



Gender and Institutional Analysis in Kenya: A Case of the Kisii County Government, 2013-2018

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Abstract

The study sought to interrogate the patterns of gender representation and participation in the Kisii county government structures. The purpose of the study was to assess the patterns of gender representation in Kisii county governance structures and to establish the impediments to gender equity in Kisii county governance structures under the new constitutional order. The study was guided by qualitative and quantitative research techniques. The study is important in addressing gender gaps at the devolved unit and influencing policy that is premised in inclusivity and gender equity in public-decision making in governance structures. The study established that gender inequality exists in Kisii county governance structures and that political participation and representation is skewed against women who comprise the critical section of the population. The study established that women running for political office as members of the county assembly is small in relation to that of the male. Women are also underrepresented as members in committees of the Kisii county assembly and in the leadership of the county assembly committees as chairladies. The study established that the two-thirds gender principle has bolstered women representation and participation in governance structures in Kisii county government however the adequate compliance to the principle has not been realised. The study concludes that gender equity in elective and appointive positions in Kisii county structure remains to be a cosmetic affair by failing to reflect the true gender picture of the Kisii county population.

Key words: Gender, women, equity, representation and governance

1.1 Introduction

Existing studies in institutional analysis have been preoccupied with the role of institutional transformation on strengthening governance in Africa. However, the majority of these studies have not adequately interrogated the extent to which institutional change enhance inclusivity in decision-making. Fewer studies have

questioned whether institutional change benefit women the same way men do (Tripp, 2000; Choti, 2013). Despite the equality guarantees by international, regional and national legal frameworks, women still remain marginalised and underrepresented in elective politics globally (Inter-Parliamentary Union, 2008). Gender inequality and unequal power relations persists at all levels of governance across Africa and the local levels in Kenya (Meena, 2003; Mokebo, 2015). These studies reveal glaring gender gaps in political representation and participation in governance structures.

Although studies on gender and politics are on the increase, they have not adequately addressed the impact of devolution politics in expanding the political space to marginalised groups such as women, ethnic minorities, persons with disabilities and the youths. There is scanty information on how devolution politics in Kenya and the new county government structures have provided opportunities and constraints to women who have been historically marginalised (Mokebo, 2015). Tamale, (1999); Tripp (2000) and Mokebo, (2015) posit that further analysis on institutional decentralization should take account of historical and socio-political contexts. This is because women have not been placed at the centre of political participation and representation despite their numeric strength.

1.2 Statement of the problem

In Kisii County, women constitute a critical section of the population yet they are marginalised in political representation and participation in governance structures. This gender gap contradicts the gender picture of the Kisii county demographic representation. Despite the efforts of devolution, women organisations, ratification and domestication of numerous legal instruments in Kenya, gender gaps in governance structures persist at both national and local levels. Gender inequality in political participation and representation in elective and appointive positions in Kisii county government structure is skewed in favour of men. Devolution of governance structures was aimed at achieving sustainable and inclusive democracy through enhancing equity in political participation and representation of both men and women in decision-making platforms in Kenya. The efficacy of devolution in addressing gender inequality in public domain through the newly established county governments' structures in Kenya has not been adequately interrogated. This study sought to probe gender representation in the Kisii county governance structures and establish structural impediments to gender equity in political representation and participation.

1.3 Objectives of the study

- i. To assess the patterns of gender representation in Kisii county governance structures;
- ii. To establish structural impediments to gender equity in Kisii county government structures.

1.4 Scope

This study was limited to the first and the second five-year terms of the Kisii country government after the promulgation of Kenya's 2010 constitution. The study limited itself to elective and appointive positions to Kisii county governance structures in respect to and immediately after the 2013 and 2017 General Elections in Kenya.

1.5 Significance of the study

The study will form the basis for informing genuine gender inclusive democracy that encompass sustainable partnerships in governance structures and public decision-making. The study will also inform gender mainstreaming policies and practices at the devolved units of governance in Kenya. The study will further benefit potential and existing political leaders in identifying structural barriers and gate keepers that erect barriers to women's electoral gains.

1.0 Literature review and theoretical framework

Existing literature on good governance and inclusive democracy has been preoccupied with situational analysis of the place of marginalised groups in governance at the national and local levels globally (Choti, 2013). The great concern has been the historical marginalization of women as candidates and political office holders at various levels. These studies have revealed that the electoral field is skewed against women leading to the marginalization in political representation and participation in African parliaments. Despite the challenges erected on the path of women's progress in political participation more women have entered into elective politics as candidates or office holders. The new trends on increased women participation in elective politics has been attributed to the efforts of women organizations, devolution efforts, international, regional and national legal frameworks aimed at bolstering women political agency (Tamale, 1999; Tripp, 2003).

Kenya adopted devolved system of government and ushered in a new constitutional dispensation in 2010 that provided for two-third gender principle in all elective and appointive positions to address the issue of marginalization of women in governance structures. Surveys on Kenya's general elections exists in terms of winners and losers. However, fewer of this surveys have addressed the election results and political office holding within the gender and feminist paradigm. Existing institutional analysis have not adequately addressed the impact of devolution politics and the new constitutional dispensation at the county level in Kenya (Mokebo, 2015).

The theoretical frameworks employed in the study were governance and feminist theories. Governance was conceptualised as the socio-economic and political management of public affairs. This management comprises of mechanisms, processes and institutions through which groups articulate and contest for their interests and power (Adejumobi, 2003). The feminist paradigm uses gender as a tool of analysis by

viewing society from gender standpoint. The feminism acknowledges that there is gender inequality in decision-making apparatus resulting to unequal power relations between men and women. Consequently, women have been marginalised by gender and patriarchal ideology that accords males substantive positions of privilege at the expense of females. The feminist standpoints agree on the need for organising for change that will engender power relations in order to create a more humane and inclusive society.

3.0 Methodology

Kisii county governance structures were analysed using the United Nations Economic Commission for Africa (UNECA) indicators of good governance (Adejumobi, 2003). The core elements were gender representativeness. Analysis paid attention to both qualitative and quantitative dimensions of gender representation and participation by assessing equity, depth and width of representation. The sample size was made up of eight respondents who were drawn from all the elected and nominated female members of the Kisii county assembly during the first term of the Kisii county assembly. The respondents were interviewed using open and closed questionnaires.

4.0 Results and discussion

The study sought to interrogate the patterns of gender representation in Kisii county governance structures. The study paid attention to elective and appointive positions in county government structures.

4.1 Historical analysis of women participation and representation in Gusii county council

It was established that since Kenya's independence in 1963, women have been historically absent in elective politics as candidates and political office holders. The former Gusii County Council was a male bastion. Women were invisible as candidates and political office holders. The absence of women as candidates led to their historic underrepresentation in local authority councils in Kenya (Choti, 2015; Mokebo, 2015).

By 1992, the County Council of Gusii had 39 councillors and only three were women, this comprised mere 8 % compared to 82% of their male counterparts. The underrepresentation of women in Gusii county council was replicated in majority of local authorities in Kenya. Women political representation in all the councils in Kenya upto 1992 remained less than 3%. This gender gap in political representation of women as candidates' office holders in elective politics has been a persistent phenomenon in the county councils of Gusii up to 2013.

4.2 Gender representation in Kisii county governance structures, 2013-2018.

Table 4.1 Gender analysis of elective politics to Kisii county assembly in the 2013 and 2017 General Elections

Constituency	No: wards	Candidates 2013		Candidates 2017		Female %	
		Male	Female	Male	Female	2013	2017
Bobasi	8	91	4	140	4	4.2%	2.9%
Bomachoge Borabu	4	47	3	60	2	6%	3.3%
Bomachoge Chache	3	27	1	35	5	3.6%	14.3%
Bonchari	4	44	2	43	2	4.3%	4.4%
Kitutu Chache North	4	47	2	59	4	4.1%	6.3%
Kitutu Chache South	5	52	4	66	2	7.1%	2.9%
Nyaribari Chache	6	54	4	83	2	6.9%	2.3%
Nyaribari Masaba	5	61	2	93	3	3.2%	3.1%
South Mugirango	6	75	2	88	4	2.6%	4.5%

Source: researcher, 2018

The study established that in the ward level the number of candidates was on the rise compared to earlier elections. The number of male candidates rose by between eight and forty nine candidates for eight constituencies while one constituency experienced a decline by one candidate. The average increase for male candidates per ward was 3.8%. However, the increase in the number of candidates for elective competition at this level did not translate into significant electoral gain for women candidates. Women candidates to MCA positions remained marginally low or even absent in most cases. Women candidates recorded an increase of between one to three candidates in four constituencies. While the number of female candidates for MCA position remained constant in two constituencies and there was a decline of between one and two candidates. The average increase of women candidate per ward in Kisii County stood at 0.04%. The study established that although many women had offered themselves as candidates, majority of them did not go through the nomination phase. In all the 45 wards of Kisii County, the percentage of women candidates is pathetic. In one constituency female candidates representation stood at 14.3%, all the other eight constituencies, female candidates are below 8% in comparison to the male candidates. This is below the two-thirds gender rule principle under Kenya's 2010 constitution.

In political office holding, it was established that only one woman was elected out of the forty five electoral wards of Kisii County in both the 2013 and 2017 general elections respectively. Women representation to Kisii county assembly through direct election accounted for 2.2 %. Due to the two-thirds gender rule, 26 women were nominated to the county assembly depending on party strength in 2013 while 24 women were nominated in 2017. The majority of the nomination slots went to the Orange Democratic Movement at 45%, 15% Ford People, and 12 % The National

Alliance and 8% Kenya Social Congress. The nominees for other political parties namely; SAFINA, NARC-KENYA, UDF and the Farmers Party accounted for about 3.8 % each. Consequently, female MCAs representation in the Kisii county assembly rose to 44.3% compared to the male MCAs who accounted for 63.7%.

In contestation for the gubernatorial seat in the 2013 general elections, all the candidates for gubernatorial position and their running mates were male. This phenomenon was replicated in the 2017 general election where all the eight gubernatorial contestants alongside their running mates were all male. The study established that governance structure was a male province with regards to the governor and the deputy governor positions.

In the first term of the Kisii county government, women representation in the county executive committee stood at 40%, 28.6% in the county public service board membership and 25% for county chief officers. The average representation of women as ministers, members of the county public service board and as key staff account for 31.2% which was below the two-third gender rule. In the second term of the Kisii county government, women representation stood at 30% in the county executive committee, 25% in county public board chief officer, 33.3 % in the county public service board membership, 20% in county assembly service board. This figures reveal that Kisii county government has not adequately complied with Kenya's constitutional two-thirds gender rule threshold in elective and appointive positions. The positions of county assembly speaker and clerk are all occupied by male in both the first and the second terms of the Kisii county government. Gender inequality is also glaring in both house and sectorial committees of the Kisii county assembly.

Table 4.2 Gender representation in Kisii County Assembly committees

Committee type	2013-2017		2017-2022		Chairperson's sex	
	Male	Female	Male	Female	2013-17	2017-22
House committees						
Assembly procedures and rules	5	3(37.5%)	11	2(15.4%)	Male	Male
Budget and appropriations	9	2(18.2%)	15	6(31.3%)	Male	Male
Delegated county legislation	12	5(29.4%)	9	4(30.8%)	Male	Male
Implementation	9	4(30.8)	9	4(30.8%)	Male	Male
Powers and privileges	12	5(29.4%)	9	4(30.8%)	Male	Male
Procedure and rules	5	3(37.5%)	11	2(15.4%)	Male	Male
Public investments and accounts	5	2(28.6%)	9	4(30.8%)	Male	Male
Sectoral committees						
Agric, livestock, fisheries and cooperative dev't	10	6(37.5%)	5	2(28.6%)	Male	Male
Children, culture and community services	10	7(41.2%)	4	3(42.8%)	Male	Male
Early childhood and vocational training	9	8(47.1%)	4	3(42.8%)	Female	Male
Energy, water, environment, and natural resources	9	8(47.1%)	5	2(28.6%)	Male	Male
Health services	13	4(23.5%)	6	1(14.3%)	Male	Male
Justice and legal affairs	10	7(41.2%)	3	4(57.1%)	Male	Male
Labour and social services	17	5(22.7%)	4	3(42.8%)	Male	Male
Lands, physical planning, urban dev'p and housing	12	5(22.7%)	5	2(28.6%)	Male	Male
Trade, tourism and industry	13	4(23.5%)	4	3(42.8%)	Male	Female
Transport, roads and public works	10	7(41.2%)	6	1(14.3%)	Male	Male

Kisii county assembly first session report; Kisii County Assembly list of committee members 2013-2017

Female MCAs are marginalised in the sharing of committee positions as members and as chairpersons. The majority of Female MCAs merely occupy membership positions in the committees. The study findings indicated that women representation was less than the 33.3% gender minimum threshold in 9 committees (52.9%) in the first five-year term and 12(70.6%) committees in in the second five-year term. These results show negative trend due to increased marginalisation of women in the county assembly committees. However, the total women representation average in the committee's highlighted in table 4.2 stood at 32.9% in the first term and 26.7% in the second term of the Kisii county assembly.

The study established that the Kisii County Assembly provided the male MCAs a greater latitude in chairing its committees. The female MCAs never chaired any of the 7 county assembly committees in the first and the second terms of the Kisii county assembly.in the Sectoral County Assembly committee the male MCAs comprised 90% compared to the female MCAs 10% in both the first and the second terms of the assembly. Generally, women representation in chairing of both house and Sectoral committees of the Kisii county assembly accounted for a mere 5.9% compared to male MCAS'94.1% in both the first and the second terms of the Kisii county assembly.

The study further established that women were given chairing positions of committees that were closely associated with their roles in the domestic domain. Women were excluded from chairing committees that were perceived as being more powerful and prestigious. This committees included County Budget and Appropriations Committee, Committee on Implementation, Committee on Delegated County Legislation among other. Female MCAs chaired two committee's namely Early Childhood and Vocational Committee, and trade, tourism and industry.

4.3 Structural barriers to gender equity in the Kisii county governance structures

It was established that although women representation and participation in Kisii county governance structures was on the increase, it has not been uniform. Gender inequality in these structures has been attributed to gender blindness during nomination, election and appointment processes. The tendency of exclusion of women in political participation and governance was rooted in the Gusii patriarchal ideology that has portrayed men as leaders while treating women, youths and children as followers. Thus the playing ground in Kisii county elective politics is not even but tilted in favour of men.

The study establish that the inhabitants of Kisii County are predominantly from the Abagusii tribe. The Abagusii are subdivided into clans, sub-clans and lineages. The clan factors heavily influences elective politics in Kisii County. Elective politics for

gubernatorial, senatorial, county woman representative to the national assembly and member to the county assembly are contested within the clan framework. The clan was found to be a deciding factors in accessing positions of authority and sharing of resources in Kisii County. The study established that clannism was a major hindrance to women candidates. This was because women are seen as outsider in their clans and thus are not considered as the best flag bearers for clan interests and competitions.

The study established that violence was another major impediment to women candidates and political office holders. It was established that the sources of violence varied from close family relatives, male competitors, and agents of male opponents, voters, political party members and leaders. The study established that violence manifests itself in form of physical, psychological and abusive labelling. The respondents observed that various forms of violence against them is prevalent during electoral contest and in the county during decision-making through interruptions aimed at women contributions in assembly debates and other speech acts.

It was established that women's limited access and control over financial resources is a major handicap in their participation in elective politics in Kisii County. The study established that women are highly disadvantaged in financing of their campaigns for elective office and establishing networks across the political actors. Women have less control over family and their own financial resources. They also find it difficult to solicit for campaign funding as compared to their male counterparts due to negative labelling against such acts. Disagreement on sources of funding affect women differently than men. Thus, many female candidates choose to safeguard family ties at the expense of political activity.

The study established that low educational level was a major impediment to women's political participation and representation in Kisii county governance structures. In the chairing of house committees, women's lack of adequate higher education was used as a silent criterion to deny them access to various county assembly committees. It was also observed that language has been used in a manner that disempowers women political actors. It was established that men have more linguistic capital and dominate conversation spaces in the Kisii county assembly debates. The male MCAs monopolise debate sessions as compared to their female counterparts. The low participation of female MCAs in the county assembly is attributed to the skewed talking turns in the county assembly during debate sessions.

The study established that there has been minimal transformation among the male MCAs who still forget and treat their female counterparts as "children" or "naïve" guided by Gusii patriarchal ideology. The male MCAs expect their female colleagues to play the role of followers or supporters of their bills. The female MCAs felt that their male counterparts still treat them as outsiders by addressing them as *mama*- "mother", *auntie*- "aunt" or "sister" despite their title as honourable members. The

study established that significant number of male MCAs do not value the contributions of their female colleagues and openly side-line them. The study established that in some occasions, the male MCAs lobby for certain legislations and interests in secreted locations without the knowledge of female MCAs. These “other” assemblies outside the county assembly are male networks that lay the ground for substantive debates or approvals and normally female MCAs are not invited. Gender,

The study established that majority of the female MCAs are nominated and as such they do not have a constituency to represent. They have no funds and as a result they speak less in public with caution not to outshine the area MCA in their home wards. The study established that when female MCAs limit their speech and interactions with the electorate in their home wards, the male MCAs in turn praise them as being “good” or “harmless”. This unwritten code of expectation by most elected male MCAs over their MCAs to limit their verbal space and “tow the line” is a great impediment to female MCAs and other female leaders participation in in public decision-making.

5.0 Conclusion

The study established that elective politics in Kisii county governance structures tilted in favour of men. Women are marginalised in electoral activity as candidates and political office holders. In the county executive committee, county service public board chief officers and county assembly service board representation is skewed against women. Women representation is largely below the two-thirds gender principle that required appointive positions to be at least 33% of either gender. The underrepresentation of women in Kisii county government structures is a function of patriarchal ideology, clannism, limited access and control over financial resources. It was established that violence, lack of adequate education and language were major impediments to women’s equitable participation and representation in governance structures in Kisii county government. Although the Kisii governance structures efforts seem to comply with the two-third gender principle, they have not substantively implemented this policy. There is need to safeguard the gains in gender in regard to elective and appointive positions at all levels of governance.

6.0 Recommendations

The study recommends that county assemblies in Kenya and Kisii in particular should fully implement the two-thirds gender rule in all county governance structures. Gender mainstreaming in Kisii county government should be comprehensively implemented rather than being treated as a cosmetic affair. The study further recommends on baseline survey that interrogates the levels of awareness and the impacts of the two-third gender rule in county governments in Kenya.

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