



**STRATEGIES THAT WORK  
WOMEN IN POLITICS &  
CONSTITUTION MAKING IN KENYA**

# **STRATEGIES THAT WORK: WOMEN IN POLITICS AND CONSTITUTION MAKING IN KENYA**

Edited by Wanjiku Mukabi Kabira, Elizabeth Auma, Brender Akoth, and Ruth Wamuyu

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Women's economic empowerment-WEE is a contributor to inclusive and more equitable economic growth. In Kenya, women have proven their economic resourcefulness and resilience despite the disproportionate burden of unpaid care work and the systemic barriers they continue to experience due to economic exclusion. Their daily efforts at meeting their financial needs include the formation of collectives such as "*merry-go-rounds*", table banking, and other innovative arrangements all aimed at maximising the limited resources available to them. Through some of these efforts, women have shown that they can do a great deal with very little including educating their children, running and contributing to the wellbeing of their households as well as running small scale businesses.

However, there remains so much that needs to be done to secure women's economic empowerment and it requires that there be deliberate effort made to bring women out of economic exclusion and into a scale of economic activity that affords them greater efficiency, freedoms, options and better prospects. The phrase "*women hold up half the sky*" attributed to the then chairman of the Chinese Communist party Mao Zedong when in 1949 he rallied women to join the labour force, insisting that whatever men could accomplish, women could accomplish too, evokes the image of women being fully involved in the economic sphere of life and bringing their unique gifts and capabilities as part of their role in holding up half the sky. It also means that for women to successfully make their contributions, it will take deliberate action in the formulation or repeal of laws, policies, social and cultural norms, as well as institutional transformation to allow for an enabling environment for women to thrive economically.

That is why this book is important. It examines strategies that women can adopt from what has worked for them in the past with the aim of informing and empowering them towards strengthening their advocacy efforts for WEE. Kenyan women owe a huge debt of gratitude to Prof. Wanjiku Kabira, the team leader of the WEE-Hub for her tireless efforts over the years to document the journey of women and their immense contribution to nation building. It has been the norm to erase women and their contributions from our documented histories such that when our stories are told, we hear little to nothing about women.

By documenting the evidence of women's self-organising over the years around inter alia, girl child education, social services, political inclusion, women and girls' inheritance rights, land ownership, sexual and gender-based violence-SGBV and particularly around the review and subsequent promulgation of the 2010 Kenyan constitution which delivered the most significant constitutional framework for women's inclusion the political, social and economic sphere in independent Kenya; this book unveils the enormous contribution made by women over the decades towards nation building and improving the lot of women that has been invisibilised over the years.

In these pages, readers will be introduced, and many for the first time, to bold and courageous women, scholars, jurists, activists, mothers, sisters, daughters and leaders who were ahead of their time. Women who took on the injustice of exclusion and

demanded a place at the table and an opening up of the spaces to accommodate and include women and girls. Women who educated, mobilised and organised for women to work together in the solidarity of sisterhood to demand for better outcomes for all women.

Many women and girls take it for granted that today they enjoy significant freedoms in the social, political and economic spheres but many do not know that it has not always been this way. What we celebrate today as women's gains in the Kenyan constitution are there as a direct result of women's deliberate organising, mobilising, and strategising over the years and sometimes through great hardship and threats to ensure a constitutional framework that addressed every scope of women's existence and engagement. This book emphasises the great role that women have played in contributing to inclusive frameworks in this country and those same strategies can be adopted to produce women's economic prosperity.

Building on what works for women, our constitutional framework, policies and legal frameworks, international covenants and platforms, women can organise and mobilise to push for more funding and budgeting for WEE. Additionally, advocacy efforts must also focus on removing the barriers to WEE which includes the call for equitable access to productive resources, the recognition, redistribution and remuneration of unpaid care work, and government accountability towards WEE.

The documentation of the strategies and the stories that this book details, is a testimony to the reality that women organised and mobilised are a powerful resource for action in bringing about the changes in the economic emancipation of women. The book is also powerful enough to energise and rally women and girls around the imperatives that will drive WEE and should be compulsory reading for all those working in government and outside government for the WEE agenda.

Daisy Amdany,  
Executive Director, Community Advocacy and Awareness Trust



The Women's Movement in Kenya like the rest of the colonized world, is traceable to the various forms of anti-colonial protests and collective action to engage in the emergent roles in the newly established independent state. There is no clear-cut chronology, but a rather a contextual interweaving of prevailing circumstances, women's roles, and the struggle for equal rights. It can loosely be said that the women's movement was a gradual proliferation of feminist consciousness that took place in three interlinked phases leading to the 2010 constitutional-making process. The expanse of the activities of the women's movement during these phases are discussed in the main compendium of conversations with the pathfinders (conversations with pathfinders, 2022).

This handbook of strategies that worked for the women's movement in the Kenya Constitution 2010, draws from the 'mother book', *Conversations with the Pathfinders: Strategies that Worked for Women in the Constitution-Making Process* (Kabira et al 2022) and *Time for Harvest* (2012). It focuses on the period from 1975 to 2010. This period was marked by increased impetus for exclusive women's only feminist platforms through which the women's movement could mobilize consciousness and build a unified front to empower women socially and materially. The movement began to have a deepened assessment of the magnitude of gender-based disparities and the subordination of women. It identified issues such as equal property rights for women, employment opportunities, gender blind legislation, and violence against women as matters of policy reform in order to achieve women's empowerment. This called for a multiplicity of approaches that would together enable the women's movement to achieve the goal of emancipation from all feasible fronts.

As part of harnessing their visibility and securing institutionalized support, the women in the movement actively engaged in global and transnational conferences that spearheaded the struggle for women's empowerment. They sent delegations to the UN-led women's conferences right from the beginning in Mexico (1975), Copenhagen (1980), Nairobi (1985), and Beijing (1995). These conferences broadened the understanding of the women's movement on the plight shared by women globally but contextually different plight of women and girls in Africa.

Issues that disproportionately affect women and girls such as poverty, illiteracy, health, gender-based and property rights were defined and institutionalized as global issues that member states needed to address. The women used the platform offered by these global conferences to articulate their unique challenges and rally support for the implementation of homegrown solutions to their prioritised needs. Prof. Eddah Gachukia who was at the centre of the organising committee during the 1985 conference narrates:

I shared with women leaders in international conferences held in Mexico, Copenhagen, and Beijing that women's empowerment in African required a novel approach. It was easier to address the plight of women and the girl-child through participatory community development and not quest for equality as in the West. When the women in the West were removing bras to prove they could be equal to



men, we argued that our women did not even have any bras to remove. Women in Africa could best be served by addressing water, food, and education issues. Those were the women's priorities in Kenya. I led the women's delegation to Mexico.

Hon. Julia Ojiambo, the first woman assistant minister who established the first government institutional unit to focus on women namely, the Bureau also says:

The women's movement in Kenya benefitted greatly from the global development in women's rights, especially the UN conferences on women. The Kenyan government started implementing international resolutions on women's rights, an impetus to local women's empowerment efforts. As a signatory to United Nations Resolutions on women, our government experienced a turning point for women's development in this country.

New women-led organisations were formed to mobilise support and engage women in various empowerment programmes and projects at national and community levels; and to champion for the protection of women's rights. Key among the formal organisations that emerged during this period were: Forum for African Women Educationalists (FAWE) to advance the right to access quality Education by girls and the Federation of Women Lawyers – Kenya (FIDA Kenya) which championed the legal and constitutional rights of women. Prof. Eddah Gachukia says:

We formed FAWE. The organisation came when I was very much involved in education and its impact on women's development. I was exploring the implication of women's education on community development. My research established that the girl-child was disadvantaged in many ways. I shared my facts with the government and UN agencies and at the NGOs forum in 1985.

On FIDA, Nancy Baraza says, FIDA has been very influential in legal and constitutional reforms focusing on women's empowerment in Kenya. Women-friendly legislation recently enacted, like the Marriage Act (2014), Protection against Domestic Violence Act (2015), and Matrimonial Property Act (2013), are all results of women lawyers and FIDA initiatives.

The women's movement collaborated with women-friendly non-governmental and civil society organizations in various ways that strengthened their capacity to advance the course for equal recognition of women's contribution and rights. Ms. Terry Kantai who was very much involved in mobilising women at the grassroots level says:

I can't say that we did it alone because the international community was constructive, especially the Scandinavians who asked many questions. I kept in touch with at least one woman from each country, and we would share our problems. And when they arrived here for the lobbying negotiation, they knew what we wanted and how much we wanted.

Still, the women who were involved in the movement took personal initiatives to traverse the country and collect firsthand information on the challenges that women faced especially in rural villages. They would then use their positions and connections

in government to influence policies that would respond to the specific needs of women. Many women that got into parliament after the 1992 amendment of the constitution, bringing back the country to multiparty democracy contributed to the National Policy-Making Process. Ms. Maimuna Mwidau, of the Chain of Muslim Women's Network, says:

Our main activity was to coordinate all the field activities by recruiting and organizing district coordinators on the ground. We also facilitated engagements with stakeholders at the grassroots and national levels. As a support arm of the Commission, we put in all the structures for effective consultations with the public. In such gatherings, we documented the views given by different people for further analysis by the Commission.

Ms. Terry Kantai narrates:

I remember we wrote a memorandum with Jane Kiano to Kenyatta and even later to Moi. We told Mzee that men are selling land, that there is nothing by the time you open your eyes. He even marries a second wife. It is then that the President declared that if a man is selling land, he must seek consent from the woman. It looks simple now, but we had to fight for it. I used to write speeches for the President. I would sneak in policy declarations that favored women without the President knowing. Some were known to be good drafters, I remembered in 1977. I wrote a speech for Moi, and he read it the way it was.... I was also chosen to participate in the drafting of the national development plan.

As espoused above, Ms. Kantai and many other women managed to influence and change policies through lobbying and mobilising power, that she admits to possess right from her childhood. Thus, women played major roles in the making of the Constitution. As Ms. Liz Wanyoike, the great business-woman of Nairobi Institute of Business Studies (NIBS) says, "women must recognise that the power to rise and move forward when you fall is within you" (AWSC report Nov, 2021).

### Pathfinders' Biographies

This section gives a short summary of the pathfinders' biographies of the women leaders in politics and constitution making.

#### **Hon. Jael Mbogo**

Hon. Jael Mbogo, who hails from Eldama Ravine in Baringo County, is a leader of global repute. She is an accomplished social worker, women's rights campaigner and a successful politician; hence a source of inspiration to many young women leaders.

#### **Hon. Martha Karua**

A revered Kenyan politician and an advocate for social justice at the High Court of Kenya; Hon. Karua has served in the Cabinet in two dockets, Minister for Justice and Constitutional Affairs and as Minister for Water as well as Member of Parliament for Gichugu constituency in Kirinyaga County. She is founder and leader of the political party Narc Kenya.

### **Hon. Phoebe Asiyu**

Phoebe Asiyu is a former Karachuonyo Constituency Member of Parliament and the first Kenyan woman to be inaugurated as an elder. Hon. Asiyu has worked consistently with women, governments and civil society organisations to open up space for women in leadership positions.

### **Hon. Julia Ojiambo**

The first Kenyan-born woman to join Harvard University. Hon. Ojiambo is a trailblazer who has served as a Member of Parliament for Samia, an Assistant Minister and a politician with a passion for education and women's leadership.

### **Mrs. Ida Odinga**

Mrs. Odinga is a business woman, rights activist and educationist. She was a high school teacher and a women's rights activities. She has been very instrumental in championing the gender agenda in the country. Ida is the wife of the former Prime Minister Raila Odinga.

### **Prof. Achola Palla**

Prof. Palla is the founder of the Association of African Women for Research and Development (AAWORD). As a scholar, she injects an intellectual perspective to women's empowerment in Africa.

### **Prof. Eddah Gachukia**

A Kenyan Pioneer educationalist with a passion for the girl child's education. As an academician with a background in Literature, Prof. Gachukia is the founding Executive Director of the Forum for African Women Educationalists (FAWE). She is a committed advocate for women's rights. Prof. Gachukia served as a Nominated Member of Parliament, representing women's interests (1974-1983) and in the leadership of the National Council of Women of Kenya, the Maendeleo ya Wanawake Organization.

### **Prof. Wanjiku Mukabi Kabira**

A scholar, currently serving at the University of Nairobi as an Emeritus Professor. She is an expert in issues of governance and theoretical approaches to gender analysis among other areas. She also served as the Vice – Chair and a Commissioner in the Kenyan Constitution Review Commission (CKRC).

### **Dr. Nancy Baraza**

A law scholar at the University of Nairobi, Dr. Baraza was the first Deputy Chief Justice of the Supreme Court of Kenya and the first female Deputy Chief Justice under the 2010 Constitution. A former Executive Director of Federation of Women Lawyers (FIDA K), she has been a champion of gender justice. Dr. Baraza was one of the Constitution of Kenya Review Commission's, commissioners.

### **Ms. Terry Kantai**

Ms. Kantai is a household name in Women Empowerment in Kenya. She has championed gender – inclusive community development efforts in various parts of the country. Kantai has also been a passionate voice for inclusion of grassroots women in leadership and decision making.

### **Ms. Kamla Sikand**

A Kenyan of Indian descent who devoted her life to women empowerment in the country, Ms. Sikand was an active member of various women's NGOs in Kenya. She brought to the fore the diversity and universality of women's issues. Her humble abode was a sanctuary where women would converge and strategise on protecting the gains made in the draft constitution. Ms. Sikand passed on in August 2019.

### **Ms. Esther Mwaura**

Ms. Mwaura deconstructs the assumption that local women cannot speak for themselves. Rising from deprivation to become the mouthpiece of women in rural communities, she has contributed immensely to the psychological and economic liberation of grassroots women in Kenya and beyond. She is the founder of GROOTS Kenya.

### **Ms. Alice Yano**

Born in Elgeyo Marakwet County, Alice Yano is one of the brilliant lawyers in Kenya. She has been consistently vocal in the need to genuinely empower women in rural areas.

### **Hon. Rhoda Maende**

A prolific community mobiliser and a successful businesswoman, Hon. Maende, a former councillor for Mavindini ward in Makueni County, is a champion of women's economic empowerment movement and gender justice. She maintains the idea that if identified and nurtured, women leaders in rural areas can revolutionise the gender debate.

### **Ms. Agnes Mwamburi**

Agnes Mwamburi is a resident of Nakuru County and works with disadvantaged girls and boys. Her story conforms to the idea that with passion and solidarity, local women can make a difference in their community.

### **Ms Lydia Wanjiru Kimani**

Hailing from Embu County, Ms. Lydia Wanjiru has had an illustrious career in politics being in Maendeleo ya Wanawake Organisation. She has contributed significantly to the empowerment of women through the Heifer Project and Micro – Credit.

### **Ms. Salome Muigai**

A teacher by profession Ms. Muigai is credited with ensuring issues of women and persons with disabilities are included in the Constitution of Kenya 2010. She served as a Commissioner with the CKRC and has been a consultant gender trainer and researcher, with many years of experience.

### **Ms. Zarina Patel**

Ms. Patel is a writer and activist. Through her creative writing, she demonstrates that in women's empowerment, all skills are relevant.

### **Justice Effie Owuor**

Justice Effie Owuor was among the pioneers of Butere Girls and Alliance Girls' High School. Her life demonstrates how positive gender relations can be achieved through firm decisions, dialogue and cultural consciousness. She has contributed in changing laws to create spaces for women hitherto ignored.

### **Ms. Mary Wambui Kanyi**

Ms. Kanyi is a gender and governance expert. She believes that Kenyan women can use their diversity in academia, political parties, civil society and grassroots as a source of strength to penetrate various spaces of leadership.

### **Prof. Patricia Kameri-Mbote**

Ranking among Kenya's most dedicated legal minds in property and environmental law, Prof. Kameri-Mbote, demonstrates how women scholars can support women empowerment efforts through research and strategic thinking. She was instrumental in giving strategic guidance to women consortia during the Constitution review process.

### **Ms Maimuna Mwidau**

Ms. Mwidau is one of Kenya's illustrious women who played critical roles in the Constitution-making process. Born in Mombasa, she studied in the island town before proceeding to Toronto, Canada, for further studies. She first joined the Kenya constitution review process as an administrator and then as a stakeholder, representing Muslim women. Ms. Mwidau's insights reveal behind the scenes strategic maneuvers that women employed to ensure that the new constitution accommodated women's aspirations.

### **Amb. Rukia Subow**

Amb. Subow hails from the North-Eastern region of Kenya. An expert in security studies, she has done a lot of work in women empowerment through peace efforts and constitution-making. Following her mother's footsteps, Rukia joined Maendeleo ya Wanawake Organisation as a girl and rose through the ranks to be voted Vice-Chair and subsequently, Chairperson of the largest women's organisation in the region. Amb. Subow was critical in ensuring the concerns of marginalised women are captured in the Kenya Constitution 2010.

### **Hon. Beatrice Elachi**

Hon. Elachi is a leader who epitomises the strength of diversity in our nation. A former Chief Administrative Secretary in the Ministry of Gender, nominated Senator and Speaker of the Nairobi County Assembly, Hon. Elachi developed her career progressively from a gender activist to a gender analyst, trainer and lobbyist. She remembers how the unity

of purpose and strategic alliances secured women's gains at the Bomas of Kenya during the constitution review process. She believes that women can do much to transform the lives of Kenyans.

### **Hon. Mumbi Ng'aru**

Hon. Ng'aru was born in Samburu County, raised in Nyeri County and finally a resident of Kiambu County. As a former Mayor of Thika Municipal Council and a lobbyist in the Kenya constitution review process, Hon. Ngaru's reflections explain why the local authorities supported the constitution review process and the women's agenda. She has served as a Member of Parliament at the East Africa Legislative Assembly.

### **Hon. Fatuma Hassan**

Hon. Hassan was born at Kiganjo in Central Kenya. She is an avid politician and one of the founding members of the Democratic Party (DP). Hon. Hassan holds that women can create order in political parties by voting in reliable people. She also avers that women should vote for more women to make a change.



## 1.0 NAVIGATING THE PROCESS THROUGH TO THE KENYA CONSTITUTION 2010

This phase of the women's movement coincided with widespread discontent with the oppressive rule under the single-party dictatorship in Kenya. Once again, the women's movement joined the struggle for what became Kenya's second liberation. The fight for recognition of legislation around women's rights did not begin with the constitutional making process, rather the women's movement saw an opportunity to entrench women's rights as constitutional rights.

In order to galvanize momentum to participate in the wider reform process while advancing women's goals, women leaders negotiated for reserved seats for women in the legal framework that paved way for the review process. Besides, they formed feminist groups through which they would mobilise and conscientise women to support the movement across the country. They wanted women to understand how marginalisation undermined their empowerment and meaningful participation in development, and that their collective action was paramount. At the same time, women who worked in various NGOs and civil rights organisations joined and supported the movement through training, policy advocacy, and organisation of forums; where women would meet to strategize on how to position themselves in the reform processes that culminated into the constitutional review and the birth of the 2010 Constitution. Hon. Martha Karua asserts:

In May of 1992, we formed the League of Kenya Women Voters. The first-ever political lobbying group in Kenya. Because all the other women organizations at that time were quick to explain that they were not political, they were just interested in welfare. But the League was formed as an abode for women's political lobbying. And we advocated for women getting elected, women getting space in the political arena in leadership and in decision-making. We started going to the grassroots to discuss these issues with women.

When the legal framework for reviewing the Constitution was being made, we were able to negotiate that all the organs of review must have 1/3 positions reserved for women. We also were able to negotiate space for people with disabilities. If you go to the records, you'll see the first Constitution of Kenya Review Act (1990; not the 97' one, 1998 one reserving the 1/3 space in all the organs of review. That's how the journey of women's reserved space in the Constitution came in.

It is the spirit of togetherness that made women fight for their inclusion in the new constitution. Hon. Adelina Mwau says:

We were very much together; we were coalitions, Alliance working together. The strategy of togetherness, the women's movement looking at issues from one perspective is the strategy that I don't see today.

The Constitution review process identified organisations that would nominate women to the Kenya Constitution Review Commission. These organisations were: Maendeleo ya Wanawake Organisation, Women Political Caucus, The League of Women Voters, National Council of Women of Kenya and Widows and Orphans.

Dr. Nancy Baraza also says:

As the Chair of FIDA, I was deeply involved in the reforms struggle in the '90s. I was part of the Ufungamano process and the peoples' commission formed in 1998 ... to influence the greater democratic movement but specifically to ensure that women issues which have been lacking in the old constitution are also taken on board.

While elaborating on the motive behind the formation of the Collaborative Center for Gender and Development (CCGD), like FIDA, Prof. Kabira states that the organisation's main goal was to work on legislative and policy matters. She further says that, CCGD was the first one to organise the first women's meeting to discuss the constitution. "In 1998, we invited Wachira Maina, a constitutional lawyer and Okoth Ogendo, the famous Constitutional lawyer and Prof. of Law to respond to the questions about the constitution, such as: what is constitution-making?"

She goes on to say that, in 1997, the CCGD also organised Hon. Asiyó's motion;

"I personally lobbied several ministers with Phoebe. We prepared lobbying materials in our small office on Ngong Road. We were able to bring in Atsango Chesoni to work with Phoebe Asiyó and give her all the information and technical support that she needed."

CCGD also wrote the response to Hon. Asiyó's motion that was actually done by Hon. Kiraitu Murungi.

The women's movement continued to intensify its mobilisation efforts in order to ensure adequate representation at the various preparatory committees that were involved in laying the groundwork for the Bomas Constitutional Conference. To this end, they caucused and formed alliances that would push for unity of purpose while mobilising grassroots women in order to build a strong national voice. They negotiated and secured slots for women's participation in the legal framework that informed the criteria for inclusion in the constitutional conference.

In a bid to navigate patriarchal hostility particularly from the government and political leadership, the women's movement rallied the support of NGOs, civil society organisations and opposition parties to help them push for the inclusion of women. As Hon. Martha Karua notes:

We started going to the grassroots to discuss these issues with women. And very quickly, there were many other organisations, mainly led by scholars like Prof. Wanjiku Kabira and Prof. Maria Nzomo, which started preparing women for politics. Soon, even the women's organisations that previously denounced political inclination joined us. We continued advocating for women's space in politics together even after the 1997 elections. We joined hands in 1997 to form the Women's Political Caucus, a network of all the women organisations in Kenya. It was unregistered, but a powerful caucus saw the women's voice solidified during the (Inter Parties Parliamentary Group (IPPG) talks.

Prof. Wanjiku Kabira adds:

The Alliance and Caucus realized challenges that women face in influencing policy are not accessible. It was not just about women being educated to contest in the elections as their constitutional rights. We are talking about male-controlled political parties with institutional structures based on male ideologies. Such political parties exhibit male-dominated cultures and ideologies. We are talking about legislation where women's perspectives are taken as part of it, and nobody thinks they should be part of it. We are talking about democratic institutions where they say the government of people by people, and they mean the government of men by men.

Dr. Nancy Baraza adds:

The civil society, women's movement, opposition parties and the religious community formed the Ufungamano Initiative to run a parallel constitution-making process. It was named the Peoples' Commission and it was chaired by the late Dr Oki Ooko Ombaka. Moi's Constitution-making initiative and the Ufungamano initiative, ran parallel to each other. The former enjoyed legality while the latter had legitimacy. People trusted the Ufungamano Initiative because they couldn't trust the government. We were in it with leaders such as Prof. Wanjiku Kabira, (Justice) Abida Ali-Aroni, and Hon. (Justice) Isaac Lenaola. The movement got President Moi scared. We faced threats and intimidation as we traversed the country, collecting people's views on the proposed constitution. In Kisumu, our meeting was disrupted using a petrol bomb. We had to scamper to safety. I still carry a scar on my leg. We were harassed because we were opposed to the government's approach to constitution review.

From the above postulations, the main goal for mobilisation and togetherness was to ensure women's full representation during the constitution-making process so that their voices too could be brought to the mainstream. As Prof. Kabira has argued, when your voice is absent on the policy-making table, you can only be a beggar.

### **The Drill Down at the Bomas Conference**

After the long journey of developing the legal framework for the review of the constitution; setting up all necessary structures, educating the people and collecting the views from every constituency in Kenya, the Commission prepared a draft constitution (Kabira, 2012). The nation was ready to have a National Constitutional Conference to deliberate, negotiate and approve the new constitution. At the conference, women were well represented. This is what has been called "The Bomas Conference". The women's movement did not go to Bomas without a plan.

There had been a series of preparatory activities that would build unity amongst them in order to collectively articulate the issues that they wanted to be included in the new constitution. They mobilized representatives from all the then districts in the country, held numerous consultative meetings at which they trained and sensitized one another,

identified those who would represent women's interest at various stages, and lobbied the support of other key stakeholders and civil society organizations. By involving women from all the districts of the country, the women's movement evolved into a strong and solid force that would command attention and drive their agenda for the new constitution.

As Kabira avers in *Time for Harvest* (2012), during the Bomas national conference, women delegates demonstrated their power to negotiate and push forward the gender agenda. Some of the qualities they displayed included but were not limited to being skilled, accountable, positive, consultative, and well prepared. These Women delegates demonstrated their capacity to conduct research, listen to other members of the committee, and account to the larger women population in the country, making them aware of the conference proceedings. As outlined by (Kabira, 2012), they clearly:

- Defined their problems at every stage, and agreed on how to handle them
- Developed strategies to address problems in the committees and at the plenary; Negotiated with influential individuals at the conference;
- Assigned roles and responsibilities to one another. Sometimes, it was a question of who would get the data to help women argue the case, for example, on proportional representation or district elections
- Called on experts to clarify the issues and advise them
- Agreed to stick to principles but understand details for the purpose of pushing their case
- Identified a coordinator to bring them together at short notice, if the process was not going on well;

When there was the need for mediating team, women singled out those who would be listened to by the other teams. They identified issues that if not addressed at the committee level, would be raised and addressed in the plenary. They would monitor what they had agreed on in the committee to ensure that it was indeed what was presented in the plenary.

The outcome of their work at Bomas was entrenched in the Bomas Draft Constitution. The women at Bomas received the Constitution of Kenya Review Commission (CKRC) draft, studied women's gains and negotiated for retention of the same, and expanded provisions for women. Upon the expansion of structures like devolution, women ensured that their interests were incorporated as well. When issues of representation and legislature were debated, they also ensured that their interests were included. Women were there to safeguard their gains in the CKRC or to expand them whenever they could. Thus, the Bomas Draft is the most women-friendly draft of all the constitutional drafts. (Kabira, 2012). Hon. Phoebe Asiyo notes:

When we went to sit down and write the constitution at Bomas of Kenya, the women still did extremely well in every committee and before any meetings; they sat down together and strategized on the issues that concerned them most. That is why there were many gains for women. Every district brought three people, and

one was a woman, which complied with the two-thirds gender rule. These were powerful women and had extreme views about the future of our country and the place of women in the governance systems and the country's law-making organs.

Mrs Ida Odinga adds:

We used to identify and train women who could carry interviews so that we can know what the issues are... we wrote the issues that we wanted to be included in the constitution and then sent someone to represent us in the constitution-making. The issues of class still pose as a huge draw back for women.

Evidently, the negotiation process did not go without hitches but women were all geared up and prepared for such eventuality. They had learnt to use their networks when they wanted to push their issues from a united front; and to separate when they wanted greater representation. The women's movement during this time became a power that not even the Kenya African National Union (KANU), the then ruling Party, could ignore. They had truly emerged from the shadows and were demanding their space on the negotiating table. (Kabira, 2012: 36).

## 2.0 THE STRATEGIES THAT WORKED FOR WOMEN IN NEGOTIATING THEIR SPACE IN THE CONSTITUTION-MAKING PROCESS

As scholars have averred “learn from your history, know your story and tell it passionately (Kabira, 2018). The women’s movement and the eventual gains in the Kenya Constitution (2010) is a complex continuum that is historically and contextually aligned to social movements that go back to the colonial period. It is therefore instructive to note the strategies that worked for women’s push for the entrenchment of their rights into the Kenya Constitution review process. However, certain interconnected strategies stand out for the women’s movement in the early 1990s leading to the Kenya Constitution (2010) as highlighted below.

### 2.1 Self-Mobilisation

By definition, self – mobilisation is the collective action whereby people participate by taking initiatives independently of external institutions, in order to change systems of leadership or governance. It is interesting to note that the women’s movement in Kenya sprung from the strong desire by individuals who came together to change the status quo and ensure that women’s issues were development rights that needed to be addressed. Right from joining the armed struggle for independence to fight alongside their male counterparts, organising delegations to negotiate for spaces in decision making, forming feminist groups and organizations, and agitating for women-friendly legislation; we see a self-revealing narrative of feminist consciousness that cuts across the various parts of the country at different stages.

In *Time for Harvest*, Kabira asserts:

Women’s Movement mobilised around key issues and became a force to reckon with in the early years. Their major struggle for an institutional framework for gender mainstreaming resulted in the establishment of a gender commission, a ministry in charge of women affairs, children, and social services, a presidential directive for 30 percent representation in public service, and publication of the Sexual Offences Bill. (38)

Ms. Mwidau of the Muslim Women’s Network recalls how influential women were, in the mobilisation and formation of structures that created a platform for their meeting. She says, “Committees comprising at least a woman, a person with a disability, religious leader, youth, and other marginalised (persons) were formed in all constituencies. The Constituency Consultative Committee was the first platform of engagement. This committee was used to mobilize communities, discuss and agree on issues important to them. The forum thereafter was used to conduct civic education and distribute relevant materials which increased awareness about the place of women in the constitution.

Prof. Kameri- Mbote refers to this self – mobilisation as ‘passion’. “What I remember is that we came together and agreed that if a woman is supporting a proper women-friendly position and they call out for help, you, as a woman, must actually go and support them. In the constitution-making process, it was reassuring to have women at the table who were confident that if they needed any back-up at any time, there were women outside ready to avail it. We did not care who was credited with coming up with a position as



long as the women's position found its place at the table when the Draft was concluded." Akin to women in other African nations, like South Africa; Kenyan women's self-drive and active participation during the constitution-making process was critical for their success.

Delving more on this passion or strong urge towards defending women's agenda, Hon. Jael Mbogo says: "When you ask me what motivated me, it is the plight of the women... during the peak of emergency ... I saw it all; women's pain remained with me for a long time. The people who suffered most during the state of emergency were women. The way women suffered at the periphery moved many hearts to relook and rethink their plight".

In the same vein, Ms. Terry Kantai mentions her innate ability to mobilise women towards a common cause as her most outstanding achievement. She says, "I think the first achievement is the ability to organize, mobilise, and attract people so that they believe in you because when you manage, you have to be convinced to do what you want." This strategy proved very effective because as Prof. Kabira puts it, there's more impact when women come together and speak in one voice.

Ms. Mwidau says that initially, women were influential in the mobilisation, forming structures to create a platform where women could meet at the community level. Committees comprising at least a woman, a person with a disability, religious leader, youth and other marginalised (persons) were formed in all constituencies. The Constituency Consultative Committee was the first platform of engagement which was used to mobilise women to identify, discuss and agree on issues important to them. The success of the forum was pegged on the fact that it was where civic education was conducted and relevant materials were distributed. She recalls Hon. Zipporah Kittony's active participation in mobilising women through Maendeleo Ya Wanawake Organisation where she had much influence.

The work of mobilisation brought women together and demonstrated their unity of purpose hence their success. Amb. Rukia Subow says: "We mobilised women to go to parliament during the debate to demonstrate that we are a strong constituency and that the statutes must secure our views and concerns". Vocal and strong women on women's issues such as Hon. Millie Odhiambo, Hon. Sofia Abdi and many others who had served in the Constitution Review process helped mobilise and push the women's agenda forward. Thus, self – mobilisation resulted into great numbers of women who were aware of their place and position with regards to the constitution. Due to their numbers and intellect, women were able to negotiate their concerns convincingly

### **2.2 Promoting the Women's Agenda from within the Government**

Women identified the opportunities availed by the international women's movement and attended the conferences at which other women converged to set the agenda for equal rights and opportunities. The Kenyan women who attended and participated

in the first international women's conference in Mexico (1975), Hon. Jane Kiano, Prof. Eddah Gachukia, and Hon. Julia Ojiambo among others, brought back a renewed sense of enlightenment and impetus to mobilize other women in order to push for gender equality. They even pushed for the third UN Conference on Women in Nairobi (1985) during which more women came together to learn and share issues affecting them and how to break the patriarchal chains that inhibited their quest for equal rights. Then came the Beijing Platform for Action, which arose from the Fourth United Nations Conference on Women, held in 1995, that called for increased political empowerment that would enable women to sit at the decision-making table and expand opportunities for equal distribution of resources. Hon. Effie Owuor, the first Kenyan female judge of the high court notes:

The UN had started recognising the issue of women's rights. The world had started realising that women were not functioning at the same level as men. In these circumstances, I attended the Mexico Conference in 1975 as part of the Kenyan delegation. This was the first women's conference. We presented the paper that I co-authored with Terry Kantai and Jane Kiano, among other women leaders. Though we were a small team, we did an excellent job for Kenya. We successfully mobilised women to come to Kenya for the next women's conference in 1985. Women were becoming active; Maendeleo ya Wanawake Organisation, East African Women League, and the Girl Guides Association. Women were actually doing everything in development, especially on water and health.

In addition, Hon. Ojiambo notes:

As a signatory to the United Nations Resolutions on Women, our government experienced a turning point for women's development in this country. The UN Women's Conference took place from the end of 1974 to early 1975. Madam Shahani, an Assistant Secretary to the UN Secretary-General, submitted the UN Resolutions to Geoffrey Kareithi, the Chief Secretary. He presented it to the Cabinet for approval. The Cabinet brought it back and I was requested to translate it into programmes for women's implementation. Terry Kantai, a senior CDO in the Ministry, Department of Social Services, was my assistant. I handed the document over to Terry to translate it into programmes for women. By the time we went to Copenhagen, we were sharpened. We wanted the world conference on women to be held in Nairobi for the world to see what women in Africa went through. We prepared our resolutions, went to face the world conference, and demanded to bring the women's conference to Nairobi. It was like a dream; we picked telephones and talked to President Moi directly. We wanted them to know that we are not sleeping; we have Kenyatta International Conference Centre facilities.

The energising role of these global networks cannot be downplayed, even when we know that the women did not realise the fullness of what they had hoped for. Kenyan women therefore linked with the global women's movement as this movement spread.

### 2.3 Capitalising on Political and other Leadership Opportunities to Advance Women's Issues

The women who held positions of leadership helped to promote gender justice whenever an opportunity arose. Their actions, though limited, paved the way for entrenching women's rights in the Bill of Rights. Those who had been elected to Parliament introduced bills that focused on women's agenda. As Hon. Martha Karua says: "When a woman is in a position of leadership and decision making, at whatever level, they need to ask themselves: What have I done to contribute to my community, especially girls and women?" Women leaders, therefore, were challenged to use their positions and knowledge to advance women's issues and help other women and girls to rise up."

As a leader and one of the most influential women in government then, Hon. Julia Ojiambo narrates her role thus:

When I went to Parliament in 1975 and was appointed the first woman Assistant Minister in government, I was like a cartoon on a stage, alone. I was swamped. I had to be seen and be felt by everybody. The government also wanted me to be a role model. I look back and marvel at the strength and speed I had at the time. Terry Kantai and I initiated policies on women and women self-help groups.

We ensured that these groups were registered and funded with donor support from DANIDA, Swedish Embassy and other European countries. In my position, I acted more as a bridge between KANU and the women. It was a bit difficult, it was difficult balancing there and I risked being thrown in, jail, or called a traitor, and I now became an enemy on both sides. I also lost opportunities to enjoy myself. I also lost financial support for my programmes as I used the money to promote destructive activities.

Hon. Mumbi Ng'aru narrates how she capitalised on political parties to advance the women's agenda. She talks about the Inter-Party Parliamentary Group (IPPG) and political parties that started implementing affirmative action after the Phoebe Asiyo motion was defeated in Parliament. She points at a case in Thika, her home district then, where most of the members of Parliament were elected on the Social Democratic Party (SDP) ticket; which was led by Hon. Charity Ngilu. Hon. Ng'aru says SDP employed affirmative action in the nomination of members to the County Council. Hon. Ng'aru says:

We handed over the recommendations to Parliament through our respective political parties. The political party caucuses then pushed our recommendations through their members of Parliament. Our proposals increased allocations of the funds transferred to the counties from 1.5 % to 2.5%. It was a big issue for us because it meant increased resources to deliver services to local wards. After the NARC Coalition formed the government, I became the Executive Director at the secretariat of the Liberal Democratic Party.

Notably, Hon. Ng'aru emphasises the need to operate within political parties to influence policy change. She admits being a founder member of the Centre for Multiparty Democracy (CMD). “Yes, I am a founder member and one of the initial directors of the Center for Multiparty Democracy (CMD), where I represented my party. We lobbied through our caucuses at CMD, based on our parties and women’s organizations. She demonstrates the critical roles played by women’s political caucuses and women organisations like Maendeleo ya Wanawake in bringing women together.

### 2.4 Solidarity

The women’s movement deliberately came together through collective feminist inclusion to establish a common women’s agenda even when they belonged to different political parties, professions, regions, and non-governmental organisations. Hon. Phoebe Asiyu narrates:

When I was presenting the Affirmative Action motion, I remember many women leaders like Prof. Wanjiku Kabira worked with me to prepare the draft motion. When I was to table the motion, we had invited women from the provinces to come and listen. Little did we know that the Parliament would not allow the women to go into the galleries and listen to us. Our strategy didn’t work.

Even after this defeat, giving up was still a foreign idea. They courageously soldiered on. Hon. Phoebe records, “We worked on it with Wanjiku and other ladies for six months before presenting it in the house.

Once again, women from all over the country came to parliament, and were denied admission.” The solidarity displayed by women during these important times cannot be gainsaid. Their cooperation, willingness to work and organise are captured by Prof. Kabira words:

Whenever we were asked to recommend members to any committee, we already had the names when other groups sought to consult. We made sure that women constituted at least one-third of all the committees. Out of 12 members of the Sulumeti Committee, women were five, which was over the one-third threshold. The women committee members were Phoebe Asiyu, myself, Martha Karua, (Justice) Abida Ali and Zipporah Kitony. Nancy Baraza was an alternate to Abida, while (Chief Justice) Martha Koome was an alternate to Martha Karua.

Ms. Maimuna Mwidau also cements this by saying:

At that time, Phoebe led the Kenya Women Political Caucus while Prof. Wanjiku Kabira was in charge of the Kenya Women Political Alliance. Though the two ladies led seemingly competitive caucuses, they worked harmoniously to secure women’s agenda in the constitution-making process. Other women leaders I worked with at the Commission included commissioners Alice Yano, and Salome Muigai.

In their quest for a more gender-friendly constitution, Ms. Terry Kantai tells how solidarity between women was very significant. She says, “For a woman to get maternity leave, I contacted (Hon.) Jane Kiano to send a delegation to the President” Kiano came in handy, her cooperation helped in pushing the agenda forward. Hon. Phoebe Asiyo observes:

We went to the Chief Natives Commissioner called Artikens to visit Kenyatta in detention to discuss the role of women in the independent government. It was evident that Kenyatta was going to be the President of Kenya. We wanted him to know women’s expectations ahead of time. We also tried to convince him to give women more remarkable space in leadership and governance.

Worth noting also is Prof. Kameri -Mbote’s words that cements this strategy, by pointing out that the women’s movement was more robust, and productive through solidarity, sisterhood, and leveraging on networks. When the Attorney General called people to Bomas of Kenya, Salome Muigai narrates that she didn’t make it since there was only one slot for women. Despite her not being available, she demonstrated solidarity with other women in their preparation as well as in the gender mainstreaming. They also “sought solidarity with the church leaders like Archbishop David Gitari, and Cardinal Maurice Otunga.

### 2.5 Civic Education and Consciousness-Raising

Women leaders collaborated with existing women’s organisations to educate women, and equip them with knowledge on their role in the constitution-making process. Hon. Martha Karua asserts: “During my tenure, The League had a memorandum of understanding with Maendeleo ya Wanawake, the most prominent women organization. We worked with them in Civic Education, which enabled us to form a women’s political caucus.” Hon. Phoebe Asiyo says, “The League of Women Voters was doing a lot of work educating women, and making them aware of the need to vote in, men and women. The Maendeleo ya Wanawake was a welfare, and socio-economic organisation that dealt with the empowerment of women, women’s health, and institutions.” This education was pivotal in acquainting women with knowledge about their rights, and raising their consciousness.

Prof. Kabira also adds her voice to emphasise the role of civic education in the mobilisation process. She says: “We did a lot of civic education. As the chair of the mobilization committee, we always made sure that we put strong women capable of defending women’s interests whenever committees were formed. The women organisations built their capacity through the Women Political Alliance, Women Political Caucus, the Coalition on Violence against Women, the League of Women Voters among others.

All these organisations did a lot of civic education on the constitution. They were able to access the funding kitty from the Commission. We ensured that the organisations were given the funding like anybody else to carry out civic education. What was important is that the national women organisations working with women at the grassroots could

sensitise these women about the constitution. When we went to the ground to collect views on the kind of constitution we wanted, women were talking about affirmative action like a cup of tea”.

During the two referenda (2005 and 2010), civic education was vital. Maendeleo ya Wanawake Organisation (MYWO) did a lot of education throughout the country. Amb. Rukia Subow says:

“We went up to Tana River and Lamu. We explained the draft to the people. Later, political parties took over. They did not consult anybody, especially the women. That is why only a few women voted that time. Women divided themselves along with political parties.”

Elaborating further on the importance of civic education, Ms Fatuma Hassan says:

Just as the constitution review process commenced, we started offering civic education all over the country. We worked under various political, and religious bodies to make sure women understood what changes we wanted, and what changes they also preferred. We wanted to change what came from the wananchi. We intensified civic education by highlighting what was wrong with the old constitution, what needed to be changed, and what the women wanted to be included in the document.

The civic education carried out by women’s organisations ultimately bore fruits. The changes in the Constitution of Kenya 2010 are a result of women’s work and negotiation for inclusion in the new constitution.

### 2.6 Working with Men

The women enlisted the support of men of goodwill to push the agenda for the inclusion of women’s issues in the constitutional review process. Ms Fatuma Hassan says, “We wouldn’t have achieved much without the support of men who believed in inclusion. In parliament, we were the minority; even today, women are still a minority. We need to continue with the partnership with men to achieve inclusivity.”

Observably, Ms Hassan emphasises the need for partnership, and inclusion of both men, and women who want positive development in the country. She subscribes to President Nyerere’s words that men need another leg; they must bring women on board for development, and progress to take place.

Talking about the value of involving men in pushing women’s agenda, Ms. Terry Kantai commends the social, cultural changes and the strategies to involve men in pushing women’s agenda. She recalls how women developed songs to change the attitude of men which eventually brought the inclusion of men into their lives. Using that strategy to bring change, she says was a remarkable achievement. “Though I don’t see it being done, for me, I can repeat it anywhere because it worked.” Further, she says that men’s inclusion is very critical for women’s empowerment. She emphasizes the need for society



to change its attitude towards women, and that it is only when women, and men work together, that community mobilization efforts can be realised. She says that education facilitates attitude change in a short time hence men will eventually understand that women also have unique talents.

Prof. Kabira in her narrative also mentions men like Okoth Ogendo who always supported anything that they (women) proposed. In her book *Time for Harvest* (2012), Kabira mentions men like Hon. Raila Odinga, Hon. James Orengo Hon John Michuki, and Hon. Kiraitu Murungi among others who seconded, and supported the endorsement of the Affirmative Action Motion in the constitution. Hon. Catherine Nyamato argued that women had worked with men; not with the intention of displacing them but to show that they too are good managers. She quotes the words of Hon Kiraitu Murungi, the Meru County Governor: “Kenya is one of the most backward countries in Africa on these issues. Only 3% of the members of Parliament are women. We should be ashamed of ourselves that out of 200 members, only six are women.”

Further, while supporting the Affirmative Action motion, tabled by Hon. Phoebe Asiyo, Hon. Raila Odinga said:

Gender equality is a human right issue. All men, and women are born equal, and they should be given equal opportunities by society in order to realise their potential. Of course, the Bible talks of women having been molded from man’s rib. I think that is part of Jewish mythology, which has no place in modern society... We have not provided equal opportunities for men, and women in this country by insisting that women must compete on an equal basis with men. It is like asking two people to run a 100 (hundred) meters race, and you put one competitor 50 meters ahead, and then demand they compete equally. That is an unfair contest. Countries that have embraced Affirmative Action have experienced faster economic development because by doing so, you unleash a lot of energies, and human resources” (Parliamentary Hansard, April 12<sup>th</sup>, 2000).

It is thus crystal clear that partnering with men of the same mindset contributed significantly to the success of the constitution-making process. While examining the contribution men made during the constitution-making process in her narrative, Ms. Mwidau has this to say particularly those from the coastal region:

Honestly, many men supported women’s agenda at the Commission, and other review organs. I can single out Prof. Githu Muigai, Justice Lenaola, Kiriako Tobiko, Ibrahim Lethome, and Ahmed Isaac, the former chair of IEBC. Others were Prof Abdirizac Runo, Dr Mohammed Swazuri, and Ambassador Ahmed Idha Salim. Most of these men were the commissioners who worked specifically in the coastal region to understand women’s issues locally.

Fatuma Hassan also says:

There were men of goodwill that supported the inclusion of women’s perspectives, and relevant safeguards in the constitution. There was much political goodwill

from the leaders, both from President Kibaki, and Prime Minister Raila Odinga. Women of Kenya became vocal, and influential under the NARC government because President Kibaki, and Prime Minister Raila Odinga supported women's issues. The two leaders, for example, nominated women in both the central government, and local government. They also gave women positions such as ambassadors, and other top positions in the civil service. President Kibaki also introduced an ambitious initiative to nominate about 50 women, but the women themselves fought the idea. At that time, the Minister for Justice was Martha Karua.

The fact that key male stakeholders in government supported the motion gave women an upper hand hence an indication of the progress they had made. Since men were the majority, they were sure of their support. Some of the gains women recorded include the passing of the Gender Commission Bill; the passing of the Gender Policy; the Sexual Offences Act; and the Presidential Directive to implement one-third representation for women.

### 2.7 Engagement with the State through Task Forces

Women took leadership positions, and actively participated in task forces formed by the government to articulate issues affecting women; and made important recommendations on how to address them. Hon. Effie Owuor notes:

The government set up the task force through the Attorney General to look at legal issues affecting women to empower them. You can look at the book's first page, and you will see other members of the task force: Justice Effie Owuor, the Chair, Hon. Justice Joyce Aluoch, a judge at the High Court, was my vice. Zipporah Kitony from Maendeleo, Mary Okello, the director of Makini Schools, Margaret Kenyatta, a commissioner at the Electoral Commission of Kenya, and Prof. Mohammed from the University of Nairobi. Let me emphasize the importance of the taskforce report on women because it formed the basis for all the issues that went into the new constitution. Many issues about gender discussed during the constitution review had come before the constitution review commission was set up. The president said women must be heard. We went all over the country to collect views from *wananchi* on legal issues affecting women...We made many recommendations on what laws should be amended, and the existing bills enacted into law to facilitate women's empowerment as captured in our terms of reference.

There are many cases where women learnt how to move to the centre to negotiate for the women's agenda. Therefore, we have to appreciate that for change to happen we have to work from within and without.

### 2.8 Training and Mentorship

There was strong personal and organizational mentorship from women who had previously been involved in political leadership and other forms of human rights activities. Those who had experienced parliamentary androcentrism were keen to tutor the other women on how to mobilize themselves and avoid the mistakes of the

past. The more experienced women leaders offered voluntary training to other women who showed interest in advancing women's rights and joining positions of political leadership. Hon. Jael Mbogo says:

For each election, I worked with 25 women, preparing them, supporting them and educating them on how to go about successful nominations and election campaigns. I also helped them with their personal research on issues. I employed researchers for them. We also gave financial support to them during nominations and after nominations. I am glad that some of them have made it: Cecily (Mbarire) was one of our trainees, Charity Ngilu earlier, and Julia Ojiambo. When Julia came, she was trembling because Ochwanda was a huge man. I told Julia not to worry because it was not her energy that would carry Ochwanda and put him down, but it was the brain we would use. Julia made it”.

Dr. Nancy Baraza states that as an academician, she taught, researched and supervised students at the School of Law, University of Nairobi on what the constitution entailed. “I teach the ideals of the constitution, which includes affirmative action, women empowerment, the history of the women's movement in the country, the need for realization of women empowerment as required by the constitution. My students, both women and men are pretty vibrant. I am happy to state that men will shortly have different attitudes towards women. When you explain the need for women empowerment, they understand quickly and appreciate it. I teach them Feminist Theory, the Social Foundation of Law, and women's role in development.” By equipping students with this knowledge, Dr. Baraza ensures the river continues to flow, women's agenda will continue to be pushed through the coming generations.

Ms. Terry Kantai also adds her voice to the role they played in training and capacity building. She asserts, “We trained women group leaders. We taught men; we had an approach where we ensured that all women in leadership positions attended all workshops, even in Northern Kenya.”

The training and mentorship programmes raised people's awareness about the need for gender equity in every sphere hence their push for affirmative action in the new constitution. Ms. Salome Muigai likewise talks about their struggle for women's empowerment by training people in technical skills. They endeavored to equip young women who were well-versed and well-educated with gender training to enhance their gender analysis skills.

Mrs. Ida Odinga says that during those days of constitution-making at Bomas of Kenya, they used their organisations to identify and train women who could go and participate in the deliberations. “We identified the issues that we wanted to be included in the constitution. We sent our representatives to have them included in the constitution-making. The point of Affirmative Action was a good idea as a temporary remedial intervention. We argued that it was not supposed to be permanent, and it aimed at giving women a head start.”

Mrs. Odinga in her narrative further elucidates how they strived to reach as many women as possible because the chances they had were limited. “If we nominated a woman, we expected them to properly use the opportunity by showing themselves to the community and showing their expertise to increase women leaders”.

This training aimed at imparting necessary knowledge with regards to women’s place in the country’s constitution and negotiating for their space.

### 2.9 Grassroots Mobilisation

Women formed networks and organizations to mobilize grassroots support for the changes they envisioned in the Kenya Constitution (2010). Working with women from Makueni District, now County, **Hon.**Rhoda Maende asserts : “I became the coordinator of the Women Mobilisation Network, raising awareness on women and children’s rights. Makueni District was so vast, from Mutitu Andei to Malindi. I vied and won a civic seat again in 1997 on the Social Democratic Party (SDP) with Charity Ngilu as the party leader”.

With intense mobilisation and civic education at the community level, Hon. Maende and her team encouraged women to be leaders from their homes to national politics and equipped them with skills to perform in leadership positions. This method was successful as she observed; women starting to take over the positions of assistant chief and chief in Makueni County.

Ms. Mwidau also explains the participation of women at the grassroots. She says, “We created forums to give women opportunities to speak separately, share their views, and coordinate amongst themselves. Under challenging circumstances, we used local coordinators to facilitate local meetings and capture women’s voices quietly through their forums without raising suspicion.

However, in other places like Lamu, we were lucky that the women had access to the meetings. Their members of parliament helped coordinate the local Barazas. Women of Lamu came fully covered in their *bui-bui*. Still, they were able to articulate their views clearly and passionately. Mobilisation of women helped to disentangle cultural barriers so that women could come out of the private spaces to the public domain.

Another woman *Pathfinder* who contributed significantly using this strategy is Ms.Terry Kantai. She says: “Locally, my most outstanding achievement is the mobilisation of grassroots women from a handful to thousands”. Ms Kantai states that women managed to own many posho mills and grinders for grinding food, especially in Nyanza, Western and Rift Valley. They also had sources of income for many families. With donor funds, women were able to construct daycares centres, supported farming groups, and reared chicken from the farms, broilers and layers. The water project was the ultimate achievement for women in the five-year development plan.”

Amb. Rukia Subow says, “We tried to talk to women from the grassroots. They felt the need to have women in positions of decision making, including the parliament”. These helped not only in boosting women’s economic muscles and raising their consciousness but also in knowledge equipment about their state in the nation.

### 2.10 Organisational Networks

The Kenyan women formed active and organizational connections that enabled them to come together and forge a common front in ensuring that their issues were articulated and captured in the constitution. Amb. Rukia Subow says;

I represented women organisations in the constitution-making process. We had many women organisations that came together to articulate women’s issues in the constitution review process. We also had women representatives from the districts because, at that time, we didn’t have counties. Maendeleo ensured that women from rural parts of the country also participated in the constitution-making process. In the discussions, women who were not lawyers raised issues that were later crystallised by experts into constitutional provisions. For example, they would say, ‘I would like my child to go to school and get a good education, but I can’t. I am poor and cannot pay school fees.’ Such a proposal suggested the need to secure free primary education in the country’s Constitution.

Ms. Maimuna Mwidau also notes:

At Bomas, we had different caucuses. We had a specific tent dedicated to women from the whole country to discuss gender issues and lobby. Other prominent groups at Bomas were the professionals, legal experts and district delegates. The majority were the district delegates. Professionals understood the law and sensitised women on women-friendly constitutional provisions and voted strategically on the issues.

From historical records, women have always organised themselves into groups to deal with their needs. In the process of lobbying for their interest in the constitution-making process, women made critical choices in defining the type of electoral systems they thought would be appropriate. The need for women’s representation in leadership was considered necessary hence the formation of women’s political organizations that spearheaded the struggle. Kenyan women created networks such as the Women’s Political Caucus (1997), the Women’s Political Alliance (2000) and the Coalition on Violence against Women (1998). These and many more were created to bring together women and move their agenda forward (Kabira, 2012: 40).

According to Prof. Wanjiku Kabira, the overall objective of the women’s movement since 1992 has been to increase women’s power and influence by working towards ensuring a critical mass of at least 33 percent women’s representation in parliament and other political and public decision-making bodies. She argues that many women’s organisations like the League of Kenya Women Voters, Coalition on Violence against Women (COVAW) and AAWORD set up programmes and activities for implementing women’s agenda

identified and agreed upon at the Women's Convention which was organised by the National Council of Women of Kenya (NCWK) in collaboration with African Women Communication and Development Network (FEMNET), on February 22nd, 1992. This, she says was the first women's meeting of its kind in independent Kenya and it brought together Kenyan women – those at the grassroots level and those at the national level – to dialogue with one another on the women's agenda in the democratization process. The convention thus demonstrated women's mobilizing capacities and the ease with which they are able to overcome their social-economic barriers in order to address their common problems. Hon. Martha Karua talks about how they joined hands in 1997 to form the Women's Political Caucus, a network of all the women organisations in Kenya. Although unregistered, it was a powerful caucus that saw women's voices solidified during the IPPG talks.

### 2.11 Research and Sharing of Information

Women scholars from the universities and other professionals were roped in to conduct research and provide evidence of women's voices and help create accepted forms of injustice that women faced across the country. Prof. Achola Pala narrates:

We had women journalists who brought the experience of conducting reliable research and disseminating the findings. In the fall of 1976, we met in Lusaka, Zambia. We formulated the concept of the Association of African Women for Research and Development (AAWORD). We had a broad goal of unifying African women research not being blurred by religion, geography, or ethnicity. We tried to understand the situation of African women to develop our tools. We strategised to participate in global platforms with our ideas instead of always being told African women are inferior. Even today, the European concept would not accept that African women have power because they treat us as victims. Personally, I don't like that view of African women being victims of our men or victims of our situations. It was part of the colonial ideology that Africa was not a developed region and not advancing. We rejected that whole notion and tried to create new ideas.”

Prof. Wanjiku Kabira also states:

The best thing was to understand from the research how Kenyan women perceive the issues of oppression. I assisted Eddah Gachukia to prepare for the 1985 women's conference. During the conference, I shared my research findings. I met so many women leaders at the meeting. I remember an Egyptian woman lawyer who gave a compelling presentation on women's struggle for independence. She had been jailed and then released. She came to share her thoughts at the conference. Participation in these research activities gave me a mental commitment to documenting women's experiences and roles in society.

Prof. Kameri -Mbote adds her voice to the centrality of research in championing the cause of women in policy formulation and implementation. She says, “The organisation that really raised my consciousness beyond law was the African Women on Research



and Development (AAWORD). When I joined the UON, I found a very vibrant group of women researchers, including Prof. Wanjiku Kabira, Prof. Maria Nzomo and Prof. Shanyisa Khasiani.

She draws attention to a team of scholars who met regularly to discuss women's agenda and published volumes about them. She continues to argue thus:

When we talk about research at the University of Nairobi, we think about ivory tower research, but that is really not what I'm talking about. I mean talking to the women. As we define what empowerment means, we actually know what enablers we are talking about. And I think many people keep saying if you want to know about women, ask women. In the constitution-making, asking women enabled those who framed the constitution to capture women's aspirations. So let us not tire of going and asking women because it doesn't matter how many economic empowerment programs or affirmative action programs we have. They are not going to meet the needs of the target communities if they are not involved in designing the interventions." Here Prof. Kameri-Mbote emphasises the need to seek information from women themselves since their experiences vary and further warns against generalization and homogenization of women as they are different.

In their push for affirmative action, Ms Wambui Kanyi states her role was research-based. She generated facts and evidence that proved critical in lobbying various political parties to adopt affirmative action. She says: "We can say that my involvement was research-based. I generated crucial evidence that was badly needed to lobby political parties to adopt affirmative action or implement it." Precisely, scholarly research and evidence-based lobbying demonstrated women's intellectual capacity and endowment to be included in the decision-making table.

### 2.12 Lobbying

Women engaged in organized lobbying to consolidate support for the inclusion of the women's agenda in the constitution-making process. Prof. Kabira says, "In 1997, the CCGD also organised Phoebe Asiyo's Motion; I personally lobbied several ministers with Phoebe. We organised lobbying materials in our small office on Ngong Road. We were able to bring in Atsango Chesoni to work with Phoebe and give her all the information. CCGD also wrote the response to Phoebe Asiyo's Motion that was actually done by Kiraitu (Murungi, current Meru Governor). I think we had outstanding lobbying strategies, which is how we could be very active participants. Alice Yano notes that in the national assembly, the women's lobby was quite substantial because of their strong caucus.

Hon. Rhoda Maende also draws attention to the amendment of the Operation Firimbi Campaign for the Chiefs Act section II. She says:

By 1991, the movement had been recognised as a public lobby. I started receiving invitations to attend seminars. As a woman, I learnt that I could defend my rights and my fellow women. Operation Firimbi teamed up with national women's



movement organisations like Women Result Center, Women Political Alliance with Dr Kabira and Charity Ngilu. I advanced from addressing local women's issues to national policy concerns.

Ms Salome Muigai shares how they worked together when Parliament threatened to remove the Women's Political Caucus from being a nominating body for women members of the Commission. They lobbied MPs through letters commending their track record on creating democratic space. Eventually, they were brought back and their concern **was** listened to. She says, "We formed the Women's Political Caucus as our lobbying vehicle. Previously we operated on the principle that we were apolitical. This time we asserted that we were a political caucus for women's interests."

At the Bomas, Ms Maimuna Mwidau says, "women effectively lobbied men representatives, especially the district delegates, to support women-friendly proposals. As women delegates, we met in a particular hotel every weekend to sharpen our lobbying strategies since we lived in different hotels. For instance, if the Coast women had met and agreed on a specific issue, they would meet the Nyanza or Central Kenya groups".

Prof. Kabira again narrates how this strategy was effectively utilised:

Lobbying is an effective strategy. It entails getting an ally, mobilising and advocating, and researching on an issue and convincing others. If you have not studied the issues, you cannot convince others, especially government technocrats. We approached (Mwai) Kibaki, the Minister for Finance. We requested him to agree that women can be hired permanently because it was the civil service. It was not in the constitution. The intellectual capacity of the women, the lobbying capacity that women possess that can help them break the ground in those Houses (Parliament, Senate and other institutions) and get what they want.

The success of the constitution-making process and inclusion of women was pegged on women's capacity to lobby even with religious groups and leaders.

Ms. Salome Muigai says:

Whereas women and religious groups were ready to work together under Ufungamano, it was almost impossible to bring the political parties on board due to their adverse interests. Women worked behind the scenes through religious leaders. Political parties joined the Ufungamano Initiative because they were hosted by religious leaders and not women. Little did they know that we had lobbied effectively, and the religious leaders were championing women's agenda. The Ufungamano initiative ensured that gender issues were brought up. *Mtoto akinawa wacha akule na wazee. Tulikuwa tumeshanawa.* (When a child has washed his/ her hands, he/she can eat with the elders).

Women influenced all the stages of the constitution review process in a big way because at the Bomas, they were very organised in packaging their issues and lobbying to have them adopted, according to Amb. Rukia Subow.

Adding her voice to this strategy, Hon. Mumbi Nga'ru states how she lobbied for the local government they wanted. "I was lobbying for the "Local Government That We Want." We had a small booklet that guided our lobbying. I am happy that the devolved government reflects the majority of the wishes we had in our proposals." She also recalls the role played by Maendeleo ya Wanawake organisation:

The Maendeleo ya Wanawake also put us together to speak in one language. What I like most about women in political parties, then, is that we refused the classifications. If Mumbi was LDP and LDP was not talking to DP, we had an original caucus of people working in the offices of political parties, the secretariats. Mumbi Ng'aru in the Liberal Democratic Party, and Julia Ojiambo in KANU. There was also Happy-Gloria.

Working together and lobbying others to join the movement brought harmony that aided in championing women's agenda despite their different political parties.

### 2.13 Committees and Consultative Meetings

Forming committees and holding meetings were very effective in the mobilization and lobbying process. According to Ms. Maimuna Mwidau, women formed various committees and held consultative meetings with various stakeholders to articulate and mobilize support for women's issues that they wanted to be included in the new constitution. She says:

What stands out is that women came together; the Caucus, the Alliance and the various groupings came together and formed a working committee on women's issues. The committee planned multiple activities that crystalised women's issues and gave them relevance, prominence and urgency in consensus building. Women had productive meetings with stakeholders, such as religious groups, SUPKEM, and specific members of parliament. Each group of women was assigned to approach their local members of parliament for support. Everybody did that in their own region. The message was one; support women provision specifically and the Katiba in general. The other strategy was meeting with the Parliamentary Committee on the Constitution. A lot of civil society groups were organised to go and meet with the chair of the committee.

Ms. Mwidau was also involved in the great national consultative forum for women in Nairobi, where they brought about a thousand women to the city. They sensitised these women representatives and sent them back to their constituencies to support the referendum because it secured women's empowerment. This explains why women came out in large numbers to support the constitution.

Owing to the many consultative meetings that women had within and outside Africa, Hon. Phoebe Asiyo affirms that the new constitution is one of the best worldwide although its implementation is still a challenge.

### 2.14 Sisterhood

The women saw other women's struggles to join active leadership positions as their collective struggle. They provided moral and material support to ensure that other women rose into decision-making positions and advised them on how to advance the cause on women's rights. Prof. Eddah Gachukia, for instance, hosted The Kenya Women's Seminars which enabled them to look at the policies that men were making for the nation and have their input as well. She says; "The beauty about the women's strategy was that it brought all women together, irrespective of their religion, region, party affiliations, or ethnicity. We all came together and understood that the women's agenda is the same wherever you are".

Ms. Mwidau also talks about the spirit of sisterhood that brought women together to fight for their rights. She states 'Our creed as women was that even if you're in or out of government, rich or poor, Wanjiku or Maimuna, your problems are the same. I think that is the reason why we stuck together. When men noticed that we were united, many started taking our issues seriously and supporting us".

Prof Eddah Gachukia, Ms, Mwidau and other women *pathfinders* acknowledge that the sisterhood spirit that women embraced is what motivated and gave them strength to continue in their journey. Consequently, they wanted to see that their children and grandchildren live in a more peaceful country without gender-based oppression or discrimination.

### 2.15 Policy Advocacy

Women's organisations prepared policy documents on what they wanted to be included in the constitution, particularly on affirmative action and other matters affecting women's rights. These were shared with political parties. Ms. Wambui Kanyi says:

I analysed the political parties' policy documents to identify whether they promoted women's participation in their systems and structures. I then recommended steps the political parties could take to promote women's participation in their ranks. We were dealing with all the political parties because we have women in all political parties. We used the findings to lobby the political parties to entrench affirmative action in their policy documents based on what we found out in gender analysis.

If the party already had affirmative action, we would use the information to lobby it to implement affirmative action. I worked closely with other women like Prof. Wanjiku Kabira, Hon. Julia Ojiambo, Ms. Debra Okumu and many others because it was women working together.

Prof. Kabira recollects that CCGD worked on legislative and policy matters. “It was the first women agenda-based organisation and the only one to organise the first women meeting to discuss the constitution.”

She says they identified a gap in policies and legislative frameworks in the constitution; hence questioning why women are continuously taxed on things related to their biological make-up like breastfeeding and sanitary towels. CCGD aimed at promoting gender equality and influencing policy through gender training.

Hon. Julia Ojiambo recalls that Ms. Terry Kantai and her initiated policies on women and women self-help groups and ensured that these groups were registered and funded with donor support from DANIDA, the Swedish Embassy and other European countries.

### 2.16 Organised Protests and Demonstrations

Women leaders mobilised other women from across the country to draw attention to their demands through organised protests during the Bomas Constitutional Conference. To begin with, Ms. Salome Muigai narrates how she organized a group of women to demonstrate in demand for increased representation in the constitution review process. She says: “As the delegation of women negotiated for inclusion in the committee, I organised women to demonstrate outside demands for increased representation in the review process.” Unable to participate in the street demonstrations due to her physical condition, Ms Muigai designed the messaging strategy. She was nominated by women and Persons with Disabilities to attend the Safari Park meeting as a technical advisor.

Likewise, while highlighting some of the challenges they experienced, Ms. Maimuna Mwidau narrates how women came out in numbers to rally in the streets demanding their rights. She says, “In some rallies, the police beat us up. I remember very well, Ann Njogu was beaten in the streets and put in a police vehicle. The grand march by women targeted the parliament. We were stopped in our tracks at the gate of parliament. We were denied entry to submit our petition to the Speaker. The demonstration was not in vain because Hon. Martha Karua came out, received the petition on behalf of the women and presented it to Parliament.

Previously, women were not allowed by law to demonstrate in public chanting *haki yetu* (our rights). However, the time for women to actively speak for themselves had come hence the move”.

Mumbi Ng’aru also recalls in her narrative that there was a strategy put in place to limit the participation of women by locking them out of meetings but they devised a plan whereby the women would make noise until they were allowed in. She says, “I used to tell them ‘I will hold the door for you get under my arms and get in,› and that’s how we managed to implement affirmative action in LDP. From their narratives, I can infer that women at times had to use force to get what they wanted when peaceful negotiation did not work”.

### 2.17 Engagement with Political Parties and Non- Governmental Organisations

Women rights activists mobilised support from political parties and collaborated with pro-women NGOs to harness the realization of women's issues in the constitution-making process. Prof. Wanjiku Kabira says:

We started working with political parties because the political parties were the vehicles through which women would participate in the political leadership and elections. CCGD worked closely with Heinrich Boll Foundation, Friends Keepers Foundation, and received funding from DANIDA to sensitize women about the constitution-making and the constitution review process. The CCGD was the first organization to form the Affirmative Action Technical Committee. The good thing about Caucus and Alliance is that they were both political bodies; in contrast, the CCGD was registered by the NGOs Council. The Alliance and Caucus were registered as trusts. Women's issues are political. When we talk about patriarchy, how institutions are managed, institutional ideologies, and politics, we discuss power struggles.

Ms. Fatuma Hassan adds by saying that at that time, there were several influential NGOs like the Civil Society organisations (CSOs) which really supported women's cause. She stresses how influential they were during the struggle for the second liberation. She notes that most of the NGOs were led by brilliant and gender-sensitive people like Kiraitu Murungi and that all those NGOs, apart from The CCGD of Prof. Wanjiku Kabira, were headed by men who supported the empowerment of women. Thus, bringing the partnership between men and women into perspective.

### 2.18 Selflessness

Amb. Rukia Subow highlights selflessness as the main driving force behind the constitution-making process. She asserts: "We were not looking for positions. We wanted a better future for our children and our girls. That is what was driving most of the women".

Ms. Fatuma Hassan also says "due to my focus and selflessness, I changed the politics of Isiolo to date. No one tribe in Isiolo can claim to be in charge of leadership without consulting the rest. And that is what Kenya should be, I think." Hon. Beatrice Elachi also adds her voice to this selflessness that women had: "We need to come back to that selflessness that women pioneers like Prof. Kabira had. They never thought about personal benefits. To change the country for the better, we must be willing to sacrifice individually and collectively."

From their postulations, it is crystal clear that women were not after selfish gains. Their struggle was meant to benefit their families, societies and the nation at large. They wanted a nation where everyone is considered equal; and had the same opportunities in the decision-making table where development plans for the country are discussed and the national cake shared.

### 2.19 Knowledge of what Women want

The presentation of women's agenda at the public hearings by their leaders and organization representatives was very coherent and organized since they were all conversant with what they wanted to be amended and added in the constitution. The issues of land, inheritance, basic needs of water, health, food, security, education, gender-based violence, traditional cultural practices harmful to women, gender equality and citizenship; were among their priority areas to be addressed.

Additionally, the Affirmative Action proposal for women representatives at all levels, with a clear percentage of at least 30 percent was deemed paramount. Women also focused on the rights of the elderly; rights within marriage; reproductive rights; property ownership and issues of succession and inheritance; cultural diversity, ethnic, regional and communal rights; good governance; culture and the family; natural resources; rights of vulnerable groups such as persons with disabilities; gender equality; equitable distribution of resources; environment and natural resources; and the rights of minorities. It is worth noting again that the convergence of the views by national women's organisations and grass-roots women's movement working together created a unified agenda for women.

Hon. Martha Karua says, "When the legal framework for reviewing the constitution was being made, we could negotiate that all the review organs must have 1/3 reserved for women. We also arranged for space for people with disabilities. If you go to the records, you'll see the first Constitution of Kenya Review Act 1998 reserving the 1/3 space in all the review organs".

The stories show that women's determination to change the world was evident in the struggle. There was a high level of consciousness among women.

As the chairperson of the Technical Committee for ALGAK, Mumbi Ng'aru tells of how she involved herself in lobbying for the local government they wanted. She says, "We had a small booklet that guided our lobbying. I am happy that the devolved government reflects the majority of the wishes we had in our proposals."

Ms. Fatuma Hassan emphasises this by pointing out how civic education aided in sharing information and ensuring that women in the grassroots also read from the same script. She asserts, "We worked under various political and religious bodies to make sure women understood what changes we wanted and what changes they also preferred. We wanted to change what came from the *wananchi*. We intensified civic education by highlighting what was wrong with the old constitution, what needed to be changed and what the women wanted to be included in the document." The unity of purpose shows the determination of women to win as a team.

In her statement, "There are ordinarily many streams that converge and form a big river. Though we all started from the periphery, along the way, women congregated at the centre. We considered having many groups a strength because we ultimately agreed on



issues central to all women of Kenya. That is how women approached the constitution-making process. We were pretty confident that being the most significant population in the country, we deserved to participate actively in the country's governance and other spheres of life." Amb. Rukia Subow captures the confidence that was oozing in these women since they knew what they wanted.

### 2.20 Status Acquired through Professional Qualification

It is critical to note that power did not come only with age, but also with professional qualifications and transformed how men and women viewed educated women in various professions. For instance, men and women alike assumed that women who were lawyers, political and social scientists, were knowledgeable and sources of strength in women's negotiations. (Kabira et al: 2018)

Dr. Nancy Baraza, for instance, asserts that as a professional lawyer and a teacher of the law, she was deeply involved in the struggle for constitutional reforms because that was her area of expertise and she commanded knowledge. She says: "As the Chair of FIDA, I was deeply involved in the reforms struggle in the '90s. I was part of the Ufungamano process and the Peoples' Commission formed in 1998 to counter the government's move to form a coalition that would undertake constitutional reforms". Hon. Martha Karua also asserts her role in shaping the political space. When every organisation was being submerged by KANU, Hon. Martha says:

The Law Society was targeted because it was vocal on the rule of law and human rights issues. As young lawyers, we protested the Law Society leadership having a cozy relationship with the government of the day. Our agitation within the Law Society saw me, a year later, join the contest for a seat on the Council of Law Society.

Hon. Karua's interest was in trying to protect the independence of their professional body, the Law Society. She avers that as lawyers, they did not practice their profession in a vacuum but within a social, economic and political context hence they had to respond to their environment.

While explaining how she joined the women's movement and met some of the outstanding women there, Hon. Beatrice Elachi acknowledges the roles of key scholars and gender experts who had been in the struggle for long owing to their professionalism and expertise in the field. She says, "Around this time, Prof Kabira and other gender experts had started the Collaborative Centre for Gender and Development (CGGD).

The organisation had the best gender trainers in the country. The gender consultants included Masheti Masinjila, Okwach Abagi, Elishiba Kimani, Njoki Ndungu (now a Supreme Court judge), and Winnie Guchu (currently Chief Administrative Secretary at the Ministry of Interior). They were excellent trainers and trusted by people to influence policies. Hon. Elachi admits that the training she underwent under the tutelage of Ms. Wambui Kanyi, another gender expert, was an eye-opener to her.



Ms. Fatuma Hassan also points out Prof. Kabira's expertise and knowledge in matters of gender. "I can sincerely tell you that Prof. Kabira played a substantial role in ensuring that gender is mainstreamed in the Constitution.

In fact, these women leaders who advocated for gender inclusion, whether it was Martha Karua, or Charity Ngilu, relied extensively on Wanjiku Kabira's knowledge, skills and foresight. She would even write speeches for women leaders to ensure they did not miss out on the critical issues during their presentations. For her command of knowledge, Prof. Kabira was trusted to lead and impart knowledge concerning women by everyone, men included.

### 2.21 Use of Women's Traditional Power

In negotiating spaces for themselves, women adopted this approach that reminded everyone of their traditionally acquired power. This strategy only favored elderly women since they were the ones perceived to be endowed with experience and power hence could earn men's respect. According to Kabira et al, (2018:19), "Men see these women as not so radical, as soft-spoken, using moderate language, but if they are old, they can be witty, challenging and authoritative."

In some African traditions, they note that men would see these older women as having reached the status of male elders hence they deserve male respect. This explains why women leaders such as Hon. Phoebe Asiyo, Hon. Jael Mbogo, Prof. Julia Ojiambo and Prof. Eddah Gachukia, among others, were leading the negotiation teams. Women adopted this strategy so as to access political power through paths of less resistance, using woman's power and status supported by traditions. Younger women were aware that men would not dismiss these leaders and would dialogue with them (Kabira et al, 2018).

Owing to their age and experience, Prof. Kabira and Prof. Maria Nzomo are among the women who had earned respect in the eyes of men and women hence could be listened to. Hon. Martha Karua observes: "There were many other organisations, mainly led by scholars like Dr. Wanjiku Kabira and Prof. Maria Nzomo, which started preparing women for politics.

Soon, even the women's organisations that previously denounced political inclination joined." Women thus capitalised on these women's social capital to penetrate and reach important male stakeholders in the government to lobby for their support.

### 3.1 On Leadership

Below are salient quotations on various subjects by women leaders.

“Leaders come and go. If people know that leaders come and go, there would be no crime, no pressure, no anger, no grudge and anything. They would serve faithfully and be prepared to hand over the baton to the next leader”. **Hon Jael Mbogo.**

“When a woman is in a position of leadership and decision making, at whatever level, they need to ask themselves: what have I done to contribute to my community, especially to girls and women?” **Hon. Jael Mbogo.**

“If we nominated a woman, we expect them to properly use the opportunity by showing themselves to the community and showing their expertise to increase women leaders”. **Hon. Martha Karua.**

“I teach the ideals of the constitution, which includes affirmative action, women empowerment, the history of the women movement in the country, the need for realization of women empowerment as required by the constitution. My students, both women and men are pretty vibrant. I am happy to state that men will shortly have different attitudes towards women. When you explain the need for women’s empowerment, they understand quickly and appreciate it. I teach Feminist Theory, the Social Foundation of Law, and women’s role in development.” **Dr. Nancy Baraza.**

“There are ordinarily many streams that converge and form a big river. Though we all started from the periphery, along the way, women congregated at the centre. We considered having many groups a strength because we ultimately agreed on issues central to all women of Kenya. That is how women approached the constitution-making process. We were pretty confident that being the most significant population in the country, we deserved to participate actively in the country’s governance and other spheres of life.” **Amb. Rukia Subow.**

### 3.2 Collaboration and Working Together with Men

“Let us allow women to do what I usually call radical surgery to bring back dignity to all Kenyans by slaying the devil of greed”. **Hon Beatrice Elachi.**

“Let’s also admit that talent resides in both men and women. Let’s open doors to tapping the best talents in this country from both genders”. **Hon. Martha Karua**

“If you are not where the policy is being made, you know you can only be a beggar”. **Prof. Wanjiku Kabira.**

### 3.3 Self-Mobilisation and Women Empowerment

“When women mobilise around a plan, change is inevitable, like in the constitution-making process” **Ms. Maimuna Mwidau.**

“When you empower a woman, you are not empowering a woman alone; you are creating a better future for the family, the children and other vulnerable members of society.”  
**Amb. Rukia Subow.**

“Right from joining the armed struggle for independence to fight alongside their male counterparts, organising delegations to negotiate for spaces in decision making, forming feminist groups and organisations and agitating for women-friendly legislation, we see a self-revealing narrative of feminist consciousness that cuts across the various parts of the country at different stages.” **Elizabeth Auma**

“When you ask me what motivated me, it is the plight of the women... during the peak of emergency ... I saw it all; women’s pain remained with me for a long time. The people who suffered most during the state of emergency were women. The way women suffered at the periphery moved many hearts to relook and rethink their plight.” **Hon. Jael Mbogo**

“I think the first achievement is the ability to organize, mobilize, and attract people so that they believe in you because when you manage, you have to be convinced to do what you want.” **Ms. Terry Kantai**

### 3.4 Solidarity

“At that time, Phoebe led the Kenya Women’s Political Caucus while Prof. Wanjiku Kabira was in charge of the Kenya Women Political Alliance. Though the two ladies led seemingly competitive caucuses, they worked harmoniously to secure women’s agenda in the constitution-making process. Other women leaders I worked with at the (Constitution of Kenya Review) Commission included commissioners Alice Yano and Salome Muigai”.  
**Ms. Maimuna Mwidau.**

“What I remember is that we came together and agreed that if a woman is supporting a proper women-friendly position and they call out for help, you, as a woman, must actually go and support them.” **Prof. Kameri -Mbote**

### 3.5 Grassroots Mobilisation

“Information is power. You will just have to put on your walking shoes, not sit in your offices. You must walk to where the women are. We’ve had too many capacity-building workshops for women in towns and at the national offices. It is time to go where they live. This is not the time for boardrooms and workshops. We have to put on our walking shoes and walk to where the women are.

Probably, if it is farming, put on the gumboots with them. Stay there for an extra day or two. Put on their rubber shoes and go to the garden with them. Change the thinking. This is the way to go.” **Hon. Mumbi Ng’aru**

“Locally, my most outstanding achievement is the mobilization of grassroots women from a handful to thousands.” **Ms Terry Kantai**

### 3.6 Use of Traditional Power

“Men see these women (elderly) as not so radical, as soft-spoken, using moderate language, but if they are old, they can be witty, challenging and authoritative.” **(Kabira, 2012: 19)**

### 3.7 Knowledge of What Women Want

“When the legal framework for reviewing the Constitution was being made, we could negotiate that all the review organs must have 1/3 reserved for women. We also arranged for space for people with disabilities. If you go to the records, you’ll see the first Constitution of Kenya Review Act 1998 reserving the 1/3 space in all the review organs;” in an attempt to explain how the journey of women’s reserved space in the constitution came in and culminated in the gains of one-third rule in the constitution.”

**Hon. Martha Karua**

### 3.8 Selflessness

“We were not looking for positions. We wanted a better future for our children and girls. That is what was driving most of the women.” **Amb. Rukia Subow**

“We need to come back to that selflessness that women pioneer like Prof. Kabira had. They never thought about personal benefits. To change the country for the better, we must be willing to sacrifice individually and collectively.” **Fatuma Hassan**

### 3.9 Sisterhood

“The beauty about the women’s strategy was that it brought all women together, irrespective of their religion, region, party affiliations or ethnicity. We all came together and understood that the women’s agenda is the same wherever you are.” **Prof. Eddah Gachukia**

“Our creed as women was that even if you’re in or out of government, rich or poor, Wanjiku or Maimuna, your problems are the same. I think that is the reason why we stuck together. When men noticed that we were united, many started taking our issues seriously and supporting us.” **Ms. Maimuna Mwidau**

“Women’s movement was more robust and productive through solidarity, sisterhood and leveraging on networks”. **Prof. Kamari- Mbote**

### 3.10 Lobbying

“I started receiving invitations to attend seminars. As a woman, I learnt that I could defend my own rights and my fellow women”. **Hon. Rhoda Maende**

“We had a booklet that guided our lobbying. What I liked most about women in political parties, then, is that we refused the classifications. If Mumbi was LDP and LDP was not talking to DP, we had an original caucus of people working in the offices of political parties, the secretariats.” **Hon. Mumbi Ng’aru**

### 3.11 Research and Sharing of Findings

“I generated crucial evidence that was badly needed to lobby political parties to adopt affirmative action or implement it.” **Ms Wambui Kanyi**

“Participation in the 1980 and 1990s research activities gave me a mental commitment to documenting women’s experiences and roles in society.” **Prof. Wanjiku Kabira**

“In the fall of 1976, we met in Lusaka, Zambia. We formulated the concept of the Association of African Women for Research and Development (AAWORD). We had a broad goal of unifying African women’s research not being blurred by religion, geography, or ethnicity. We tried to understand the situation of African women to develop our own tools. We strategized to participate in global platforms with our own ideas instead of always being told that African women are inferior.

Even today, the European concept would not accept that African women have power because they treat us as victims. Personally, I don’t like that view of African women being victims of our men or victims of our situations. It was part of the colonial ideology that Africa was not a developed region and not advancing. We rejected that whole notion and tried to create new ideas.” **Prof. Achola Palla**

“I am currently a resource centre; I am like a library where you come and dig out what you cannot get from wherever you are.” **Hon. Jael Mbogo**

### 3.12 Organisational Networks

“At Bomas, we had different Caucuses. We had a specific tent dedicated to women from the whole country to discuss gender issues and lobby. Other prominent groups at Bomas were the professionals, legal experts and district delegates. The majority were the district delegates. Professionals understood the law and sensitised women on women-friendly constitutional provisions, and voting strategically on the issues.” **Ms. Maimuna Mwidau**

## 4.0 CONCLUSION

As we celebrate the women's journey towards the making of the Constitution of Kenya 2010, we challenge ourselves as women who stand on the shoulders of those who stood in the time of duty during the constitution review process; to build Alliances and Networks for Women's Economic Empowerment. It has happened in the struggle for our place in the Constitution. It can happen again unless we focus on a key issue like women economic empowerment.

These strategies that the women's movement used to realise the gains in the Constitution of Kenya 2010 can be replicated to achieve women's economic empowerment and to strengthen the current movement that appears to have lost momentum after it was promulgated.

Several gains that were included in the constitution are yet to be implemented due to patriarchal drawbacks and lack of strong advocacy. The two-thirds gender rule particularly in the National Assembly has to be addressed and be fully actualised; gender-based violence is still rife in spite of the laws, women are yet to gain meaningful benefits from affirmative action. This calls for a rejuvenation of the collective spirit of the women's movement that led to the inclusion of women's rights in the constitution while harnessing the strategies they used to make them relevant to current realities.

The following strategies come to mind:

- (i) Reviving or forming new feminist organisations that will mobilise collective support for the implementation of the gains that are yet to be implemented.
- (ii) Engagement with relevant government machinery to articulate issues that derail women's economic empowerment.
- (iii) Carrying out cutting-edge research and using the same to influence policy.
- (iv) Building networks and alliances for women's economic empowerment.
- (v) Policy advocacy to influence women-friendly legislation and regulations in order to create an enabling environment for economic empowerment.
- (vi) National consultative meetings with women to identify their challenges and appoint representatives that can negotiate for them at different forums.
- (vii) Participating in regional and global women's economic empowerment meetings and diffusing the information to other women across the country.
- (viii) Building strong women's economic empowerment networks for learning and sharing of information while galvanizing support for economic empowerment.
- (ix) Lobbying with key stakeholders to drum- up support for programmes that are focused on women's economic empowerment.

## STRATEGIES THAT WORK

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- (x) Utilising their positions of leadership in government and private sector to influence action that is beneficial to women's economic empowerment.
- (xi) Enlisting the support of NGOs and Civil Society Organisations particularly in the areas of training and policy advocacy programmes that conscientise women to take up opportunities for economic empowerment.

In view of the above discussion, it is apparent that the women's movement is an ongoing process that responds to different needs along the journey of the windy path towards emancipation. The Kenyan women must rethink the current state of the women's movement, take stock of the gaps that need to be addressed and take up the mantle towards achieving their economic empowerment while actualizing the gains realised in the Constitution of Kenya 2010.

Most importantly, let us learn from those who made it possible to sit at the table where discussions were made and use the strategies to reach our destination. Let us set the agenda for women economic empowerment - an agenda that is guided by SMART objectives.



## APPENDICES: KEY WORDS IN WOMEN'S COLLECTIVE ACTION AND SELF-MOBILISATION

**Active Participation:** A way of working that supports an individual's right to participate in the activities and relationships of everyday life as independently as possible.

**Advocacy:** Public support for a particular agenda

**Affirmative Action:** Positive steps taken to increase the representation of women and minorities in areas of employment, education, and culture from which they have been historically excluded. (Fullinwider Robert, 2018)

**Collaboration:** Working with someone or a group to realise a certain goal

**Commitment:** Being dedicated towards a cause

**Gender Justice:** The full equality and equity between women and men in all spheres of life, resulting in women jointly, and on an equal basis with men, defining and shaping the policies, structures and decisions that affect their lives and society as a whole.

**Mobilise:** To prepare or organise a group of people for a purpose

**Negotiations:** Discussions aimed at reaching mutual agreement

**Oppression:** Cruel or unjust treatment of an individual or a group

**Passion:** A strong liking about an issue or a cause that propels you to commitment and action

**Patriarchal Chains:** Entrenched gender inequalities that makes it very difficult for individuals and groups to free themselves

**Power Struggle:** Contention or fight for control between different parties

**Self-drive:** Self-motivation

**Solidarity:** Unity or agreement on action especially among individuals with a common interest; mutual support within a group

**Strategy:** Method used to achieve an agenda

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