup 2008) argues that there are motives other than pure feminist ones influencing the introduction of gender quotas in male dominated parliaments. She explains how the politics of mixed motives is played out through bargaining and compromising to increase women representation, implying that gender equality and women emancipation are not the only reasons for introducing gender quotas.

In Kenya’s recent constitution, the 13 percent gender quota was backed by other provisions for gender equality in articles of the constitution (Constitution of Kenya 2010), which ensure that no more than two-thirds of members of elective public bodies shall be of the same gender (Article 81[b]), the outlawing of retrogressive customary and religious laws (Article 2[4]), protection of vulnerable groups (Article 21[3]), and legal protection of women’s equal property rights (Article 68[c]iii). In formulating the new constitution, gender issues were championed primarily through mobilization by civic groups such as FIDA – a French acronym for federation of women lawyers, which is a vocal group in women representation in Kenya. Another significant factor was pressure from the international community, particularly countries such as the United States and Britain, and international organizations such as the United Nations that incessantly pushed for increased women representation.

In scholarly and political debates, quotas have been criticized because of their emphasis on
women as the gender with special interests, thus discriminating against men. Krook and Childs (2010) express concerns over the impact of numbers. Since women constitute a minority in most political bodies, researchers have explored whether critical mass of women is needed before legislative change can occur. Critical mass simply refers to the number of women legislators in comparison to the total number of legislators. The critical mass threshold set by researchers is 33 percent (Kamau 2010) which represents the number of women required to influence and/or vote to pass policy in parliament. The critical mass concept explains why the presence of women in parliament did not appear to affect policy outcomes, the argument being that women were unlikely to have an impact until they grew from a “few token individuals” into a considerable minority (Krook and Childs 2010, 10). In a representative bureaucracy, marginalized populations have to be proportionally represented in legislatures in order for them to affect policy outcomes. Evidence provided by Krook and Childs (2010) shows that legislatures with higher proportions of women tend to introduce and pass more bills on women issues than their female counterparts in low representation legislatures.

Other critics of gender quotas argue that parliaments are only one arena among many that are capable of addressing women’s issues. Literature supporting this view maintains that other arenas should be pursued such as social movements, political parties, and civil rights groups, which have the capacity to articulate and represent women’s concerns (Krook and Childs 2010). While this literature may be true in some cases, voting on policy issues and final decisions are made by legislators in parliament. Social movements and other actors may represent women interests but they cannot guarantee their adoption on the national agenda, nor can they make the final policy decisions. Certainly, women need to be represented in social movements and other policymaking bodies but they also need representation in parliament, which enhances the chances of formulating gendered policies.

**Applying John Kingdon’s Analysis to Kenya’s Policy Process**  
John Kingdon (2003), in his book *Agendas, Alternatives and Public Policies*, seeks to discover why some issues make it to the agenda while others do not. How do officials decide which issues are significant enough to warrant a course of action and which ones are not? Kingdon’s work refers to agenda setting as a gate keeping process. Gate keeping is done by actors and mechanisms in the system that are responsible for setting up the agenda, for example, appointees in the executive administration who further the president’s agenda. There are myriad issues in the public sphere that require the attention of public officials and agenda-setting acts as a sieve to separate the significant issues from non-significant ones. Significance, in this case, is measured or judged solely by actors in the policymaking arena.

Kingdon (2003) describes how separate streams of problems, solutions, and politics converge to move an issue onto the policy agenda toward potential governmental action. Convergence of policy issues and policy windows, which he labels as “coupling,” is often chaotic and unpredictable. By policy window, Kingdon implies an opportunity opening up. The policy process does not flow neatly in stages; instead, issues make it to the agenda only when an opportunity opens up. In Kenya, the gender quota was legislated when an opportunity presented itself in the way of drafting a new policy.
Kingdon (2003, 3) defines agenda as “the list of subjects or problems to which government officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time”. His work in the quest to unravel agenda setting ties into power theories, for instance, Hunter (1953; 1980) reputational power approach in identifying influential individuals in the urban structure. The reputational approach argues that individuals considered influential in a community have the power to push for certain policy issues because their power status is reinforced in social functions and groupings. Hunter’s theory takes a structural functional approach that mirrors the agenda-setting situation in Kenya.

Other explanations as to why some issues make it to the agenda are cost, scope, and crisis. Issues that require high costs in program implementation may end up being put aside. The cost and self-sustainability of a program over time determines whether an issue will make it or not. Scope refers to the number of people affected by a policy issue and the geographical spread. A general rule of thumb is, the more the number of people affected, the more significant the issue becomes. Furthermore, public officials pay attention to an issue after a crisis, for example, hurricane Katrina in the United States, an earthquake, an economic recession, and terror threats. For Kenya, the new constitution was a mandate put forward by the reconciliation committee, which was responsible for restoring peace after the 2008 post-election violence. The reconciliation committee proposed formulating a new constitution as a way to restore the public trust in the Kenyan government after the election crisis.

According to Kingdon (2003) some issues get on the agenda because of active participants and influential people in the process of policymaking. He explains that the views of specialists or experts in certain fields or academic circles might stir up debate and cause legislators to focus on a certain issue. Some specialists or academic researchers are well known in administrative circles because of their frequent contact with officials and their expertise. According to Kingdon, if a technocrat sees a certain issue as significant enough to be on the agenda, legislators and administrators will pay attention to it because of his reputation as an expert in the subject area. For instance, one of the most influential actors in Kenya’s Constitutional making process were lawyers because they understood the legal jargon, and were instrumental in drafting the constitution as well as in civic education during public forums.

Kingdon (2003) adds that the latest technological innovations and political processes such as the national mood, public opinion, elections, change of administration, turnover in Congress, public acceptance of an issue, and opposition by powerful interests all contribute to the chances of an issue getting on the agenda. With a 32 percent urban population, Kenya is largely rural; a largely rural nation is prone to have traditional customs influence the mindset of both citizens and leaders, thereby affecting the types of decisions made regarding women. The rural factor provides one explanation towards the sluggish improvements in women representation. Another factor is the national mood, which refers to changes in the political atmosphere. For example, the United States may go through a conservative tidal wave when a Republican wins the election, and a liberal wave when a Democrat wins, thus causing national mood swings over time. The prevailing national mood in Kenya after the
2008 post-election violence was one of government distrust, which became a determining factor in the decision to draft a new constitution to restore the public trust in government. Because national mood cannot be measured numerically or even substantiated, Kingdon suggests communication between government and citizens as one way to identify or validate a prevailing national mood.

Kingdon (2003) argues that a combination of sources is virtually always responsible for agenda setting and alternative specification because of generally fragmented systems. Kingdon’s work ties together the influence of policy actors and the agenda setting process by interviewing actors in the policymaking arena. The reader walks away with somewhat of an inside story as to what happens behind the scenes. Often times ordinary citizens only see the finished product and wonder why some issues were not addressed while other issues were expedited. Once one understands the interplay of actors and their role in the policy process, he/she will know how to get issues on the agenda, what channels to follow, and the legislative language required for successful representation.

Kingdon’s analysis of agenda setting and the policy process ideally explains Kenya’s decision to increase women representation. In applying Kingdon’s analogy of coupling to the Kenyan context, the problem would be marginalization of women; the policy proposal would be the gender quota legislation to be incorporated into the new constitution, while an example of politics would be pressure from international governments and organizations to increase women representation in the legislature. A policy window would be the drafting of a new constitution that presented opportunities for policy proposals. The 13 percent gender quota legislation in Kenya was incorporated because there was a right combination or convergence of problem, policy proposal, and politics at the right time when the policy window opened up.

**Are Gender Quotas Effective?**

Major influences in the legislation of Kenya’s gender quotas include local civic and lobby groups, the international community, Kenyan women legislators, lawyers, and the government. This piece of legislation was well fought for by various groups because it was believed to be fruitful for the nation, yet, Hassim (2009) poses the question, what evidence is there that increasing women’s representation enhances democracy? She argues that quotas can have profoundly negative effects on deepening democracy when adopted in contexts where the key institutions of democracy and human rights are weakly developed or absent, and where elected political actors are weakly accountable to electoral constituencies. Quotas may fast-track women’s representation, she argues, but they do not fast-track equality. Tripp (2005) claims that the broader context within which quotas are introduced can make a dramatic difference in the capacity of women activists and parliamentarians to have an impact on legislation.

Kenya’s political system has weak democratic and accountability mechanisms. Granted that Kenya’s system is as such, it does not imply that efforts to increase representative bureaucracy should be thwarted. Even though Kenya has a long way to go in attaining functional representative democracy, the gender quota legislation is a strong push in the right direction and a major milestone achieved for the country. It would do more harm than good, for a country to be complacent about underrepresentation of marginalized interests.

The literature identifies obstacles to increasing women representation in African countries.
Mi Yung Yoon (2010) gives female access to education, women labor force participation, a country’s economic condition, and culture as major obstacles. In addition, Yoon (2010) cites Nzomo (1997) on economic hardship in Kenya, stating that it has a negative impact on women’s political representation because it decreases women’s ability to run for elective office. Women have little or no access to economic resources because even with education, they face unequal status and remuneration in the employment sector. Patriarchal culture, which relegates women to subordinate roles, is another major barrier to female political representation because it not only discourages women from becoming candidates but also lowers their probability of winning elections.

Lopi et al., (2008) claim that even with gender quotas in place, there is still low-level policy intervention to close serious gender gaps in decision-making. The increase in the number of women representatives through Kenya’s 13 percent gender quota does not guarantee their capacity to effect change in the national legislature. Using the 33 percent critical mass threshold argument, thirteen percent appears too small a number to pass gendered policies by majority vote in the national legislature. Despite the quantitative increase in women’s representation (from 2.6 percent in 1992 to 10 percent in 2010), the increase in the level of political influence and quality of life for women has remained minimal. It is beneficial to note, however, that the other provisions guaranteeing at least one third women representation in all elective public bodies (Constitution of Kenya 2010), may potentially increase the numbers of women. This presents another area of future research after implementation of the constitutional clauses, to answer questions about the effectiveness of gender quotas in achieving policy outcomes.

Hurdles and Strategies for Women Representation in Kenya
This research uncovers several hurdles that Kenya can expect to encounter with increased women representation. Policy formulation and enforcement are essential elements of the policymaking process. Enforcement must follow formulation; otherwise, the entire policy process is futile. The Kenya government, though slow, has put some effort into gender policy formulation but has been lackluster in enforcing policy against practices that tend to harm women physically, mentally, and socially. One of the hurdles discussed by Lopi et al. (2008) for Southern African countries, which is true for Kenya, is constrained solidarity among women voters and candidates. It is imperative that the wider society should change its ideological view on women and support women candidates particularly through voting. In the absence of societal support, structural factors such as politics and culture hinder increased women representation. Nyokabi Kamau (2010) a Kenyan scholar in women and politics, identifies hurdles to women’s political participation in Kenya as:

- Socialization, which entrenches perceptions that a woman’s role is confined to the private home and the man’s role to the public domain,
- Unwillingness of male colleagues to accept women as equals or superiors in parliament,
- Lack of economic resources to campaign for political positions, and
- Women are generally less educated than men.

The hurdles identified in this research can be overcome by developing strategies to deal with them as they arise. Nzomo (1997) proposes strategies for women’s empowerment that include gender
awareness and education, highlighting women’s leadership abilities in the media, and actively recruiting women for national politics. Nzomo proposed these strategies in the 1990s but they are still applicable today and if followed through, have the potential to deliver positive outcomes in furthering women’s policy issues.

Gender awareness and education may include strategies to educate both men and women on the place of women in society. In a patriarchal culture such as the one in Kenya, the belief that women are weak leaders and thus should not participate in matters of national policy is entrenched in the mindset of the people. Research shows that a major challenge for women representatives in the Kenyan parliament is in gaining support of their male colleagues (Kamau 2010). The simple increase of numbers in women representation is necessary but not sufficient enough to effect change in gender equality outcomes (Cornwall 2003). Awareness programs that disintegrate such patriarchal beliefs on gender could prove vital to transforming women representation in Kenya, particularly with avid support from male counterparts (Mwanzia and Strathdee 2010; Cornall 2003).

In addition, the new Constitution of Kenya (2010) presents strategies to address issues of gender inequality. Some of the strategies presented by the constitution include:
- Protection of women and young girls against harmful cultural practices (Article 2 [4]),
- Protection and representation of marginalized groups including women (Article 21 [3]; 91, 1 [e]; 100 [a]),
- Training and advancement for both men and women in public service (Article 232),
- Representation of women in political parties (Article 90, 2 [b]), and
- Protection of women’s equal property rights by eliminating discriminatory land ownership practices (Article 68 [c] iii).

These strategies require tremendous effort, dedication and commitment on the part of all legislators, regardless of gender. Female legislators have an important role in ensuring women’s issues are adequately represented, male legislators have an important role in supporting their female counterparts, while ordinary citizens have an important role in supporting the election of women candidates and eradicating practices that subjugate women.

Conclusion
This research has established that political, cultural, and ideological structures of society in Kenya are major obstacles that women must confront in their quest for empowerment. The theory of representative bureaucracy allows for manipulation of rigid administrative and political structures in order to increase representation of marginalized interests. With gender quotas in place, women are able to get their foot in the door and thereafter, it is their prerogative to advance women’s policy issues. Women representatives should not just celebrate quantitative increases in numbers; rather they should strive to confer qualitative value on quotas by visibly impacting policy outcomes on women’s issues.

In his book, Kingdon (2003) carefully analyzes the agenda setting process and its complexity due to constraining factors such as timing of events, expertise, powerful actors, and the system’s capacity or incapacity to handle a given number or magnitude of cases at once. Nevertheless, policymaking is necessary and it has a spillover effect where success in one policy area can
potentially lead to success in another area. On a cautionary note, increased women representation through gender quotas does not guarantee women emancipation from a marginalized state. Gender quotas are criticized as being merely symbolic, discriminatory and unable to achieve policy outcomes. However, proponents laud gender quotas because they provide an avenue for representing women’s interests, thereby leveling a playing field that has, for a long time, been extremely skewed towards the male gender.

This foregoing analysis has illustrated the process of policymaking on gender quotas in Kenya and highlighted strategies to increase women representation. Some major influences on gender quotas in Kenya include local civic and lobby groups, the international community with the United Nations being a major force, women legislators, lawyers, and the government in an effort to embrace affirmative action. This research contributes to the utilization of gender quotas in the best way possible to yield visible outcomes in women’s issues. In sum, the Kenya government must proceed with caution and incorporate sound alternatives to counter potential obstacles of women representation in the future. Obstacles are inevitable; overcoming them is the key to a successful journey.

References
BBC News Africa. 2006. Female mutilation is ‘birth risk’?
CEDAW. 2009. The 7th periodic report of the government of the republic of Kenya on implementation of the international convention on the elimination of all forms of discrimination against women.
Center for Governance and Development. 2004. Bomas draft constitution disputed issues: Representation of the people. Nairobi, Kenya: Center for governance and development in partnership with the Danish international development agency (DANIDA).


Mercy K. Dena was born and raised in Kenya. She received a Bachelor of Arts degree in Political Science and Public Administration from Moi University, Kenya. During her undergraduate education, Mercy was an intern at a public office in Ngong Division, Kenya, where she worked as a local government liaison to Community Based Organizations in the area. Most of the organizations were rescue and aid centers for young girls and women trying to escape harmful cultural practices such as early marriages and female genital mutilation. Upon completion of her undergraduate education, she went on to work with the YWCA in Mombasa, Kenya educating girls in elementary and secondary schools on reproductive health.