

**UNIVERSITY OF NAIROBI**  
**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**CASE STUDY OF THE GENDER FACTOR IN DEVOLVED GOVERNANCE IN  
RWANDA (1997-2003) AND LESSONS FOR KENYA**

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**DECLARATION**

I Abigail Mwangi declare that this research project is my original work and has not been presented to any other examination body.

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**Declaration by the supervisor**

This research project has been submitted for examination with my approval as the University of Nairobi Supervisor

**Signed.....** .....

**Supervisor : PROF.AMB.MARIA NZOMO**

## **DEDICATION**

I dedicate this work to my loving son Darren Caleb Maangi. You have inspired so many changes in my life. May you grow to be courageous and stand for what you believe.

## **ACKNOWLEDGMENT**

I acknowledge The Almighty Father in heaven for enabling me to successfully pursue this course.

Secondly to my beloved family; my parents; especially my Mum, for your emotional, spiritual and financial support, my siblings; Jimmy, Carlos and Angela and the greater family for your support during my studies. To my dear friends who constantly encouraged me, Wanjiru, Caroline, Anindo and Moraa, I say thank you.

To my supervisor Prof. Amb. Maria Nzomo, thank you for your guidance.

## **ABSTRACT**

The promulgation of the new constitution in August 25<sup>th</sup> 2010 required that the Kenyan government adopt a devolved system of governance from the earlier centralized system of government. This therefore came into effect after the March 2013 elections. With this new development in Kenyan politics, there have been several challenges that have come with it. One challenge is that of adequate representation of marginalized social groups such as the youth and women. Globally, Rwanda has the highest number of women legislators; this can be attributed to deliberate measures undertaken by the Government of Rwanda so as to increase the number of women in governance. Today, Rwanda is making great progress as a post conflict society despite the 1994 genocide. The main objective of this study is to examine the gender factor in devolved governance in Rwanda and with the view of drawing some lessons for Kenya. The specific objectives of this study therefore examines the effect of the gender factor on devolution in Rwanda; analyzes the various measures undertaken by the government of Rwanda to increase the participation of women in governance and to identify and recommend appropriate lessons from the government of Rwanda for Kenya's devolved government.

The study employs a feminist theoretical framework and specifically the standpoint approach within feminist International Relations (IR). A general analysis of Rwanda's foreign relations in respect to the gender factor is provided in this study. The study relies heavily on qualitative methods of data collection as survey research methods was constrained by challenges related to accessibility and time.

## **ABBREVIATIONS**

**ACFODE**-ACTION FOR DEVELOPMENT

**ANC**-AFRICAN NATIONAL CONGRESS

**AU**-AFRICAN UNION

**CDF**-CONSTITUENCY DEVELOPMENT FUND

**CEDAW**-CONVENTION OF THE ELIMINATION OF DISCRIMINATION AGAINST  
WOMEN

**CS**-CABINET SECRETARY

**EAC**-EAST AFRICAN COMMUNITY

**EDPRS**-ECONOMIC GROWTH AND POVERTY REDUCTION STRATEGY

**FBO**-FAITH BASED ORGANISATIONS

**FFRP**-FORUM DES FEMMES RWANDAISES PARLEMENTAIRES

**GBV**-GENDER BASED VIOLENCE

**GNU**-GOVERNMENT OF NATIONAL UNITY

**GoR**-GOVERNMENT OF RWANDA

**IR**-INTERNATIONAL RELATIONS

**LATF**-LOCAL AUTHORITIES TRANSFER FUND

**MDGs**-MILLENIUM DEVELOPMENT GOALS

**MRND**-NATIONAL RECOVERY MOVEMEENT FOR DEVELOPMENT

**NEPAD**-NEW PARTNERSHIP FOR AFRICAN DEVELOPMENT

**NFLS**-NAIROBI FORWARD LOOKING STRATEGIES

**NGO**-NON GOVERNMENTAL ORGANISATIONS

**PCR**-POST-CONFLICT RECONSTRUCTION PROJECT

**RPF**-RWANDAN PATRIOTIC PARTY

**UHCR**-UGANDA HUMAN RIGHTS COMMISSION

**UN**-UNITED NATIONS

**UNDP**-UNITED NATIONS DEVELOPMENT PROGRAMME

**UNESCO**-UNITED NATIONS EDUCATION SCIENCE

**UNSC**-UNITED NATIONS SECURITY COUNCIL

**UNWO**-UNITED NATIONS WOMEN ORGANISATION

**UWESO**-UGANDA WOMEN’S EFFORTS TO SAVE ORPHANS

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# **CHAPTER ONE: CASE STUDY OF THE GENDER FACTOR IN DEVOLVED GOVERNANCE IN RWANDA AND LESSONS FOR KENYA.**

## **1.1 Introduction**

Women's participation in contemporary formal politics is low throughout the world.<sup>1</sup> The argument put forth by scholars Jacquetta Newman and Linda White is that women's participation in the realm of high politics is crucial if the goal is to affect the quality of public policy. Women in government in the modern era are under-represented in most countries worldwide, in contrast to men. However, women are increasingly being politically elected to be heads of state and government. More than 20 countries currently have a woman holding office as the head of a national government, and the global participation rate of women in national-level parliaments is nearly 20%. A number of countries are exploring measures that may increase women's participation in government at all levels, from the local to the national.

Today, many African countries are opting to embrace a more decentralized form of government as the most suitable mode of governance through which poverty reduction interventions can be conceived, planned, implemented, monitored and evaluated<sup>2</sup>

Women, as the conventional primary caretakers of children, often have a more prominent role than men in advocating for children, resulting in a "double dividend" in terms of the benefits of women's representation<sup>3</sup>. Female representatives not only advance women's rights, but

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<sup>1</sup> Newman, Jacquetta; Women, politics and public policy, pg.88

<sup>2</sup> The constitution of the Republic of Kenya

<sup>3</sup> UNICEF 2006, Equality in politics and governance, pp.51-87

also advance the rights of children. In national legislatures, there is a notable trend of women advancing gender and family-friendly legislation. This advocacy has been seen in countries ranging from France, Sweden and the Netherlands, to South Africa, Rwanda, Uganda and Egypt. Furthermore, a number of studies from both industrialized and developed countries indicate that women in local government tend to advance social issues.....<sup>4</sup>. In India, for instance, greater women's representation has corresponded with a more equitable distribution of community resources, including more gender-sensitive spending on programs related to health, nutrition, and education.

This study seeks to examine the gender factor in devolved governance in Rwanda and recommend appropriate lessons to Kenya. It will analyze the measures undertaken by Rwanda to include the gender factor in governance and what lessons Kenya can learn as a devolved government.

## **1.2 Background of the study**

African states today, face growing pressures both to decentralize and to adapt to emerging global governance structures and standards. These extend beyond trade to encompass many areas once considered within the purview of national policy. Globalization also brings risks of increased economic instability, which can lead to social conflicts. All these factors have increased the importance of sound governance and institutions for mediating conflicts and promoting social cooperation.<sup>5</sup>

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<sup>4</sup> Ibid.

<sup>5</sup> World Bank publication 1993 Can Africa claim the 21<sup>st</sup> century? Pg.49

Increasing women's representation in the government can empower women and is necessary in achieving gender parity. Women's empowerment is rooted in the human capabilities approach, in which individuals are empowered to choose the functioning that they deem valuable.

Women face numerous obstacles in achieving representation in governance. Their participation has been limited by the assumption that women's proper sphere is the "private" sphere. Whereas the "public" domain is one of political authority and contestation, the "private" realm is associated with the family and the home<sup>6</sup>. By relegating women to the private sphere, their ability to enter the political arena is curtailed.

This Convention had effects globally with governments adopting these recommendations at all levels including regional and national levels. Regionally in Africa, these have been adopted by the African Union (AU) and the East African Community (EAC).

The AU constitutive instrument, Article 4, under the principles of the African Union; promotion of gender equality<sup>7</sup> and The EAC constitution, article 4; 6, under the objectives of EAUT, is to promote gender equality.<sup>8</sup>

The Constitution of Rwanda<sup>9</sup>, Article 54 Political organizations are prohibited from basing themselves on race, ethnic group, tribe, clan, region, sex, religion or any other division which may give rise to discrimination. Political organizations must constantly reflect the unity of the

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<sup>6</sup> Basu Amritya, Essays on gender and Governance 2003.

<sup>7</sup> AU charter

<sup>8</sup> EAC charter, article 4;6

<sup>9</sup> The Constitution of Rwanda

people of Rwanda and gender equality and complementarily, whether in the recruitment of members, putting in place organs of leadership and in their operations and activities. In Kenya, under the principles of devolution in The Kenyan constitution, chapter eleven Article 175; c, no more than two-thirds of the members of representative bodies in each county government shall be of the same gender.<sup>10</sup>

The promulgation of the new constitution in August 25<sup>th</sup> 2010 required that the Kenyan government adopt a devolved system of government from the earlier centralized system of government. This therefore came into effect after the March 2013 elections. The centralized government services are now devolved into forty seven counties.

With this new development in Kenyan politics, there have been several challenges that have come with it. One challenge is that of adequate representation of marginalized social groups such as the youth and women. Minayo affirms that devolution is the vehicle that will engineer the transformation of relations between women and men. It is anticipated that through devolution, women's visibility in public life will increase; the voice of women in policy formulation and implementation will be enhanced; women will be facilitated to participate in and influence the process of determining development priorities and resource allocation for development purposes; and their capacity to participate in all levels of the county's life will be enabled through training and sensitization<sup>11</sup>.

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<sup>10</sup> The constitution of the Republic of Kenya

<sup>11</sup> Minayo L;Ngunzo za Haki,Enhancing Gender Equality through Devolved Government, April 2012 pp 21

Globally, Rwanda has the highest number of women legislators; this can be attributed to the Rwandan Constitution that clearly specifies the number of women required. Today, Rwanda is making great progress as a post conflict society despite the 1994 genocide.

### **1.3 Statement of the problem**

Article 175, clause c states that: under the principles of the devolved government, No more than two-thirds of the members of representative bodies in each county government shall be of the same gender. One of the key principles in the devolved system of government as outlined in the constitution of Kenya is that of advancing gender equality. The Kenyan society can be said to be still very patriarchal despite the advancement made to change the constitution so as to increase women participation within the political circle. Despite creating a special post under the constitution to represent women issues in the national assembly, the top county government is an all male government in that out of the forty seven governors and senators none is female.

However the President of Kenya incorporated the gender factor in devolution and adhered to the not more two thirds of the same gender as required in the constitution and out of the sixteen cabinet secretaries (CS) appointed six are women. Ambassador Amina Mohamed as the CS for Ministry of Foreign Affairs, Ann Waiguru as CS for Ministry for Devolution and Planning, Ambassador Raychelle Omamo as CS for Ministry of Defense, Charity Ngilu as CS for Ministry of Lands, Professor Judy Wakhungu as CS for Ministry of Environment Water and Natural Resources and Phylis Kandie as CS for Ministry of East African Affairs, Tourism and Commerce. Ambassadors Amina Mohamed and Raychelle Omamo joined the number of

few women that head the ministries of foreign affairs and defense in Africa. With the changes in governance in Kenya, however the question still remains. Devolution is seen as one of the means through which the existing imbalances of underrepresentation are addressed. Rwanda has surpassed the global requirement of women representation, and has over 60 per cent women in government. This study seeks to investigate the impact of having large numbers of representation by women and how these women legislators have utilized the devolved government structures to empower others.

#### **1.4 Primary objective of the research**

The main objective for this study is to examine the gender factor in devolved governance in Rwanda with a view to drawing lessons for Kenya:

##### **1.4.1 Secondary objectives of the research:**

The specific objectives of this study will be:

- 1) To examine the effect of the gender factor on devolved governance in Rwanda.
- 2) To analyze the various measures undertaken by the government of Rwanda to incorporate the gender factor in its devolved form of governance.
- 3) To recommend appropriate lessons from Rwanda for Kenya concerning the gender factor in devolved governance.

#### **1.5 Research Questions**

The study looked at the following research questions:

- 1) What is the effect of the gender factor on devolution in Rwanda?



- 2) What measures did the government of Rwanda undertake to incorporate the gender factor in its devolved form of governance?
- 3) What possible lessons can Kenya learn from Rwanda in relation to the gender mainstreaming of devolved governance?

## **1.6 Justification of the study**

This study will seek to find out the overall political representation of women in Rwanda. It will examine how devolution can be used as a tool to increase women representation in governance.

This study will be important as it will provide a basis for reassessing the impact and prospects of the representation of women in County governments in Kenya, nationally and their performance so far. The study will be significant to the women representatives who will import ideas from their counter parts in Rwanda.

## **1.7 LITERATURE REVIEW**

### **1.7.1 Literature review on gender**

Gender is the socially constructed roles and expectations that are attributed to being male or female. According to Pilcher and Whelehan, gender came into common parlance during the early 1970s and was used as an analytical category to draw a line of demarcation between biological sex differences and the way these are used to inform behaviors and competencies which are then assigned as either 'masculine' or 'feminine'. The purpose of affirming a sex/gender distinction was to argue that the actual physical or mental effects of biological difference has been exaggerated to maintain a patriarchal system of power and to create a

consciousness among women that they were naturally better suited to 'domestic' roles.<sup>12</sup> This is expectations are universal with modifications however according to culture. Socially, women are confined to the private sphere whereas men are confined to the public sphere. This therefore explains why historically there has been an under-representation of women within decision making sphere such as government.

Steans states that gender refers to not what men and women are biologically, but to the ideological (or discursive) and material relations that exist between groups of people called 'men' and people called 'women'. In all societies and in all cultures there are certain emotional and psychological characteristics that are held to be essentially 'male' or 'female'. Similarly, while sex and gender do not coincide naturally, individuals who are born as biological males or females are usually expected to develop 'masculine' or 'feminine' character traits and behave in ways appropriate to their gender.<sup>13</sup> The terms 'masculine' and 'feminine' do not describe natural characteristics, but gender terms.

She adds that dominant (common sense) constructions of gender are also challenged and contested in various ways. Thinking about gender therefore, invites deeper reflections on certain forms of power relations that exist within society and how the social meanings that sustain such relations are constructed, reproduced and are also challenged, contested and renegotiated. Feminism has been concerned with the unequal status of women and so has tended to view gender in terms of unequal social relations that exist between men and women. Feminist groups have struggled to challenge dominant definitions of 'woman' and woman

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<sup>12</sup> Pilcher J, and Whelehan I, 2004, pg. 56-57

<sup>13</sup> Jill Steans Gender and International Relations, pg 8

nature and purpose in order to make arguments in favor of extending economic opportunities and civil and political freedoms to women.<sup>14</sup>

### **1.7.2 Theories of International Relations**

The identity parameters for the field of IR were established by the two official debates of IR: Realism and Idealism. The debate of these two theories question the study of IR as the study of self-interested territorial entities called states operating in an environment of anarchy or the study about states and non-state actors developing webs of interdependence, cooperation and rules of peace. Kegley Jr. and Wittkopf define realism as a paradigm based on the premise that world politics is essentially and unchangeably a struggle among self-interested states for power and position under anarchy with each competing state pursuing its own national interests. This theory can be traced to the ancient Greek historian Thucydides and his account of the Peloponnesian wars between Athens and Sparta and the writings of Italian theorist Niccolo Machiavelli and English philosopher Thomas Hobbes. Realism emphasizes power, state sovereignty and self-help.<sup>15</sup> According to realists, states are the main actors in IR, states are unitary and rational behaviors and states pursue power defined as national interests.

### **1.7.3 Liberalism**

The words liberal and liberty are both derived from the latin word liber meaning free. Liberal emerged in the political world in the nineteenth century when a faction of the Spanish legislature adopted the name liberals. The early liberals shared a desire for a more open and tolerant society one in which people would be free to pursue their own ideas and interests with

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<sup>14</sup> Ibid.

<sup>15</sup> Kegley C, and Wittkopf E, 2005 pg.31-39

little or no interference. Liberalism can be traced to religious conformity and ascribed status in the medieval society in Europe. Religious referred to the freedom of religion and separation of the church and the state whereas the ascribed status referred to a person's social standing as fixed/ascribed at birth and there was little or not much change that one would apply in order to change his/her status.

Liberalism emphasizes on individual liberty rests on a conception of human beings as fundamentally rational individuals. It suggests that equality is an important element in the liberal conception of freedom and each person is to have an equal opportunity to enjoy liberty, liberalists believe that everyone should have an equal chance to succeed. Therefore any obstacle that prevents a person's freedom such as monopolies that block economic competition, discrimination on race, religion or gender must be eliminated.

Liberalism promotes individual liberty by attempting to guarantee equality of opportunity within a tolerant society. The propagators of this theory include Thomas Hobbes-, John Locke, Adam Smith, Jeremy Bentham-utilitarianism and John Stuart Mill who was an ardent advocate of women's rights.

Liberalism today is not the revolutionary ideology but an ideology defending a revolution already won. Liberals remain divided on how best to develop and promote individual liberty. Welfare liberals argue for an active government to give equal opportunities to citizens to be free whereas neoclassical liberals believe that the government is to be limited so as not to rob freedom from its citizens.

The liberal commitment to equal opportunity. Neo classical liberals believe that everyone ought to be free to make his/her way without discrimination. The liberal state should outlaw discrimination on the basis of race, religion or gender. Welfare liberals maintain that the government should help disadvantaged people to enjoy equal opportunity. To overcome the legacy of discrimination against women and racial minorities, welfare liberals advocate for affirmative action programs.<sup>16</sup>

#### **1.7.4 Feminism**

The feminist theory is about studying gender-its stories, shapes, locations, evocations and rules of behavior. The early debates in the field of International Relations and the pretheoretical discussions about IR that preceded them helped establish IR as a “man’s” realm of politics. Jean-Jacques Rousseau, Emile-women are permanent slaves of their sexual passions and cannot therefore develop the reason necessary to shape and participate in formal political culture. Women belong to the private places of households and all men have public responsibilities.

Sylvester argues that International Relations is the proper homestead or place for people called men and that one of the characteristics of mainstream IR is that it presents itself as gender blind. She adds that across the three debates in this field there exists a recurring sense that “men” have coherent homes in IR and “women” are suited for other places from which they may venture forth to visit international relations, only in order to provide support services for “men’s” politics. She sees women and men as socially constructed subject statuses that emerge from a politicization of slightly different anatomies in ways that support grand divisions of

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<sup>16</sup> Ball,T and Dagger R.1999

labor, traits, places, and power. Socially constructed is the way in which stories have been told about “men” and “women” and the constraints and opportunities that have thereby arisen as we take to our proper places. She adds that IR has no stories about people at all and tells only of abstract balances of power, national interests, regimes, trade flows. IR has no stories about “women” and does not evoke a womanly character, the “men” in IR are dressed as states, statesmen, soldiers, decision makers, despots and other characters with more powerful social positions than “women”. “Men” and “women” stay in their designated places and engage in the behaviors presumed by the theories.<sup>17</sup>

Brown claims that normative IR, the type of theorizing that is always implicated in feminist exercises should not just be about the moral dimensions of theory thus whether gendered stories of IR are just or not but about questioning the meaning and interpretation generated by the field.<sup>18</sup> The nineteenth century was characterized by an increasing militancy on the part of women. Suffragists in United States and England demanded that women be allowed to vote, while others lobbied for the change in relation to laws of marriage and divorce. The participants of this change pointed out the condition of women and slaves as similar in many ways: both were without the right to vote, run for public office own property in their name or leave an abusive husband or master.

Ball and Dagger point out the different variations or strands within feminism that are often in combination with other ideologies such as socialism and anarchism. Among all existing variants, the most influential are the liberal and radical feminist perspectives. Socialist

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<sup>17</sup> Sylvester C. 1994.

<sup>18</sup> Brown C. 1992.

feminists-women cannot be free until capitalism is replaced by socialism, anarchist feminists claim that women will be oppressed as long as the state exists, Lesbian feminists claim that women will be oppressed as long as they associate with and are dependent upon men.

Liberal feminism is motivated to overcome overt forms of discrimination in marriage, educational opportunities legal rights and the right to vote. Liberal feminism aims to give women the same rights and opportunities that men enjoy. The ratification of the Nineteenth Amendment to the constitution of USA that gave women the right to vote.

Radical feminism is concerned with the exposing and overcoming more subtle forms of discrimination than that of sexism. Sexism is a set of beliefs and attitudes about women's supposedly innate inferiority and various inadequacies-intellectual, physical, emotional, spiritual that prevent them from being men's equals. Radical feminism attempts to expose these beliefs that are held by both men and women. These sexist attitudes include, unfeminine to be successful, a woman who is raped probably provoked or invited the attack. Radical feminists argue that women must address men's sexism and their own sexism as well, they need to overcome their own internalized sexist attitudes and beliefs about their sex's supposed limitations and liabilities.

Liberal feminists stress the essential equality and sameness of the two sexes such as equal rights, equal opportunities and equal pay to comparable work whereas radical feminists emphasize differences in biological makeup, different attitudes, outlooks and values, they

argue that these differences should be respected and protected and women should be free to be different.<sup>19</sup>

According to Banks, the origins of feminism can be traced to the early 1960s when small groups of women activists in the civil rights movement and later in the New Left began to be conscious of the limited role assigned to women in the movement and in particular their exclusion from decision making and their relegation to domestic and other auxiliary chores. Such a role was typical of women's political involvement but the women making the protest were not only themselves highly educated but part of a movement that stressed an equal rights ideology. The attempt to raise issue of women's rights was met with refusal, contempt and ridicule that did a great deal to stimulate the incipient feminism of the women involved.<sup>20</sup>

### **1.7.5 Post feminism**

Post feminism is situated in relation to earlier feminisms and addresses its manifestations in popular culture, academia and politics. Feminism has undoubtedly gone through significant changes since its inception in the 1960s and 1970s from debates around equality to a focus on debates around differences; a shift from a collective, activist politics to an increasing mainstreaming of feminism and the appearance of a new generation of women who redefine the movement's goals and identity.<sup>21</sup>

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<sup>19</sup> Ibid

<sup>20</sup> Banks,pg 225-29 1990.

<sup>21</sup> Brooks A.1997



Genz and Brabon assert that feminism's role and situation has changed due the rapidly changing cultural and economic landscape. Discussions revolve around the question whether feminism can still exist as a discrete politics once incorporated into popular consumer culture. The move towards individual consumer oriented empowerment has propelled the consideration of several complex questions regarding the compatibility of feminisms popular and political dimensions.

Today, there is existence of intricate and complex intersections of feminism and popular culture and the emergence of a post feminist politics of representation and controversial emancipation. Popular/consumer culture should be reconceived as a site of struggle over the meanings of feminism and the reconceptualization of a post feminist political practice that unlike the second wave feminism does not rely on separatism and collectivism and should not be considered along the same lines as the second wave as an activist social politics but instead highlights the multiple agency and subject positions of individuals in the new millennium.<sup>22</sup>

### **1.7.6 Patriarchy**

According to Wilford , patriarchy is best described in historical terms that men are, always have been and always will be, motivated to dominate women and will use all means, fair and foul to achieve that end. He states further that this expansive definition does not restrict the exercise of male power to the public worlds of politics and work: patriarchy is also understood to extend into the private sphere of the family and the intimate realm of sexual relations. Patriarchy is deployed as shorthand for the conditions of inequality women experience whether in the public or private realms hence patriarchy in the weak sense is understood to be socially

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<sup>22</sup> Genz S and Brabon B,2009 pg 23-30.

constructed through the respective meanings imparted to masculinity and femininity and therefore gendered. The conclusive interpretation of patriarchy therefore presents women as enduring victims of male oppression.<sup>23</sup>

### **1.7.7 Gender and governance/politics**

In 1779, the first attempt to include women in governance was by Abigail Adams who in anticipating that new laws would be necessary after the declaration of Independence was issued, wrote a note to her husband, John Adams informing him to accord attention to women. Women had no political rights the constitution had betrayed the Declaration promise of equality and the women who had contributed to the making of that independence during the revolutionary war. The women Suffrage that advocated for the right to vote was coined in 1869. World War 1 (1914-1918) was a turning point in the battle for women's rights as it offered many opportunities for women to volunteer and also hold jobs that had been vacated by men who joined the war.

During the European colonialism, African women devised ways in which they embraced the economic, political and social forces of their colonialists. African women as historical subjects were active agents in the making of the colonial world. Women's colonial histories challenge the chronological boundaries that have framed African colonial history generally, boundaries based largely on formal political markers such as decisive military defeat, a treaty of protection or hoisting of the flag of independence, these markers are not gender neutral but rather signify definitive moments in the colonial histories of male political elites.

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<sup>23</sup> Wilford R, Feminism in Eccleshall et al, Political Ideologies, 1996, pg. 253-254

Mianda argues in her essay “colonialism, Education, and Gender Relations in the Belgian Congo: The Evolve Case extends the discussion of colonial perceptions by exploring how they were internalized by African elites. Mianda uncovers the attitudes of evolues (self-styled African advocates of modernity)toward women’s issues, such as marriage, family, work, mobility and sexuality and concludes that colonial representations and perceptions served the strategic purposes of African male elites by consolidating their position and subordinating women.<sup>24</sup>

Afshar argues that since the 1960s women’s roles in the processes of development have been increasingly recognized and their contributions documented and analyzed. Women’s political activities have been seen as marginal or non-existent. This is reinforced by the relatively small numbers of women in positions of power and leadership particularly in the West as a result, the Western centered academic analysis of politics that has evolved ignores women and places them as the peripheries of the political processes. Third world women activists have been made invisible through male dominated discipline of political theory as well as an earlier phase of feminism which had serious misconceptions about femininity, motherhood and the family. Western feminisms negated Third World women’s’ choices of paths of political activism which used the local prevalent ideologies and were often located within religious or maternal discourses.<sup>25</sup>

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<sup>24</sup> Allman J et al,2002 pg 1-8

<sup>25</sup> Afshar H,1996 pg.3

Uganda and South Africa stand out as trailblazers in Africa and in the world in their efforts to bring greater numbers of women into formal politics. Since the 2001 elections, Uganda's parliament is one quarter female, while women have made up nearly one third of South Africa's parliament since 1999. This puts both countries ahead of most industrialized country democracies in terms of women's presence in politics and at par with the most advanced of these, the Scandinavian countries<sup>26</sup>

According to Steans, "The interpretation of actions clearly shows the existing power relations between men and women. Women who do actively campaign for women's are stigmatized and accused of betraying the nation. The desire to achieve changes in the position of women can easily be portrayed as a betrayal of cultural or national identity. Feminism is usually cast as a foreign ideology that alienates women from their religion, 'their' culture and their family responsibilities."<sup>27</sup>

At the fourth world conference on women, there was a global consensus to increase the participation of women in politics or to hold public office through several mechanisms. Critical mass is viewed as a justification to bring more women into political office. The increased presence of women in political institutions does not result into the passage of women friendly policy outcomes. Presence, involves institutionalizing women's participation in decision making (for instance through quotas in local government). Here the focus is on numerical presence of women, but variations in approaches to bringing more women to office

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<sup>26</sup> Marie A and Hassim S,

<sup>27</sup> Ibid.

can strongly influence the capacity for this numerical presence to translate into a more meaningful representation of gender equity interests in decision making.<sup>28</sup>

Rwanda has promoted women political empowerment through electoral gender quotas by constitutional amendment and electoral law. This however is viewed in a different perspective as a discrimination against voters and men. Political empowerment refers to the equitable representation of women in decision-making structures, both formal and informal, and their voice in the formulation of policies affecting their societies.<sup>29</sup>

The extent to which parliaments are briefed concerning the Beijing Platform for Action determines their scope of action in implementing it. Parliament plays a major role in social change through several ways: these include roles such as responsibility for shaping and amending the legal framework that underlies and determines women's rights in all areas. Interaction between civil society and parliamentary institutions is essential.

Gender inequality has proven to be much more intractable than anticipated. In several arenas women's capabilities and quality of life have worsened; legislative reform is not matched by changes in political and economic realities to enable women to use new laws; gains in one sphere have produced new, detrimental forms of gender inequality<sup>30</sup>

Article 7 of CEDAW; States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular,

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<sup>28</sup> Ibid

<sup>29</sup> World Economic Forum,2005.

<sup>30</sup> Cornwall A, and Harrison E et al. 2007,pg.1

shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.<sup>31</sup>

Women's representatives an unmitigated disaster: Has quantity trumped quality? The writer Nyairo views the women's representation position under the new dispensation as dull, discordant and diversionary. She writes that we fell for the common fallacy that by having more women in parliament we would automatically achieve agency and better representation on (women's) issues, she continues that, we must reconsider the whole function of Women's Representatives. Maybe, like all affirmative action, this one has become a site of tokenism. According to Nyairo, quantity does not always translate into quality. To test this adage she advises to check on the Ugandan experience.<sup>32</sup>

The women's movement in Uganda has made remarkable progress since 1986. The new generation of autonomous women's organizations emerged in Uganda in 1985 with the United Nations Women's conference in Nairobi. These new associations were independent of Yoweri Museveni's government that came into power in 1986. The women's movement became one of the major societal forces in Uganda and played a significant role in improving the status of women. In a comparative African perspective, Uganda is a leader in advancing women's rights

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<sup>31</sup> CEDAW

<sup>32</sup> Daily Nation Friday 28<sup>th</sup> March 2014...opinion pg 13.

in spite of all continuing challenges. Upon their return, women who attended the 1985 conference in Nairobi mobilized women and established organizations such as Action for Development (ACFODE) and Uganda women's Effort to Save Orphans (UWESO) lobbied the government to place women in key decision-making positions. The growing numbers of women in politics has been one of the biggest changes fostered by Museveni's Movement as a result of pressure from women's associations. By 2002, 25 percent (77) of parliament seats were held by women up from 18 percent after the 1989 and 1996 elections. In 1980, there was only one woman in parliament. The 2001 elections saw an increase in the number of women running for open constituency seats 32 ran for constituency seats and won 13, 1996 parliamentary race saw the number of women contesting open seats as 26 and winning 8. The biggest change was women running for office, in 1996, the total number of women running for parliamentary seats was 135 while in 2001 it was 203 women. In elections of special parliamentary groups such as workers, disabled and youth, women have frequently been at the forefront. In 2001 parliamentary elections, Sekitoleko Kabonesa, a 24-year old woman won the Central region for the youth seat having captured 90 percent of the votes.

The increase of female parliamentarians has been the emphasis on passing legislation that addresses women's concerns. Women in the Constitutional Commission and the constituent assembly were instrumental in ensuring key clauses protecting women's rights in the 1995 constitution. Dr. Speciaoza Wandira Kazibwe was the first female vice president in Africa. Women hold one third of local council seats. Uganda has 18 female ministers (26 percent) out of 69 cabinet ministers. Key commissions have been chaired by women, such as the Uganda Human Rights Commission (UHRC), Lady Justice Julie Sebutinde chaired the Judicial

Commission of Inquiry into Corruption in the Police Force. Her performance was so remarkable that her name became a household word: to Sebutinde someone became a popular way of talking about exposing lies. Women's organizations have increased exponentially throughout Africa since the late 1980s as have the arenas in which women have been able to assert their varied concerns. The International Women's movement and in particular the 1985 and 1995 UN Women's conferences in Nairobi and Beijing respectively gave added impetus to women's mobilization.<sup>33</sup>

### **1.7.8 Gender and Governance globally**

The United Nations Women's Organization is dedicated to gender equality and the empowerment of women and girls. It supports UN member states as they set global standards for achieving gender equality and works with governments and civil society to design laws, policies, programmes and services needed to implement these services. The UNSC passed resolution 2122 in September 2013. This resolution is related to other previous resolutions such as resolution 1325. This resolution strengthens consistent action on women, peace and security a position long advocated by UN women. This resolution also makes a link between gender equality and international peace and security. It reiterates the obligation to put women's leadership at the centre of all efforts to resolve conflict and to promote peace.

Gender based inequalities in decision making power persist whether in the public or private sphere from the highest levels of government decision making to households, women continue to be denied equal opportunity with men to participate in decisions that affect their lives. Millennium Development Goals, goal three targets to promote gender equality and

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<sup>33</sup> Tripp A and Kwesiga, 2002 pg 8-20



empower women. In 2013, the average share of women members in parliament worldwide was over 20 per cent. The MDG Report 2013 notes that women are assuming more power in the world's parliaments boosted by the quota system.

### **1.7.9 Gender in the Kenyan Context**

Kenya has exhibited approval to the gender equality platform in the context of its commitments to UN resolutions, such as the Universal Declaration of Human Rights and CEDAW. It also espoused the 1966 covenants on civil, political, economic, social and cultural rights. By 1985, the country was at the heart of gender equality initiatives, hosting the formulation of the Nairobi Forward Looking Strategy for the advancement of women, and was at forefront of continental preparations for the 1994 International Conference on Population and Development and the 1995 Beijing Platform for Action, a motion adopted by Parliament in 1996.

As early as 1976, the government had established a Women's Bureau in the Ministry of Culture and Social Services, alongside the Community-Based Nutrition Programme<sup>34</sup>. The National Gender Policy of 2000 lists the functions and responsibilities of the Bureau to include: policy formulation, implementation and evaluation; coordination of all government initiatives and programmes for women; collection and analysis of data and information required for the design, monitoring and evaluation of policies and projects for women; and support to and liaison with Non-Government Organization (NGO) projects and women's organizations. Since the Bureau's inception, the Policy lists its activities to include:

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<sup>34</sup> Government of Kenya (2000), 2, National Gender and Development Policy. Nairobi: Ministry of Gender, Sports, Culture and Social Services

development of a training manual for sensitization of stakeholders on gender issues; strengthening the capacity of women groups for socio-economic development; establishment and strengthening of Units of Gender Issues in key sectors; establishment of a gender disaggregated database; setting up a resource centre; conducting gender-based studies; developing and disseminating the National Action Plan for Implementation of the Beijing Declaration and Platform for Action; participating in review and formulation of sectoral policies; Participating in the task force set up by the government to review laws relating to women.

The lukewarm treatment of gender matters in the highly patriarchal Kenyan society is reflected in the fact that it was not until the year 2000, a full 14 years after the Bureau's establishment, that the government developed the National Gender Policy. Ouma and Maina lament that it would be a further eight years before an action plan would be developed for the policy that had been anticipated to empower women through greater efficiency in resource allocation<sup>35</sup>. The policy lamented the manner in which traditional gender roles and responsibilities had undermined women's participation "in strategic areas and positions of power and influence," and pointed to the need for quality gender disaggregated data for efficient and productive gender-sensitive planning and programming. While championing Kenyan men and women's equality before the law and in accessing economic and employment opportunities, the policy sought to attain gender parity in education access, retention, transition and performance. While emphasizing a genderized approach to health care management, it also sought to remove obstacles to women's access to and control of socio-economic assets, increase their participation in politics, decision-making, the media and communications sectors.

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<sup>35</sup> Ouma, H. and B.N. Maina, 2010, p. 72–138.

In a review of Kenya's Vision 2030, Githinji points to persisting gender neutrality, which keep women in lower paying jobs even as their share of the labor force has increased from 18% in 1966 to 30% in 2006, and a likely 55% by 2016<sup>36</sup>. While highlighting many areas of women's disadvantage, Wanjala and Odongo note that women constitute a mere 23% of members of Kenyan cooperative societies, which are known to provide easier access to credit<sup>37</sup>. They also note the gender neutrality of the Special National Accounts framework of 1993, as well as the Social Accounting Matrices of 1997 and 2003, meaning that specific attention is not being paid to the differences in the nature of men's and women's contribution to national output and the persisting poor status of women in Kenya is captured in various global gender measures.

The interest of the current study is on the scope for women's improved participation in the management of community affairs, such as in decentralized funds, including the upcoming devolved funds in county governments. On the basis of history, the prospects do not look good, meaning there is need for much awareness creation and capacity building. For example, getting women into enterprise is likely to create their greater awareness of how infrastructure investment resources are spent; yet, Wanjala and Odongo drew the following conclusions regarding Kenyan women entrepreneurship: ..... *“Women's businesses generally start small, grow slowly and end smaller than renowned enterprises. Women locate more in the home, rely more on less skilled and unpaid workers, and are less likely to diversify into other activities. In addition, women's activities tend to be less remunerative than men's. The participation of women is also low in sectors that require high capital requirements (especially in*

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<sup>36</sup> Githinji wa Mwangi (2010), p. 1–40.

<sup>37</sup> Wanjala, B.M. and M.T. Odongo (2010), Gender and Kenya Vision 2030: An audit of the economic pillar. In Society for International Development (2010), p 41-69.

*manufacturing), where they have been found to earn only about 32 per cent of what their male counterparts earn.”*

These conclusions echo the findings of SID, which found that women participate in ‘humble roles’ given their slate of other responsibilities. Yet, gender inequity is not perpetuated simply by women’s weak entrepreneurial acumen. Wanjala and Odongo paint a situation that is akin to a conspiracy not to create the context within which Kenya can aspire for gender equity, leading to eventual gender equality, in noting that<sup>38</sup>:

*“Despite the existence of the policies, legislative reforms, plans and programmes, gender disparities persist in legal, social, economic and political levels of decision making, as well as access to and control of resources, opportunities and benefits. The Plan of Action attributes the slow implementation process mainly to gaps in the laws, delayed enactment of gender-related legislation and lack of comprehensiveness in the content of some laws. Other challenges include weak coordination, harmonization and networking among actors at all levels; inadequate resources (human and financial); limited technical capacity; and capacity consistency resulting from deployment/transfers. Socio-cultural issues, misinterpretation of the concept of gender as applying only to women rather than to women, men, boys and girls, and a lack of gender sensitivity in the development of core sector indicators and targets are also well entrenched barriers. Finally, despite the ambition of the gender action plan, sector and national budgetary allocations are lacking to support targeted gender activities at all levels.”*

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<sup>38</sup> Ibid

Another Kenyan gender audit ascribed the persisting gender inequalities to the continuing strength of neo-patrimonial relations that foster corruption networks that exclude women<sup>39</sup>. Household level patriarchy translates into acquiescence by women at the national level, which might explain why Kenyan women remain marginalized in national decision-making, with a 10% share of parliamentary seats compared to a range of between 35% and 56% for neighbors such as Mozambique, South Africa, Tanzania, Uganda and Rwanda<sup>40</sup>. The audit noted that Kenyan women have responded to their exclusion by forming their exclusive organizations focusing on poverty and basic survival. Since support from such groups is, however, significant for prospective local and national politicians, the groups are now offering an entry point for women into national decision making. The next sections consider two contexts of community and gender participation in managing decentralized funds and other resources.

### **1.8 Theoretical framework**

The theoretical framework for this study will be feminism. The standpoint approach within feminist International Relations (IR) seeks to articulate women's experiences and perspectives. This approach seeks to locate women in IR, map out their status and attempt to move them from the margin to the center, from the periphery to the centre.

This theory is relevant because in the theory and practice of state making, Realism has provided a common sense view of the world. Tickner argues that the most dangerous threat to both a man and a state is to be like a woman because women are weak, fearful, indecisive, and

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<sup>39</sup> World Bank 2003

<sup>40</sup> World Bank (2003), The Kenya strategic country gender assessment. PREM and ESSD – Africa Region, World Bank, October 2003.

dependent-stereotypes that still surface when assessing women's suitability for the military and the conduct of foreign policy today.<sup>41</sup>

Feminism seeks to empower women and to bring wholeness into an imbalanced way of thinking. Gender lenses or feminist lenses have been widely embraced within feminist IR. Butler argues that for most part, the feminist theory has assumed that there is some existing identity understood through the category of women who not only initiates feminist interests and goals within discourse but constitutes the subject for whom political representation is pursued. However according to Butler, politics and representation are controversial terms in that on the one hand representation serves as the operative term within a political process that seeks to extend visibility and legitimacy to women as political subjects; on the other hand, representation is the normative function of a language which is said either to reveal or to distort what is assumed to be true about the category of women. For feminist theory, the development of a language that fully or adequately represents women has seemed necessary to foster the political visibility of women.

This is important considering the pervasive cultural condition in which women's lives were either misrepresented or not represented at all. She asserts that the juridical systems of power the subjects subsequently come to represent in that the juridical notions of power appear to regulate political life in purely negative terms through limitation, prohibition, regulation, control and protection of individuals related to that political structure through the contingent and retractable operation of choice. Therefore the subjects being regulated by these structures are subjected to them, formed, defined and reproduced in accordance with the requirements of

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<sup>41</sup> Tickner, A pg.39

those structures. Hence the juridical formation of language and politics that represents women as ‘the subject’ of feminism is itself a discursive formation and effect of a given version of representative politics, the feminist subject turns out to be discursively constituted by the very political system that is supposed to facilitate its emancipation. She questions the relations of domination and exclusion that are inadvertently sustained when representation becomes the sole focus of politics. The identity of the feminist subject ought not to be the foundation of feminist politics, if the formation of the subject takes place within a field of power regularly buried through the assertion of that foundation.<sup>42</sup>

Tickner adds that to look at the world through gender/feminist lenses is to focus on gender as a particular kind of power relation and /or trace out the ways in which gender is central to understanding international processes and practices in international relations. Looking at the world through gender lenses brings into focus the many dimensions of gender inequality, from aspects of ‘personal relations to institutionalized forms of discrimination. Gender lenses or feminist lenses bring into focus the formal barriers to equality of opportunity or the under representation of women in decision making structures, and allow us to see that gender inequality is an integral part of the structural inequalities generated by the operation of the global economy.<sup>43</sup>

## **1.9 Hypotheses**

The study tested the following hypotheses:

- I. There is no relationship between the gender factor and governance in Rwanda.

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<sup>42</sup> Butler, J 2007, pg.2-9

<sup>43</sup> Ibid

- II. Gender relations have influenced devolved governance in Rwanda.
- III. Gender relations have not influenced devolved governance in Rwanda.

## **1.10 RESEARCH METHODOLOGY**

### **1.10.1 Introduction**

The purpose of this study was to examine the gender factor in devolved governance in Rwanda. The Study used data from reliable secondary sources. It entails the research design, the population, the methods of collection and data analysis. This study is based on qualitative research. Qualitative studies typically rely on four methods for information: analyzing documents and material culture, observing directly, participating in the setting and interviewing.

### **1.10.2 Research Design**

The framework for the collection and data analysis employed by this study was a case study research design. This is a scientific tool that is used to explore phenomena in a single case. It is a detailed and intensive analysis of a case that is used to draw conclusions.

### **1.10.3 Data collection**

The study used content Analysis as a tool for data collection. It relied on secondary sources; government document such the decentralization policy document of Rwanda and Kenya, the constitution of Kenya and Rwanda found in the Ministry of Devolution and Planning, Jomo Kenyatta Library Nairobi and online sources. These documents were extensively assessed in order to obtain relevant data.



#### **1.10.4 Data Reliability and Validity**

The validity of the data used in this research is upheld by extracting data from internationally accredited books, official government documents, newspaper articles and journals, and online sources.

#### **1.10.5 Data Management and Analysis**

The study extracted data by combining the feminist standpoint theory and identifying the relevant information to be extracted. Data appraising involved the appraising of the background of the authors, how the authors arrived at their findings, themes and conclusions, the theoretical framework, findings and relationship to the research question and contribution to existing evidence. The findings have been organized in themes.

#### **1.10.6 Scope and limitations of the research**

The limitations of this research will be:

- Lack of adequate information on devolution
- Lack of funds and time to enable extensive research

## **1.11 Chapter outline**

### **Chapter one**

This chapter gives a detailed background of the study, objectives and the justification of the study among others.

### **Chapter two**

Gives an overview of the history of gender and governance in Africa during the pre and post colonial era, the emerging trend of devolution of governance in Africa and globally, it also looks at gender and governance and how countries have successfully incorporated the gender factor in their governance structures.

### **Chapter three**

This is focused on the case study of Rwanda indicating the history of governance in Rwanda and its current situation of the gender factor in devolution in Rwanda and how it has influenced this process.

### **Chapter four**

This is an evaluation of gender and governance in Rwanda and how it has affected women representation in Rwanda. It also gives an overview of the gender factor in devolution in Kenya and the lessons Kenya can learn from Rwanda.

### **Chapter Five**

This chapter provides conclusions of the study, gives recommendations and provides suggestions on areas for further study.

## **CHAPTER TWO: GENDER AND DEVOLVED GOVERNANCE**

### **2.1 Introduction**

Women across the world bear a disproportionate burden of poverty in terms of material deprivation; discrimination and denial on basic rights hence have little opportunity to influence the processes and institutions which shape their lives. This under-representation of women's voices in decision making and agenda-setting at all levels mean that their interests tend to be neglected in critical policy-making fora, and their skills, experience, and knowledge under-utilized.

Hoare and Gell argue that, throughout the developing world and developed world, women carry a disproportionately high burden of poverty. This poverty is experienced not just as material deprivation but also as marginalization which means that those living in poverty often have no, or little opportunity to influence the political, economic and social processes and institutions which control and shape their lives and keep them trapped in a cycle of poverty. For poor women, this experience of marginalization is effectively doubled as they not only belong to communities that exist "on the edges of society" but are also denied a voice within states, markets, communities, and households in which they live, dominated as they are by men and male interests. This lack of voice functions as a critical factor in the maintenance of gender inequality and poverty, effectively blocking women's access to decision making and agenda setting processes and beyond that opportunities for leading these processes. This situation contributes to an invisibility of women as public actors and constitutes a negation of their rights to equal participation. It also perpetuates a decision making process which is less likely to represent women's interests than a more representative system which therefore possesses

neither the vision nor the motivation to challenge or change unequal gender relations in society.<sup>44</sup>

## **2.2 Devolution**

According to the oxford dictionary; devolution is the movement of power from a central government to a regional government. Devolution is decentralization, transfer, delegation of power to other forms of government. According to online Wikipedia<sup>45</sup>; Devolution is the statutory granting of powers from the central government of a sovereign state to government at a sub national level, such as a regional, local, or state level. It is a form of decentralization. Devolved territories have the power to make legislation relevant to the area.

Political decentralization within the Kenyan and Rwandan context is the transfer of power, authority and decision making of the socio-politico-economic issues from central governments to local governments and communities. Political decentralization is best conceived within two frameworks so that the power and authority to decide is not limited to electing leaders or representatives but includes the full range transfer of decision-making from central government to local governments / authorities / communities. This requires a structural arrangement that goes beyond putting in place local governments. It requires a process that combines vertical and horizontal decentralization<sup>46</sup>

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<sup>44</sup> Hoare J, and Gell F, pg 1, 2009

<sup>45</sup> <http://en.wikipedia.org/wiki/Devolution>

<sup>46</sup> John-Mary Kauzya: "Strengthening local governance capacity for participation".

### **2.3 History of governance in Africa**

The Berlin Conference of 1884 led to the scramble for Africa. This resulted in the partitioning of Africa into colonies under the rule of the British, French, Portuguese, Belgian and German Colonies. Colonial rule heavily relied on a militaristic form of governance to suppress dissent among Africans. With the rapid departure of colonial masters, African countries inherited the old state institutions that were synonymous with their rulers. Today Africa's governance is characterized by a blend of old and new institutions.

The constitutional innovations introduced at independence partly sought to promote long-repressed local values. But these were unavoidably- ably blended with the formal structures of national governance introduced by European colonialism. With notable exceptions like Kenya and Zimbabwe, British colonialism bequeathed to its former dependencies the legacy of “indirect rule,” which provided considerable autonomy to “traditional” rulers—whether these were genuinely traditional or not— against the backdrop of English common law. In contrast, former French colonies inherited a metropolitan-centered system of direct rule extending to the remotest rural cantons, circles, and communes. Belgian administration in Burundi, Congo, and Rwanda was comprehensive and highly autocratic. Until its cataclysmic end in 1974, Portuguese colonialism in countries like Angola, Guinea- Bissau, and Mozambique abjured local participation in governance, much less indigenous representation. This complex patchwork of old and new state institutions produced a varied but generally disappointing record in national governance.<sup>47</sup>

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<sup>47</sup>World Bank,1993, Can Africa Claim the 21<sup>st</sup> Century?

During the nineteenth century, European powers scrambled to colonize Africa. The onset of the twentieth century Britain, France, Belgium, Germany, Portugal, Italy, Spain, Holland, and Turkey possessed overseas colonial empires; this is referred to as colonialism. This involved the subjugation and exploitation in the minds of the indigenous peoples and the domination of natives based on implicit notions of racial superiority or religious zeal or both. There were however great differences in the methods and means employed by the colonial powers such as the British approach was milder than the Spanish rule whereas the French and Portuguese tried to assimilate colonized peoples.

France granted Algerians seats in the national legislature and positions in the national cabinets while the Dutch in Indonesia allowed the native rulers to remain in power. The idea of being governed by a distant country was repugnant to most colonial peoples and they finally gained independence by resorting to various forms of violence. India however chose a nationwide mass campaign of non violent resistance also known as civil disobedience. This approach was adopted in the 1960s by a great civil rights leader Martin Luther King Jr.<sup>48</sup>

Political transition in Africa can be divided into four phases: guarded experimentation, military rule dictatorships which opened way for autocratic military rule, single party under autocratic civilian leaders and political and economic liberalization. A few countries in Africa today are in the fourth phase of political liberalization and thus are adopting the emerging trends in governance that include new concepts such as decentralization which is influenced by globalization.

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<sup>48</sup> Magstadt T. 2009,pg.285-87

## **2.4 Devolution in Africa**

The quest to solve economic, social and political problems of history in Africa has propelled many of its countries to adopt a new form of governance: that of decentralization. The current forms of governance in Africa are characterized as centralized and dictatorial. The struggle for independence from the colonial masters in Africa resulted in the creation of political dynasties. The post colonial era created new forms of governance such as military dictatorship such as the case in Uganda.

Decentralization in Africa is guided by the need to change from a traumatic past such as brutal dictatorship, genocide, apartheid under representation, political reforms. Decentralization in South Africa was guided by apartheid, Rwanda genocide, and Uganda brutal dictatorship. The main objective of decentralization is the search for inclusive involving and participatory governance. The changing political landscape in Africa is experiencing a shift from authoritarian regimes, political and economic decline to a more popular demand for accountability in resource management and multiparty elections. This new trend hence is more inclusive and encompasses governance, conflict management and state reconstruction. This is also viewed as second generation reforms that require building social consensus and bargaining among social groups such as those of women and the youth. Under the state reconstruction, governments combine national and supranational competencies for peace sustain ace, conflict resolution, and the undertaking of economic and political post conflict reconstruction.

## **2.5 The UN Decade for Women (1975-1985)**

The UN decade for women was launched in 1975 during the first global women conference that was held in Mexico. The decade commenced in 1975 and ended in 1985. During this decade, the General Assembly set goals that would guide the work for the advancement of women. These goals; Equality, Peace and Development would guide intergovernmental discussions from 1975 to the Beijing Conference in 1995. The goals called for actions “to promote equality between women and men, to ensure the full integration of women in the total development effort and to increase women’s contribution to the strengthening of world peace”.<sup>49</sup>

Muteshi states that, during this decade the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) was established and accepted by the world’s governments as the Bill of Rights for women hence coming into effect in 1981. States that ratified CEDAW are required to implement corrective measures to eliminate discrimination against women and to report on their progress. During this decade, several changes related to increasing women contribution took place such as; women were transformed into a political constituency, the role of women NGOs became clearer and increasingly took a lead role, opening up of spaces for women to gain knowledge and learn from each other and the emergence of themes on Equality, Development and peace which framed gender equality work. The UN decade ended with the women’s global conference that was held in Nairobi in 1985. This was the first International Conference on Women to be held in Africa. It therefore provided an opportunity for Kenyan women to raise their concerns which were documented in the Nairobi Forward Looking Strategies (NFLS). The core aims of the NFLS was the call for

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<sup>49</sup> United Nations Report, 1986.



equality, peace and development as guiding for the work of women, organizations and their governments.

The fourth world conference was held in Beijing in 1995, during this meeting there was reaffirmation of the commitment to advancing the goals of equality, development and peace as set out in WFLS. The meeting developed twelve concrete steps and processes and outlined the nature and delivery of government's specific commitments to women. One of the major concerns in these steps was women in power and decision-making.<sup>50</sup>

## **2.6 The Beijing declaration**

The Governments participating in the Fourth World Conference on Women gathered in Beijing in September 1995, seek to advance the goals of equality, development, and peace for all women. The Governments acknowledge the diverse voices of women. The Governments recognize that despite progress, women still suffer obstacles to achieving equality with men, and that further progress is hindered especially by the poverty suffered by so many women and children.<sup>51</sup> Take measures to ensure women's equal access to and full participation in power structures and decision-making.

Through the declaration Governments also agreed to: Establish gender balance in governmental bodies and committees, the judiciary, and all governmental and public administration positions. Protect and promote the equal rights of women to engage in political activities and to freely associate. Monitor and evaluate progress on the representation of women through regular

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<sup>50</sup> Muteshi Jacinta 2006, pg.10-14.

<sup>51</sup> The Beijing Declaration.

collection and analysis of data. Political parties too agreed to: Examine party structures and procedures to eliminate discrimination against women's participation. Develop initiatives to encourage women's participation and incorporate gender issues in their political agenda. Whereas, governments, national bodies, the private sector, sub regional and regional bodies, NGOs, and other organizations accepted to: take positive action to build a critical mass of women leaders, executives, and managers in strategic decision-making positions.

Strengthen solidarity among women through information and education, and advocate at all levels to enable women to influence political, economic, and social decisions, processes, and systems.<sup>52</sup> Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity

## **2.7 Gender Mainstreaming**

Gender mainstreaming was established as a major global strategy for the promotion of gender equality in the Beijing Platform for Action from the Fourth United Nations World Conference on Women in Beijing in 1995. The General Assembly twenty-third special session to follow up implementation of the Beijing Platform for Action in June 2000 enhanced the mainstreaming mandate within the United Nations. the Economic and Social Council adopted a resolution (ECOSOC resolution 2001/41) on gender mainstreaming, July 2001 which calls on the Economic and Social Council to ensure that gender perspectives are taken into account

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<sup>52</sup> Ibid

in all its work, including in the work of its functional commissions, and recommends a five-year review of the implementation of the ECOSOC agreed conclusions 1997/2. The ECOSOC agreed conclusions 1997/2 defines gender mainstreaming as: the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality. Gender mainstreaming entails bringing the perceptions, experience, knowledge and interests of women as well as men to bear on policy-making, planning and decision-making. Gender equality is a goal that has been accepted by governments and international organizations. It is enshrined in international agreements and commitments. Achieving greater equality between women and men will require changes at many levels, including changes in attitudes and relationships, changes in institutions and legal frameworks, changes in economic institutions, and changes in political decision-making structures.<sup>53</sup>

## **2.8 Gender and Globalization**

According to Davids and van Driel, globalization is about complex connections that link people, artefacts, places and ideas in unpredictable ways. Globalization is about the production of differences, connecting different localities, cultures and people. Through connections, people, groups and nations are compelled to define and redefine themselves and the world around them.

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<sup>53</sup> UN, New York, 2002, Gender Mainstreaming; an overview

Women and men contribute actively, whether consciously or unconsciously to processes of flow and fixation at a local level. Gender shapes and curves the globalization landscape and vice versa, globalization shapes the lives of men and women in a local setting and men and women become actors in global processes. Globalization is a complicated process in which the global and local are mediated by each other. Different practices in particular local settings produce different meanings of gender hence gender is crucial in the production of differences in global/local dynamics. Power relations are portrayed in old paradigms of thinking in dichotomies between oppressors and oppressed in which globalization replaces(patriarchal)capitalism. The analysis of gender and power relations has shifted from thinking in dichotomous categories of mainly masculine oppressors and female victims of patriarchy into analyses with room for multiple processes of gender constructions for differences and multiple identities. It goes beyond thinking in dichotomous categories and includes the analysis of processes. Processes of gender and construction and processes of globalization are both historically and culturally viable.

The dimension of symbolic order represents symbols, ideas and images that can solidify into very persistent cultural texts and become stereotypes. The male breadwinner paradigm is a clear example of such a stereotype with implications for the public/private divide. These differences are articulated as absolute differences between the man and the woman, the local and the global. These ideas, images, differences, stereotypes and hierarchies figure both at a symbolic level or dimension and are also reflected in socially institutionalized practices. Differences get multiplied, reshaped and reinterpreted in different practices such as marriage laws, labor regulations, household statistics and political representation among others. The

structural differences articulated at the symbolic level become institutionalized. The representation and ideal of the man as the bread winner is shaped within the context of labor divisions in the labor market and labor legislation but also through institutions such as marriage systems.<sup>54</sup>

## **2.9 Gender and Governance Globally**

Bourque and Grossholtz claim that traditionally, political scientists have overlooked questions relating to the representation of women by governing institutions. The failure to raise questions pertaining to the representation of women has stemmed in part from sex stereotyping. The domination of politics by men has been viewed as a natural extension of the sexual division of labor within the family. Women's preoccupation with home and family has been seen as the reason for their relative absence from political positions as women have been assumed to share the political views and preferences of their husbands and fathers, women's representation in the political sphere has not been viewed as an issue of major concern.<sup>55</sup>

Carroll argues that increasing the number of women among governing elites has been a major concern of many feminist organizations. It is this concern that led in part to the creation of the Women's campaign Fund, a political action committee that raises and distributes money to women candidates. It is this concern that led to the formation of the National Women's Education Fund which among other functions conducts educational programs to facilitate the entry of women into elite positions. This concern has led the National Women's Political Caucus and its state and local chapters to mobilize members to work in the campaigns of

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<sup>54</sup> Davids T, and Van Driel F, 2007 pg.3-9

<sup>55</sup> Bourque and Grossholtz J 1974 pg.225-226

women candidates to endorse the candidacies of women and to contribute to money to their campaigns.

The concern for increasing the number of women among governing elites was the motivating factor that led to more than fifty organizations to join together to form a Coalition for Women's Appointments in late 1976. The coalition submitted names and lobbied for the appointment of women to both the Carter and the Reagan administrations. She adds that the slow rate of progress in achieving elective and appointive offices for women is the fuel that feeds these efforts. Feminist activists do not perceive the political system to be open to women as it is to men. As a result of the failure by contemporary elites to provide equitable numerical representation for women, feminists are likely to continue to exert considerable pressure on and thus interfere with the functioning of existing political elites. The perception that the political system discourages meaningful participation by women is the small numbers of women in visible positions of public leadership. A woman who overcomes the inhibiting effects of sex-role socialization and desires to participate to her fullest capabilities must be discouraged to some extent by the knowledge that relatively few women before her have successfully attained positions of political leadership, hence an increase in the number of women holding public offices would serve as a visible sign that the system is open to and encourages women's participation. This provides a visible indication that the system encourages women's participation in the policy-making process; greater numerical representation may help to stimulate greater political interest and participation among female citizens.<sup>56</sup>

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<sup>56</sup> Carroll S, 1994 pg. 10-15

Wiesner asserts that traditionally women did not have a formal political role in early modern society. They did not hold office, sit in representative institutions, serve as judges or participate in any way in formal political institutions. Their absence from political life was matched by an absence from most works of political theory. Authors discussing political rights and obligations whether monarchical or republican rarely mentioned women at all hence setting up the male experience as universal and subsuming women's rights under those of the male heads of their household or family. Based on this, political histories of the period have generally made little mention of women. Political history is however changing to include anything in society having to do with power relationships. Women's informal political power now receives more attention in a more sophisticated way than older "power-behind-the-throne".

Political historians made distinctions between power as the ability to shape political events and authority as power which is formally recognized and legitimated noting that while women rarely had the latter, they did have the former. They helped or hindered men's political careers through participation in riots and disturbances; they demonstrated the weakness of male authority structures. Spiritual equality and other religious arguments remained significant into the twentieth century as grounds for extending rights to women or improving their legal situation, a few early modern feminists also recognized the growing secularization of European culture and began to argue that women and men were equal in their rational as well as in their spiritual capacities.

Early modern political philosophers such as John Locke appear to have offered the greatest possibilities for women for he described marriage as a voluntary compact which could be terminated. Thomas Hobbes offered women the possibility of greater political rights as he based male authority on social custom and agreements between the parties involved rather than a notion of natural male authority. Notions of masculinity were important symbols in early modern political discussions. Queen Elizabeth realized that people expected monarchs to be male and that qualities adjudged “masculine” as physical bravery, stamina, wisdom which had to be emphasized whenever a monarch chose to appear or speak in public.<sup>57</sup>

## **2.10 Gender and Governance in Africa**

African women encountered the inherent violence and brutality perpetrated by the colonial government. However, African women were not simply the hapless victims of European political rule. Their day to day activities that were deemed private did actually influence the political and economic agenda and also the voting against colonial rule and thus contributing to the history of African politics.

According to Parpart and Staudt, women represented only six percent of national legislative members of Africa during the mid-1980s. Women made up only two percent of national cabinet or equivalent positions and typically presided over ministries of community development, education, health, social welfare or women’s affairs whereas half of the states have no women in the cabinet at all.<sup>58</sup>

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<sup>57</sup> Wiesner M, 1993, pg. 239-51

<sup>58</sup> Fatton Jr. 1989



Discrimination against women is evident in the present dispensation in that although women constitute the majority of the population; their access to decision making positions is limited in most African states.

### **2.11 Public and Private Realms**

The concept of the public and the private portrays social relations as comprised of two largely separate realms. The public realm is characterized by activities individuals undertake in wider society such as engaging in paid work and exercising political, democratic rights, under the overall jurisdiction of government and the state. The private realm is characterized by activities undertaken with particular others and relatively free from the jurisdiction of the state. It is the realm of personal/family relationships, the household and the home. The interest in the private/public dichotomy in gender studies arises from its gendered nature, from the association of masculinity and the public and of the femininity and the private. Historically, it is men who acted within the public realm and have moved freely between it and the private realm, while women and children have been mostly restricted to the private realm and subjected to the authority of men within it. The liberal political origins of the public/private concept lie in the writings of the social contract theorists such as Hobbes and Rousseau and their attempts to explain the genesis of the legitimacy of government and the state.

The new social order that emerged from this writings comprised two spheres: the one public and political and the other private and removed from politics. In classical social contract theory, these spheres were gendered spheres. Only men were deemed to possess the capacities for citizenship and thus the public realm was necessarily a masculine one. For the social

contract writers, women were beings whose sexual embodiment prevented them from having the same political standing as men. Women were therefore incorporated into the new social order differently from men, via the private sphere.<sup>59</sup>

While many reasons have been identified for the gender imbalance in governance, the most common argument is that the division between „public and „ private spaces has created a barrier to women’s participation in governance. Politics has traditionally been considered a male arena because it operates in the public domain, while in many societies women are expected to restrict their activities to the household and immediate community<sup>60</sup>

It is important to bear in mind that these distinctions between private and public are not givens they are themselves part of a set of accepted ideas about the male and female place in society that have been frequently used as a justification often by partners, families, communities and women themselves for women’s absence from public life<sup>61</sup>

## **2.12 Gender and devolved governance in South Africa and in Uganda**

The objective of decentralization in South Africa was to eliminate the segregating local administration system of apartheid. Decentralization in Uganda was based on guerilla war and ideological conviction that of searching for support for the guerilla war and introducing grass root participatory democracy. This was aimed at educating locals on the significance of dismantling the Milton Obote regime from power.

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<sup>59</sup> Imelda and Pilcher, 50 Keys Concepts in Gender Studies, 2004 pg. 124-131

<sup>60</sup> Tambiah Y et al. Gender and governance 2003

<sup>61</sup> Rai, S, & Waylen, G; Global Governance, pg. 38, 2008

In Uganda decentralization is “a democratic reform, which seeks to transfer political, administrative, financial and planning authority from central government to local government councils and to promote popular participation, empower local people to make their own decisions and enhance accountability and responsibility”<sup>62</sup>

The main objective of decentralization in Uganda was to promote political empowerment by encouraging the ownership of programmes and projects by the local people within their local governments. In addition, it included improving financial accountability and transparency and the transfer of real power to local governments. Decentralization in both countries has promoted the increase of women in leadership and governance. Sylvia tamale notes in her essay that One of the ways that African governments have sought to redress the problem of women’s paucity in decision making positions is through the introduction of affirmative action programs. Ugandan women, for example have constitutional sex-quota-reserved seats at the level of parliament and local councils.<sup>63</sup>

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<sup>62</sup> Government of Uganda; Policy Document

<sup>63</sup> Tamale,S;pg.11

## CHAPTER THREE: THE GENDER FACTOR IN DEVOLVED GOVERNANCE IN RWANDA

### 3.1 Introduction

Rwanda fondly referred to as Le Pays De mille collines or the Land of a thousand hills is a landlocked country located in east-central Africa, in the Great Lakes region. The Former Belgian colony lies in a densely populated region and shares boundaries with Burundi to the south, Uganda to the North, Tanzania to the east and the democratic Republic of Congo to the west. This region is characterized by a similarity of languages, common culture and a long history of socio-economic and politico-military interaction. Unlike many countries in Africa that are comprised of numerous ethnic groups, Rwandan society comprises of three social groups, the Bahutu, Batutsi, and Batwa, who despite having much in common have had bloody conflicts. They speak one language, Kinyarwanda, occupy the same geographical areas, and constitute 18 clans which have intermarried extensively. The country's economy is centered on tea and coffee production, although tourism is a growth industry. Rwanda is classed as a low income country by the World Bank<sup>64</sup>.

Rwanda's existence as a nation state dates from the 11th century. Rwanda was granted independence by Belgium in 1962 and Gregoire Kayibanda was elected president forming an all-Hutu government. The Hutu are the largest of the three. Rwanda tragically suffered genocide in 1994 that resulted in the killing of 800000 civilians.

Rwanda experienced massive social and political upheavals, resulting in large-scale massacres of Tutsi people in 1962, 1967 and 1973. The post-independent regimes were characterized by

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<sup>64</sup>World Bank, (2011) pp 31-41

the institutionalization of ethnic polarization of the population, regional and religious based discrimination, political repression, economic hardships and large numbers of refugees. This preceded the 1990 civil war that was started by the Rwandese Patriotic Front (RPF), a Tutsi-dominated rebel group comprised mainly of Rwandan exiles based in Uganda and led by Paul Kagame, the current President of Rwanda. From 1990 to April 1993 there were many reform initiatives aimed at restoring peace, democracy, human rights and national unity, including peace talks in Arusha Tanzania.

The first set of elections was held in 2000, leading to the inauguration of Paul Kagame as president of the Republic of Rwanda. In August 2003, Rwandans headed to the polls in the first multiparty elections since independence where Kagame leader of RPF had a landslide victory. In 2006, the government makes administrative changes by replacing the 12 provinces with smaller, ethnically diverse regions.

Rwanda, synonymous with genocide is today a global leader with the highest number of women representation in parliament. Women have achieved 56.2 percent out of 80 parliamentary seats thus fulfilling MDG Goal 3 which calls for gender equality and empowerment and the African Union solemn declaration of 50-50 representation which was committed to by the heads of states. Rwanda has got both presidential and parliamentary system. Under the Presidential system, the president is elected by direct popular vote to serve a 7-year term and under the new constitution, members of the Chamber of Deputies are elected direct universal suffrage using a system of proportional representation and this is the system that was used during the September 2007 General Elections. The current members of

parliament will serve a five-year term. The members of the Senate are also elected through indirect elections and will serve up to 8 years.

The government of Rwanda is a signatory to many international mechanisms to enhance gender equality and women's rights. These include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the Millennium Development Goals (MDGs) the African Charter on People's Rights and Women's Rights and the African's Union's New Partnership for African Development (NEPAD) programme, which has as a long-term objective the full and effective integration of women in political, social and economic development. Rwanda was one of the first countries to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2004<sup>65</sup>.

### **3.2 Women and Genocide**

Following the assassination of the President of Rwanda in April 1994, Hutu extremists embarked on a campaign of genocide in Rwanda. This resulted into the killing of over one million people in one hundred days and the displacement of millions who became refugees in Tanzania, Burundi and Zaire. The aftermath of this devastation resulted to particular implications of conflict and violence for women who were both victims and perpetrators who aided in planning and executing murders. The 1994 genocide shook Rwandan society to its foundation. The post-genocide period was characterized by a total breakdown of basic services and widespread insecurity in rural areas. The consequences were so devastating and

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<sup>65</sup> African Union (2010).

challenging that every surviving Rwandan adult had a responsibility to fill the vacuum. The women of Rwanda stepped up and played a critical role in Reconstruction and Peace building such as economic, social reconstruction and restoration of security. This led to the formation of linkages between economic empowerment and political empowerment. Since the Rwandan genocide in 1994, women have come to play a more important role in the formal sector although the majority of Rwandan women still work in subsistence farming. Approximately one-third of Rwandan women now head their households<sup>66</sup>.

Hickey asserts that the subordinate social position of women particularly in developing countries means that women typically have few property or land rights. In Rwanda, many women were left in a precarious economic situation as their homes were razed to the ground as the law was unclear on property rights of women meant that many of these were left in uncertain situations. There was also an increase in number of households primarily or exclusively dependent on women's labor to survive. The demographic changes in Rwanda led the government to acknowledge the potential contribution that women can make to society and called on those in positions of authority to integrate women more fully in society. During the genocide, women were both victims and perpetrators; both educated and illiterate women participated in the genocide. Women were involved at all levels, in the planning, organizing, identifying targets and even killing. This therefore underestimates the assumption that women don't murder.<sup>67</sup>

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<sup>66</sup> Institut National de la Statistique du Rwanda (INSR) and ORC Macro (2006).

<sup>67</sup> Hickey B, 1996, pg.65-71

One of the major developments after the genocide is the development of new roles and opportunities for women. During the genocide, many men were killed, maimed or forced into exile and unable to carry out their family responsibilities and women emerged as heads of households. The female population has risen; a recent study shows that women stand at 54percent. These figures prove that change has occurred in gender and social relations in the aftermath of the genocide.<sup>68</sup>

During violent conflict, women assume new traditional “male” roles in the economy and politics. In the case of Rwanda, women maintained these new roles after the conflict ended resulting in the growth of women’s interests in politics. Rwanda today is characterized by active women’s groups that form the most vibrant sector of Rwandan civil society. Women responsibilities have expanded and women have become increasingly active in all aspects of Rwandan life and culture. At the community level, women are forming associations and cooperative societies that empower them economically and politically. At the national level, the government created the Ministry of Gender and Women empowerment in 1999 in order to mainstream gender into politics and programs.<sup>69</sup> The participation of women in the post-genocide period was significant in terms of promoting reconciliation, providing survival needs for families, and taking care of orphans.

Newbury and Baldwin note that, like many other efforts centered on women and gender in post conflict Rwanda, the Pro-Femmes Campaign for Peace was responding to and building on initiatives at the grass roots where women were coming together to help each other and work

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<sup>68</sup> Gender Assessment Rwanda

<sup>69</sup> Adenkule J ,2007.



out ways of living together again. In concrete terms, the Pro-Femmes program provided encouragement and assistance to women attempting to form associations, counseling services for women and children traumatized by the conflicts, public education campaigns in the media, and training programs to promote tolerance and reduce conflict. In November 1996, UNESCO recognized these activities by honoring Pro-Femmes with the Mandajeet Singh Prize for Tolerance and Nonviolence. Donors, the Rwandan government, and women's groups have put considerable emphasis in their public statements on the need for women to transcend divisions and work together to reconstruct Rwanda.

Working together in groups has enabled a significant number of women to take on formal political roles at the local level. Associations have provided opportunities for women to gain experience in leadership and to express their concerns in public arenas. Incremental steps also have been made toward reconciliation in some areas because participation in the common activities of their organizations has helped women find ways to live and work together again. An overview of these efforts is provided in this subsection, which concludes with a discussion of some uncomfortable realities about power and policy in post genocide Rwanda—realities that present obstacles to efforts to promote women's empowerment and societal reconciliation.<sup>70</sup>

### **3.3 Gender factor in devolution in Rwanda**

Rwanda's history has shaped the role women have played at different periods. The pre-colonial history is marked by a centralized system of administration under the monarch

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<sup>70</sup> Newbury and Baldwin, 2000 pg 8-11.; Aftermath; Women's organizations in Post conflict Rwanda

(umwami) assisted by chiefs (abatware) and advisors (Abiru). The queen mother (umugabekazi) played a crucial role in state matters as the chief adviser to her son.

According to Inter-Parliamentary Union (IPU) Rwanda is a case study of post-conflict countries that have taken measures to ensure women's participation in decision-making.<sup>71</sup>

According to the country NEPAD review report, Rwanda has pursued equitable development policies aimed at empowering women and men. Gender mainstreaming has emerged as an integral feature of the decentralization process, the national poverty reduction strategy, the vision 2020 and other key policy documents. The process has been operationalised in most of the key sectors including education and decision-making. In the area of legal set up, the report notes that important laws such as those related to inheritance and succession as well as land laws have been established. A Ministry of Gender and Family Promotion has also been established. Its main function is policy formulation and co-ordination. The National Women's Council was established as an organ that mobilizes women and follows progress on the implementation of the Beijing Platform for Action. The process of mainstreaming gender is however faced with challenges such as traditional gender stereotypes, limited capacity, inadequate monitoring and evaluation systems and scarcity of resources.

The report notes that the environment for gender mainstreaming has been favorable, as evidenced by the strong commitment and political goodwill from the political ruling class. Some key strategy actions taken by the government in advancing gender equality and women empowerment have included; The creation of the Ministry of Gender and Women Promotion in 1999, setting up of a coordination and follow-up mechanism for the Beijing Platform for Action

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<sup>71</sup>Press Release by Inter-Parliamentary Union No.202 Geneva/New York, 3 March 2005

(BPFA) implementation in September 1997, the creation of the National Women's Council (NWC) in 1996, putting in place of other initiatives, including: legal mechanisms, policies and programmes to enhance gender equality and women's empowerment.<sup>72</sup>

The Post-Conflict Reconstruction Project (PCR) identified “governance and participation” as one of four pillars of post-conflict reconstruction that move countries out of conflict toward sustainable peace and long-term development. The PCR framework identifies key components of governance that must be addressed by indigenous and international actors to assist the transition from violent conflict to normalization. They include national constituting processes, transitional governance, executive authority, legislative strengthening, local governance, transparency and anti-corruption, independent media, and active civil society, as well as participation in elections and political parties.<sup>73</sup>

The government of Rwanda adopted the decentralization policy and strategy document for its implementation on 26 May 2000. The policy ensures the empowerment of local populations to fight poverty through participation in planning and management of their development process. The policy identifies key areas that existed in the highly centralized post-genocide government. These include the inadequate participation of the majority of the population in the making of decisions that concern their livelihoods and the little presence of women and youth in the running of the political, economic and administrative systems and affairs of Rwanda.<sup>74</sup>

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<sup>72</sup> NEPAD Review Report: Country Nepal Review Report Rwanda, June 2006

<sup>73</sup> Center for Strategic and International Studies; PCR Task Framework, 2002 pg.17-20

<sup>74</sup> The Decentralization policy document of Rwanda.

Through the principle of decentralization; power, authority, functions and responsibilities and the requisite resources will be transferred from the central government to local government.

Crook and Manor assert that many countries view the decentralization of governance functions as a means towards the dual goals of economic growth and democracy. Democratic decentralization entails the increasing responsibility of lower level authorities at local levels over resources and bureaucratic tasks, accompanied in some countries by the development of formal and informal spaces for citizen involvement in governance decision-making processes. Decentralization is also viewed as a means to achieving greater efficiency because decisions are likely to be quicker and more relevant to local needs, as well as improving transparency and ownership.<sup>75</sup> Basu adds that the expansion of local government offices and the increase in citizen-led consultative processes has led to greater gender equality in decision-making<sup>76</sup>

Oda Gasinzigwa states that the government of Rwanda attaches great importance to the promotion of gender equality as a prerequisite for sustainable development. This ideal is a fundamental principle within the Constitution of the Republic of Rwanda, 2003. The commitment is also reflected in country vision 2020 and midterm strategy for economic growth and poverty reduction strategy (EDPRS) where gender is stated as pillar and factor for sustainable development<sup>77</sup> The government of Rwanda has successfully incorporated the gender quotas in the constitution.

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<sup>75</sup> Crook and Manor; Democratic Decentralisation, 2000 pg.23

<sup>76</sup> Basu 2003pg.39-43

<sup>77</sup> *Oda Gasinzigwa* Aid for trade: (2011). Pp 2

The constitution of Rwanda clearly states out the number of women representatives required in its bicameral parliament. Chapter two, article 9 under the fundamental principles; building a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision making organs. Rwanda ratified the Convention on the Elimination of All forms of Violence against Women (CEDAW) in 1981, and the Optional Protocol in 2008<sup>78</sup>. The 2003 Constitution of Rwanda prohibits gender-based discrimination, but women in the country continue to face social inequalities<sup>79</sup>.

#### Sub-section 2- The Chamber of Deputies

Article 76 The Chamber of deputies shall be composed of 80 members as follows : 1° fifty three (53) are elected in accordance with the provisions of article 77 of this Constitution; 2° twenty four (24) women; that is : two from each Province and the City of Kigali. These shall be elected by a joint assembly composed of members of the respective District, Municipality, Town or Kigali City Councils and members of the Executive Committees of women's organizations at the Province, Kigali City, District, Municipalities, Towns and Sector levels;

#### Sub-section 3- The Senate

Article 82 The Senate shall be composed of twenty six (26) members serving for a term of eight years (8) and at least thirty per cent (30 %) of who are women. In addition, former Heads of State become members of the Senate upon their request as provided for in paragraph 4 of this article.

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<sup>78</sup> United Nations Treaty Collection (UNTC) (2011):CEDAW:

<sup>79</sup> Articles 11 and 33 of the Constitution of Rwanda, adopted May 2003 (2004), p. 6.

### **3.4 Mechanisms that have increased the participation of women in governance in Rwanda.**

Rwanda has attempted to domesticate its ratified protocols such as CEDAW, into their laws. Rwanda's Constitution has set a minimum of 30 per cent for women in Parliament and in the Executive. Most government policies concerning gender equalities are supposed to be based on the various instruments and protocols agreed by countries in the quest for gender equality.

The Rwandan Government has taken certain policy and legislative measures such as gender in mainstream legislation and policies, the setting up of a coordination and follow up mechanism for the Beijing Platform for action, and the creation of the National Women's Council that have been very useful in the quest for gender equality.

#### **3.4.1 The Constitution**

The Constitution Rwanda's most notable achievement for women has been in politics in that it requires that 24 out of 80 seats in the lower house of parliament are reserved for women. In the upper house, six out of 20 seats are reserved for women. To attain this, Rwandan women lobbied heavily, helped to draft the new constitution and developed voting guidelines that guaranteed seats for women candidates. The constitution has provision for the setting up of a gender observatory which monitors and assess compliance with gender indicators in the context of sustainable development, and for serving as a reference point on matters relating to gender equality and non discrimination for equal opportunity and fairness. The Rwandan electoral system for the Chamber of Deputies combines elements of direct and indirect elections. Out of the 80 Members of the Chamber of Deputies, 53 are directly elected and 27 are indirectly elected by representatives of special groups, namely women (24), 69 youth (2) and disabled persons (1). For the indirect elections of the 24 seats reserved for women, the Southern, Western and Eastern

province elect 6 representatives each, 4 seats are reserved for the Northern Province and two for the City of Kigali. The 2003 Constitution ensures women's representation in Parliament by establishing that out of the 80 seats in the chamber of deputies, 24 are reserved for women.<sup>160</sup> Likewise, at least 30% of the senators have to be female.<sup>80</sup>

### **3.4.2 The National Gender Policy and Decentralization**

The National Gender Policy was drafted in 2001, and updated and approved by parliament in 2004. The policy offers a framework for gender mainstreaming in the development process. The strategy puts primacy on two key approaches; integrating gender into policies, programmes, activities, and budgets in all sectors and at all levels; and the Affirmative Action approach that aims at correcting the gender imbalances. Rwanda promotes the participation of women at all administrative levels, from the smallest cell to provincial and national levels. Rwanda introduced two electoral innovations: the triple balloting system and a parallel system of women councils and women-only elections. The triple balloting system introduced in March 2001 guarantees the election of women to a percentage of seats at district level. Through this system, each voter uses three ballots: a general ballot, a women's ballot and a youth ballot. Through a subsequent indirect election, a district council is chosen from candidates who win at the sector level. This system has been successful in putting women into office. It also provides room within the system for women who are not comfortable challenging men directly in elections.

The current decentralization process led by the Ministry of Local Government has to a large measure incorporated gender mainstreaming as an operational framework. The decentralization process's emphasis especially at the district levels has been on the involvement of women and

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<sup>80</sup> Article 76.2 constitution of Rwanda,

hence a department in charge of gender has been set up at the district and provincial levels, additionally, women's representatives are automatically co-opted into the consultative committees.<sup>81</sup>

### **3.4.3 Rwandan Patriotic Front**

The dramatic gains for women are a result of specific mechanisms used to increase women's political participation, among them a constitutional guarantee, quota system, and innovative electoral structures and the support of The Government of Rwanda (GoR) specifically the ruling Rwandan Patriotic Front which has made women's inclusion a hallmark of its program for post-genocide recovery and reconstruction. The government's decision to include women in the governance of the nation is based on a number of factors. The policy of inclusion owes much to the RPF's exposure to gender equality issues in Uganda, where many members spent years in exile. Uganda uses a quota system to guarantee women's participation; in its parliament, one seat from each district is reserved for a woman. Men and women in the RPF were familiar with this system, as they were with the contributions and successes of women in South Africa's African National Congress (ANC), and drew on these models. <sup>82</sup>RPF members embraced notions of gender equality and this has informed the development of gender-sensitive governance structures in post-genocide Rwanda.

### **3.4.4 The Ministry of Gender and Women Promotion**

The Ministry of Gender and Women Promotion was created in 1999, with the aim of promoting equality and equity between men and women in the development process. The Ministry is a

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<sup>81</sup> Beyond Numbers pg.63

<sup>82</sup> Azza Karam "Good Governance Strategy Paper (2001)," Government of Rwanda, Quotas to Increase Women's Political Representation," Women in Parliament: Beyond Numbers, ed..



critical institution in Rwanda for ensuring that policy gains towards gender equality continue and are strengthened and thus has had a strong impact on the agenda of enhancing gender equality in the country .The Ministry works closely with gender focal points in key institutions to monitor progress on women's' issues within each ministry. It has adopted two strategic approaches; mainstreaming gender in development policies and planning, women empowerment in all domains and has been an efficient instrument in shaping policies and programmes that have benefited women, for example, by implementing programmes to alleviate rural poverty among women,which specifically target women and the enactment of laws such as the law on inheritance enacted in 1999 and the defilement law. Rwanda's achievements can be attributed to its membership to regional inter-governmental organisations that are involved in empowerment initiatives for women. These include the African Union, the United Nations Economic Commission for Africa, East African Community, and the Common Market for Eastern and Southern Africa.<sup>83</sup>

### **3.5 Gender equality in Rwanda: Social Institutions**

Rwanda was ranked in 166th place in the 2011 Human Development Index, with a score of 0.429<sup>84</sup>. The country's ranking in the 2011 Gender Inequality Index is 82nd (out of 146 countries), with a score of 0.453, Rwanda was not ranked in the 2011 Global Gender Gap Index<sup>85</sup>.Rwanda underwent a major shift in gender awareness during and following the genocide of 1994. During the conflict, women were subjected to horrific levels of gender-based violence including rape, sexual assault and breast oblation. They also witnessed terrible acts of cruelty against members of their families and communities, in addition to experiencing displacement and

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<sup>83</sup> UN-HABITAT pg.21-22,2008;Gender Mainstreaming in Local authorities Best practices

<sup>84</sup> United Nations Development Programme (2011) Human Development Report 2011, p.129-141

<sup>85</sup> World Economic Forum (2011) The Global Gender Gap Report 2011

loss of livelihoods. A large number of women also lost their husbands, so assumed the role of household heads and community leaders. Women are still in the demographic majority in Rwanda, comprising 54 per cent of the population. The hardships faced by these women, coupled with the responsibilities they have taken on have contributed to changing the way they see themselves and also the way they are perceived in the public consciousness. A major consequence has been the significant political will shown towards the need for gender parity in government and for male delegates who are committed to equal gender power relations.<sup>86</sup>

A strong women's movement is vital for enabling gender-sensitive government Evidence indicates that the close involvement of women's organizations with female representatives and women's machineries has proved an important factor in promoting greater gender-sensitivity in governments across different regions. Women's organizations can contribute to gender-sensitive governance processes in local and national government in many ways:

Lobbying government to promote greater gender-sensitivity Women's organizations are pressurizing governance institutions to introduce policies and other measures designed to address gender inequalities and eliminate all forms of gender-based discrimination.<sup>87</sup> Pedwell and Perrons state that supporting women in government Some organisations work proactively with women in government, either in an advisory role or by providing spaces for women representatives to come together and address gender-focused issues outside the confines of their party concerns<sup>88</sup> Engendering the Judicial System With the help of the international community, Rwanda has made progress in engendering the judicial system especially with the establishment of the traditional 'Gacaca' courts. These have been set up to complement International Criminal

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<sup>86</sup> Powley E, Women in Parliament 2005

<sup>87</sup> Brody A, Gender and Governance, pg.45, 2009

<sup>88</sup> Pedwell, c and Perrons D, The Politics of Democratic Governance, pg, 20, 2007

Tribunal for Rwanda (ICTR). Judges to Gacaca are selected on the basis of integrity and honesty and out of the number of judges selected to work in these courts, 35 per cent of them are women. This has ensured gender perspectives are reflected in the administration of justice in these courts.<sup>89</sup>

## **Conclusion**

The genocide in Rwanda in 1994 resulted in political, social and economic changes. The most notable are the political changes that have resulted in Rwanda leading with the highest representation of women in parliament globally. While a number of countries have introduced laws and policies on gender equality and the empowerment of women, most of these countries are yet to translate these into their national laws and policies, Rwanda however has attempted to domesticate its ratified protocols into their laws. The high participation of women in governance is attributed to a combination of factors such as the constitution, political commitment through the ruling party RPF, principle of decentralization and electoral quotas that provides for a third of the seats in the executive and committees to be filled by women. This has resulted in increased numbers of all marginalized groups in decision-making processes and politics; women are the most visible beneficiaries of the policy. The increased visibility and effectiveness of women in politics and decision-making have challenged widespread patriarchal beliefs and practices which have in the past excluded women from such positions.

Despite the absence or presence of constitutional and electoral quotas, political parties have a decisive role in determining the level of women's representation in legislatures. Political parties which voluntarily institute quotas for women's representation in their lists of candidates and their

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<sup>89</sup> BEYOND NUMBERS PG.54

leading structures and support women to fulfill these quotas also send a clear message to the electorate.

The Rwandan government has established several institutional mechanisms for promoting women such as the Ministry of Gender and Women Promotion, and the Women's National Council. These institutional establishments among others have played a role in the mobilization, sensitization and the integration of women into the country's development process as they are being represented in all administration structures from the cell to the province.

## **CHAPTER FOUR: EVALUATION OF THE GENDER FACTOR IN DEVOLUTION IN RWANDA**

### **4.1 Evaluation of the gender factor in devolution in Rwanda**

Rwanda which is emerging from one of the most destructive conflicts in modern history has moved from a failed state to a re-established nation which now serves as a model of accomplishment especially in making progress in gender equality and women empowerment.

Women's interests can be represented and heard through democratic representation. Article 7 of CEDAW elaborates the importance of women's representation in the political life of their countries; ensure to women on equal terms the right to vote.<sup>90</sup>

The General Assembly resolution on women's political participation further emphasizes the role of women in the democratic process. It states that, "the active participation of women on equal terms with men at all levels of decision making is essential to the achievement of equality, sustainable development, peace and democracy."<sup>91</sup>

The dramatic gains for women in Parliament are attributed to the significant changes in gender roles in post- genocide Rwanda. Women were targeted during the genocide on the basis not only of their ethnicity, but also of their gender: they were subjected to sexual assault and torture, including rape, forced incest and breast oblation. Women who survived the genocide witnessed unspeakable cruelty and lost husbands, children, relatives and communities as men and boys were targets of extermination. In addition to this violence, women lost their

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<sup>90</sup> CEDAW Article 7,1979

<sup>91</sup> UNGA resolution 66/130,19 December 2011

livelihoods and property, were displaced from their homes, and saw their families separated. In the immediate aftermath, the population was 70 percent female (women and girls).<sup>92</sup>

The overwhelming burdens on women and their extraordinary contributions are very much part of the public discourse in Rwanda. In April 2003, speaking about the parliamentary elections, President Paul Kagame said, ‘We shall continue to appeal to women to offer themselves as candidates and also to vote for gender sensitive men who will defend and protect their interests’. He continued, ‘Women’s under- representation distances elected representatives from a part of their constituency and, as such, affects the legitimacy of political decisions. Increased participation of women in politics is, therefore, necessary for improved social, economic and political conditions of their families and the entire country’.<sup>93</sup>

#### **4.2 The effect of having large numbers in parliament**

In many countries, women have made important contribution towards the achievement of representative, transparent and accountable governments. The active participation of women on equal terms with men at all levels of decision making is essential to the achievement of equality, sustainable development, peace and democracy. Women in the world continue to be largely marginalized from the political sphere often as a result of discriminatory laws, practices, attitudes and gender stereotypes, low levels of education, lack of access to health care and the disproportionate effect of poverty on women. The empowerment of women through education training in government, public policy, information technology and science is important so as to ensure that they develop the knowledge and skills needed to make full

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<sup>92</sup> Women’s commission for Refugee women and children 1997; women’s commission p.6

<sup>93</sup> Kagame’s speech ‘Rwandan President Urges Women to Stand for Public Office’. Xinhua News Agency, 23 April 2003

contributions to society and the political process. States are therefore mandated to eliminate laws, regulations and practices that in a discriminatory manner prevent or restrict women's participation in the political process. A socially structured activity, leadership is shaped by the perspectives, life experiences, and power relationships of those who are involved in it. As a primary organizing feature of power relationships and social experiences, gender must be understood as a fundamental component of leadership, including legislative leadership. While it is true that all leadership is "gendered" in that it will inevitably be shaped by its social context, the aim of using the term "gendered leadership" is to call attention to the specific ways that leadership exhibits characteristics that derive from the social constructions of gender. Both traditional and emerging models of leadership in Rwanda are gendered, although in different ways.<sup>94</sup>

#### **4.2.1 The effect of gender on the culture of parliament**

First, the Rwandan female deputies do not seem to have been relegated to traditional 'women's areas' as extensively as some work has revealed in other cases.<sup>95</sup>

According to Delvin and Elgie, although the Minister for Gender and Family Promotion is a woman, there is also a female Minister for Education, Science, Technology and Research and a female Minister in the Office of the President. Among the junior ministers, women are also well represented in non-traditional areas such as Economic Planning and Cooperation. Women are also well spaced across the various parliamentary Committees as they occupied 60 per cent of the vice-presidential positions and 27 per cent of the presidential positions on the standing

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<sup>94</sup>Thomas S, How Women Legislate, 1994

<sup>95</sup>K, Ross, Woman's place in Male Space, 2002, pg.189-201

committees. Changes in the social climate of parliament women feel more comfortable, more confident and more 'at home' with increased confidence within the group of women that had wider effects on the working environment of parliament as a whole. Female solidarity is evident through the FFRP through which members lobby on gender issues and the coordinating the activities of the larger group of women.<sup>96</sup>

#### **4.2.2 The impact of gender on public policy**

Several laws of great significance to women have been passed in Rwanda; crucially, however, only one major piece of legislation related to gender has emerged since the 2003 elections. The achievement of Category One status for rape or sexual torture in the post-genocide prosecution guidelines (1996), a law extending the rights of pregnant and breast-feeding mothers in the workplace (1997), a law on the protection of children from violence (2001), the inheritance act (2003) and the extraordinary gender-sensitive Rwandan Constitution itself (2003), all date from before the elections in 2003. The 'Law on the Prevention, Protection and Punishment of Any Gender-Based Violence' is, however, a notable policy achievement; it is one of only a few pieces of legislation that have originated in parliament rather than in the executive. The women deputies and the FFRP were instrumental in formulating the law and getting it passed and, importantly, they did so in collaboration with men deputies right from the outset of the legislative process, confirming the idea that there is now more solidarity between men and women deputies after 2003. According to UNIFEM observers, the parliamentary debate on the law grew heated over the issues of polygamy and the inclusion of marital rape as a gender-based violence crime. The head of the FFRP, however, challenged the Chamber to safeguard Rwanda's reputation as a committed promoter of women's rights and to pass the bill. In terms

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<sup>96</sup> Delvin&Elgie, The Case of Rwanda, pg,237-254,2008



of the policy agenda, gender issues seem to have been established as part of the agenda prior to the increase in numbers; indeed, they appear to have been present to a large degree right from the beginning of parliamentary politics in Rwanda in 1994.<sup>97</sup>

A significant legislative achievement was the 1999 Law on Matrimonial Regimes, Liberalities, and Successions, commonly referred to as the law on succession or the law on inheritance.<sup>98</sup>

Through cooperation with the Women's Ministry and women's civil society organizations women parliamentarians have succeeded in advocating for women's right to inherit land. The social fabric was destroyed during the genocide resulting in scattered families and widows who could not inherit land according to the law in Rwanda. Pre-colonial African societies experienced gender inequality as a result of their traditional beliefs and practices. In male dominated societies, women were marginalized in economic, social and political matters. In the cultural traditions of Rwanda, women, unlike men were restricted from controlling economic resources such as land.<sup>99</sup> Married women gained access to the land through their husbands. A Rwandan proverb describes the position of women as, "A woman does not have an identity, she takes her husbands," indicating inequality in land and economic rights.

Another piece of legislation from the transitional period that women played a significant role in advancing is the 2001 Law on Rights and Protection of the Child against Violence. 47 This law defines a child as anyone under the age of 18 and lays out both the rights and responsibilities of children. It criminalizes murder, rape, the use of children for "dehumanizing acts," exploitation, neglect and abandonment, and forced or premature (before

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<sup>97</sup> Ibid

<sup>98</sup> "Law on Matrimonial Regimes, Liberalities, and Successions," Official Gazette of Rwanda, 15 November 1999.

<sup>99</sup> Burnet and RISD, 'culture, Practice and Law,' pg.183

the age of 21) marriage.<sup>100</sup> Rwanda is among the countries that have ratified CEDAW and among the very few African countries that have ratified the African Union (AU) Protocol on the Rights of Women. In line with the International Criminal Tribunal for Rwanda, the government has made efforts to ensure that cases of violence against women and in particular crimes of sexual violence against women. Other institutional responses include; protection of displaced persons, international jurisprudence and the understanding of the relationship between sexual violence and gender issues. An area in which Rwanda has made tremendous improvements is on the issue of child rights with particular reference to child marriages. Forced child marriages are now illegal with penalties for the abuse and rape of children and babies increased substantially. This has reduced the number of child rape cases in a country where some believe that having sex with an infant or young virgin can cure AIDS. Not only are the existing laws being enforced but there are also attempts to provide more emergency services for battered women and children, more female police officers and judges and programmes to educate the general public on the values of equal rights for women.<sup>101</sup>

Given these limitations, and the fact that only one piece of legislation has been initiated by the new Parliament since its inception in 2003, the Forum of Women Parliamentarians' is poised to make a major contribution to the strength of parliament as a whole with the introduction of a bill on gender-based violence. The draft law defines gender-based violence, and addresses crimes committed during the genocide as well as the current situation. It identifies various types of gender-based violence perpetrated against women and children and in rare cases, men. It specifically highlights polygamy as a cause of violence and for the first time under Rwandan

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<sup>100</sup> "Law on Rights and Protection of the Child Against Violence," Official Gazette of Rwanda, 01 December 2001.

<sup>101</sup> Canadian International Development Agency, 2004 "Widows of the Genocide Lobby for Women's Rights in Rwanda.

law, it will provide a legal definition of the rape of an adult woman and proscribe punishment. The draft is based on extensive research in Rwanda, consultation with grassroots women about the type of violence they and their children face, and draws on statutes from other African countries. At the time of writing, it had yet to be introduced in parliament, but is set to be discussed in 2006.<sup>102</sup>

In 2008, Rwanda adopted a progressive law that defined domestic violence as illegal and mandating harsh prison terms for rape. According to Pearson and Powley, the draft law was developed by Rwanda's Forum of Rwandan Women Parliamentarians (Forum des Femmes Rwandaises parlementaires (FFRP) over a two year process of public consultation and collaboration with society. The FFRP which was established in 1996 by female members of the transitional government is comprised of all women in parliament regardless of political party, ethnicity or house of parliament in which they serve are members of FFRP through which they organize their policy-making efforts through the FFRP.

The FFRP's objectives include reinforcing the capacity of female parliamentarians, revising existing laws that discriminate against women, drafting new laws that promote gender equality, and lobbying for the inclusion of a gender perspective in all activities of government. The drafting of gender-based violence legislation demonstrates how women policy makers in Rwanda are at the forefront of activities promoting democratic governance. Women parliamentarians held extensive public consultation with their constituents, responded to and engaged civil society organizations and built legislative capacity through new models of

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<sup>102</sup> Powley E;2006Rwanda:The Impact of women legislators on policy outcomes Affecting Children and Families pg.11

leadership. The structural differences between men's and women's lives means that women take different paths to politics and may have different motivations for becoming involved.<sup>103</sup>

In 2009, basic education for all young Rwandans was introduced. This change resulted from the challenge by women over the long standing cultural notion that sending daughters to school was much less valuable than sending sons. The Isange One Stop Centre was set up in 2009 to serve survivors of sexual violence and abuse; this was as a consequence to make good on the government's policy on zero tolerance for sexual violence. The Akilah Institute for Women in Rwanda is a college that was established to emphasize leadership and entrepreneurial skills for women. Research indicates that many women enter legislative work from community-based careers rather than from a previous position in formal politics. For example, in South Africa when post-apartheid elections resulted in a parliament with almost 30 percent female representation, many women who became part of the government left positions with civil society organizations that had engaged in women's advocacy, including issues of gender-based violence.<sup>104</sup>

Improving the girl child education In accordance with the Universal Declaration of Human Rights by United Nations (1948), the declaration of the right to education was a landmark in the promotion of social, economic and cultural rights together with civil and political rights. The quest for the rights of women in education was the reason behind the World Summit on

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<sup>103</sup> Pearson and Powley 2008 pg.7

<sup>104</sup> Britton H,2006pg.145-163

Children in New York (1990) to set up objectives for the development of women's education with the realisation that two-thirds of children deprived of education were girls.<sup>105</sup>

Women parliamentarians played a critical role in ensuring the new constitution adopted on 4<sup>th</sup> June 2003 was highly gender responsive. Working towards a gender-sensitive constitution in Rwanda, women's organizations have been heavily involved in advisory processes around the new constitution established in the aftermath of the genocide in 1994. Through an intense consultative process, an umbrella organization called Pro Femmes, comprising representatives from various NGOs, reported their members concerns to members of the Ministry of Gender and Women in Development and the Forum of Women Parliamentarians. The three main groups in this process contributed to a policy paper that set out specific recommendations for making the constitution gender-sensitive and increasing women's representation in government. This was followed up with a mobilization campaign by Pro Femmes that encouraged women to support the adoption of the new constitution in a country-wide referendum.<sup>106</sup>

Childs states that the increase in women's decision making power is not limited to their role in parliaments. Women are denied opportunities to participate in decisions that affect their lives in both the public and the private sphere. The suppression of women's voices in many spheres whether deliberate or resulting from long standing discriminatory social and cultural norms that contribute to the persistence of gender inequality and limits human development. The

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<sup>105</sup> Katusiime Sharon (2006), Girl child education, a key for gender equity.

<sup>106</sup> Powely, E pg158.2005

increase of women's bargaining power within the household contributes to improvements in children nutrition, survival rates and literacy.

In many developing countries and especially in Africa, women's decision making power at home remains significantly lower than that of men when it comes to large household decisions such as costly purchases. These decisions are determined by institutional factors such as laws and norms related to inheritance and property ownership which in many countries tend to discriminate against women. The political participation of women is important in all contexts including times of peace and conflict and at all stages of political transition concerned. Many obstacles however still prevent women from participating in political life on equal terms with men and noting in that regard the situations of political transition may provide a unique opportunity to address such obstacles.

The question remains whether a higher level of women's representation in parliament leads to a different style of parliamentary politics. Women add new dimensions to the policy agenda but little evidence indicates that increased women's representation changes policy outputs. Rwanda has the highest level of women's representation in parliament in the world. Women representatives considered themselves to have a greater concern with grassroots politics. Research indicates that an increased presence of women politicians can also change the way that so-called "women's issues" are discussed by male legislators. Women politicians in Britain report that an increase in their numbers has meant these issues are no longer cause for laughter on the part of male parliamentarians when they are raised during debate.<sup>107</sup>

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<sup>107</sup> Childs, S 2004 pg.3-19

Pearson and Powley add that, an increased female presence in government takes several forms. Some claim that women have specific interests that need to be represented by other women; others contend that women's gender specific ways of working change politics for the better and still others emphasize that women's gender-specific ways of working change politics for the better while still others emphasize that women's under-representation contravenes democratic principles. The presence of greater numbers of women in government and particularly in legislative structures supports the values of democracy and justice by producing an institution that more closely reflects the demographics of its constituency.<sup>108</sup>

#### **4.3 Devolution and gender equality in Kenya**

The constitution of Kenya in 2010 guaranteed gender equality and the use of affirmative action. The Interim Independent Electoral Commission subsequently adopted recommendations to make the bill more gender sensitive. Once passed into law, it stipulated that the registration of political parties depends on having no more than two-thirds of any gender in the governing body.

Minayo in her article states that devolution of power from the central government to local structures is not an entirely novel concept in the country<sup>109</sup>. Prior to the coming into force of the Constitution, government had undertaken some form of devolution such as fiscal decentralization which was undertaken in various ways such as through the creation of the Constituency Development Fund (CDF) and the Local Authorities Transfer Fund (LATF)

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<sup>108</sup> Ibid

Devolution as construed in the Constitution is both structural and functional. Government has been restructured through the creation of the county government which has been allocated functions carved out of what was formerly the central government. Effective devolution is determined by the extent to which the local population is involved in determining direction according to their local needs, problems and priorities. What does this restructuring portend for gender relations and gender equality in particular? Minayo affirms that devolution is the vehicle that will engineer the transformation of relations between women and men. It is anticipated that through devolution, women's visibility in public life will increase; the voice of women in policy formulation and implementation will be enhanced; women will be facilitated to participate in and influence the process of determining development priorities and resource allocation for development purposes; and their capacity to participate in all levels of the county's life will be enabled through training and sensitization. She continues her assertion that, women's participation in leadership has not matched that of men and they are inadequately represented in national and local leadership structures. This is bound to change because the Constitution requires that no more than two thirds of members of any county assembly or county executive committee shall be of the same gender<sup>110</sup>.

This provision ensures women's involvement in leadership at the county level. As women begin participating in leadership, the highly masculinised (patriarchal) concept or idea of leadership is anticipated to crumble and pave way for inclusive definition of leaders and leadership. In other words, it is expected that an increase in women's participation in leadership at the county levels will work to recast citizens' understanding of gender and gender roles and therefore positively affect gender relations. It is also expected that role modeling will

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<sup>110</sup> Article 175 of the constitution of Kenya



also be facilitated and more women will be encouraged and empowered to delve into leadership both at the local and the national levels. In other words, when women participate in leadership at the local level critical human resource will be generated with the possibility of deploying this at the county and national levels. Women's visibility in county life will further increase when county governments recruit staff to deliver services and implement policies made at that level. This is because in recruiting staff, county governments will be required to adhere to the value of inclusiveness, equality, non-discrimination and protection of the marginalized.

Brody argues that the interpretations of gender-sensitive governance depend on the concerned institutions and their understanding of governance. Gender-sensitive governance must begin with putting gender equality and social justice issues at its centre and recognizing the different needs, interests, priorities and responsibilities of men and women and challenge entrenched gender inequalities. A gender-sensitive governance means women and men must have equal involvement in planning and implementing these institutions and processes.

A holistic, gender-sensitive definition of governance needs to acknowledge governance processes at all levels and the diversity of citizens through their gender, sexuality and ethnicity. It also needs to recognize that existing policies, processes and traditions are imbued with inequalities, which need to be addressed for gender-sensitive reform to take place. Gender equality issues must be taken into account while Institutions and processes need to be designed

to identify and integrate gender differences into all aspects of decision-making so that policies, plans and programmes equally benefit all women and men across societies. <sup>111</sup>

Earlier works on gender and governance tends to equate increased representation of women in government with more gender-sensitive governance. Certainly, enabling a diverse, “critical mass” of women to enter government via mechanisms such as quota systems, enabling them to exercise their citizenship by voting and be part of national and local decision-making bodies’ thus involving women in the accountability processes. To be effective, such strategies need to be rooted in a change of culture across governance institutions, processes and relationships. These changes need to happen at all levels, from global governance to the household, and from schools to the media. Achieving these changes requires a multi-dimensional approach which involves assessing current gender imbalances and barriers to women’s participation, and developing effective solutions. In order to achieve a more gender-sensitive approach to governance, institutions need to define of gender-sensitive governance and how they frame their goals. <sup>112</sup>

Gendering democracy and Institutions promoting decentralized, democratized governance approaches grounded in the governance principles of accountability, transparency, inclusiveness and so on may see democracy as a primary goal. Their democracy should be gender sensitive and put gender equality as its centre. <sup>113</sup>

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<sup>111</sup> Brody A,2009

<sup>112</sup> Ashworth G,1996.

<sup>113</sup> Ibid

In any gender analysis, two factors emerge for consideration. The first, gender mainstreaming, highlights the implications of policies and programs for both men and women. This means that, in the construction of policies and programs, it is necessary to consider how implementation will affect men and women differently. As defined by the United Nations Development Programme (UNDP), gender mainstreaming is “taking account of gender concerns in all policy, program, administrative, and financial activities, and in organizational procedures, thereby contributing to a profound organizational transformation.” UNDP further notes that, “if gender mainstreaming is done effectively, the mainstream will be transformed into a process much closer to truer democracy.”<sup>114</sup>

#### **4.4 Lessons Kenya can draw from Rwanda’s devolved governance**

Important lessons from the Rwandan experience that Kenya can learn are numerous. Measures must be undertaken so as to turn political commitment into action through continuous support and political commitment which is significant in strengthening women’s participation in political decision-making. During the transitional period, before quotas were established in Rwanda, the RPF consistently appointed women to nearly 50% of the seats that it controlled in parliament. Other political parties in the transitional government lagged behind in their appointment of women, and therefore women never constituted more than 25.7% of parliament from 1994-2003.<sup>115</sup> The overriding factor behind women’s increased participation in decision-making capacities and democratic governance is the prevailing strong political will towards the promotion of women. Rwanda’s commitment to the inclusion of women is evident throughout all levels of the government. At the national political leadership level, the Rwandan

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<sup>114</sup> UNDP; Capacity Building. Gender in Development. 2000

<sup>115</sup> Powley, Elizabeth. “Strengthening Governance: The Role of Women in Rwanda’s Transition.” October 2003.

government has made women more visible, with high level appointments including Ministries, Ministers of State and positions in the Office of the President, the Ministry of Justice and the Ministry of Lands, Resettlement and Environment. Mechanisms have been constituted to address women's issues and gender concerns. The Ministry of Gender and Women in Development is the institution charged with the responsibility for coordinating the government's efforts regarding gender and women issues.

Strengthening and building partnerships between government and civil society through the incorporation of grassroots women's groups is important so as to reinforce community ownership and harness positive cultural values that promote gender equality. Brody points out evidence from different countries reveal several common factors that contribute to the establishment of national and local government with a strong commitment to gender equality. These include: an active and united women's movement; a gender-sensitive social and cultural environment; the desire or potential for change among existing governmental actors; women's involvement in changing the political status quo; and the support of male government actors. A positive social and cultural environment is needed for gender-sensitive government. The shift towards more gender-sensitive state institutions and processes often happens in relation to broader social and cultural changes in terms of women's empowerment and gender equality, which are translated into constitutional changes, as the following example demonstrates.<sup>116</sup>

The importance of building the capacity of institutions and persons to spearhead gender mainstreaming to ensure sustainable gender equality Working towards a gender-sensitive constitution in Rwanda In Rwanda, women's organisations have been heavily involved in

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<sup>116</sup> Brody A, Gender and Governance, 2009

advisory processes around the new constitution established in the aftermath of the genocide in 1994. Through an intense consultative process, an umbrella organisation called Pro Femmes, comprising representatives from various NGOs, reported their members concerns to members of the Ministry of Gender and Women in Development and the Forum of Women Parliamentarians. The three main groups in this process contributed to a policy paper that set out specific recommendations for making the constitution gender-sensitive and increasing womens representation in government. This was followed up with a mobilisation campaign by Pro Femmes that encouraged women to support the adoption of the new constitution in a country-wide referendum.<sup>117</sup>

## Conclusion

Participation of women at all levels of government in Rwanda; grassroots and national level is significant in increasing their visibility which results in the recognition among men on the importance of gender parity in governance. The culture in parliament is slowly changing to accommodate the high presence of women legislators. The presence of women in government structures in the GoR such as executive, legislative and judiciary organs has enabled the enacting of legislation on land ownership, property inheritance, sexual crimes which therefore guarantees the respect of women's rights as human rights.

Mechanisms such the principle of devolution that is guided by the constitution ruling party, Rwandese Patriotic Front(RPF), FFRP,advocacy groups such as Pro-Femmes and other women's movements that participated in the reconstruction of Rwanda have ensured increased women participation in governance in Rwanda.

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<sup>117</sup> Powley 2005,pg.158

Kenya can draw significant lessons from the gender factor in devolved governance in Rwanda such as the importance of building partnerships between the government and civil society and the role of political commitment in promoting the participation of women in politics.

## **CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS**

### **5.1 Summary and Conclusion**

This chapter provides a summary of the whole study and then gives conclusions and recommendations from the study. It is hoped that these recommendations will be helpful for the solving of the current devolution problems related to gender in Kenya. The study will also aid those that wish to conduct further research on the area.

The objective of this study was to examine the role of devolved governance as an empowerment tool for attaining gender equality in Rwanda and hence recommend lessons to Kenya which adopted devolved governance in 2010. The study was divided into five chapters, Chapter one is on the Research proposal and gave a detailed background of the study, objectives and the justification of the study among others.

Chapter two gave an overview of devolved governance and gender while highlighting how the gender factor has influenced the process.

Chapter three focused on the case study indicating the history of governance in Rwanda, the roles of women in post genocide Rwanda and the policy document on decentralization in Rwanda.

Chapter four was an evaluation of gender and governance in Rwanda and how it has affected women representation in Rwanda.

The study relied on qualitative methods of data collection as survey research methods were constrained to due to challenge related to accessibility and time. Secondary data formed the core data collection.

The study found out that devolution of governance is a mechanism to an all inclusive form of governance and that there must be legal and institutional change for this process to be effective. The study hypotheses have been proved in the findings and indicate that the gender factor has greatly influenced devolution in Rwanda in that the increased presence of women legislators in parliament has positively influenced the culture as men legislators are now used to the large numbers and has also resulted in the formulation of legislative laws that favor marginalized social groups such as women and children. Institutional establishments among others have played a role in the mobilization, sensitization and the integration of women into the country's development process as they are being represented in all administration structures from the cell to the province.

## **5.2 Recommendations**

Kenya should adopt measures such as ensuring women's participation in politics through political commitment, building partnerships with community based organizations at the grassroots level and sensitizing the society of the significance of gender equality.. This includes institutional change such as incorporating the gender factor in the education system, strengthening the existing women movement to be more effective and aid in realizing their goals. The women legislators must also nurture other women and marginalized groups to participate actively in politics. Gender balance is important as men and women in decision-making positions can have different impacts on policy and program development; thus, both men and women must be included in policy formulation. In order to integrate gender considerations comprehensively, mainstreaming and balance are both important.



Based on standpoint feminism, devolved governance is a tool that can therefore be used to increase the participation of women in legislature as it will seek to locate women in politics and move them from the margin or private realm to the center or public realm. Kenya is recommended to use the constitution as a clear guiding tool and to strictly adhere to it so as to ensure that the required number of women is achieved to participate in governance.

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