

A SEAT AT THE TABLE: THE FIGHT FOR GENDER PARITY IN KENYA AND SOMALIA

NANJALA NYABOLA

THE-TIME-LINE

NAIROBI, Kenya—When Bina Mase-no was 23, she decided to run for Council Assembly in Nairobi City County and reached out to a few experienced female politicians for advice. She expected to hear suggestions for navigating party power dynamics or articulating campaign messages for a broader audience. But what she got was a primer in protecting herself from sexual assault by male politicians and putative voters.

Wangari Muta Maathai,
Nobel Prize winner and
former Kenyan MP

"I was shocked," she recalled. "One woman told me that I had to dress in a matronly way, because voters always think that youthful looking women are sleeping their way through the party. Another woman advised that I should never go to a rally without wearing biker shorts underneath my clothes, because inevitably the men in the audience would try to strip me." During Maseno's 2012 campaign, this latter piece of advice was repeatedly tested and found to be accurate.

For women across the world, electoral politics can be a hostile and violent place. Women who stand for office can expect casual sexism and discrimination, ranging from snide remarks about their appearance to being propositioned by their male colleagues. In some countries, this psychological violence escalates to physical violence in which men seek to make the public sphere so inhospitable for women that they disengage from electoral politics.

Percentages of women in parliament reveal two interesting facts on global underrepresentation. First, although women make up roughly 49.6 percent of the world's population, only two countries in the world had parliaments that exceeded that ratio as of August 2016. Rwanda leads—57.5 percent of its parliament is made up of women—and Bolivia follows with 51.8 percent. Second, there is almost no correlation between a country's level of development and the proportion of women in parliament. Hence, the United States (19.5 percent) finds itself sandwiched between Saudi Arabia (19.9 percent) and Kyrgyzstan (19.2 percent).

The countries that were able to achieve some measure of gender parity all have one thing in common: They initially or continue to rely on quotas to increase representation of women in parliament. Rwanda's post-genocide

constitution requires that 30 percent of all decision-making bodies be made up of women, while Bolivia passed a raft of measures in the run up to its 2014 parliamentary elections to increase women's participation in the electoral process.

In contemporary conversations on achieving gender parity in parliament, there is little debate about whether quotas are the easiest way to create a space in which women can be heard. In a March 2013 press release, the secretary general of the Inter-Parliamentary Union (IPU), Anders B. Johnsson, said, "Although quotas remain contentious in some parts of the world, they remain key to progress on ... gender parity in political representation. There can be no claim to democracy without delivering on this." The same press release noted that nine out of the top 10 countries with the highest growth in the number of women MPs between 2011 and 2012 had used quotas.

The disparate fortunes of East African countries like Rwanda, Kenya, and Somalia tell a story of how well quotas can work when supported with institutional will and how resoundingly they can fail when patriarchal political spaces conspire to undo them. All of the eight countries that are traditionally thought to make up East Africa—Kenya, Uganda, Tanzania, Rwanda, Burundi, Somalia, Ethiopia, South Sudan—have quotas entrenched in their electoral systems.

These quotas take different shapes. Article 27(8) of the Kenyan constitution requires that no more than two-thirds of the legislature be made up of either gender. In Somalia, the Electoral Implementation Team—a donor-supported body that has devised and will be implementing the rules under which the 2016 election will occur—promised that 30 percent

NANJALA NYABOLA is a writer and political analyst based in Nairobi, Kenya, where she researches and publishes primarily on politics, conflict, and crises in the East and Horn of Africa, as well as on refugee rights around the world. She is also a fellow at Foreign Policy Interrupted.

REPORTAGE | WORLD POLICY INTERRUPTED

of all the seats in the incoming parliament would be reserved for women.

And yet at 20.8 percent and 13.8 percent respectively, Kenya and Somalia have the lowest proportions of women in parliament in East Africa. Rwanda's near two-thirds female-majority parliament leads the pack followed by Burundi at 37.8 percent, Ethiopia at 37.2 percent, Tanzania at 36.6 percent, Uganda at 33.5 percent, and war-ravaged South Sudan at 26.6 percent. Unlike their neighbors, Kenya and Somalia have failed to bring in large numbers of women into parliament. And both are at palpable risk of not only continuing to fall short but in undoing existing meager provisions that encourage women to participate in public life.

A major part of Somalia's gender issues can be attributed to ongoing strife. The conflict has made room for militant extremism in the form of piracy and the terror group al-Shabab. TrustLaw, part of the Thomson Reuters Legal Foundation, determined in a 2011 survey that "Somalia was the fifth worst place in the world to be a woman," due to risk of female genital mutilation and domestic violence. Indeed, the minister for development and social affairs at the time, Maryan Qasim, told *The Guardian* that she was surprised that Somalia was not in first place, because for women it is "a living hell."

Kenya's patriarchal politics, on the other hand, cannot be attributed to generalized violence. Rather, as corruption and brutal contestation in politics have become normalized, women have been crowded out for not organizing or participating in political violence. Consider that the current president and deputy president won the 2013 election by a landslide, despite the fact that both men were facing charges at the International Criminal Court at the same time for orchestrating the 2007 post-election violence that left over 1,500 people dead. The ability to muster and marshal violence to intimidate opponents is known colloquially as *mimi ni ndume* (I am a bull) politics,

and is rewarded and admired. This has created a space in which most women—and non-elite men—prefer not to compete.

Kenya's recent history in regards to women's participation in politics is mixed. For instance, Nairobi had a female mayor in 1970 but not since. Only 16 out of 274 elected members of the lower house are women, or 5.8 percent, while the constitutional quota brings the proportion of female members up to 20.8 percent. The 2010 constitution allowed in Article 97(1) (b) for "forty seven women each elected by the registered voters of each county, each county constituting a single member constituency." These are the reserved women's seats, one representative from each county. But, although the 2012 elections saw a numerical increase in the number of women in parliament, no woman was elected to the upper house of the national parliament, and the vast majority of women came to parliament through the 47 reserved seats. A similar pattern emerges at the regional level: Just 82 women were elected to the 1,450 open county assembly seats in the 2013 elections, while 680 were nominated to meet the constitutional threshold.

Even though it is considered one of the core principles of the hard-won document, parliament has repeatedly failed to pass implementing legislation that would allow for Article 27(8) to come into effect. The constitution, passed in 2010, did not provide for a mechanism through which the two-thirds distribution would be achieved beyond the creation of reserved seats.

Worse still, the reserved seats have had a deleterious effect on any gains of the last 20 years. In 2007, Charity Ngilu, the former MP for Kitui who has also held several cabinet seats, became the first woman in Kenya to run for president. Since then, at least six women of various backgrounds and abilities have attempted it. But in parliament, instead of encouraging more women into mainstream politics, the reserved seats have created a ghetto

within the national legislature. This feeds the misconception that women representatives are in parliament exclusively to articulate the demands of women rather than to participate as full parliamentarians.

This pigeonholing of these appointed representatives stems from the violence of the electoral process in Kenya. Minnie Kasyoka, a 24-year-old potential Kenyan candidate who changed her mind about running, told me: “I opted out for mental health reasons. The backlash is crazy. Without [a support group], I don’t think I have the mental acuity to survive the verbal abuse and threats. It’s not safe ... and most people think it’s OK that the job description includes constantly being afraid for your life.”

As Kasyoka notes, violence and intimidation are par for the course in Kenyan politics. When women put themselves up for election, they not only face casual sexism but risk physical harm. After the 2012 elections, a group of female candidates reported to parliament that their campaigns had been subjected to harassment, intimidation, violence, and other underhanded tactics.

Janet Chepkwony, a losing candidate in Kapsabet, a town in the former Rift Valley province, reported: “I received threats to my life, while my supporters were physically abused or intimidated. This made it difficult to access some of the areas and compete with my rivals on an equal footing.” According to the Kenya Women Parliamentary Association, women candidates in 2012 were forced to employ private security and pressured by senior men in their parties and ethnic groups not to stand for office. The men claimed their political participation went against traditional gender roles.

Retreating to the women’s representative seats may have ensured the political survival of strong female candidates during a period of upheaval, but it robbed the National Assembly of key voices. With few women legislators, the patriarchal mainstream has capitalized.

Many of the progressive provisions of the 2010 constitution have been rolled back, including protections for LGBTI groups, the disabled, and other special interest groups. In regards to women’s rights, crucial legislation like the Matrimonial Property Law was gutted so that women were not automatically entitled to 50 percent of the assets accrued during their marriage but only to their “contribution,” a formula that distinctly favors men.

This is the male-dominated space that could generate two bills—both introduced by men—to defer the implementation of Article 27(8). The MP from Ainabkoi, Samuel Chepkonga, proposed a bill that would ignore the

"NEITHER THE QURAN NOR THE SUNNAH REJECT WHAT CURRENT WOMEN POLITICAL ASPIRANTS ARE AIMING FOR."

implementation deadline and defer the enactment of the two-thirds rule until 2037. Then, House majority leader Aden Duale championed a bill that he called the “top-up approach,” which would allow parties to nominate women to parliament after the election, corresponding to the number of seats won by the party at the election.

Both of these bills are clearly unconstitutional. The constitution mandated the implementation of quotas occur within five years—a due date that has since lapsed. The Chepkonga bill was arguably the more flagrantly unconstitutional of the two, but many opposition legislators see the Duale bill as a Trojan horse that would allow the ruling party to augment

REPORTAGE | WORLD POLICY INTERRUPTED

its presence in parliament without having to return to a vote. As of August 2016, both bills had failed in the House, though the Duale bill will be introduced again once parliament reconvenes this winter.

Very little of this jives with Kenya's self-proclaimed image as the most progressive country in the region, but it makes sense when you consider the extent to which political life in the country is shaped by patriarchal institutions. Candidacy for elections in Kenya is not simply decided by political platforms but by a network of interests. For instance, all of the large ethnic groups in Kenya are headed by men-only councils of elders, whose endorsement is required to secure the support of the ethnic group for a candidate.

In the Somali community of Kenya's North Eastern province, councils of elders determine entire slates. This means elections are almost always decided before people cast their ballots. The council of elders in Mandera, a constituency on Kenya's border with Ethiopia and Somalia, has already announced the candidates for all electoral posts in the county. Most will be uncontested. In July 2016, the Njuri Ncheke council of elders from the Meru communities of central Kenya threatened to disown and put a curse on politicians who excluded them from decision making. In the Kikuyu community of central Kenya, the council of elders is lobbied—often financially—by various candidates over a number of months before securing the endorsement. Councils of elders in Kenya have rarely supported a female candidate for any national position, and have often intervened to discourage women from running against men. This idea of negotiated democracy is supposed to protect the peace, but it subtly excludes those who are not represented in or do not wield influence over these councils—women, the disabled, and the poor.

This phenomenon is also prevalent across the border in Somalia, where conflict and the

influence from more conservative Gulf nations have already constricted the space for women in public life. Negotiated democracy only aggravates this situation. Elections in Somalia are not by direct, universal suffrage but by nomination and quotas based on the country's four major clans. Here, too, it is the council of elders who determines which candidates will be allowed to speak for the group, and again the councils rarely allow women to take up the mantle. In fact, on Oct. 2, a council of religious elders denounced the 30 percent parliamentary quota as a "foreign-led initiative."

This system negates the many progressive electoral and legal changes that were put in place in Somalia before the war. In 1975, for instance, changes to the family law made men and women equal in the eyes of the legal system and secured matrimonial property for women in the event of a divorce. This law is no longer in use in Somalia—nor even in Somaliland, an autonomous region that considers itself more progressive than Mogadishu.

Terrorism has only made things worse. Aside from defining strict domestic roles for women, the presence of al-Shabab has increased the risk of gender-based violence and generalized violence against women. In the lead up to the 2016 election, one sheikh in Mogadishu seemed to suggest that equality of men and women was contrary to Islamic teachings, though he has since retracted the statement.

Still, this does not deter women like Fadumo Dayib, who, in 2014, became the first woman to declare her candidacy for president in Somalia. Dayib is deeply opposed to the negotiated democracy system and has made a call for universal suffrage a centerpiece of her campaign. She has faced numerous personal threats simply by putting herself forward, including from al-Shabab, but Dayib remains determined to return to Mogadishu and campaign. For her and other Somali women, it's not simply about convincing the electorate of a vision for

the country. It's also about gaining the support of a cabal of men who have strong interests in maintaining the patriarchal status quo.

Meanwhile, Anisa Hajimumin, minister for Women Development and Family Affairs in the semi-autonomous Puntland region, is emphatic that the 30 percent quota should just be the beginning. Hajimumin argues that women have always played a major role in keeping Somalia running, especially during the war years, and they deserve to have their concerns about development and social protection articulated in the legislature. "By claiming that women will be no part of politics, [these politicians are saying] only men will rule and be ruled—an indirect denial of access to development for women and children," the minister said.

For Hajimumin, there is nothing un-Somali or un-Islamic about women in government: "Neither the Quran nor the Sunnah reject what current women political aspirants are aiming for," which is simply a seat at the table.

Highlighting the challenges facing female politicians in Kenya and Somalia is not to say that women in other East African countries do not face sexism or violence when they choose to run for office. Rather, the underlying assertion is that if governments choose not to protect the spaces created to increase the participation of women in public life, legislatures will never be fully representative. Kenya and Somalia have failed to make gender parity a priority, leaving women vulnerable to the physical and psychological violence that locks them out of the public sphere.

Other East African countries certainly have issues in terms of how women politicians are viewed and treated by their male peers. There are many who argue that leaders like Paul Kagame in Rwanda and Yoweri Museveni in Uganda court women as a political bloc, because they view them as more malleable or susceptible to influence. But the fact remains that these leaders interact with women as a political force to be reckoned with. Women are part of the conversation in these countries in a way that they are not in Kenya and Somalia.

Representation of women in legislatures is about more than simply increasing the percentage of women MPs, but where even that is lacking, getting the numbers is an excellent start. In

**"I WANT TO CHANGE HOW
PEOPLE THINK ABOUT
POLITICS AND POLITICIANS."**

the long term, it should involve creating alternative visions of inclusion and fostering conversations around belonging, democracy, and other big ideas. For women like Kasyoka, representation is also about hope: "There's so much negative press on politicians that creates hopelessness in the citizenry, and that kills progress. I want to change how people think about politics and politicians ... [Including women is about] taking back politics." ●