

CLUSTER FOUR: PROJECT ONE

FINAL REPORT ON THE PROJECT

“EXAMINING STRATEGIES THAT WOMEN’S MOVEMENT USED TO REALIZE GAINS IN THE KENYA CONSTITUTION 2010”



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LIST OF ABBREVIATIONS AND ACRONYMS

AAWORD	The Association of African Women in Research and Development
AGPO	Access to Government Procurement Opportunities
AMWIK	The Association of Media Women of Kenya
BPFA	Beijing Platform for Action
CBOs	Community Based Organizations
CCGD	Collaborative Centre for Gender and Development
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
CGS	Credit Guarantee Scheme
CKRC	Constitution of Kenya Review Commission
COK	Constitution of Kenya (2010)
COTU	Central Organization of Trade Union
COVAW	The Coalition on Violence Against Women
CPDA	Christian Partners Development Agency
CSOs	Civil Society Organizations
DP	Democratic Party
ECWD	The Education Centre for Women and Democracy
FAWE	Forum for African Women Educationist
FEMNET	African Women’s Development and Communication Network
FGD	Focus Group Discussion
FGM	Female Genital Mutilation
FIDA	Federation of Women Lawyers – Kenya
GBV	Gender Based Violence
GCP	Gross County Product
GROOTS Kenya	Grassroots Organizations Operating Together in Sisterhood, Kenya
KIIs	Key Informant Interviews
KANU	Kenya African National Union
KWPC	Kenya Women’s Political Caucus
KEWOPA	Kenya Women Parliamentary Association
KEWOSFAN	Kenya Women Sugarcane Farmers Network
KHRC	Kenya Human Rights Commission
KNBS	Kenya National of Bureau of Statistics
LKWV	League of Kenya Women Voters

MAA	The Maasai Association
MYWO	Maendeleo Ya Wanawake Organization
NARC	National Rainbow Coalition
NCCK	National Council of Churches of Kenya
NCIC	National Crime Investigation Centre
NCSW	The National Council on the Status of Women
NCWK	National Council of Women of Kenya
NGOs	Non-Governmental Organizations
NUEW	The New Union for Eritrea Women
PALAWAMA	Pambazuko La Wanawake Magharibi
PEFA	Public Expenditure and Financial Accountability
POA	Provincial Offenses Act
PROCMURA	Program for Christian-Muslim Relations in Africa
SACCOs	Savings and Credit Co-Operative Societies
The 4Cs	Citizens Coalition on Constitution Change
UNDP	United Nations Development Programme
WEE	Women's Economic Empowerment
WEF	Women Enterprise Fund
WPA-K	Women Political Alliance - Kenya

EXECUTIVE SUMMARY

Women have been excluded from decision-making institutions and processes. To eliminate gender discrimination in laws, secure equal rights for women and enact legislations that promote gender equality, women have since the 1960s strived for political, economic, and cultural emancipation, with more returns being realized in the formulation and enactment of the Constitution of Kenya (2010), where progressive provisions for women's empowerment were enshrined in the supreme law. This study aimed at examining strategies women and women's movements used during the constitutional review process in Kenya between 1997 and 2010 to strengthen women's self-mobilization for Women's Economic Empowerment (WEE), as well as to identify best practices for women's self-mobilization.

The objectives of the study were to: identify the strategies women's movements used during the constitutional review process in Kenya, document emerging best practices for women's self-mobilization from the strategies identified, explore the strategies used by women in self-mobilization for WEE, and identify policies and legislation gaps for advocacy for WEE.

The research applied feminist and grounded theory approaches. The secondary and primary data were collected using qualitative methods. The research was carried out in three regions, that is, Nairobi, Coast and Nyanza with respondents chosen purposively to participate in the study. The Nyanza (conducted in Kisumu) interviews drew the respondents from Kasipul Kabondo, Homabay, Mbita, Migori, Busia, Mount Elgon, Kisumu, Kakamega, Mbale, Siaya, Bungoma, while the coast region (interviews conducted in Mombasa) was represented by respondents from, Kilifi, Malindi, Kwale, Lamu, and Taita Taveta. The Nairobi interviews drew participants from all over the country. This is because they had active grassroots women groups and other women's movements that participated in the constitution-making process. A desk review targeting existing global, regional, and national literature and databases on women's self-mobilization towards economic empowerment and political participation with a special focus on women's self-mobilization in the review of the Kenyan constitution was conducted. Primary qualitative data were collected through in-depth interviews of autobiographical narratives with selected women who participated in the Kenya constitution-making process (pathfinders); semi-structured questionnaires with women purposively drawn from women's organizations and civil society organizations (CSOs) such as GROOTS, WPA, FIDA, CRAWN TRUST/NWSC, Women Political Caucus, Collaborative Centre for Gender and Development (CCGD), League of Women Voters, Education Centre for Women in Development (ECWD) among others; and Focus Group Discussions (FGDs) with select women, who were involved in the making of the constitution 2010. The primary qualitative data were analyzed using NVIVO whereby dominant themes were transformed into codes with guidance from the research tools. The data were categorized according to the thematic areas before patterns were drawn for analysis.

Major findings from the study established that women and women's movements used various strategies during the constitutional review process such as uniting for a common constitutional agenda; engaging different stakeholders including government officials; advocacy; collaborations between women leaders, educating women about the constitution through the women groupings as well as through the media; mobilization; a collection of views, and having male allies to agitate for women issues to be adopted in the constitution. Emerging best practices for self-mobilization

include the use of women groupings for economic emancipation, lobbying, advocacy, and pushing for the implementation of policies in parliament that support women's self-mobilization initiatives. The study found policy and legislation gaps for WEE including a lack of goodwill from the politicians, individualistic competition, lack of accountability and dissemination channels, poverty, ethnic divisions, and jeopardy from the courts.

The study recommends the provision of statistics to back up the gaps in channelling the discourse of policy change for WEE, consultations with policy experts in developing policies for WEE, revitalizing the women's movements to ensure full implementation of the constitutional gains, setting timelines for achieving the constitutional gains, provision of more women economic empowerment programs by the government to women, especially in the rural areas, provision of continuous checks and balances to ensure accountability of the women leaders in office, involvement of women in decision-making, especially in matters pertaining to women and holding of intergenerational fora to ensure passage of knowledge to the young women leaders.

CHAPTER ONE

INTRODUCTION, BACKGROUND AND CONTEXT

1.0 INTRODUCTION

Women have been excluded from decision-making institutions and processes. To eliminate gender discrimination in laws, secure equal rights for women and enact legislations that promote gender equality, Kenyan women have since the 1960s strived for political, economic, and cultural emancipation, with more returns being realized in the formulation and enactment of the Constitution of Kenya (2010), where progressive provisions for women's empowerment were enshrined in the supreme law. This study aimed at examining strategies women and women's movement used during the constitutional review process in Kenya between 1997 and 2010, to strengthen women's self-mobilization for Women's Economic Empowerment (WEE), as well as to identify best practices for women's self-mobilization. The objectives of the study were to: identify the strategies women's movements used during the constitutional review process in Kenya, and document emerging best practices for women's self-mobilization. And, from the strategies identified, explore the strategies that can be upscaled for women's self-mobilization for WEE, and identify policies and legislation gaps for

advocacy for WEE. The research applied Feminist dialogic theory and grounded theory approaches. The primary data were collected using qualitative methods. The research was carried out in three regions namely, Nairobi, Coast, and Nyanza as they had active grassroots women groups and other women's movements that participated in the constitution-making process. Secondary data were collected through a desk review targeting existing global, regional, and national literature and databases on women's self-mobilization towards economic empowerment and political participation with a special focus on women's self-mobilization in the review of the Kenyan constitution.

Qualitative data was collected through in-depth interviews of autobiographical narratives with selected women, who participated in the Kenya constitution-making process referred to as pathfinders; semi-structured questionnaires with key informants comprised of women leaders purposively drawn from women's organizations and Civil Society Organizations (CSOs) such as GROOTS, WPA-K, FIDA, CRAWN Trust/

NWSC, Kenya Women Political Caucus (KWPC), CCGD, League of Women Voters, EWCD among others; and Focus Group Discussions (FGDs) with select women, who were involved in the making of the constitution 2010. The primary qualitative data were analyzed using NVIVO whereby dominant themes were transformed into codes with guidance from the research tools. Data were categorized according to the thematic areas before patterns were drawn for analysis. The study established that women used various strategies during that women and women's movements used various strategies during the constitutional review process such as uniting for a common constitutional agenda; engaging different stakeholders including government officials; advocacy; collaborations between women leaders, educating women about the constitution through the women groupings as well as through the media; mobilization; a collection of views, and having male allies in addition to participating in all the stages of the constitution review process. Emerging best practices for self-mobilization include the use of women groupings for economic emancipation, lobbying, advocacy, and pushing for the enactment of policies in parliament that support women's self-mobilization initiatives. Strategies used by women in self-mobilization for WEE include unity of purpose, creating awareness through the media, lobbying parliamentarians, advocacy with stakeholders, meetings, and public education.

Policy and legislation gaps for WEE include a lack of goodwill from the politicians, individualistic competition, lack of accountability and dissemination channels, poverty, ethnic divisions, and jeopardy from the courts. The study recommends the provision of statistics to back up the gaps in channeling the discourse of policy change for WEE, consultation with policy experts in developing policies for WEE, and revitalizing of the women's movements to ensure full implementation of the constitutional gains particularly those aimed at promoting women's economic empowerment and setting timelines

for realizations of the gains. There should also be checks and balances to ensure accountability of the leaders in office, involvement of women in decision-making, especially in matters pertaining to women and holding of intergenerational fora to ensure passage of knowledge to the young women leaders. The report comprises four chapters as explained below:

Chapter One presents the introduction, background, and context of women's participation in the constitution-making process in Kenya based on existing literature. It also covers the main objective of the Study, specific objectives as well as theoretical frameworks. Chapter Two focuses on the study methodology including the research design, area of study, target population, sampling techniques and sample size as well as the primary data collection tools comprised of in-depth interview guides, focus group discussion guides, key informant guides and autobiographical narrative guide and data analysis and ethical considerations of the study. Chapter Three deals with the research findings comprised of data analysis, interpretation and discussion of findings. Chapter Four presents the conclusions, recommendations and policy/legislative proposals and programmes for promoting women's economic empowerment.

1.2. BACKGROUND AND CONTEXT

The quest for women's liberation from the oppressive, patriarchal cultural systems in Kenya dates back several decades. Scholars such as Domingo *et al.* (2016); Kabira (2018); and Kabira and Mbote (2017) expound on issues surrounding marginalization, and misrepresentation leading women to adopt diverse strategies including lobbying and advocacy for gender equality and recognition of women's rights. Failure of the governance system to acknowledge and recognize women's rights was some of the reasons that women and women's organizations got involved in such processes. Earlier studies carried out on related issues note that women's self-mobilization and communal endeavors in

Kenya became most evident during the colonial era as women took part in the fight for independence through the Mau Mau movement. Women featured prominently in the Mau Mau network serving as the link between the fighters in the forests and the reserves. Women's role in self-mobilization in Kenya may be traced back to the pre-independence era when they supported the Mau Mau movement by hiding men from the British army, in terms of food provision while others fought side by side with the men (Lichuma, 2017). According to Geisler (2004) although women mobilized and played a key role in the pre-independence struggle, national liberation didn't cause their liberation as he says "despite their involvement and participation in liberation struggles, there were no marked changes nor improvements in their rights and empowerment". Beyond Kenya, similar events were taking place. For instance, in South Africa, during the apartheid era, South African women mobilized themselves across the divides of race and income through the "motherist approach" where they drew attention to the problems they were facing as mothers (Britton & Frish, 2009), while in Nigeria, among the Yoruba, the Iyalode, a group of individual high-status women, got involved through their local movements (Adamu, 2006).

The constitution-making process in Kenya was an integral and critical part of championing a country's democratic state-building. The process was also a significant breakthrough in the country's political growth. As IDEA News (2001) state that a constitution "sets the tone, spirit and framework from which all other laws and the form of government draw their legitimacy. It is also the document in which the rights of the people are enshrined". Kabira (2012) emphasized the constitution-making process in Kenya noting that it "involved collecting the views from the public, collating the views in the drafting of the new constitution". Constitution making process in Kenya was a critical phase that defined the future of the citizens including women. It set the phase of women's inclusion, representation, recognition, and acceptance in all spheres of development. Women's collective involvement in the constitution-making process epitomizes women's self-mobilization in Kenya.

"Women's rights, are not like candy that you have an option to give somebody or not, it's not like food that you have an option that somebody chooses to eat this, chips or githeri or banana; no, it is like oxygen. You cannot start putting barriers and saying, oh, you can only have this much oxygen and tomorrow you can only have this much oxygen, the day after you cannot have the oxygen at all. And this uncertainty on whether women's, issues will be taken into account for me felt like rationing oxygen for women".
A.O

1.2.1 Strategies for Women's Self Mobilization

The need for self-mobilization, which this study refers to as the process of women organizing themselves in groups or collectively towards common goals, was to a large extent driven by the need for women to counter their subordination and exclusion and was aimed at increasing women's individual and collective agency to improve access to resources like land, labour, capital, and opportunities for self-realization including education and leadership. As Fernandes (2018), argues, strategies that have worked for women's self-mobilization for political participation include alliances, networks and coalitions with other progressive social movements to build spaces for the political articulation to collectively construct political, economic and social justice.

A number of studies indicate that women have successfully engaged in self-mobilization for political action in other regions such as Feminist Movement in the Philippines (Sobritchea, 2004); solidarity protests in Argentina (Mason-Deese, 2019); contestation, denunciation, and legal mobilization in Colombia (Domingo, Menocal & Hinestroza, 2015); political parties level engagement in South Africa (Baloyi, 1995) and gender action plans in Zambia (Hassim, 2006).

This has encompassed liaising with international and global institutions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (UNW-CEDAW, 2012). Some of the best practices and lessons on self-mobilization for women's economic empowerment include

those in India where rural women's groups acquired and owned land through Savings and Credit Co-Operative Societies (SACCOs) for commercial farming and agribusiness; and the Asian example of the use of digital networks to coordinate, and conduct campaigns on various issues affecting women.

In the regional context, examples include the market women in Nigeria, who during the colonial period organized themselves through associations, which advocated for and fought for their personal space, e.g. 'the women war of 1929' also known as the Aba Women's Riots in which Igbo Market Women protested against British taxation (Ojikutu, 2011), the Abeokuta Market women's protest against the Colonial government (Ojikutu, 2011), complementarity of men and women's interests in women's quest for political office (Ojikutu (2011); the Anlu women from the Kom tribe in Cameroon through indigenous mechanisms of legal women's councils led communal disciplinary technique used to chastise any man for offences infringing on the rights of women (Shaklin, 1990); political party engagements in South Africa (Baloyi,

"The constitution is for all of us. This constitution is made for every Kenyan. It is not for a simple drive; it is not Mount Kenya. It is for the people of Kenya, and if that constitution is for all of us, it should be able to equally protect all of us" E.M

...strong evidence exists that shows women in Kenya have been known to self-organize into informal groups and sometimes formal associations to address their continued economic marginalization.

1995) with the women's engagement with the African National Congress Constitution in South Africa (Albie, 1990); Constitutional and Civic engagement, lobbying and networking in Rwanda (Arnold, 2011); The New Union for Eritrea Women (NUEW), succeeded in a number of reforms including raising marriage consent age for both parties of marriage, from 15 to 18 for women (matching that of men), recognition of both men and women in divorce cases and the extension of paid maternity leave from 45 to 60 days; the implementation of gender equality in sharia laws (Ahmad, 2005); the Cross Party Women Parliamentary Association (KEWOPA) in Kenya, contributed to effective in generating new gender-sensitive laws (Nzomo, 2011); women's participation with the state in Kenya (Kabira, 2012); International Instruments and Conventions on gender equality such as CEDAW/ BPFA etc. including informed feminist and gender agendas in Kenya (Kabira, 2012); informal strategies by women in Kenya in a context of restricted formal access to decision-making and the use of available space by Kenyan women to creatively subvert and contradict norms for female behaviour, thus attracting media attention to their agenda (Nzomo, 2011).

Similarly, strong evidence exists that shows women in Kenya have been known to self-

organize into informal groups and sometimes formal associations to address their continued economic marginalization. Notably, women have since the 1960s self-mobilized into associations that sought political, economic, and cultural emancipation, with more returns being realized in the formulation and enactment of the Constitution of Kenya (2010), where progressive provisions for women's political and socio-economic empowerment were enshrined in the supreme law. The 1970s define purposeful women's movement after the 1st International Women's Conference in Mexico (1975), and the declaration of International women's decade; The United Nations International Conference in Nairobi in 1985 culminating in greater visibility of women; the emergence of key women's organizations such The Federation of Kenyan Women Lawyers FIDA (1985); the Association of Media Women of Kenya (AMWIK); League of Kenya Women Voters (LKVV); The National Council on The Status of Women (NCSW) 1992; African Women's Development and Communication Network (FEMNET); The Greenbelt Movement ; The Association of African Women in Research and Development (AAWORD, 1989) ; the Education Centre for Women and Democracy (ECWD); the Coalition on Violence against Women (COVAW); Women Political Alliance Kenya (WPA-K) (2000);

Citizens Coalition on Constitution Change (The 4Cs); Collaborative Centre for Gender and Development (CCGD, 1996) were formed after 1985 to champion women's rights in Kenya.

The newly established women's organizations worked closely with pre-existing organizations such as Maendeleo ya Wanawake Organization (MYWO) which dates back to 1952.

Prior to the constitutional review process, Kenyan women had strived to legislate women's representation in parliament without success. For example, in 1997, Phoebe Asiyo moved the affirmative action motion which was not passed (Home-FIDA Kenya, 2020). This marked the start of the struggle for affirmative action in Kenya. In the next parliament, Hon. Charity Ngilu unsuccessfully tabled a motion pertaining to the implementation of Beijing Platform for Action (BPFA), unfortunately. Similarly, in 2007, the then-justice minister, Hon. Martha Karua, the then Minister for Justice, tabled the Constitutional (Amendment) Bill 2007 on Affirmative Action that sought to create 50 automatic seats for women in Parliament. It also failed.

During the process of advocating for a new constitution, women recognized that the existing constitution did not adequately address their concerns. As a result, they became actively involved in the process of creating a new constitution to ensure that their interests were adequately represented and protected. According to Domingo et al. (2016), the new constitution was a culmination of a failure of the previous political system to address women's issues. From 1997 to 2010, during the period of reviewing the constitution, women's organizations played a very active role. They used a variety of strategies such as civic education, unity of purpose, lobbying, holding meetings, engaging male allies, setting clear agendas, using skits, debates, writing memoranda, and networking. During this time, women's organizations identified a number of key issues and advocated for their inclusion

in the constitution. These issues included: equality, recognition and representation, political space, inheritance, inclusivity for persons with disabilities, gender-based violence, two-thirds gender representation, and religion-based representation. By advocating for these issues to be included in the constitution, women were able to ensure that their concerns were addressed and their rights were protected. Women's movements contributed greatly towards the inclusion of women's agenda in the constitution. They involved public consultations as a mechanism for the inclusion of women's voices to be heard. This not only played a visibility tactic and need to engender in choosing dissemination platforms like radio and posters but also was instrumental in promoting literacy and access through local language stations and also tended to affect women disproportionately (Suteu et al., 2015, p.114).

Women adopted diverse strategies including lobbying and advocacy for gender equality and recognition of women's rights (Kabira et al., 2018; Kabira & Mbote, 2017) which made tremendous gains in Kenya's 2010 Constitution including the affirmative action for representation in elective and appointive public institutions. Kanyi et al. (2022) argue that women's constitutional gains are ascribed to effective women's self-mobilization to influence the constitution-making process. Implementation of the constitutional gains resulted in an increased women's representation in high-level decision-making positions in the political system, consequently, when women are well-represented in the political and legislative bodies, they can influence the legal changes necessary for their empowerment on such key issues as property rights, inheritance, marriage and divorce, maintenance, and custody of children, among others. Thus, as Nzomo (1993) argues, women should devise a strategy of converting the immense potential power they command in many political voters into real power. This calls for a change in their political attitudes

and behavior, from one of the mere voters to one of a political interest group, capable of sponsoring its own committed women candidates for political and legislative offices. Unfortunately, despite the gains made in the Constitutional Review Process, women's economic empowerment has remained elusive.

According to KNBS/UN Women (2018), nearly 36.1 per cent of Kenyans live below the national poverty line. This is the highest proportion of the population living in poverty in East Africa. Poverty has a gender dimension and is often attributed to women's socio-economic empowerment as a precondition for sustained economic development and poverty reduction. As noted by Kimani and Kombo (2010), poverty affects women and men differently, and it cuts across age, ethnicity, and gender. Without realistic and workable interventions to address poverty, it can become a vicious cycle that is inherited from one generation to the next within households, communities, and the nation. As poverty disproportionately affects women in Kenya, reducing its impact and breaking its vicious cycle requires a concerted effort and a gender perspective in all interventive strategies (Kimani & Kombo, 2010). However, lessons learned from the trend of the poverty situation in Kenya demonstrate that many of the Government's policies, programs, and strategies have either been gender-blind or gender-neutral (Kimani & Kombo, 2010). To address this issue, the Government of Kenya has come up with various programs aimed at promoting women's economic empowerment. Some of the programmes include:

- i. Access to Government Procurement Opportunities (AGPO), which was created through the Presidential Directive of H.E. Hon. Mwai Kibaki in 2011 and legislated during the time of his successor H.E. President Uhuru Kenyatta. The AGPO program aims to facilitate the youth, women and persons with disabilities-owned enterprises to be able to participate in government procurement by reserving 10 per cent of all public procurement for these target groups.
- ii. Women Enterprise Fund (WEF) is a Semi-Autonomous Government Agency in the Ministry of Public Service, Youth and Gender Affairs established in August 2007 to provide accessible and affordable credit to support women starting and/or expanding business
- iii. Credit Guarantee Scheme (CGS), which is a government facility anchored in the Public Finance Management Act and Credit Guarantee Scheme Regulations and designed to enhance access to affordable credit for Micro, Small and Medium-Sized Enterprises (MSMEs) to cushion them from the COVID-19 pandemic shocks. Seven commercial banks namely KCB, NCBA, Stanbic, Diamond Trust Bank, ABSA Bank, Credit Bank and Co-operative Bank of Kenya were initially involved in the CGS .

Despite the various initiatives by the Government of Kenya and non-governmental actors, women's economic empowerment has remained elusive, and many continue to live in abject poverty. Women's constitutional economic gains and the many women's economic empowerment initiatives have not been sufficient to uplift the majority of women out of poverty.

It is, therefore, important to look for other innovative initiatives to promote women's economic empowerment in Kenya. It is in this regard that this project sought to assess the strategies that worked in women's self-mobilization for the constitutional review process with the overall goal of identifying whether they can be scaled up to promote women's economic empowerment. Besides, there are limited lessons from the best practices on what has worked for women's mobilization in the self-help groups for WEE not only in Kenya but also in other countries. This study was necessitated by the lack of systematic

documentation of women's experiences and perceptions of the review processes. Even where some documentation exists, it is often not very comprehensive.

1.3. AIM OF THE STUDY

The aim of the project was to examine strategies women and women's movement used during the constitutional review process in Kenya (1997–2010) that could be scaled up to promote women's self-mobilization for Women's Economic Empowerment (WEE).

1.4. OBJECTIVES OF THE STUDY

- i. Identify the strategies women's movements used during the constitutional review process in Kenya (1997–2010).
- ii. Document emerging best practices for women's self-mobilization from the strategies identified.
- iii. Explore the strategies used by women in self-mobilization for WEE.
- iv. Identify policies and legislation gaps for advocacy for WEE.

1.5. RESEARCH QUESTIONS

The study was guided by the following research questions:

- i. What strategies did the women's movements use during the constitutional review process in Kenya (1997–2010)?
- ii. What are the best practices emerging for women's self-mobilization from the strategies identified?
- iii. What strategies are women using in self-mobilization for WEE?

- iv. What legislation and policy gaps exist for WEE for lobbying and advocacy?

1.6. THEORETICAL FRAMEWORK

1.6.1. Feminist dialogic theory

The feministic dialogic theory was informed by the feminist-inspired understanding of dialogic democracy, which is referred to in this study as feminist dialogic theory. Representation of women and strategies they used in the constitution-making process took into account two critical issues, one for the scale and the other for representation. The theory, which borrows from the feminist theory, addresses women's participation in diverse settings such a self-mobilization in constitutional-making.

The feminist dialogic theory posits that women's economic empowerment can be achieved through the creation of open and inclusive spaces for dialogue and participation, where women can voice their concerns and engage in collective action towards achieving their economic rights (Harcourt, 2007). This approach recognizes that women's economic marginalization is often the result of systemic discrimination and unequal power relations, and therefore, structural change is needed to address these underlying issues.

According to Harcourt (2007), the feminist dialogic theory is relevant to women's economic empowerment in several ways. First, it involves creating spaces for dialogue and participation where women can engage in collective action to challenge existing power structures and advocate for policies and practices that promote women's economic rights. Second, it involves recognizing and valuing the diverse experiences and perspectives of women from different backgrounds and contexts, and promoting inclusive decision-making processes that take

1 <https://agpo.go.ke/>

2 <http://www.kenpro.org/an-overview-of-women-enterprise-fund-in-kenya/>

3 <https://bit.ly/3zcARck>

into account these differences. Third, it involves fostering supportive networks and alliances among women, as well as building partnerships with other social movements and organizations to achieve common goals.

Research has shown that feminist dialogic approaches to women's economic empowerment can be effective in promoting change at both the individual and structural levels (Harcourt, 2007; Wilson, 2018). For instance, by creating spaces for dialogue and participation, women are able to gain a deeper understanding of the root causes of their economic marginalization and develop collective strategies to challenge these issues. Additionally, by valuing the diverse experiences and perspectives of women, feminist dialogic approaches can help to create more inclusive and equitable economic systems that benefit all women.

Women groups in Kenya utilized dialogue and engagement with policymakers and other stakeholders to advocate for gender-sensitive provisions in the constitution, such as quotas for women in political office and protections against gender-based violence (Khalif, 2013; Anunobi, 2002). This approach enabled women to articulate their priorities and concerns and to challenge existing power structures that excluded them from decision-making processes (Hansard, April 23, 1997: 342).

Women groups also used dialogue and communication to advocate for gender-sensitive provisions in the constitution, such as affirmative action measures to increase women's political representation and provisions on women's land and property rights (Kabira, 2016; Kameri-Mbote, 2008; Kameri-Mbote, 2013). Through dialogue and networking, women formed alliances with other civil society groups and political actors, which helped to amplify their voices and influence the constitution-making process (Turner (1991). Women's engagement in the constitution-making process in Kenya is an example of how feminist dialogic theory can be used to promote gender equity and women's rights in policy and governance.

Women have also used feminist dialogic theory to create advocacy groups and engage in collective action to promote women's economic empowerment (Jain & Bezboruah, 2020; Moser, 2019). By coming together and sharing their experiences and perspectives, women can work towards creating



Image courtesy: www.pexels.com

policy and legislative changes that promote gender equity in the workplace and increase access to economic opportunities (Jain & Bezboruah, 2020; Moser, 2019). Feminist dialogic theory can serve as a powerful tool for women's economic empowerment by creating opportunities for dialogue and critical reflection, as well as by challenging gendered power dynamics and promoting collective action (Kabeer, 2019; Osamor & Grady, 2018).

Feminist dialogic theory has been linked to strategies used by women in the constitution-making process in Kenya. It emphasizes the importance of dialogue, communication, and negotiation in achieving gender equality and women's empowerment (Oloo & Harriet, 2021). Women's organizations used feminist dialogic theory to engage in dialogue with other stakeholders and to advocate for the inclusion of women's rights in the new constitution (Chege & Sifuna, 2012; Kabira, 2018). Women also used feminist dialogic theory to challenge patriarchal norms and practices that limited their participation in the constitution-making process and to promote their representation in decision-making positions (Oloo & Harriet, 2021).

The feminist dialogic theory offers a valuable framework for understanding and promoting women's economic empowerment. By creating open and inclusive spaces for dialogue and participation, recognizing and valuing diversity, and fostering supportive networks and alliances, feminist dialogic approaches can help to challenge existing power structures and promote more equitable economic systems for all women.

1.6.2 Grounded theory

Grounded Theory (Glaser & Strauss, 1967) is widely respected as a rigorous and commonly used method of analysis for qualitative data (Charmaz, 1995; Holton, 2008). Grounded theory is a qualitative research methodology that aims to

develop theories that are grounded in data, rather than starting with preconceived hypotheses. In the context of this study, the women's movement in Kenya and their efforts to realize gains in the 2010 Constitution, grounded theory was used to explore and understand the experiences, perspectives, and strategies of individual women and movements. It is through gathering and analyzing data from interviews, focus groups, and other sources (Ali et al 2020), that grounded theory helped the researchers identify patterns, themes, and concepts that were relevant to the women's movement and the broader context of constitutional reform in Kenya.

According to Glaser and Strauss (1967), grounded theory is a method that uses a systematic approach to data collection and analysis, with the aim of developing a theory that is grounded in the data. In the context of the women's movement in Kenya, grounded theory allowed for the identification of the strategies that women used to push for their constitutional rights.

The women's movement in Kenya employed several grounded strategies to realize gains in the Kenya Constitution 2010. One of these strategies was coalition building, which involved bringing together women's organizations and other civil society groups to advocate for gender-responsive constitutional provisions (Kabira, 2018). The women's movement also used public demonstrations, advocacy campaigns, and legal strategies, such as filing cases in court, to push for their demands.

CHAPTER TWO

METHODOLOGY

2.0 INTRODUCTION

Methodologically, this is a qualitative study that utilized primary data obtained through conversations with pathfinders who participated in the process of drafting the Kenya Constitution 2010, as well as women leaders from various women's organizations. This chapter will provide a detailed description of the methodology employed in the study, which will be presented in the following sections.

2.1 RESEARCH DESIGN

Research design entails choosing subjects to participate in the study and the techniques, approaches, and procedures for collecting data from the respondents. This research applied feminist and grounded theory methodologies in which secondary and primary data were collected using qualitative methods. Feminist theory focuses on analyzing the nature of gender inequality by examining women's and men's social roles, experiences, interests, chores, and feminist politics in a variety of fields, such as anthropology and sociology, communication, media studies, literature, education among others (Brabeck et al., 1997). Grounded theory, on the

other hand, sets out to discover or construct a theory from data, systematically obtained and analyzed using comparative analysis (Ralph et al., 2015). The qualitative research design was also used to explore and understand women's beliefs, experiences, attitudes, behavior, and interactions. Qualitative research contributes to complex textual descriptions of how people experience a given research issue. It provides information about the "human" side of an issue – that is, the often-contradictory behaviors, beliefs, opinions, emotions, and relationships of individuals (Hancock et al., 2007).

2.3 STUDY SITE

The study was conducted in Nairobi, Coast and Nyanza regions in Kenya. The respondents were chosen purposively to participate in the study. In Nyanza region which combined the former Nyanza and Western provinces in Kenya, the interviews were conducted in Kisumu City with respondents drawn from Homabay, Migori, Busia, Mount Elgon, Kisumu, Kakamega, and Bungoma Counties. At the coast region,

interviews were conducted in Mombasa City and respondents were drawn from, Kilifi, Malindi, Kwale, Lamu, and Taita Taveta Counties. The interviews conducted in Nairobi City and the participants from across the country, representing a diverse categories including pathfinders and key informants from selected civil society organizations.

The selection of the regions, mentioned above, was done by UON WEE Hub in partnership with the Kenya National Bureau of Statistics (KNBS). The Kenya National Bureau of Statistics provided the selection criteria of the counties or the study site. The selection of counties aimed to ensure that although the hub could not conduct research in all 47 counties of Kenya, a diverse representation of the 47 counties was included to maximize the impact on women's economic empowerment. Additionally, the selection of counties aimed to ensure that findings from the study could be extrapolated to counties with similar socio-economic conditions. A total of 15 counties were selected for the study, with participants drawn from each county. The selected counties included Nakuru, Busia, Siaya, Kirinyaga, Wajir, Nairobi City, Vihiga, Kitui, Kajiado, Kisii, Tana River/Garissa, Kiambu, Uasin Gishu, Kisumu, and Mombasa.

2.4 TARGET POPULATION

The study targeted women and women's organizations that were specifically engaged in the constitution-making process. They included:

1. Pathfinders: In-depth interview to capture the lived experiences of luminary women, who were involved in the making of the Kenya constitution 2010 to elicit the strategies that worked for upscaling for WEE. The following is one of the photographs taken during interview sessions:



Figure 1 Researchers Conducting an In-depth Interview in Kisumu

2. Focus Group Discussions (FGDs), with grassroots women leaders drawn from women's organizations to identify the strategies that worked for women's organizations, challenges faced and, lessons learnt during the making of the Constitution of Kenya 2010 that can be incorporated in advancing women's self-mobilization. The following two photographs were taken during the FGDs sessions in Kisumu and Mombasa.



Figure 2 Focus Group Discussion (FGD) in Kisumu



Figure 3 FGD in Mombasa

2.5 SAMPLING TECHNIQUES AND SAMPLE SIZE

Sample size entails the number of participants chosen from the whole population to participate in a research or study (Ngoako, 2011). Purposive sampling was initially used to identify women leaders who had witnessed or were familiar with women's self-mobilization between 1963 and 1975. These women provided oral testimony and took part in key informant interviews, due to the small size of the target population, this method was ideal for the study, allowing for in-depth information. The number of women and women's organizations involved in the constitution-making process in the selected counties determined the sample size for the study. Snowballing was later used to identify more respondents to take part in the study as initial respondents provided critical links to other economic female giants and organized groups drawn from various regions in Kenya.

2.6 DATA COLLECTION TOOLS

Different tools were designed and pilot-tested for each group of informants. The instruments were aligned to cluster four (4) project objectives, outcomes and indicators. They included:

1. Autobiographical narrative guide for selected women pathfinders, who participated in the Kenyan constitution-making (1997–2010).
2. Semi-structured in-depth interview questionnaires for individual women drawn from Civil Society Organizations (CSOs) such as GROOTS, WPA-K, FIDA, CRAWN TRUST/NWSC, Kenya Women Political Caucus, CCGD, League of Women Voters, ECWD among others.
3. Focus Group Discussions (FGDs) guide with select women, who were involved in the making of the Constitution 2010

drawn from women's organizations in the selected regions.

4. Key Informants Interview guide with select women. It comprised of two parts: the first part determined fundamental issues, and the second part consisted of questions that focused on the study variables. The guide contained unstructured questions to encourage the respondents to give information without feeling held back from sharing of any information.

2.7 DATA COLLECTION PROCEDURE

The data collection process began by assembling a research team consisting of a lead researcher and two research assistants for each study site. To ensure the effectiveness of the data collection, the team members participated in a one-day training session before commencing the data collection exercise. Primary data were collected using in-depth interview guides with women pathfinders who had taken part in the Constitutional Review Process (see Figure 4). KII interviews were conducted with women leaders of women's organizations that were involved in the constitution making process in mobilizing, capacity building and/or giving technical support to women delegates during the National Constitutional Conference (NCC) held at the Bomas of Kenya. Some of these women from Civil Society Organizations (CSOs) included GROOTS, WPA-K, FIDA, CRAWN TRUST/NWSC, Kenya Women Political Caucus, CCGD, League of Women Voters, ECWD, among others. Other CSOs and/or institutions were included. FGDs were held with groups of 8-12 women who had information on the constitutional review process in Kenya. The purpose of FGDs was to collect to provide a forum for the participants to generate discussions or debate on women's participation in the constitution-making in Kenya and to give their collective views and the meaning of the same.

Select women shared their personal experiences during the constitution making process in Kenya. The researcher used an autobiographical narrative guide to guide the narration. The following is the breakdown of the participants involved in the regional interviews and FGDs:

A total of 70 participants were initially targeted for the study in three regions (Nairobi, Coast, and Nyanza). However, only 55 participants were able to take part in the study, as some of the targeted pathfinders were unavailable, and a few others had passed away. Out of the 55 participants, 18 were pathfinders, 30 were representatives from Civil Society Organizations (CSOs), and 7 were key informants. A total of 53 interviews were successfully coded and analyzed, while one recording was corrupted and could not be transcribed, and two other recordings were missing. The graph below shows the regional distribution of the interviews conducted:

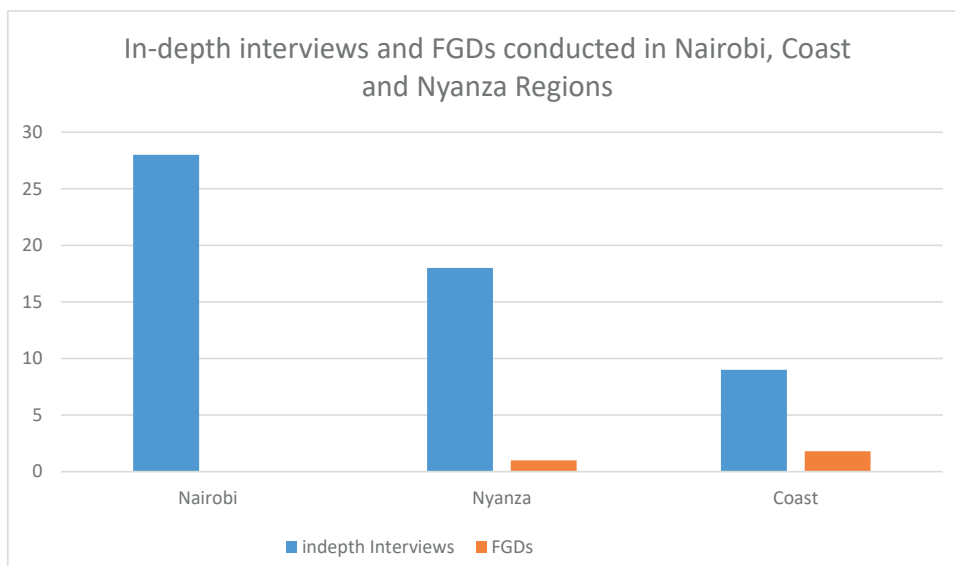


Figure 4 Number of interviews and FGDs conducted per region

- i. Nairobi region: A total of 28 in-depth interviews comprised of 16 Pathfinders and 12 CSOs were conducted.
- ii. Nyanza region: 18 face to face in-depth interviews were conducted. One FGD was conducted with participants drawn from Maendeleo ya Wanawake Organization (MYWO), Nyanza Women Caucus, POA, Women’s Group, Homabay, Kasipul Kabondo Women Group, Programme for Rehabilitation of Women and Children in Social Economic Difficulties, Homabay, and Migawi Women Group.
- iii. Coast region: A total of 8 face to face in-depth interviews, 7 in Mombasa and one in Wundanyi, Taita Taveta, were conducted. Another was conducted virtually bringing the overall total in-depth interviews to nine. One FGD took place in the Coast region.

70 participants initially targeted for the study in three regions (Nairobi, Coast, and Nyanza)

only **55** participants were able to take part in the study, as some of the targeted pathfinders were unavailable

18 were pathfinders,

30 were representatives from Civil Society Organizations (CSOs)

7 were key informants.

2.8 DATA ANALYSIS

Data were analyzed using NVIVO, a software used for qualitative and mixed methods research. The software is used for the analysis of unstructured text from the audio, video transcriptions and image data including interviews, focus group discussions, surveys, social media, and journal articles. The hub constituted two teams tasked with the data analysis process. The first team was tasked with transcriptions and translations of the field interviews (audio and video) under the supervision of the quality assurance personnel. While the second team was tasked with the actual analysis of the transcribed and translated data. Prior to embarking on their respective tasks, the two data analysis teams underwent a three-day training on NVIVO software application. The team members were tasked with the creation of a codebook as per the interview guides to create thematic areas (codes) that helped in the coding process. The team members were then tasked with reading the transcribed text before coding the information from the texts to the thematic areas (codes). The team members also created and linked memos to specific codes to record insights and vital information that is important in the project. Free codes such as interesting quotes (quotable quotes, some of which have been used in text boxes) were also generated as a deposit for substantive information to enhance the project.

2.9 ETHICAL CONSIDERATIONS

Prior to the interviews, respondents were informed about the purpose of the study and the length of the interviews. All respondents were asked to sign an informed consent form and were free to respond voluntarily. To protect the respondents' identities codes were used and the responses were made anonymous.

CHAPTER THREE

DATA ANALYSIS, INTERPRETATION AND DISCUSSION OF FINDINGS

3.1. INTRODUCTION

This section presents the data collected during the study based on the research objectives. These objectives include identifying the strategies used by the women's movement during the constitutional review process in Kenya between 1997 and 2010, documenting emerging best practices for women's self-mobilization, exploring the strategies used by women in self-mobilization for Women's Economic Empowerment (WEE), and identifying gaps in policies and legislation for advocacy for WEE. The data was collected using questionnaires and document reviews, and interviews were recorded, transcribed, translated, cleaned, and coded for analysis. The findings are presented thematically, using relevant quotes from the interviews to highlight key points.

3.2. RESPONSE RATE

The study targeted a total of 70 participants in the three regions (Nairobi, Coast and Nyanza). A total of 55 participants took part in the study as some of the targeted pathfinders were not available while a few others had passed on were conducted. Out of the 55, 18 were pathfinders, 30 were CSO representatives and 7 were key informants. Key Informant Interviewees (KIIs) that is, Pathfinders and CSOs and 2 were Focus

Groups Discussions (FGDs). However, only 53 out of the 55 participants were coded and analyzed. The recorder of one interview was corrupted and could not be accessed for transcription. Another two interview recordings were missing. The following graph shows the regional breakdown of the interviews conducted:

A total of 55 participants took part in the study as some of the targeted pathfinders were not available while a few others had passed on were conducted. Out of the 55, 18 were pathfinders, 30 were CSO representatives and 7 were key informants.

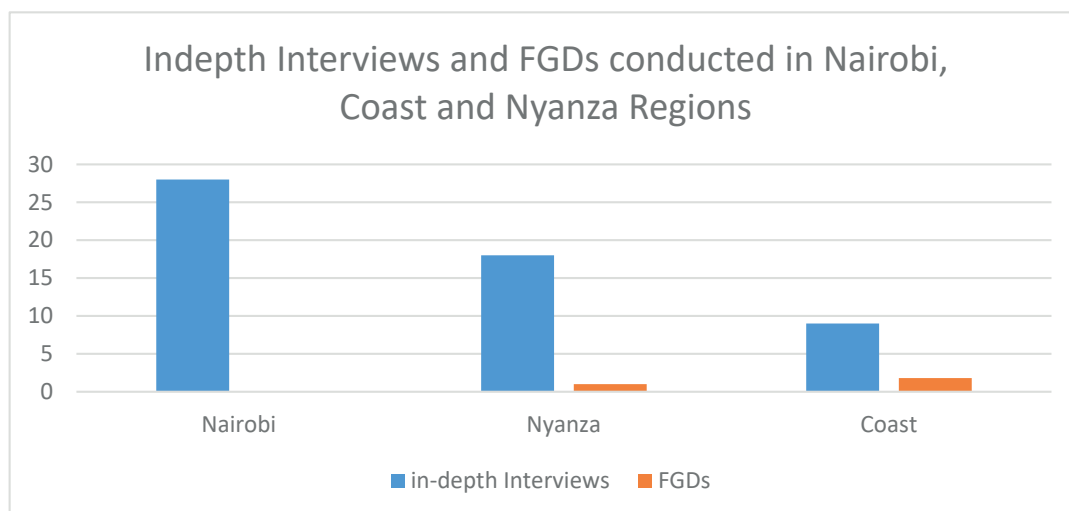


Figure 5 Number of Interview and FGDs Conducted Per Region

- i. Nairobi, a total of 28 interviews (face to face and virtual) out of the targeted 40 (16 Pathfinders and 12 CSOs) were conducted.
- ii. In Nyanza region, 18 interviews and one FGD were took part in the study. The FGD participants represented Maendeleo ya Wanawake, Nyanza Women Caucus, POA, Women's Group, Homabay, Kasipul Kabondo Women Group, Programme for Rehabilitation of Women and Children in Social Economic Difficulties, Homabay, and Migawi Women Group, Homabay.
- iii. The Coastal region, conducted in Mombasa a total of 9 pathfinders in-interviews as follows; 7 at the University of Nairobi, Mombasa Campus, (one virtually and another one in Wundanyi, Taita Taveta, and one FGD took place with participants drawn from Mombasa, Malindi, Kilifi, Lamu and Kwale.

3.3. WOMEN'S INVOLVEMENT IN THE CONSTITUTIONAL REVIEW PROCESS

This section discusses reasons that led women to be involved in the constitutional review process and also the challenges they encountered and the lessons learnt.

3.3.1 Reasons for individual women's involvement in the review process

Women participated in the constitution-making process for various reasons, such as to advocate for women's inclusion in the constitution, create awareness of the constitution, ensure women's participation in development, create leadership space for young women, and ensure women's inclusion in leadership positions. The following are some of the pathfinders' responses:

- R1: "I wanted to fight for women, to see how they can be helped to rise from adversities and also informed about the constitution," (Pathfinder, Mombasa).
- R2: "I was very interested in women's participation in development and what governments can do," (Pathfinder, Kisumu).
- R3: "I joined the women's movements at a very tender age and I decided to join because I felt I needed to do something with women and at that time I felt that young women did not get space." (Pathfinder, Kisumu).

R4: "I had of course vied as a member of parliament in Thika and I had competed with strong men. Therefore, I felt it is this constitution that is going to help women overcome the challenges that I experienced when I vied as a member of parliament. I also realized that there were issues that could be solved through the constitution. It is for this reason that I actively participated in the constitution-making process," (Pathfinder, Nairobi).

R5: Commitment to perfecting the constitution and commitment to making it equitable and accessible to all (CSO, Nairobi).

These responses from the individual pathfinders reflect the quest for women's liberation from the oppressive culture, religion, socioeconomic and patriarchal systems. This corroborates with other scholars' arguments such as Domingo et al. (2016), Kabira et al. (2018), and Kabira and Mbote (2017), who expounded on issues surrounding marginalization, misrepresentation leading the women to adopt diverse strategies including lobbying and advocacy for the gender equality and recognition of women's rights. Failure of the governance system to acknowledge and recognize women's rights was some of the reasons that women and women's organizations got involved. From the earlier studies carried out on related literature, women's mobilization and communal endeavours in Kenya became most evident during the colonial era as women took part in the fight for independence through the Mau Mau movement. Women featured prominently in the Mau Mau network serving as the link between the fighters in the forests and the reserves. Besides, similar events were taking place elsewhere. For instance, in South Africa, during the apartheid era, South African women mobilized themselves across the divides of race and income through the "motherist approach" where they drew attention to the problems they were facing as mothers (Britton & Frish, 2009), while in Nigeria, among the Yoruba, the Iyalode, a group of individual high-status women, got involved through their local movements, (Adamu, 2006).

A similar trend emanated in different parts of the world whereby organizations got involved for various reasons which included but not limited to ensuring women issues are included in the constitution, the constitution as a source of reprieve from poor governance, creating a platform for women to be heard, as expounded by some of the respondents.

3.3.2 Motivation for women's CSOs to participate in the Constitution-Making Process

The independent constitution had not factored in women's concerns. For example, they were under-represented (Phillips, 1995; Kabira, 2010) in institutions of power and decision-making. Since the 1990s, there were several unsuccessful efforts at constitutional reforms to address such inequalities but they were thwarted by political actors. This was a result of political oppression, human rights abuses, extra-judicial killings and abuse of state power (Kabira, 2010). This provoked not only people from all walks of life but also touched the inner-core of the overly underrepresented category of the womenfolk, which made them unite despite their ethnic diversity, religion, and social status to push for the inclusion of their agenda in the constitution (Kabira, 2012).

Women's CSOs were also involved in the constitutional review process and were instrumental in enhancing the participation of women in the process as they facilitated and provided the platform for women to push for their rights. The national-level women's CSOs involved in the study included GROOTS, WPA-K, FIDA, CRAWN TRUST/NWSC, Kenya Women Political Caucus, CCGD, League of Women Voters, ECWD, MYWO, among others. Others such as Nyanza Women Caucus, POA, Women's Group, Homabay, Kasipul Kabondo Women Group, Programme for Rehabilitation of Women

and Children in Social Economic Difficulties (Homabay), and Migawi Women Group (Homabay) were involved in the Nyanza region. Women leaders from these CSOs were required to respond as to what motivated their organizations to participate in the constitution-making process. The following are some of the responses:

R1: "Desire to transform the country, historical time to seize the moment, ensure women's voices are heard, and desire to be leaders and champion issues affecting the community." (FGD, Mombasa).

R2: "More importantly, is also because of the passion we had in terms of seeing our country better," (CSO, Nairobi).

R3: "I think it was a historical moment that we had to seize and do what that historical moment required of us," (CSO, Nairobi).

R4: "Because women are the ones who mostly know the challenges facing the community, so we wanted these issues addressed in the constitution." (FGD, Kisumu).

R5: "It is the problems and challenges we had, and we thought that enough is enough and we had to stand as women because a woman or I myself I can have 20 children and my husband and I can manage them all so I can also be a leader," (FGD, Mombasa).

R6: "There are those women, who believed that they didn't have a chance to champion issues affecting their community. This was now their platform to exercise their leadership to have influence," (FGD, Mombasa).

R7: "We were thinking on issues about women empowerment so that we could also uplift our women issues such as decision-making and leadership," (CSO, Nairobi).

R8: "We recognized that the Constitution was a key institutional mechanism for enhancing women's political participation, but even more broadly, civic engagement," (CSO, Nairobi).

R9: "They could just underrate you, and so when the constitution came, and I think after reading it, it was that at least we have a chance," (CSO, Kisumu).

R10: "A lot of these people who are members of forces had suffered directly or indirectly, under these two powerful regimes. And so, they believed in change through the constitution," (CSO, Nairobi).

R11: Formulating policies that will support the organizations (CSO, Nairobi).

R12: Self-mobilization, and public lobbying for needs (Pathfinder, Nairobi).

These responses expose the unfair and uncondusive environment surrounding women, especially due to the patriarchal and cultural settings in most African societies (Ondicho, 1993).

3.3.3. Challenges encountered by women during the constitutional review process

The following excerpts from interviews highlight the challenges faced by women's organizations in influencing the 2010 constitution when asked about them.

3.3.3.1 Lack of financial resources

The participants cited a lack of adequate financial resources as a major challenge that women had to grapple with during the constitutional review process. The following excerpts illustrate this challenge and how women overcame it:

R1: "People thought that you had money. We do not have money. A lot of this work has been worrying. I can tell you, you volunteer, you fuel your car, you spend your time, but people will see like you're funded to do this. For me, I've never been funded to do whatever I have done for women is only that I'm passionate about women in the role of women in this country," (Pathfinder, Nairobi).

R2: Women did not always have donor funds to support their activities such as meetings to strategize and build consensus on women's constitutional agenda (Pathfinder, Nairobi).

As illustrated above, Women contributed their own resources, including time, skills, and finances, to support the women's movement in advancing their constitutional agenda. This was exemplified by women leaders such as the late Kamla Sikand, who hosted numerous women's meetings at her home in Westlands and bore the expenses of holding meetings at hotels or paid venues.

3.3.3.2 Cultural practices

Cultural practices such as patriarchy that confine women to the private realm were also a key challenge among some communities as illustrated below:

R1: "Kenya women would be very far, because we are many. But men, kind of men know how to take advantage of women. And they can

"From that constitutional review, you know you can say the good lessons are that this was the first time we had a truly national discussion because the delegations that were represented there came from every corner of Kenya" J.A

divide and rule them easily. That was the worst challenge that I learned while in the constitutional review process" (Pathfinder, Kisumu).

3.3.3.3 Religion

R4: Women were at times divided amongst themselves on certain issues. For example, Christian and Muslim women were divided on the Kadhi's Court and the exemption clause for Muslim women concerning inheritance. Christian women believed that the Muslims were trying to bring the Sharia Law through the Kadhi Courts which they

were opposed to. Muslim Women were in support of these issues as they said they were denied talaka/inheritance upon divorce because the Kadhi Courts were not run professionally. Anchoring them in the constitution would guarantee them their rights in Marriage and divorce. As regards inheritance, the Muslim Women preferred what is provided for in the Koran since adopting the proposal by other Kenyan women would make them lose what they were guaranteed by the Holy Book which included inheriting from the father, husband and brothers (Pathfinder, Nairobi).

3.3.3.4 Language of the constitution

R4: "The constitution that we have was not in the language that is understandable by the people at the grassroots as it was official Kiswahili that would force you to look for other words that you can use that are more understandable by the people, remember we were talking to different kind of people with different levels of understanding so that they could understand differently and you had to look for a language that is understandable to all the audiences" (FGD Mombasa).

3.3.4 How women overcame the challenges

Despite the challenges, the women were resilient and waded through the murky terrains. They shared their experiences on how they overcame such challenges through strength in numbers, consulting and dialogue amongst themselves and the elders, civic education, holding consultative meetings to resolve any issues, mentorship, focusing on the agenda, lobbying and volunteering their resources for the women's course. Examples of some of the responses are:

R1: "There are those who believed that women should not have all these gains. So, there was a lot of engagement in

terms of lobbying the very prominent and powerful individuals who were sometimes difficult to engage with. However, because of the power of the large numbers of women, it became for women to engage," (Pathfinder, Nairobi).

R2: I would like to give credit to our late Kamla Sikand. I remember we had many meetings at her home in Westlands, Nairobi Kenya, where, she didn't mind the number of women who came there to meet, and she would ensure you don't only have space for meeting. You have lunch. You had all the meals and she used to make us sweet and nice banana cakes. So, you take the tea with the banana cakes," (Pathfinder, Nairobi).

R32: When Christian and Muslim women were divided on the issue of Khadhi's Court those of us who were leaders tried to understand the issue from the Muslim Women's perspective and made the Christian Women understand why the provisions were important for women. We would also make each side understand that we want a win-win situation where all women were winners and non-lost what they were already guaranteed" (Pathfinder, Nairobi).

Women were able to address the challenges that arose along the way and move on as a united front in pursuit of their constitutional agenda. This is what enabled them to realize the rights including the affirmative action principle, the social and economic rights among others provisions that were enshrined in the Constitution of Kenya 2010.

3.3.5 Lessons learned from the Constitution-Making Process

Every process in life is a learning process and the women shared the lessons learned from women's mobilization and negotiations during the

constitution-making process, to which they responded: “There is strength in diversity, staying focused yields success, unity is key to achieving our goals, clarity is important in achieving what is set ahead of us, having male allies is important in pushing the women’s agenda, women should be involved in activities to strengthen the agenda, women should be willing to listen and accommodate each other’s perspective, the intergeneration forum is important in ensuring the passage of knowledge to the young women leaders.” The following are some of the highlights as shared by the respondents:

R1: “Our diversity is our strength, and we can learn that the one you don’t see on the table exists, they are somewhere we just need to find” (Pathfinder, Nairobi).

R2: “When we involve women in an activity, the issues come up very strongly as opposed to when we involve men alone” (Pathfinder, Mombasa).

R3: “Women need to have an open mind, have the willingness to see the other person’s perspective. You may not agree that is why they say women fight all the time, but even if we fight all the time, it’s a matter of what you see in that perspective” (Pathfinder, Kisumu).

These responses show that solidarity did not only strengthen their voices but also provided a platform for articulating their problems. Women’s movement had a common feminist inclusion agenda regardless of their political, and social economic backgrounds. Independence did not necessarily mean socio-economic growth, they either formed new organizations or changed the focus of those organizations that had been formed during the colonial era to place more focus on political, social, and economic issues that affected them (Ouko, 1985).

3.4 STRATEGIES WOMEN’S MOVEMENT USED DURING THE CONSTITUTIONAL REVIEW PROCESS IN KENYA (1997-2010)

3.4.1 Introduction

This section addresses the research question: what strategies did women’s movements use during the constitutional review process in Kenya from 1997–2010? In identifying the strategies women’s movements used during the constitutional review process in Kenya (1997–2010), other factors that contributed to the strategies also came to the fore. These include working with key players and the value of working together emerged as best practices from the strategies identified.

The constitution-making process is a journey, which has a point of departure to the final destination. With this understanding, it was also necessary to understand the reasons that made women’s movements get involved in the first place. Therefore, the following questions were addressed: why did they get involved in the process? Which organizations did they work with? Which women and men leaders did they work with? Additionally, they were also asked to elaborate on the strategies they used during the constitution-making process, especially their input at various stages and with various agents, influencers, and or institutions. The study also focused on what challenges they faced, and how they overcame them. Women’s movements played a critical role in responding to their quest for liberation.

This section also contextualizes the role of civil society organizations (CSOs) and women’s movements in mobilizing women’s economic empowerment. The study examines their contributions during the constitution-making process, including their roles, motivations, successes, challenges, and strategies. It also explores their involvement with other women’s organizations, their affiliations, sources of funding,

and their experiences in organizing themselves. The study highlights the value of working together to negotiate for their interests, as evidenced by the following responses:

R1: "There were a lot of arguments about whether should gender be in the constitution....."
(Pathfinder, Nairobi).

Evidence from the interviews reveals that the independence constitution did not adequately address women's concerns prompting them to get involved to entrench and safeguard their interests and push for constitutional reforms. This is confirmed by Domingo et al. (2016), who notes that the new constitution was a culmination of a failure of the previous political system to address women's issues. It led them to adopt diverse strategies including lobbying and advocacy for gender equality and recognition of women's rights (Kabira *et al.*, 2018; Kabira & Mbote, 2017).

3.4.2 Strategies used by women's CSOs During the Constitutional-Making Process

Women's CSOs at the national and grassroots levels collaborated and networked amongst themselves in their struggle to mainstream women's agenda in the constitution. These organizations included Federation of Women Lawyers (FIDA Kenya), Maendeleo ya Wanawake Organization (MYWO), National Council of Churches of Kenya (NCCK), Women Political Caucus, FAWE, UN-Women, The Coalition on Violence against Women (COVAW), Kenya Women Parliamentarians Association (KEWOPA), National Council of Churches of Kenya, Program of Christian Muslim Relations in Africa (PROCURA), The MAA Association, Mwakenya Movement, Tukomeshe Unajizi Network, Education Center for Women in Development (ECWD), Busia Women Association, CPDA, UNDP, The Catholic Justice and Peace, CKRC, National Democratic Institute, The National Council of Kenya, Women of Faith Women Political Alliance - Kenya, Water Services Board, Local organizations, CBOS, Family Planning Association of Kenya, Christian Partners Development Agency (CPDA), United Nations Development Program (UNDP), Pambazuko la Wanawake Magharibi (PALAWAMA), Democratic Party (DP), the Catholic Justice and Peace Commission, CKRC, National Democratic Institute, The National Council of Kenya,

Women of Faith Women Political Alliance, Water Services Board, Community Based Organizations (CBOs), and the Family Planning Association of Kenya, among others. The participants identified diverse strategies for their respective CSOs to influence the constitutional review process in Kenya. The following are the strategies identified by the participants.

3.4.3 Unity of Purpose

Solidarity among the Kenyan women made them focus on their quest for whatever they aspired to achieve. Unity of purpose enabled the women to focus on the women's constitutional agenda throughout the review process. They spoke in one voice throughout the review process and

"Women's movements are essential to expressing diversity, to suppressing our different ideologies as women, but also it's a recognition that we are not homogeneous"
A.O

throughout the country as extrapolated in the following excerpts:

R1: "We could have meetings at the national level where we brought all the different organizations together. We could bring women from the grassroots, the different parts of the country, Kisumu, Mombasa, north-eastern colleagues, and other parts of this country. This ensured that every woman understood the issues we were advocating for hence when the commissioner comes to collect the views, we unanimously say these are the issues," (Pathfinder, Nairobi).

R2 The committee stage at Bomas we could not achieve it if we were not united. We were not even fighting we were just identifying our strengths and building on each other's strength to push forward, whoever we thought was good, that is how we achieved," (Pathfinder, Kisumu).

R3: "If we were not working together, we couldn't have been successful in coming up with the changes in the constitution. For example, we have 47 women seats, and we hadn't fought for them they couldn't have been there," (CSO, Nairobi).

R4: "We could have meetings at the national level where we brought all the different organizations together. We could bring women from the grassroots, the different parts of the country, Kisumu, Mombasa, north-eastern colleagues, and other parts of this country. This ensured that every woman understood the issues we were advocating for hence when the commissioner comes to collect the views, we unanimously say these are the issues," (Pathfinder, Nairobi).

Their unity and commitment to the review process also enabled them to unlock the stalemate in the constitution review process, as Tripp et al (2016), notes the deeply divided Kenyan constitutional reform process, women came together at the Women in the National Constitutional Conference

to coordinate, strategize and offer a model for overcoming the political stalemate.

3.4.4 Civic Education

The literature review illustrates that civic education on the essence of gender equality can greatly boost women's inclusion and reduce discrimination. Both South Africa and Kenya stress the importance of civic education and public outreach for fruitful and informed participation. It provided a platform for women to educate women on their rights and the importance of the new constitution. Examples of the responses included the following:

R1: "There was massive countrywide civic education where the organization maps the country. They had put down the map of the country on the table and demarcated it. We were able to penetrate the most remote part of the country. We were able to penetrate with education," (Pathfinder, Nairobi).

R2: Civic education on the constitution and leadership of any kind including political, training and capacity building, coordination of CSO in Nairobi, funding many processes, supported women in their activities, capacity building and technical knowledge building, media facilitation under Kenya Union of Journalists and the Kenya Correspondence Association, Gender Editors' guild.....and we had a round table meetings with the editors on the role of the media in highlighting conflict (CSO, Kisumu).

R3: "We took a very big role in the voter education, getting people to be able to understand what the gains within the Constitution are, I saw women develop very simplified materials, small booklets that were distributed in different parts of the country," (CSO, Nairobi).

R4: "There was massive countrywide civic education where the women's organization

maps the country. They had put down the map of the country on the table and demarcated it. We were able to penetrate the most remote part of the country. We're able to penetrate with education," **(Pathfinder, Nairobi).**

R5: I saw them being able to mobilize in different parts of the country and especially within the constituencies. I saw them even looking at the whole country and in mapping, who is in which part of the country who is in Mombasa who is in Kisumu so that that information can be disseminated as far as possible and through that people then can be able to understand so the women were part and parcel of organizing and pushing the agenda (CSO, Kisumu).

R6: Sensitizing, educating, and mobilizing the women at the grassroots to be able to articulate the women's issues and to make submissions during the Constituency Public Hearing Forums (Pathfinder, Nairobi).

R7 Working together with other women and other leaders and we educated the other women about the constitution, its benefits to women (Pathfinder, Mombasa).

The women's organizations also produced and disseminated simplified civic education materials such as newsletters, brochures, posters, leaflets, and booklets ranging from in-depth discussions of complex issues to comic books enabling the women to clearly articulate what was happenings in the government and country at large as well as the significance of participating in the review process from an informed position.

3.4.5 Lobbying and Engaging with Key Stakeholders

One of the strategies the Women's CSOs used as per the findings was lobbying with the key players. These were institutions such as government and non-governmental organizations, parliament

and community members, trade unions, women leaders, and partner organizations. They lobbied these institutions to support issues relating to the women's constitutional agenda. According to one participant, the women would at times bring different stakeholders together to review and give a directive on women's issues to be addressed in a constitution as one respondent noted:

R1: "Lobbying together of different stakeholders together, for instance, there were many drafts that came to Naivasha, the Bomas and so on, when people were not satisfied, they would call another one for review, challenge and question the outcome of a particular group. Also, making public what your decisions are, for people to pop in" **(Pathfinder, Kisumu).**

Other participants noted that:

R2: "Government and even non-Governmental organizations" (CSO, Kisumu).

R3: "The members of Maendeleo, administration chiefs, even the community," **(CSO, Kisumu).**

R4: "Beatrice Elachi, who was an observer at Bomas, she worked closely with our organization" (CSO, Nairobi).

R5: "The elders came together in a series of meetings and then brought the women together and they spoke in one voice, and said, this is a do or die for us" (Pathfinder, Nairobi).

Another participant noted that:

R6: "We also had FIDA, we had Maendeleo ya Wanawake, we had the Family Planning Association, we had the Kenya Medical Women Association and Kenya Home Economics Association. We also worked with the local administration; we worked with the Kabete police station where we had a GBV desk there" (CSO, Nairobi).

Other stakeholders with whom women engaged included rights advocated organizations including Legal Resource Foundation, NCIC, Kenya human rights commission (KHRC) URAIA, Trochaire Citizens Coalition for Constitutional Change (4Cs Trust) among others

3.4.6 Working with male allies

One of the strategies that were widely used by the women's movement was working with male allies. Working with men has been attested in various studies such as by Kabira, (2012) when women took up the challenge of joining hands with their male counterparts to push for the independent constitution review. The men supported the women in various capacities such as:

R2: "We worked with Maina Kiai, our chairman, then very strong in advocacy on matters of governance and accountability which are captured very well in the constitution," (Pathfinder, Nairobi).

These findings are corroborated by Kabira (2012) who noted that women took up the challenge of joining hands with their male counterparts to push for an independent constitution review.

3.4.7 Lobbying and advocacy

Lobbying is a process of dealing directly with decision-makers such as constitution-makers with a view to seeking support for a position on some issue of importance. On this strategy, one of the respondents noted:

R1: "Every afternoon, we would sit as a caucus of women and look at the issues and there we pick the issues that we know we need to lobby to become one of the gains for women. And I think it was within that Bomas draft the women first engaged but more importantly believed that they were not there because of regions or political parties but for the sake of the women of Kenya" (Pathfinder, Nairobi).

"Collaborations with the different stakeholders.....Media collaborations, and just doing things differently, you know, there is a way to do things and sometimes when the door is shut you are allowed to open the windows and to see how to proceed. So, it's just a matter of keeping your doors and options open "J.A

In a constitution-making process, the issues being lobbied about involved the design and operation of the process itself as well as questions about the content of the constitution (Skjelton, 2006). During the constitution-making process in Kenya, women lobbied from the grassroots to the topmost level to ensure that everyone participated in the constitution-making process as everyone mattered.

In addition, women's groups and organizations should also lobby and reorient their group activities from their predominantly social welfare nature to greater emphasis on economic control. This can be achieved through a collective approach as evidenced during the constitution-making process whereby civil society organizations (CSOs) worked as a team in spearheading the women's agenda and influencing the constitution-making process (Kabira, 2012). For instance, one respondent noted:

R2: "Women leaders teamed up with women movements like the Political caucus that was serving that time. They used to get money from the sponsors and the money was castigated down to the ground. They were able to reach women at the grassroots" (CSO, Nairobi).

Lobbying men was also an effective practice in the quest for the dispensation of the new constitution as one respondent said:

R3: We had to do a lot of lobbying even with men, for them to understand that when your woman is empowered, your family is also empowered. Your children are also empowered" (Pathfinder, Nairobi).

Women should thus keep lobbying men and have male allies that will help in the push for bills and motions in parliament that support the women's agenda even as the country steers towards the realization of the constitution 2010 gains and beyond.

3.4.8 Value of women working together to push for women's agenda

One of the objectives of the study was to investigate the advantages of women working together to promote their interests. The results indicated that this approach brings numerous benefits, such as bolstering the advocacy for women's agenda, creating a forum for women to advocate for development, showcasing the achievements women have made in line with the 2010 constitution, bringing together women from different backgrounds, and contributing to the nation's overall prosperity. The participants in the study provided these responses, highlighting the value of women collaborating to achieve their goals.

R1: "It is impossible to make things move but when you go as group as women then you are able to push for you things because they will feel that this is not so and so's matter, it is a matter that concerns various women," (CSO, Kisumu).

R2: "It is a voice of reasoning as they can lobby for support and general concern of women in development" (CSO, Kisumu).

R3: "If we were not working together, we couldn't have been successful in coming up with the changes in the constitution. For example, we have 47 women seats, and we hadn't fought for them they couldn't have been there" (CSO, Nairobi).

R4: "It is a great foundation if women work together from rural to National level and bringing the women's voices, so you don't have a politician going to the rural and the rural women say "those are not working for us". Having a network that links women from that Wanjiku from the ground to the professional" (CSO, Nairobi).

R5: "When women work together, this country changes when women work together,

society becomes more prosperous, healthier, peaceful, and it becomes just a happy place, a happy place. If women are happy and they bring their happiness to their work, because I believe sometimes women work very hard and they're not recognized well, so maybe they don't feel much fulfilled. If women are fulfilled, they will have a very happy society" (CSO, Nairobi).

The value of working together not only strengthens the women's agenda, but it makes their voices heard and their presence felt. The women's CSOs were led by focused and passionate women who knew unity is strength. They included the late Professor Wangari Maathai, an environmentalist and political activist, who worked tirelessly to better women's earnings by providing them, through environmental conservation, with access to resources such as clean water. Dr Wanjiku M. Kabira, an academician, researcher and activist on women's empowerment, worked tirelessly in conducting both secondary and primary research to equip the activists with evidence on the various women's issues, among others. In 1997, Phoebe Asiyo who had moved the affirmative action motion which did not pass, (Home-FIDA Kenya, 2020). This marked the start of the struggle for affirmative action in Kenya. In the subsequent Parliament, Hon. Charity Ngilu tabled a motion about the implementation of the Beijing Platform for Action (BPFA), unfortunately, it also failed; Hon. Martha Karua, as the Minister for Justice, tabled the Constitutional (Amendment) Bill 2007 on Affirmative Action that sought to create 50 automatic seats for women in Parliament, which eventually also failed.

3.4.9 Participation in the Entire Constitution Review Process

Besides the individual efforts, women engaged in a collective approach through their CSOs. These CSOs were instrumental in spearheading the

women's agenda and influencing the constitution-making process through the entire constitutional reforms (Kabira, 2012). The majority of the respondents concurred, with Kabira, and noted that women were involved in all the stages of the constitution-making process from the preparing the law, civic education, collection of views and mobilization at the community level, Bomas negotiations and at the Referendum of 2005 and 2010 promulgation.

The respondents were asked to mention some of the organizations they worked with during the constitution-making process. Some of those they mentioned include the Federation of Women Lawyers (FIDA), Women Political Alliance -Kenya, Collaborative Centre for Gender Development (CCGD), Maendeleo ya Wanawake Organization (MYWO), Kenya Women Political Caucus (KWPC), Kangemi Women Empowerment Centre, National Council of Women of Kenya, Bridge Africa, green belt movement, ECWD, Haki Yetu, the League of Muslim Women Organization, Muungano wa Wanavijiji, African Women on Research and Development (AWRD), Mothers Union and PEFA Women.

R1 "These organisations were proactive in presenting their views to the CKRC which was formed to spearhead the constitutional review course" (Pathfinder, Nairobi).

As observed by Kabira (2012), women's organisations at the national level were the enablers of negotiation processes pertaining to women's work in constitution-making. They organised to present collectively and individually at the national level and the constituency hearings through their grassroots networks. The women did not leave any stone unturned, having gone through the process of negotiating and lobbying. They also shared the same with their affiliate CBOs at the grassroots level (Domingo, 2016). Notably, the women's movement was meant to mobilize

women as individuals and organizations in the struggle for a new constitutional dispensation that was to bring the critical mass for women in leadership among other gains (Ojwang, Review of 2012). One of the pathfinders says:

R2: *"I was involved in the preparations for writing the law, in terms of organizing the women to participate and getting their views on what they wanted for the constitution. The analysis that went into influencing the contents of the law itself, I was playing in the background or just, you know, organizing things to happen"* (Pathfinder, Nairobi).

And during the FGD in Kisumu, one of the participants remembered:

R3: *"The CKRC went around the country. It was the onus of the women critical mass and the CKRC commission, to listen to the women's voices to be included in the constitution, and I think they did, OK,"* (CSO, Kisumu).

During the National Constitutional Conference (NCC) that took place at the Bomas of Kenya, women played a significant role in negotiating and safeguarding the gains that had been made in the earlier stages of the constitutional review process. The following excerpts from the pathfinders illustrate this fact:

R1: *"There were professionals and the legal expertise and then there were the district delegates. The majority were the district delegates. The professionals who understood the law were able to educate the women on what the provision needs to be, and what the issues they can vote on are, and that is a two-way relationship. The women from the delegate category were able now to talk to the male counterparts to support these women's agenda,"* (Pathfinder, Mombasa).

Tripp, Kwesiga and Mungwa (2009), in their study, Changing Political Landscapes regarding

women's associations in Kenya, Ghana, and Cameroon, established that the present African women's movements differ significantly from the early period of post-colonial women's organizations. The study highlighted that present women's movements have different agendas, funding, and leadership, often attempting to widen existing outlines to incorporate political interests and find solutions to existing problems that women face.

3.4.10 Working With Other Women Leaders

The study revealed that women collaborated with women leaders, which was crucial because they were able to effectively articulate women's issues and act as a link between women and influential individuals and institutions in society. Women leaders held influential positions at different levels, from the grassroots to the national level, making them indispensable social capital for the women's movement. They played a significant role in ensuring that women's issues were supported and incorporated into the new constitution. Notably, some of these women leaders were highly educated, including Prof. Wanjiku Kabira, Prof. Maria Nzomo, Hon Phoebe Asiyo, Hon Jane Kiano, and Kamla Sikand. Others were serving parliamentarians, such as Hon. Martha Karua, Hon Beth Mugo, and Hon Charity Ngilu, among others. Their work in setting the women's agenda was crucial, and they also influenced the development of relevant legislation. The following are highlights of some of the legislations:

- i. Enacting a law requiring registered political parties to propose one-third of women candidates to partake in existing elections.
- ii. Seeking an amendment to the constitution to create fifty constituencies solely for women candidates in each province in the country.

- iii. Legislation to fund registered political parties and dedicate a percentage to women candidates fronted by each party (Kabira, 2012; Hansard, November 24, 1998).
- iv. The Constitution of Kenya Review Act, among others.

Kabira (2012) also narrates the story of many great women actors in the struggle, and the nature of their contribution while sparing us the pain that was suffered by individual women and their families as they identified with what at times seemed like mission impossible. They must be the women who, in her words (Kabira, 2012) “have names, hearts that ache, eyes that weep, feet that hurt”. Women dived deep into the process since the negotiations at the Bomas National Constitutional Conference of 2003-2004. Women shared the views which they wanted included in the constitution. They were present in almost every hearing session at Bomas.



3.5 CHALLENGES FOR THE REALIZATION OF WOMEN'S GAINS IN THE KENYA CONSTITUTION 2010

Despite the major role and gains from women's participation in the constitution-making process, they are yet to benefit from these gains. They continue to grapple with the implementation of gains in the constitution. They faced a myriad of challenges. Lack of funds, lengthy process, abuse from the public, minimal women representation, opposition from the men, family responsibilities, backlash, ethnic and religious divisions, family wrangles/family, language barrier, denial from voting, lack of knowledge, removal of women issues from the drafts, the timing of the hearings, intimidation from other women. Women in the political space are not involved in the women's movements and organizations and hence, do not understand the value of these movements and organizations and so, rather than use their political space to speak for and on behalf of the women's movement, they support the male political elite to whom they believe they owe their allegiance.

- i. Fragmentation of the movement due to scramble for funds.
- ii. Women leaders not being in touch with the real needs of women.
- iii. Women lack a shared understanding of their constitutional gains and, therefore, cannot defend them.
- iv. Consistent attacks on women's advancement by the male political class who have campaigned against women in leadership.
- v. Lack of political will to honor the constitutional promise for women; lack of appreciation of women's contributions.
- vi. Political fragmentation among the women leaders is based on the male elite fragmentation and a failure to defend their space and use the access to deliver good results in general.

- vii. The history of women's involvement in the first and second liberations has not been properly documented.

One of the participants noted that Prof. Wanjiku Kabira had taken the initiative of drafting a bill for ensuring the implementation of Article 43 on social and economic rights and it was passed by the parliament as she says:

R: "Prof Kabira, even went ahead and picked article 43 to ensure parliament can pass a bill that now deals with food security. Which I think has been dilly-dallying between the National Assembly and the Senate" (Pathfinder, Nairobi).

The socioeconomic gains that women realized in the Constitutional Review Process remain only on paper. They are yet to become a reality. Kenyan women, therefore, continue to grapple with the implementation of the gains in the constitution. Under Kenya's Independence Constitution, women had been marginalized in leadership and decision-making at all levels. They were also deprived of many human rights including the right to matrimonial and inherited property which had condemned many to abject poverty resulting in feminized poverty in Kenya. Efforts to enact legislation to include their representation in decision-making institutions were turned down by a male-dominated parliament. Therefore, when the opportunity for a comprehensive review of Kenya's constitution came they seized it. They organized themselves into a strong women's movement guided by the women's constitution agenda. They all spoke with one voice as far as the women's constitutional agenda. One of the Pathfinders noted, "there is strength in diversity, Staying Focused Yields Success, Unity was key to achieving our goals, and clarity is important in achieving what was set ahead of us". They participated at all stages and sought support from male allies and any other stakeholder who could

listen to them. They faced challenges which did not dampen their search for a new constitution that entrenched their concerns. Their struggles are written in every part of the constitution with affirmative action (CoK 23, p.8) permeating every institution created under the Constitution of Kenya (CoK) 2010.

Women's economic rights were also enshrined in the constitution such as the right to opportunities in the political, economic, cultural and social spheres (CoK 27, p.3), the right the matrimonial property parties to a marriage entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage which states that parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage (CoK 45, p.3) right to inherit property and the social and economic rights (CoK 43). One of the participants noted that Prof. Wanjiku M. Kabira had taken the initiative of drafting a bill for ensuring the implementation of article 43 on social and economic rights and it was passed by the parliament as she says:

The women's gains, therefore, remain enshrined in the Kenya Constitution 2010 as they continue to grapple with life's challenges including poverty, gender-based violence (SGBV), and under-representation in decision-making institutions and processes among many others.

3.6 WOMEN'S SELF-MOBILIZATION FOR WEE

This section highlights strategies used by women in self-mobilization for Women's Economic Empowerment (WEE)

3.6.1 Strategies used by women in self-mobilization for WEE

This section discusses strategies used by women in self-mobilization for Women's Economic Empowerment (WEE).

3.6.1.1 Introduction

Kimani and Kombo (2010) state that one of the central lessons that the Kenya Government should have learnt in its effort to combat poverty in Kenya is related to the lack of gender mainstreaming or the non-inclusion of both women and men in the development agenda. To eradicate poverty and achieve sustainable development, women and men must participate fully and equally, not only in the formulation and implementation of the related macro-and microeconomic and social policies and strategies but also in the sharing of the accrued benefits. According to existing literature, it is in self-mobilization where people take the initiative independent of external organizations, developing contacts for resources and technical assistance, but retaining control over these resources, and also be in a position to change systems of leadership or governance (Kabira et al, 2022, p.17; Cornwall 2008, p. 271). Additionally, they may be seen as their ability to organize themselves into groups to champion their right to be heard and incorporated into the socio-economic and political spaces. Women have since the 1960s strived for political, economic, and cultural emancipation, with more returns being realized in the formulation and enactment of the Constitution of Kenya (2010) as illustrated in the foregoing section, where progressive provisions for women's empowerment were enshrined in the supreme law. However, as noted above, Kenyan women continue to grapple with the implementation of the gains in the constitution, particularly those related to women's economic empowerment. It is for this reason that this study, sought to examine the strategies that women employ to promote women's economic empowerment.

This section presents the research finding on the strategies women use in self-mobilization for Women's Economic Empowerment (WEE). This is in recognition of the fact that self-mobilization is instrumental towards the realization of women's economic empowerment.

3.6.1.2 Women's Self- Mobilization for WEE

In this regard, the participants responded to the strategies they applied in self-mobilization for WEE as indicated in the following subsection:

- R1: "Setting up a group of ten people and giving them training on leadership skills, basic bookkeeping, table banking and virtues" (CSO, Kisumu).
- R2: "Give more information and maybe work in a way that the interests are minimal. Because these monies are supposed to help women" (Pathfinder, Mombasa).
- R3: "Give more information and maybe work in a way that the interests are minimal. Because these monies are supposed to help women" (Pathfinder, Mombasa).
- R4: "Mobilize the members of the community through the administration and give the information" (CSO, Kisumu).
- R5: "We can come up with merry-go-round groups, we can build a big house and we as the women get money from the rent, also we can have a firm whereby we can firm together and produce large produces whereby we can sell and remain with some for ourselves" (Pathfinder, Nairobi).
- R6: "Lack of resources, lack of money and women want to run their own businesses, but they don't have the money, so if they could be able to get some little money to start up that business, they could be able to help themselves" (FGD, Kisumu).

"We were mentored by being thrown in the ocean, and then you come and do mistakes. She does a red pen on you and you improve yourself. So I want to tell young people that mentoring does not mean you come seat and that I am able to seat with you on a desk and mentor you. Mentoring means I will open a door for you and I will tell you walk into that place but you go and find your footing". B.E

3.7 LESSONS LEARNT DURING THE CONSTITUTION-MAKING PROCESS TO PROMOTE POLICY CHANGE FOR WEE

In the study, participants were also asked about the lessons they learned during the constitution-making process and how those lessons could be applied to promote policy change to influence Women's Economic Empowerment. Their responses included the following:

R1: Giving statistics to back up information will be effective in channeling the discourse of policy change for WEE (CSO, Kisumu).

R2: Laying down strategies to track the gains of WEE is important in identifying the gaps to move forward (Pathfinder, Nairobi).

R3: Identifying experts in influencing policies will ensure the adoption of the right policies (Pathfinder, Nairobi).

R4: Developing policies that will enhance development is essential in tracking, re-evaluating, and monitoring progress (Pathfinder, Nairobi).

R5: Engaging with policymakers provide a hands-on solution to the issues on the ground (CSO, Kisumu).

R6: Using available information will pave way for identifying gaps and provide the basis for engaging the women involved in the policy creation in case of reference (CSO, Kisumu).

R7: Lobbying and advocacy provide networks to push for policy change in a diplomatic manner (Pathfinder, Nairobi).

R8: Teamwork and consultations with the key stakeholders will ensure that the solution for a sustainable policy change for WEE is successful (CSO, Nairobi).

R9: Engaging with women on the ground is crucial in deciding what needs to be done to push for policy change that will impact WEE (Pathfinder, Mombasa).

R10: Petitioning women representatives and leaders to support the push for a policy change for WEE (CSO, Nairobi).

R11: The inclusion of women at the inception of the policy-making discussion will ensure that women's issues are advocated and implemented by the committee (CSO, Nairobi).

Other participants, in regard to lessons learnt, for promoting WEE, noted that:

R12: "Give out the statistics. Let's go to the planners (with statistics). You are part of the government. Do you understand? These planners when they go out there, they know when they start this program how does it affect women and how does this affect men who are the beneficiary and give us back the statistics" (Pathfinder, Kisumu).

R13: "We need strategies that can be able to track the gains for women's economic empowerment and what direction this is going to take, but above all, a factor that we did not use that I think we can use in Women's economic empowerment is having the top man champion the agenda for women's economic empowerment" (Pathfinder, Nairobi).

R14: "We can use whatever has already been documented because all that women share during the process, their concern is documented as a reference point and where maybe we have doubt, we can always maybe call a few women, just to ascertain that these are the things that women wanted to be highlighted with regard to women empowerment," (Pathfinder, Mombasa).

Other pathfinders were of the opinion that women's mobilization, for push to influence economic policies, should be done at all levels as illustrated in the following:

R15: "We must mobilize these women, who were there before, those women, who previously worked with Maendeleo ya Wanawake. We could mobilize even the young women, who are enough to push for issues. And even ask those, who are inside to come up with us together so that we push for the need" (CSO, Kisumu).

Another pathfinder underscored the need for civic education as the following excerpt illustrates:

R16: "Women need to be educated; they need that education. Mostly civic education" (CSO, Kisumu).

Regarding the role of women's organizations in pushing for policies and legislations that promote WEE, the respondents gave the following recommendations:

R17: "We must mobilize these women who were there before, those women who previously worked with Maendeleo ya Wanawake. We could mobilize even the young women who are enough to push for issues. And even ask those who are inside to come up with us together so that we push for the need" (CSO, Kisumu).

R18: "We look at women's issues and gender issues from a more genuine lens and a push for accountability, without thinking about these other motivations, like political affiliation, political party affiliations and political affiliations" (Pathfinder, Kisumu).

Other participants said that from their experiences in the constitution-making process, they had learnt that for women's self-mobilization for WEE:

R19 When we get together, we learn from each other. Sharing ideas, and learning from another region to the other, will make us exchange ideas and move forward (CSO, Kisumu).

R20 The constitution is for all of us. This constitution is made for every Kenyan. It is not for a simple tribe; it is not Mount Kenya. It is for the people of Kenya, and if that constitution is for all of us, it should be able to protect all of us equally (CSO, Nairobi).

R21 We need to bring in Change and balance particularly when it comes to distribution of resources (CSO, Nairobi).

R22 Appreciating each other is important; it starts with you seeing the other woman just like you, we are from one tribe of women (CSO, Kisumu).

R23 There is need for transparency and accountability for anything to be trusted and work out (CSO, Nairobi).

R24 There is need for support from the male counterparts so there is a need to sensitize and persuade them to support us (Pathfinder, Mombasa).

The participants in the study demonstrated an understanding that women's rights must be incorporated into existing policies and legal frameworks. The 2010 Constitution, according to a study by the Foundation of Netherlands Volunteers (SNV, 2017), provides a robust guide for achieving gender equality in Kenya. This was seen as a significant step towards addressing women's marginalization and promoting their full participation in the country's growth. The new constitution's incorporation of equality in the country's economic journey provided a platform for promoting equality and served as a guide for achieving constitutional outlines (Republic of Kenya, 2015). It is widely regarded as one of the most progressive constitutions worldwide for prohibiting marginalization.

To achieve Women's Economic Empowerment (WEE), well-coordinated processes are necessary. According to Ames et al. (2001) and the Kenyan Government (2015), this requires the implementation of developmental guidelines

such as Kenya's Economic Recovery Strategy for Wealth Creation (2003-2007), Vision 2030, and the Medium-Term Plans (2018-2022). These guidelines emphasize the need for gender equality in economic opportunities if economic development is to be achieved (GoK, 2019). It should be noted, however, that poverty is a multifaceted issue that includes socio-political concerns. Therefore, addressing poverty cannot be based solely on economic strategies but must also consider socio-political aspects.

3.8 EMERGING BEST PRACTICES FOR WOMEN'S SELF-MOBILIZATION FOR WEE

This section addresses the research question: What are the best practices emerging best practices and strategies for promoting women's economic empowerment in Kenya? First and foremost, they were very clear on the importance of the various provisions on women's economic empowerment enshrined in the Constitution which should be implemented to promote WEE. Some of the gains they identified include Devolution, Better Health Care, Gender equality, Non-Discrimination, right to Citizenship, right to Marital Property, social and economic rights, and Right to Leadership as illustrated in the following responses:

R1: "A better health system, a more responsive health system benefits women because then when the health system wants it can free the woman to be able to better participate in the other activities that generates income" (Pathfinder, Nairobi).

R2: "Ensuring that nondiscrimination on the basis of gender is institutionalized, so that there is no sense of or there's no chance that it cannot be sneaked in, in any other way" (CSO, Nairobi).

The following strategies will be strategic towards the realization of these constitutional provisions for WEE:

3.8.1 Civic Education

Civic education plays a crucial role in enabling individuals to become informed and active citizens, thereby empowering them to effect positive changes in their community. It is an essential component of any democratic system, providing citizens with knowledge about democratic principles and the Constitution. This is particularly important for disadvantaged groups who may have limited access to media, have low literacy levels, or may not speak the dominant language.

To this end, the Kenyan government should prioritize continuous and extensive civic education initiatives, with a specific focus on educating women about their rights and the significance of the new constitution. The Ministry of Public Service and Gender (MPSG) has highlighted the importance of such efforts, as reflected in the Women Economic Empowerment Strategy (2020-2025): Provision of civic education on women's participation in leadership will ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations and expand KEWOPA's outreach programmes to both rural and urban areas. This will include sensitizing the members of parliament/senate, governors, MCA's and other politicians

"Whatever we want to do, whatever we want to achieve for this country. If you continue to coordinate, if you continue to engage, if you continue to teamwork, if you continue to consult and to lobby, we should be there." M.K

3.8.2 Public participation in promoting WEE

It is critical to allow and promote public participation of women and women's movements in promoting WEE including the amendment of existing legislation and enactment of new legislation. This is affirmed by Widner (2008) who opines that public participation is deemed to strengthen national unity through an inclusive process, reflecting religious and linguistic diversity, by resolving national differences and striking a balance between national identity and values and those of regional or cultural communities. The involvement of the people in the government process has the potential to reconcile conflicting groups as it empowers the people by acknowledging their sovereignty, increasing their knowledge and capacity, and preparing them for participation in public affairs as well as the exercise and protection of their rights.

Furthermore, public participation as an important component of women's self-mobilization informs the public about the various interests and groups that are involved or may want to be involved in promoting women's economic empowerment. According to Leroy (2010), public participation points to the degree of inclusion in a process. It may give some guidance about the kinds of

issues likely to dominate the constitution-making process. It draws attention to the relative strength of the participating groups, often pointing to the dominance of one or more groups which can help lift the veil from the official process by giving insights into the actual negotiating and decision-making processes, where the key decisions are really made. It can also show the influence of outside forces (which overall do not feature in the design of the formal process), often away from the glare of publicity, and give some indication of how nationally autonomous the process has been.

3.8.3 Engagement with the Media

The media helped in ensuring that people had a chance to hear debates on constitutional issues without necessarily having direct involvement in the official process. Women were also able to convey their views through established channels, rather than through special participatory arrangements established as part of the constitution-making process as mentioned by one respondent:

R1: I saw them (women's gains) being put in the newspapers, I saw women waking up early in the morning to go to the radio stations, I saw the women going to the TV stations" (CSO, Nairobi).

R2: *“Media played a very important role in making the 2010 constitution, they would come and interview the women at the grass root level, and the vernacular radio stations that came up also assisted in one way or the other” (Pathfinder, Kisumu)*

R3: *“Media facilitation under Kenya Union of Journalists and the Kenya Correspondence Association, Gender Editors’ guild and we had a round table meeting with the editors on the role of the media” (CSO, Nairobi).*

Unfortunately, more than ten years after the enactment of the Constitution, women are still grappling with poverty. They are yet to enjoy the constitutional gains they so assiduously worked for. This raises the question: Can Kenyan women use strategies similar to those used in yesteryears to influence the constitution and economic policies to promote women’s economic empowerment? This is the discussion in the following section.

Leroy (2010) states that radio and television offer a variety of creative possibilities to convey information and educate. Dramas, including single performances of plays and long-running serials, discussion programs, interviews, and even traditional storytelling and songs can all be used to convey information or educational message. Call-in shows and debates can serve as a way for people to ask questions and can spur debate and dialogue on constitutional issues while television, radio, and the constitution-making body’s official website can broadcast live sessions of a constituent assembly.

In the post-constitutional review process, the media still provides a platform for broadcasting national events such as parliament proceedings, the celebration of public holidays among others. Development of newsletters, brochures, posters, leaflets, and booklets ranging from in-depth discussions of complex issues to comic books about the happenings in the government and country at large. Disseminating such publications

can be assisted by the use of media platforms such as websites, Facebook, and Twitter among others rather than through routine regional or district field offices that assisted with disseminating materials to remote areas. New technologies, such as digital books, could also be distributed to every community with key civic education materials loaded onto them. The media is, therefore, an important tool that can play a significant role in sensitizing the public on the cost of not empowering women economically to individuals, families, communities and the nation at large.

In the deeply divided Kenyan constitutional reform process, women came together in the ‘Women in the National Constitutional Conference’ to coordinate, strategize and offer a model for overcoming the political stalemate (Suteu & Bell, 2018)

3.8.4 Strategic Consultative Meetings

Public meetings combined with civic education efforts are often the best way to reach marginalized groups and encourage them to participate in any process. During the constitution-making process, women organized meetings at the national level encompassing women's organizations from all over the country to ensure the message about the constitution reached the grassroots level as stated by one respondent:

R1: "We could have meetings at the national level where we brought all the different organizations together. We could bring women from the grassroots, the different parts of the country, Kisumu, Mombasa, north-eastern colleagues, and other parts of this country. This ensured that every woman understood the issues we were advocating for hence when the commissioner comes to collect the views, we unanimously say these are the issues" (Pathfinder, Nairobi).

Studies show that constitution-makers have organized public meetings in various countries, including those with large diaspora populations, to reach out to marginalized and disadvantaged communities. These meetings aim to empower citizens, engage them in dialogue, and provide them with a voice. Examples of such meetings include those held in Papua New Guinea (1975), Uganda (1995), South Africa (1996), Rwanda (2003), and Kenya (2005), which involved hundreds of meetings and tens of thousands of citizens.

3.8.5 Alliance Building

Previous studies have affirmed that alliance-building or networks and collaboration will continue to be important in the fight for gender equality after constitutional negotiations have been concluded. For example, a recent study on 50 African countries has found that governments are more likely to adopt quotas and do so more quickly when domestic women's organizations form a coalition demanding this (Kang & Tripp, 2018). The same study found that women's coalitions have been able to push for quotas at different points: during peace talks (Burundi), during constitution-making (Kenya, Somalia, Uganda), but also during legislative (Senegal) and constitutional (Zimbabwe) reform processes. This is also confirmed in the next sub-section of strategies that worked. This will also be an important strategy for Kenyan women in the pursuit of their constitutional socio-economic rights. It will be important to build alliances with various stakeholders including state and non-state actors.

CHAPTER FOUR

CONCLUSIONS, RECOMMENDATIONS AND POLICY PROPOSALS

4.1. CONCLUSION

The study examined the strategies the women's movements in Kenya used to ensure women's voices were heard. The pathfinders shared their struggles, experiences, their perspectives and lessons learnt in their quest to be recognized, and appreciated as well as the challenges they encountered in this endeavor and how they overcame them. It is with this understanding that women in Kenya have been known to self-organize into informal groups and sometimes formal associations to address their continued economic marginalization. The women's CSOs achieved reasonable successes as the study found out: Women vying for political seats, increased women representation, a lot of issues advocated for were included in the constitution, freedom of speech, availability of funding programs, the introduction of the Khadhi's Courts, women space for women, a voice in ownership of property, consolidation of women's knowledge in the constitution. Furthermore, the women's organizations worked together with other organizations during the constitution-making process such as the Association of Media Women in Kenya (AMWIK), Coalition on Violence

Against Women (COVAW), Kenya Women Parliamentary Association (KEWOPA), and The League of Women Voters. It emerges that women working together under the Constitutional Review Women's Movement with a common constitutional agenda, which was clear to every woman, in their respective positions and institutions is what enabled Kenyan women to achieve tremendous gains in the Constitutional Review Process. It may require similar mobilizing, commitment and energy to push for economic legislations/policies that will enable women to enjoy their social and economic enshrined in the constitution and promote their economic empowerment. This should be the next frontier for women's struggle.

4.2 RECOMMENDATIONS

This section presents the recommendations on the strategies used by women that could be replicated to promote Women's Economic Empowerment, as highlighted by the respondents:

- i. Train a group of ten women in leadership skills, basic bookkeeping, table banking, and virtues.

- ii. The government is responsible for addressing all forms of exclusion of women, including cultural, economic, and political barriers. Access to credit is crucial for women to become productive.
- iii. Provide more information and minimize interest rates since these funds are intended to help women.
- iv. Women should have equal opportunities in business, especially in accessing finance. Lack of land ownership often prevents them from getting loans.
- v. Provide more information and minimize interest rates since these funds are intended to help women (Pathfinder, Mombasa).
- vi. Mobilize the community through the administration and provide information on Women's Economic Empowerment (WEE).
- vii. Establish merry-go-round groups or invest in income-generating activities like farming or rental property to generate income for women.
- viii. Women want to start their own businesses but lack resources, particularly funding. Access to even a small amount of funding could make a significant difference.
- ix. Provide marketing opportunities for products produced by women at the grassroots level.
- x. The government should help women create linkages with other partners to market their products.
- xi. Facilitate exchange programs to enable women to benchmark and learn from each other.
- xii. Empower women to decide on the type of economic project that will benefit them most.
- xiii. Train women in local lending and saving groups since these groups have many women members.
- xiv. Unity of purpose is crucial for women to achieve economic empowerment. Therefore, the WEE program must be inclusive and bring all women on board through strong networking and collaboration.
- xv. Lobby and advocate for women's economic empowerment and women-friendly budgets at both national and county levels.

4.3 SUMMARY OF KEY FINDINGS, CONCLUSION AND RECOMMENDATIONS

The primary goal of the study was to examine strategies that women and women's movements used to realize gains in constitution 2010 to strengthen women's self-mobilization for Women's Economic Empowerment (WEE). The key findings, conclusions and recommendations drawn from the study were anchored on the objectives, which were to: identify the strategies women's movement used during the constitutional review process in Kenya (1997–2010), document emerging best practices for women's self-mobilization from the strategies identified, explore the strategies used by women in self-mobilization for WEE, and identify policies and legislations gaps for advocacy for WEE.

4.3.1 Summary of key findings on strategies women's movements used during the constitutional review process in Kenya (1997-2010)

The study sought to identify the strategies women's movements used during the constitutional review process. It reveals that these strategies used by individual women and women's organizations to enhance and influence

policies for women's economic empowerment could be replicated. As a result, it is critical to provide women and women's organizations with an enabling environment for economic empowerment. The study also noted that the strategies employed by women's movements to achieve gains during the constitution-making process included effective civic education, unity of purpose, lobbying, consultative meetings, engaging male allies and other stakeholders, setting a clear agenda, engaging in debates,

writing memoranda, networking, media strategy, and involving women's organizations and groups at all levels. These approaches allowed the women's movements to leverage their diverse strengths and numerical power to advocate effectively for their cause.

The study revealed that the strategies employed by women's movements during the constitution-making process were two-fold. First, individual women identified and utilized their own strategies, and secondly, women's organizations implemented their own strategies at an institutional level. It is important to note that the strategies could not be analyzed in isolation, as underlying factors such as motivation, successes, lessons learned, and challenges encountered prompted their application.

The Civil Society Organizations (CSOs) played a significant role in the constitution-making process by providing a platform for women to advocate for their rights. The study found that the CSOs employed various strategies, including civic education on constitutional matters and leadership, training and capacity-building, coordination, funding, supporting women in their activities, position building and technical knowledge building, media facilitation, registration of women and women movements, establishment of rural branches, mobilization, participation and empowerment of women, and formation of professional groups to push for trade unions in Kenya. In addition, initiatives such as the African Woman and Child Feature Service (AWC), a media-focused, non-governmental organization (NGO) with a regional outlook and a vision of promoting acceptance of diversity and gender equality for sustainable development, were also implemented by women's organizations.

The women's movement in Kenya successfully utilized various strategies during the constitution-making process to push for progressive provisions for women's empowerment in the Constitution of Kenya (2010). Women in Kisumu, Nairobi, and Mombasa formed groups to set forth their agenda, mobilizing and lobbying for women's leadership and representation. In Mombasa, women mobilized leaders such as chiefs, commissioners, and madrasa teachers to ensure that women were given a chance to talk during meetings about their needs, including at religious gatherings. Although challenges were identified, the women's self-mobilization strategies proved fruitful in the constitution-making process, and their voices were heard and represented. However, not all the gains were implemented, requiring continued mobilization and engagement with the government and private sector for influence and possible actions towards women's economic empowerment (WEE).

Women played various roles during the constitution-making process, including civic educators, mobilizers, lobbyists, negotiators, delegates, observers, committee members, public awareness creation ambassadors, among others. Women participated in the process for various reasons, such as advocating for the inclusion of women's agenda in the new constitution, creating awareness of the constitution, ensuring women's participation in development, and creating leadership spaces for all categories of Kenyan women.

The need for self-mobilization was driven by the need for women to counter their insubordination and exclusion, increasing women's individual and collective agency to improve access to resources like land, labor, capital, and opportunities for self-actualization, including freedom from

discrimination, education, and leadership. Women's self-mobilization involved organizing in groups or collectively towards common goals and building alliances, networks, and coalitions with other progressive social movements to construct political, economic, and social justice spaces.

The study identified various strategies that worked well for the women, including civic education, unity of purpose, lobbying, strategic consultative meetings, building alliances with other stakeholders, having male allies, working with the media, among others. The study's findings regarding women having male allies were corroborated by Kabira (2012), highlighting the importance of male allies in pushing for the independent constitution review. Women also worked with various women leaders, critical social capital for linking the women's movement with key persons and institutions to lobby support for their agenda. The journey for women's economic empowerment continues as a relay where the baton must be passed to the next generation till women are empowered publicly, socially, and economically.

4.3.2 Challenges

The study found that the women's movement faced numerous challenges during the constitution-making process. These included a lack of funds, lengthy processes, abuse from the public, minimal women representation, opposition from men, family responsibilities, backlash, ethnic and religious divisions, police protests, patriarchy, family wrangles, language barriers, denial of voting, lack of knowledge, removal of women's issues from drafts, the timing of hearings, intimidation from other women, and affiliation to different political parties. Despite these challenges, the women's movement was able to overcome them and achieve significant gains. Women must continue to be strategic in their efforts to collectively realize their socio-economic gains as enshrined in Kenya's Constitution.

4.3.3 Recommendations

This section outlines several critical recommendations for strategies that women need to adopt to promote Women's Economic Empowerment (WEE).

4.3.3.1 Document emerging best practices for women's self-mobilization from the strategies identified

Recommendation i: Development of a national guideline manual on strategies that worked in the constitution-making process and which could be replicated to promote WEE.

Recommendation ii: In regard to recommendation (i) there is a need to have a tracking system of the gains since the constitution was promulgated. This would also help in keeping stock of management and sustainability of the WEE gains.

Recommendation iii: In regard to recommendation (i), there is a need for budgetary allocation to manage and sustain the initiative in a structured and systematic manner to realize issues pertaining to WEE.

Recommendation iv: Need for a holistic legal framework to regularize and protect the WEE landscape.

4.3.3.2 Preparation of a roadmap for women's self-mobilization for WEE

Based on the study's findings, women used strategies such as preparing the law, civic education, collection of views and mobilization at the community level. Bomas negotiations, the referendum 2005 and 2010, civic education, unity of purpose, lobbying, meetings, having male

allies, setting a clear agenda, debates, writing memoranda, networking, unity of purpose, media, meetings, women groups, and power in numbers. They also faced challenges such as lack of goodwill from the politicians, individualistic competition, insufficient dissemination channels, lack of accountability, weakened women organizations, poverty, jeopardy from the courts, women disunity, ethnic divisions, inadequate finances, few women in leadership positions, mismanaged timelines, little documentation on women's processes.

Recommendation i: Capacity-building by a recognized, independent and non-partisan entity such as an academic institution, and in particular UoN-WEE Hub to chart the way forward for WEE issues.

Recommendation ii: Mapping and auditing of the strengths of the women's movements/organizations within the country. This means the need for a national database of all women's movements/organizations, is critical for transparency, accountability, and even enhancing collaboration and networking, key for what worked for women's movements to realize the gains in the constitution.

4.3.3.3 Civic Education

Recommendation i: There is a need for civic education and awareness creation. This would discourage stereotyping and other gender norms that are an obstacle to women's full realization in WEE initiatives, policies, programs and in leadership. Women need a sound support system from the national to the grassroots level. The position of women should be seen as complementary.

Recommendation ii: Women's issues and needs should be articulated and well protected by a well-structured and legal institution which should be mandated to coordinate the representation of the same nationwide and cascaded to the grassroots.

"The women's movement would need to assess to see where do we have our strength and where do we need a little bit of oiling to be able to say, oh, here we need a little bit of oiling to prepare the grounds, to be able to have women who can actually receive information on economic empowerment, interpreting based on their local, and be able to give us back what they want so that we push it to high levels"
A.O

Recommendation ii: Intergeneration forums should be held for ensuring the passage of knowledge to young women leaders, ensuring that women are involved in decision-making, especially in issues regarding women.

4.3.3.4 Collective identification of economic policies and legislative gaps for advocacy for WEE

In order to realize women's economic empowerment, there is a need to develop and implement gender-responsive policies. The key findings established the following on how women's organizations could advocate for policies and legislation that promote WEE and strategies for economic empowerment:

- Capacity-building in terms of training on leadership skills, basic bookkeeping, embracing table banking principles, and mainstreaming women's representation of cultural, socioeconomic, and political perspectives, in terms of being provided with equal opportunities.
- Creating awareness and sensitization forums cascading to grassroots and the use of merry-go-round groups, which came up very prominently due to self-building and sustainability capacities.

Recommendation i: There is a need for holistic legal frameworks to regularize and protect the WEE landscape. This includes but is not limited to policies, strategic plans, sessional papers and regulations.

Recommendation ii: There is a need for establishing data and statistics for planning, budgetary allocations and mitigation interventions. This should be prioritized, in addition to involving all stakeholders in WEE.

Recommendation iii: There is a need for a monitoring and evaluation system for checks and balances in spearheading WEE programs. Ellis

et al (2007) suggest the following measures in addressing the policy and legislative gaps for WEE:

- i. Civil society organizations should be active in advancing the gender agenda and assisting national machinery in facilitating gender policy implementation. Among them are FIDA, KWFT, the League of Kenya Women Voters, and the National Council of Women of Kenya.
- ii. Capacity building of civil society organizations could help strengthen interactions between the government and civil society organizations resulting in more effective implementation of the government's gender policies. Given that the women's movement advocacy gains are frequently undermined by policymakers' lack of information and analysis on the economic benefits of gender equality, it would be beneficial if some of the capacity-building efforts focused on the links between gender equality and economic growth.

Advocacy Strategy (2017–2020, SNV-Kenya), additionally points out the following measures to be adopted by the National Government, County Government and development actors:

- i. Promote women's leadership in decision-making through media campaigns, community leaders' forums, and leadership clubs in educational institutions.
- ii. Develop a legal framework for the establishment of a WEE Steering/Coordination committee at the national and county level.
- iii. Establish a national inter-agency WEE Coordinating Committee with membership drawn from the public sector, private sector, development partners and NGOs.
- iv. Identify the key constraints to women's participation in leadership and apply

evidence-based and context-appropriate approaches to facilitate women's civic and political engagement.

- v. Advocate for greater women's participation and involvement in planning, implementation and monitoring of WEE policies and programmes at the county levels. This will ensure meaningful women's participation in the development and implementation of Integrated Development Plans and Sectoral Plans.
- vi. Advocate for greater WEE resource allocation. Women and women's organisations and other agencies implementing WEE programmes should meaningfully participate and monitor budgetary processes e.g., by nominating representatives to County Budget and Economic Forums.
- vii. Advocate for adequate public education on WEE including dissemination of policies, guidelines, and relevant legislation. County Governments and agencies involved in WEE programmes can reach a wider audience through traditional and emerging social media platforms

4.4 POLICY AND LEGISLATIVE PROPOSALS FOR ADVOCACY FOR WEE

This study examined the limitations in policies and legislation that hinder advocacy for women's economic empowerment (WEE) and the challenges faced by women's organizations in promoting the implementation of constitutional provisions regarding WEE. The research question addressed in this section is, "What legislation and policy gaps exist for WEE in lobbying and advocacy?" It highlights the gaps in policies and legislation that should be addressed to advance women's economic empowerment.

4.4.1 Policies/legislations and Programmes gaps for advocacy for WEE

The study sought to examine strategies women's movements used that could promote WEE. In particular, it probed the challenges women's organizations faced in influencing the implementation of the benefits provided for by Constitution 2010, specifically, the economic benefits in the constitution/property rights (Bill of Rights), and affirmative clauses. Similarly, it sought to find out how women's organizations could push for policies and legislation that promote WEE and the strategies women could use to mobilize themselves to achieve economic empowerment taking into consideration how they could leverage lessons drawn in self-mobilization to promote policy change for Women's Economic Empowerment.

The findings indicate that women's organizations face several challenges, including lack of support from politicians, individualistic competition, limited dissemination channels, lack of accountability, weakened organizations, poverty, legal threats, women's disunity, ethnic divisions, inadequate finances, insufficient women in leadership positions, absence of timelines, limited documentation on women's processes, bureaucracy, ineffective implementation of the 2/3 gender rule, mismanagement of affirmative funds and initiatives, conflicts of interest in awarding tenders for women, youth, and persons with disabilities, national initiatives not reaching grassroots, and inadequate information and knowledge of available initiatives and their accessibility.

To promote WEE and achieve economic empowerment, the study suggests capacity-building through leadership skills training, basic bookkeeping, embracing table banking principles, and mainstreaming women representation in cultural, socioeconomic, and political perspectives. Women's organizations should create awareness and sensitize forums that cascade to grassroots, use merry-go-round groups that promote self-building and sustainability capacities. Also the following is recommended:

- Parliament should put in place legislation to guarantee equal opportunities for women and men in the political, economic, cultural and social spheres. This is in line with COK 27(6) which states that the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.
- National and County Governments should implement the Constitutional Genders and equality in leadership with 33% as the critical mass preferred for women leadership, equality in marriage, equality in employment, and equality in access to education.
- Enact laws for the elimination of discriminatory customary practices, which prohibit equal ownership of matrimonial property as well as protect women's rights to inheritance and to own land is guaranteed, equal parental responsibility, requirement for both public and private entities to comply with the inclusion principles and gender, among others.
- Parliament should enact legislation for the implementation of CoK article 43. This will liberate the women from the burden of food provision so they can engage more in productive work.

- Parliament should make necessary legislative amendments, based on evidence-based research, to enhance the uptake of existing National Government Affirmative Action Funds (NGAAF: WEF, YEDF, UWEZO, NGAAF, AGPO and CGS) for enhanced women's economic empowerment

In addition to policies and legislation, the government and non-state actors such as CSOs and donors should implement programs aimed at promoting women's economic empowerment. Such programmes may include:

- Engagement with national treasury and implementing banks to articulate research-based evidence on the issues that derail the uptake of credit guarantee scheme (CGS) by women entrepreneurs to influence positive changes for WEE.
- Training and capacity building for women entrepreneurs on access and uptake of the County and National Government Affirmative Action Funds.
- Participatory engagement with the State Department responsible for Gender and Affirmative Action and Youth Affairs and making evidence-based proposals on how to redesign the social protection programme (Kazi Mtaani) for the benefit of jobless women and youth living in urban informal settlements.
- Mobilize women entrepreneurs to engage in regional and global women's economic empowerment gatherings and create platforms for information sharing with other women across the country.
- Engage women entrepreneurs to establish and strengthen women's business networks for learning and sharing information on opportunities for economic empowerment.
- Lobby women leaders to utilize their leadership positions in government

and private sector to influence gender-responsive budgeting and to ensure favourable conditions for the uptake of affirmative action funds for women's economic empowerment.

- Creation of a database for support-system of NGOs and Civil society organizations in terms of capacity building and policy advocacy programmes for economic empowerment.
- Mobilize and train women's organizations to participate in the County, National and East African Community budgeting processes to influence the allocation of funds to women's priority areas for women's economic empowerment.
- Conduct continuous research and disseminate information on socio-economic challenges that women entrepreneurs face from the grassroots to the national level.

4.5 WAY FORWARD

The following key questions provide direction for better understanding and leveraging issues related to WEE:

- i. Have women's movements adopted a priority agenda for WEE, including strategies and goals for realizing WEE policies and regulations?
- ii. Do women have strategies and objectives for advancing WEE issues beyond the constitution?
- iii. Does the women's movement have a clear roadmap for women's economic empowerment?
- iv. Have women and women's rights coalitions/organizations established a clear agenda for WEE?
- v. Do women have clear strategies for engaging in and influencing the process of WEE?

" I think they wanted women to be empowered and also to be in power , initially women were just seated at home looking after children and the whole family, but because these women rolled down the program to other women at the grass root level"(Kisumu FGD)

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APPENDICES

Appendix i: FGD Guide for Grassroots Women Drawn from Women's Organizations

**UNIVERSITY OF NAIROBI
AFRICAN WOMEN STUDIES CENTRE
WOMEN'S ECONOMIC EMPOWERMENT HUB**

P.O Box- 30197-00100 Tel: 0204918217
Email: weehub@uonbi.ac.ke Web: www.weehub.org

EXAMINING THE STRATEGIES WOMEN'S MOVEMENT USED TO REALIZE THE
GAINS IN THE KENYA CONSTITUTION 2010

FGD GUIDE FOR GRASSROOTS WOMEN DRAWN FROM WOMEN'S
ORGANIZATIONS

Objective:

To identify the strategies that worked for women's organizations, challenges faced, lessons learnt during the making of the constitution 2010 that can be incorporated in advancing women's self-mobilization.

CONSENT FORM

My Name is: _____

The Women's Economic Empowerment Hub at the University of Nairobi (UON WEE Hub) is carrying out a study on..... The purpose of the study is to: This [questionnaire/ Discussion guide] aims at gathering information to inform this study. The UON WEE Hub has been licensed to carry out this research by the National Commission for Science, Technology & Innovation (NACOSTI) under License No: NACOSTI/P/21/10596.

Your views will be helpful towards the completion of this study and will hopefully inform future interventions by government and its partners on issues relating to women's economic empowerment in Kenya. *All information gathered under this study will be treated with confidence and will only be used for the purpose of this study.*

Please, take note that:

- a) The interview will take about 60 minutes.
- b) Your participation in this interview is on a voluntary basis and you can withdraw at any point if you feel so.
- c) Your information will be treated with strict confidentiality. This means that we will not reveal you name or any personal or confidential information you share with us.

- d) In the event that you share personal information requiring access to referral services, we will provide you with details on where you can access such services.
- e) You can request for clarifications in the course of the interview where you don't understand.
- f) I kindly request to record your responses on the interview schedule as well as to tape -record them so that I can capture the responses accurately.

Do you agree to participate in the interview?

YES _____ (request the person to sign)

NO _____ (Thank the person and end the exercise)

Please, sign to signify your consent:

QUESTIONS

1. What motivated women to mobilize themselves in order to participate in the Constitution-making process?
2. Which strategies did women use to mobilize themselves in order to participate in the constitution 2010 making process?
3. What challenges did you face when mobilizing women to participate in the constitution 2010 making process and how did you overcome them?
4. What lessons can we draw from women's mobilization during the constitution-making process that women can use to mobilize themselves in order push for the implementation of the gains realized in the constitution?
5. What strategies can women use to mobilize themselves in order to achieve economic empowerment?

Thank you for your time.

FGD Participants Information

NAME	ORGANIZATION	AGE		PHONE CONTACT	SIGNATURE
		18-39	40 +		

Appendix ii: Autobiographical Narrative Guide for Women Pathfinders

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AFRICAN WOMEN STUDIES CENTRE
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Email: weehub@uonbi.ac.ke Web: www.weehub.org

EXAMINING THE STRATEGIES WOMEN'S MOVEMENT USED TO REALIZE THE
GAINS IN THE KENYA CONSTITUTION 2010

AUTOBIOGRAPHICAL NARRATIVE GUIDE FOR WOMEN PATH-FINDERS

Objective: To capture the lived experiences of luminary women who were involved in the making of the Kenya constitution 2010 in order to elicit the strategies that worked for upscaling for WEE.

CONSENT FORM

My Name is: _____ Phone Number: _____

The Women's Economic Empowerment Hub at the University of Nairobi (UON WEE Hub) is carrying out a study on..... The purpose of the study is to: This [Discussion guide] aims at gathering information to inform this study. The UON WEE Hub has been licensed to carry out this research by the National Commission for Science, Technology & Innovation (NACOSTI) under License No: NACOSTI/P/21/10596.

Your views will be helpful towards the completion of this study and will hopefully inform future interventions by government and its partners on issues relating to women's economic empowerment in Kenya. *All information gathered under this study will be treated with confidence and will only be used for the purpose of this study.*

Please, take note that:

- g) The interview will take about 1 hour (60 minutes).
- h) Your participation in this interview is on a voluntary basis and you can withdraw at any point if you feel so.

- i) Your information will be treated with strict confidentiality. This means that we will not reveal you name or any personal or confidential information you share with us.
- j) In the event that you share personal information requiring access to referral services, we will provide you with details on where you can access such services.
- k) You can request for clarifications in the course of the interview where you don't understand.
- l) I kindly request to record your responses on the interview schedule as well as to tape -record them so that I can capture the responses accurately.

Do you agree to participate in the interview?

YES _____ (request the person to sign)

NO _____ (Thank the person and end the exercise)

Please, sign to signify your consent:

Background Information

Start Time: _____

End Time: _____

Name of the Interviewee	
Contact	
Date of Interview	
County:	
Sub-County	

Section A: THE CONSTITUTION-MAKING PROCESS – 1997 to 2010

1. Tell us about yourself, where you were born, education, work history
2. Tell us about your role in constitution making process. Probe for: why you got involved in the process, which organizations you work with, which women leaders you worked with (name them), were there men you worked with (name them)?
3. What stages of the making of the constitution did the women influence most i.e.?
 - i. preparing the law
 - ii. civic education
 - iii. collection of the views and mobilization at the community level
 - iv. bomas negotiations
 - v. the referendum 2005 and 2010
4. What did you do to ensure that what women wanted was adopted by the constitution? Probe for: strategies used by individual women, different organizations, national organizations, women leaders, women politicians, women in religion, women at the grass-roots level, activities at personal level
5. What strategies worked for the realization of the gains for women during the constitution making process? (Probe for what they did at various stages and with various agents/influencers/institutions)
6. What challenges did women face during the constitutional making process and how did they overcome?
7. What are the most important women's gains of the constitution? Probe for Economic empowerment.
8. What lessons can we learn from women's mobilization and negotiations during the Constitution-making process?
9. How can these lessons be used to promote policy change for Women Economic Empowerment?
10. Do you have anything else you would like to share with us?

Thank you for your time and participation in this interview.

Appendix iii: Examining the Strategies Women's Movement used to Realize the Gains in the Kenya Constitution 2010

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AFRICAN WOMEN STUDIES CENTRE
WOMEN'S ECONOMIC EMPOWERMENT HUB

P.O Box- 30197-00100 Tel: 0204918217
Email: weehub@uonbi.ac.ke Web: www.weehub.org

EXAMINING THE STRATEGIES WOMEN'S MOVEMENT USED TO REALIZE THE GAINS IN THE KENYA CONSTITUTION 2010

SEMI-STRUCTURED QUESTIONNAIRE ON THE ROLE OF WOMEN ORGANIZATION IN CONSTITUTION MAKING 2010

My Name is: _____ . Phone Number: _____

The Women's Economic Empowerment Hub at the University of Nairobi (UON WEE Hub) is carrying out a study on..... The purpose of the study is to: This [questionnaire/ Discussion guide] aims at gathering information to inform this study. The UON WEE Hub has been licensed to carry out this research by the National Commission for Science, Technology & Innovation (NACOSTI) under License No: NACOSTI/P/21/10596.

Your views will be helpful towards the completion of this study and will hopefully inform future interventions by government and its partners on issues relating to women's economic empowerment in Kenya. *All information gathered under this study will be treated with confidence and will only be used for the purpose of this study.*

Please, take note that:

- m) The interview will take about 1 hour (60 minutes).
- n) Your participation in this interview is on a voluntary basis and you can withdraw at any point if you feel so.
- o) Your information will be treated with strict confidentiality. This means that we will not reveal your name or any personal or confidential information you share with us.
- p) In the event that you share personal information requiring access to referral services, we will provide you with details on where you can access such services.
- q) You can request for clarifications in the course of the interview where you don't understand.
- r) I kindly request to record your responses on the interview schedule as well as to tape -record them so that I can capture the responses accurately.

Do you agree to participate in the interview?

YES _____ (request the person to sign)

NO _____ (Thank the person and end the exercise)

Please, sign to signify your consent:

Background Information

Name of the Interviewee	
Contact details	
Date of Interview_	
Age	a) Below 25 [] b) 26 – 35 [] c.)36 – 45 [] d) 46 – 55 [] e) Above 55 []
Education Level	a) None [] b).Primary [] c)Secondary [] d.) Tertiary [] Other (Specify) _____
Occupation	
Organization	

SECTION B:CONTEXTUALIZING SELF-MOBILIZATION FOR WOMEN'S EMPOWERMENT

- i. Tell us about your organization's role during the constitution making process. Probe: successes, challenges faced by the organization, strategies the organization used, who were the key players in your organization.
- ii. Why did the organization choose to get involved in this process?
- iii. What role did you play in this process?
- iv. what motivated you to play this role?
- v. What were the successes and the challenges?
- vi. Were you involved with other women organizations in constitution review process? Probe: if yes, what role did you play?
- vii. What can we learn from your experience about women organizing themselves for
- viii. From your own experience in constitution making process, what is the value of women working together to negotiate for their interest?

SECTION C: STRATEGIES WOMEN'S ORGANIZATIONS USED DURING THE CONSTITUTIONAL REVIEW PROCESS IN KENYA (1997- 2010)

1. Can you share with us the history of your organization? Probe: why was it started, by who, is it local/community/national/international, where does it get financial support/from who?
2. When did the organization start being involved in the constitution review process? Probe:
3. Which women's organization(s) where you affiliated to during the constitution review process?

.....

If more than one, please explain?

.....

4. At what level were you involved in the constitutional review process?
 - a) Division []
 - b) District []
 - c) Constituency []
 - d) Province []
 - e) National []
 - f) Others (Specify).....
5. How were you involved? Probe: what activities were you involved in, who were your partners?

6. What key issues did your organization advocate for inclusion in the constitution?

7. What five gains in the constitution review process do you consider most important? Probe for economic empowerment

8. What strategies worked for women's organizations that made it possible for issues to be adopted for the new constitution? Probe and list the strategies as identified

9. Why did these strategies work?

10. Was women economic empowerment

11. What strategies do you think women can use to change policies that influence women economic empowerment? How can women's organizations mobilize themselves in order to influence other policies in their interest? E.g., push for the full implementation of the gains realized in the constitution 2010?.....

.....

.....

.....

12. What lessons did you learn from your involvement in the constitution making process that can applied for women’s self –mobilization for women’s economic empowerment ?

.....
.....
.....
.....
.....

13. What challenges did your organization experience in this process? **Probe:**

14. How did you overcome these challenges?

D: ADVOCACY OF POLICIES AND LEGISLATION FOR WEE

1. What challenges do women’s organization(s) face in influencing the implementation of the benefits provided for by Constitution 2010? Probe: economic benefits in the constitution/property rights (Bill of Rights), affirmative clauses.

.....
.....
.....
.....
.....

2. How can women’s organizations push for policies and legislation that promote WEE?

.....
.....
.....
.....
.....

3. Do you have anything else you would like to share with us?

Thank you for your time.



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