

GENDER EQUITY FOR SUSTAINABLE DEVELOPMENT: PROSPECTS & CHALLENGES

Amb. Prof. Maria Nzomo

Keynote Address delivered at the Gender Week Forum, 15th June 2010

Jomo Kenyatta University of Agriculture & Technology, Kenya

It is an honor and a privilege for me to have been invited to address this distinguished community of Jomo Kenyatta University of Agriculture & Technology, in celebration of this year's Gender Week and the launching of the Gender Policy framework.

The theme of this Gender Week is most appropriate; coming as it does, at a time when our country Kenya, is on the verge of launching a whole new legal framework, which if passed, will serve as the basis for formulating future policies that would address the fundamental but pending issues of equity and sustainable development.

What is Sustainable Human Development and what is its linkage with Gender equity and equality?

The 1990 UNDP Human Development Report defined human development and by extension, sustainable development, as the “process of enlarging people’s choices” in a way that enable them to live “long, healthy and creative lives”. The 1994 Human Development Report linked this to creating environments in which people can expand their capabilities and opportunities, both for current and future generations. Human development then refers to the enrichment of people’s lives and social progress in terms of: improved social well-being; strengthening productive sectors and expanding employment; transferring knowledge, technology and skills while also enhancing use of traditional wisdom and culture and building local capacities; exploiting and regenerating natural resources in a sustainable manner; providing social protection and safety nets; **enhancing gender equity**; empowering people to participate in

decisions that affect their lives; and providing for current and future needs (UNDP 1993)

The human development approach does not merely generate economic growth, but distributes its benefits equitably. It regenerates the environment rather than destroying it; it empowers people rather than marginalizing them; it enlarges their choices and opportunities and provides for peoples' participation in decisions affecting their lives. **Sustainable human development is pro-poor, pro-nature, pro-jobs, and pro-women.** It stresses growth with employment, growth with environment, growth with empowerment, and growth with equity. Sustainable Human development, therefore, looks constantly to enlarge the capabilities of people to lead full, productive, satisfying and valuable lives by raising their incomes and improving other components of their standard of living, such as life expectancy, health, literacy, knowledge and control over their own destiny (Anand and Amartya, 1994).

It is undisputable fact that gender equity is important for human development. Indeed without gender equity, sustainable human developed cannot be achieved. And yet, in Kenya, like in many other countries, there remain gross inequalities between men and women in almost all areas of human existence but especially at the political arena. Such gender inequalities are not just damaging to the interests of women but also to people's livelihood strategies as a whole. In this connection, various UN Human Development Reports have indicated that there is a link between gender inequality and overall human poverty, best manifested by feminization of poverty in many developing countries.

Another crucial ingredient of sustainable human development is democratic institutions of governance and policy making. According to the 2002 Human Development Report,

“political power and institutions, formal and informal, national and international, shape human progress. Therefore, politics matters for human development because people everywhere want to be free to determine their destinies, express their views and participate in the decisions that shape their lives”. The report calls for politicians and political institutions to

promote human development and safeguard the freedom and dignity of all people.

Women's Political leadership for sustainable development

Ladies and Gentlemen

The question of Gender Equity for Sustainable Development is a huge and momentous agenda that cannot possibly be fully addressed in the course of the deliberations of this morning. **I have therefore chosen to confine my remarks to two interrelated issues:- 1)the gender dimension of the proposed new constitution and 2) the question of women's political leadership as one aspect of Gender Equity, which I believe is absolutely important as an instrument for achieving sustainable development.** This is because, whoever participates in political decision-making, whether male or female, has the strategic opportunity of shaping and influencing development policies and programmes, for good or worse. I therefore argue that women make a significant difference and add value to policymaking, when present at decision-making tables in large enough numbers-a *critical mass*.

This view finds support in International Agreements and Conventions, which have persistently stressed on the importance of women's equal participation in political leadership. **The 1995 Beijing Platform for Action**, for example, emphasized that 'women's equal participation in decision making is not only a demand for justice or democracy, but can also be seen as a necessary condition for women's interests to be taken into account. Without the perspective of women at all levels of decision making, the goals of equality, development and peace cannot be achieved.' The Platform therefore emphasized the need (i) to ensure women's equal access to and full participation in all power structures and decision making; and (ii) to increase women's capacity to participate in decision making and leadership. Similarly, the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, in Article 7, called upon State parties 'to take all appropriate measures to eliminate discrimination against women in the political and public life of the country.' In addition, the **UN Security Council's Resolution 1325** on women, peace and security also reaffirmed the importance of equal participation

and full involvement of women in all efforts for the maintenance and promotion of peace and security, as well as the need to increase women's role in decision making. Despite these provisions the challenge of gender imbalance in political leadership remains.

Paucity of Women Leaders in Political/Governance Institutions

The end of the 20th century and the beginning of the 21st century has witnessed a steady increase in women's political participation in Africa. **In a UN report 'Africa and the Millennium Development Goals–2007 Update'**, it is noted that the share of parliamentary seats held by women in Africa increased from 7 per cent in 1990 to 17 per cent in 2007, which is close to the global average. In January 2006, Ellen Johnson-Sirleaf became President of Liberia and Africa's first elected woman president. By the end of the 20th century, a few African countries, for example Rwanda, Uganda, Tanzania, Ethiopia, Eritrea, and South Africa had set quotas for women in national and local legislative bodies, a sign of a renewed commitment to have more women in political leadership.

According to the **Inter-Parliamentary Union (IPU)**, on average women constitute 18.8 percent of representatives in parliaments across the world. With 56 percent representation, Rwandese women are sitting on top of the world rankings of women in national parliaments. A few other African countries such as South Africa, Mozambique Angola and Uganda, have already attained the critical mass threshold of 33% women representation in decision-making. Furthermore the *SADC countries of Southern Africa, have already a Protocol on Gender and Development that commits member countries to work towards the goal of having 50 percent women in political and decision-making positions by 2015.*

Kenya on the other hand, remains greatly challenged in regard to women's ascendancy into public political leadership positions. Indeed, over the past decade, all the countries in the East African region have overtaken Kenya on all measures of gender equality indices. Currently, the Kenyan parliament has only 9.9% women representation; trailing far behind the global average of 18.8% women representation in world parliaments. The lack of a critical mass of women in parliament continues

to be a major constraint for women politicians to effect significant and positive difference towards transforming the male-dominated culture of parliament; shaping public policy and influencing resource allocation in a gender equitable manner. The dismal performance of Kenya in regard to women's representation in political leadership, despite having pioneered and provided leadership to the post-1990 multi-party women empowerment programs in the East African region, continues to raise concern both at the level of theory and praxis.

Despite the progress made in some countries, serious and persistent obstacles still hinder the advancement of women and their participation in political decision making processes. Globally, the basic constraints women face as they attempt to participate in politics, though occurring in varying magnitudes in different countries, tend to be broadly similar. Some of the main obstacles are related to persistent poverty; lack of equal access to health, education, training and employment; cultural barriers; political structures and institutions that discriminate on women; and in some cases the impact of armed conflict and natural disasters, which has also contributed to women's lower participation due to other challenges that accompany conflict.

In Kenya, it has been argued that there are some unique aspects that continue to keep the numbers of women in politics low; such as lack of affirmative action law and the gender insensitive male political culture, that continues to dominate key social and political institutions.

Some have argued that the marginality of women in political leadership and their continued exclusion in political decision making is a product of a history of the patriarchal State in Kenya, during both colonial and post colonial period. This is despite the fact that the independent State in Kenya emerged from a nationalist movement that involved women in heroic roles. Most of these women led struggles against colonial domination, protested against colonial oppression, fed and protected veterans during the fight for independence, but the view that women could

never be good leaders continued to be firmly held by most of the male leadership in Kenya.

I have also argued in some of my work on this topic of women's leadership, that the apparent political marginality of women in decision-making needs to be understood within the structural impediments that women globally and at the national levels continue to face as they seek to participate in all areas of politics and governance generally. In particular, the electoral playing field, is often tilted heavily in favour of men; more so in countries such as Kenya that are highly patriarchal and lack a democratic constitution and electoral laws to facilitate level of political playing field and a free and fair electoral process. This gender specific unevenness of electoral politics manifest itself in the form of:

- *social resistance to women's participation* in political leadership;
- *A culture of electoral violence* that tends to be harsher towards female than male candidates;
- *The feminization of poverty* that renders women more financially constrained to manage a campaign than men;
- Lack of adequate political socialization for leadership, which manifests itself in women's exclusion from access to strategic political information and general inability in the art of public oratory and populist campaigning; and
- *Women's marginality in mainstream political party hierarchy*; they are therefore unable to change rules of engagement, which are defined and organized around male norms and values.

Women are therefore often constrained from setting the political rules of engagement and inclusion in a manner that reflects their specific experience and vision. Indeed, male political ideology continues to define the standards of evaluation of women's political performance and participation. Under the combined circumstances of a weak and fractured women's political lobby and gender imbalanced political playing field,

women candidates in electoral politics are, therefore, unable to shape electoral party decisions, especially at the nomination stage.

The women leaders who have struggled and attained leadership against numerous odds such as Prof. Wangari Maathai, Martha Karua, Charity Ngilu etc are the exception rather than the rule.

Do Women Make A Difference to Human Development When in Political Leadership ?

The Beijing Platform for Action made the point that women's participation in decision- making is not just a right but a necessary condition for a more responsive, accountable and transparent governance.

That women bring a different perspective in leadership is not in dispute. Women definitely bring different perspectives into politics but whether or not they make a positive contribution as Agents of Change is a matter that scholars and various observers have held divergent views.

Most analysts and researchers however have argued that having more women in politics would help solve problems associated with perpetual poverty, especially as it affects women. Women's leadership not only aids in building nations but also helps to balance up decision making processes. In this regard, Some scholars (Epstein *et al.*, 2005 & Neuman, 1998), writing about women legislators in the United States, observed that decisions concerned with issues of education, health, gender violence, women's economic empowerment, peace, rights, dignity, democracy, getting rid of corruption and drug trafficking, and changing the lives of (poor) ordinary people by improving their standards of living, are usually of great concern to women leaders. It has also been argued that *women have tendency to support liberal legislation, particularly that which seeks to create a more inclusive society.*

These **pro human development female tendencies** are attributed to 1) women's socialization to be nurturers and caregivers and 2) women's

experience with marginalization and under-privilege living in poor communities all over the world. Having been on the receiving end of discrimination based on their sex, women who get into positions of leadership are more likely to support initiatives that seek to end or at least lessen it, than their male colleagues who traditionally have been the beneficiaries of such marginalization. Women develop their vision of leadership from experiences they go through as young girls growing up in a society with major gender inequalities. When they get into politics, women's priorities are guided by their vision to see a world where all people get equal opportunities in life.

Another study concludes that women leaders tend to be more democratic and promote democratic ideals more than their male colleagues and cites the cases of South and South Eastern Asian women political leaders, notably, the former/late President Corazon Aquino of the Philippines, former/late Prime Minister Benazir Bhutto of Pakistan, and Burmese opposition leader, Aung Sang Suu Kyi, who were perceived by some of their countrymen to be weak because of their preference for democratic rule. Their 'tolerance of dissent, willingness to compromise, insistence on democratic procedures and even political amnesty towards opponents were perceived as 'the result of timidity rather than courage, and weakness rather than strength'.

Here in Kenya, it has been argued that women's participation in governance will benefit society because women are more likely to press for laws that benefit families, women, children and marginalized groups . This argument is supported by the fact that in Kenya, some legislative changes in favour of women were effected during the 9th parliament, which enjoyed the highest number of women since independence. Some examples include tax waivers for sanitary wear and diapers, passing into law of the Sexual Offences Bill, review of the Employment Act leading to increase in maternity leave to four months (three months actual maternity leave and one month annual leave), and an increased focus on gender issues and HIV and AIDS, especially by then female Minister of Health, Charity Ngilu. *Other Bills sponsored by women parliamentarians but which were blocked by male politicians include the Affirmative Action bill, the Matrimonial Bill .*

A study conducted in 2008 on women political leaders in Kenya revealed that most of women political leaders were particularly keen on improving the quality of life of the under-privileged in their respective communities. They were concentrating on the value of life, from the basics of good health and nutrition, to the impact of the spread of disease, the under-privileged in society such as orphans, the provision of water, to the human rights of women.

Others argue that, although *having women in parliament may help in providing other women and especially younger women with role models, having women in itself does not be a guarantee that women issues will be addressed. The argument is also made that some women leaders get masculinized and display the same tendencies as male leaders.*

This argument also reminds us that women are not a homogenous group, that share a common ideological perspective on all issues. Women leaders, like men, have to manage often contradictory socio- economic and political identities and loyalties to their families, religious beliefs, professions, ethnic communities, political parties and other allegiances. The challenge of managing and harmonizing these diversities in male dominated political institutions, has significant implications on women's performance in political leadership.

It is also worth remembering that a minimum 30% critical mass of women politicians is necessary before a substantial difference can be made in pushing for policy and legislative decisions for sustainable development.

Women Leaders as Mentors and role Models

One of the arguments for having more women in senior positions is that they can act as role models to young women, who can then believe in their own ability to become able leaders. This is especially important in a country such as Kenya, where women hold less than 30 per cent of key public decision-making positions. I recall that in 1997, when Hon.Charity Ngilu made political history in Kenya by becoming the first woman to run for the presidency, she inspired a lot of women candidates who had previously shied away from running for political office. And indeed, the number of women who vied for the 1997 elections increased significantly from *previous elections. Those women who have struggled against numerous*

odds and with no concrete supportive family structure, such as the Nobel Laurette Prof. Wangari Maathai, certainly serve as excellent models for young upcoming political leaders .

The Gender Dimensions of the Proposed Constitution & Prospects For Sustainable Development

At the outset, I wish to make two general statements regarding the proposed new constitution. First, the proposed Constitution like other Constitutions the world over, is a negotiated legal, political and social contract, representing a compromise of the diverse interests and aspirations of Kenyans. It cannot therefore be expected to be perfect or to respond to all individual and group interests, either now or even later. For example in respect to gender, the absence of a stand alone *Commission for Gender Equality* to monitor and ensure the implementation of gender-related laws is an important omission. That notwithstanding, the gender provisions contained , are quite progressive and provide an adequate basis for formulating responsive legislations, for the advancement of rights generally, and promotion of gender equity and social justice in Kenya, and by extension, sustainable development

In particular, the proposed Bill of Rights is comprehensive and progressive in its provisions on gender rights and fundamental Freedoms. Chapter 27 provides for Equality of rights and fundamental freedoms between men and women including equal opportunities in political, economic, cultural and social spheres and outlaws discrimination on any grounds. It also entrenches the Kenya National Human Rights and Equality Commission, to monitor implementation, promotion and protection of gender and human rights and freedoms, though it doesn't make up for the absence of an independent Gender Commission. Gender rights provisions in the Bill of rights are further reinforced by Article 2 (6) which requires that any international treaty or Convention that Kenya has ratified, become part of Kenyan law, including those protecting and upholding women's rights such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Bill of Rights also provides for legislative

and other enactments to give full effect to the principle of Affirmative Action.

On property rights the proposed law is gender-friendly. It confers property rights equally to both women and men and further provides for the elimination of gender discrimination in law, customs and practices related to land and property in land; as well as matrimonial property, during and on the termination of marriage. This would facilitate the passing of the Matrimonial Property Bill, still pending before parliament. Further, the proposed law requires Parliament to enact legislation to protect the dependants of deceased persons holding interests in any land, including the interests of spouses in actual occupation of land.

On representation generally, the proposed law is largely faithful to the *principle of 'no more than two thirds of one gender'* presence in elective and appointive public positions, including the members of Parliamentary Service Commission, the 10 proposed Constitutional Commissions .

Under the *proposed Senate*, women are assured of 18 out of the proposed 47 seats thus marginally meeting the AA 30% threshold.

But in respect to *Parliamentary representation*, women are only assured of 47 out of the expected 349 members of Parliament. This translates to only 13.5% women representation; a far cry from the 30% minimum necessary to give effect to the AA principle provided for under the proposed law. This in effect means that women will not only have to compete vigorously for the open elective parliamentary seats, but will need to insist that legislative measures be taken to ensure the attainment of the minimum 30% female parliamentary representation as provided in the proposed Constitution. There will also be need to lobby political parties to allocate women some of the twelve Parliamentary nominated seats reserved for special interests.

The proposed *Proportional Representation and Party list System* of election and nomination' methodology of political candidates recruitment also enhances women's opportunities for attaining political office.

The proposed constitution also provides the *option of running for political office for independent candidates*, provided they have not been members of

a political party for at least 3 months prior to the date of the election. Women candidates, even with the leverage of a political party affiliation still face enormous economic and socio-cultural obstacles during elections.

In conclusion, the proposed new constitutional dispensation is progressive and has adequate provisions to serve as a key building blocks not only for enhancing gender equality and facilitating women's role in sustainable development. In particular, affirmative action provisions will certainly help more women to get into political leadership, therefore allowing for the critical mass needed to have more women friendly laws and provide young women and girls with a large pool of role models and mentors.

Enhancing Gender equity for sustainable development- What should women do?

Women need to be more deliberate and strategic in working on the personal factors that hinder them from taking their rightful place in society. They need to work on issues of self-esteem and confidence in relation to politics. There is also need to recognize that even though high academic achievement is extremely important for leaders to be effective, of equal importance is a better understanding of politics and issues of legislation. Women planning to join politics need to familiarize themselves with political dynamics in Kenya and especially how they can develop clout in a male-dominated parliament. Women, especially given their small numbers, need to work extra hard to become role models for other aspiring women politicians and to act as ambassadors for other women so that the electorate can begin to appreciate their leadership. Women politicians need to appreciate that since they are a minority, they have a much bigger responsibility because everyone is watching how they perform.

At individual level, women need to learn to challenge the traditional gender roles, which leave most domestic responsibilities in their hands. Women also need to negotiate for sharing of domestic responsibilities with other family members and especially spouses.

