EXPLORATORY STUDY ON BARRIERS TO WOMEN’S PARTICIPATION AND REPRESENTATION IN DECISION-MAKING AND ELECTIVE POLITICS: A CASE OF NAROK COUNTY

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I. INTRODUCTION

It has been argued that, in society where gender equality is greater with regard to both opportunities and benefits, the result is a better quality of life. As such addressing any gender inequalities and empowering women not only becomes very important in meeting the challenge of rigid gender roles affecting women but also gives women their absolute rights and benefits humanity as a whole.

Women constitute half of the world’s population, perform nearly two-thirds of its work hours, receive one-tenth of the world’s income, and own less than one-hundredth of the world’s property. Rural women play a critical role in the rural economies of both developed and developing countries. In most parts of the developing world they participate in crop production and livestock care, provide food, water and fuel for their families, and engage in off-farm activities to diversify their families’ livelihoods. In addition, they carry out vital reproductive functions in caring for children, older persons and the sick.

To understand the situation of rural women, it is necessary to examine the full diversity of their experiences in the context of the changing rural economy, including their position within household and community structures. It is also important to understand the connectivity of laws and practices that discriminate against girls and women, including those regarding FGM, bride price, dowry, rape, family “honor”, sexual exploitation, and other harmful social norms and legal provisions that contribute to and condone child marriage. In addition, understanding the underlying practical, physical and mental health needs connected to child marriage, for both the girl and any children she may have, must underpin any plans for development at the community, state, regional and international levels.

Although women’s status seems to have improved remarkably in the 21st century, in many societies women continue to lack access to power and leadership compared to men. There is a dismissal number in top and even middle management positions in most organizations. This paper looks at the level of political engagement, representation and respect for human rights by and with respect to pastoral women in Narok County with view to inform future strategies aimed at improving the prevailing situation.

Political participation is the activity by private citizens designed to influence government decision-making and action – either directly by affecting the making or implementation of public policy or indirectly by influencing the selection of people who make those policies. Participation is also the process through which stakeholders’ input and share control over development initiatives, decisions and resources which affect them; including influencing policy formulation, alternative designs, investment choices and management of decisions affecting their communities.

Evidence from literature review and data from fields by the research indicates that although women have enormous potential to initiate change and influence political processes in the country and within their communities, myriad of factors interacting in complex ways impede this potential. These factors range from, family background, colonial education, colonial structures, status of family in society, women

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2 Protecting the Girl Child: Using the law to end child, early and forced marriage and related human rights violations: EQUALITY NOW
3 A study on the Political Participation of Kenya’s Hunter Gatherer Women in international and national Political Spaces:
educational level, patriarchal systems, occupation, land ownership, income, value of wealth, household size, age and marital status influenced pastoral Maasai women participation in political processes.

There are many ways seeing the world. Women’s view of the world is one of those ways, a perspective and ways of knowing that needs to be made more visible and integrated in our definition of how we see the world. Involving women in the decision-making process can be a complicated task given cultural, political, and often practical difficulties – education, ownership of land or property

II. A SNAPSHOT OF EVOLUTION OF WOMEN POLITICAL REPRESENTATION IN KENYA

“The seeds of democracy lie in the principle that the power to make decisions about people’s lives, society and their country, should derive a choice by those who will be affected” (Frene Ginwala, 1998).

In Kenya, as in many other parts of the world, the roles of men and women develop within the particular cultural and socio-economic setting of the respective society. The rights of women fit into a complex web of family and clan structures and the interdependencies of their respective members. The situation of women’s rights in Kenya reflects the diversity and complexity of a state that was under foreign rule and yet kept its own traditional systems of law and order.

The new constitution ensures recognition of the ethnic, cultural and religious diversity, outlaws discrimination, confers Affirmative Action for women’s rights to participate in elective and appointive bodies, proposes not more than two thirds of either gender should be in appointive or elective bodies, equal rights to citizenship for women and men, protection for women in relation to motherhood, pregnancy and equal rights in marriage, among others benefits.

In article 35 of the Kenyan constitution, women have the right to equal treatment with men, including the right to equal opportunities in political, economic and social activities. Women are also to be accorded the same dignity of the person as men. They have equal rights to inherit, have access to and control property. In addition, any law, culture, custom or tradition that undermines the dignity, welfare, interests or status of women is prohibited.

Protection against early marriage has also been nationally legislated through the 2002 passage of the Children Act (Cap 586, Laws of Kenya). Article 2 of The Children Act entitles all children to free, basic, and compulsory education. Article 14 stipulates that “no person shall subject a child to female circumcision, early marriage or other cultural rites, customs, or traditional practices that are likely to negatively affect the child’s life, health, social welfare, dignity, or physical or psychological development” (Government of Kenya 2001).

In addition, Kenya has signed and ratified all major international human rights treaties that carry provisions to protect young girls and women rights. These makes the violation of women’s rights in Kenya

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4 Women’s Experiences as Sources of Public and Legitimate Knowledge: Constitution Making in Kenya - By Wanjiku Mukabi Kabira

Yet, an examination of operationalization of the Kenyan laws, government policies and directives, and domestication of international treaties reveals a high degree of marginalization, neglect and outright discrimination of women in the fields of adequate housing, marriage, health and political representation; women are still not treated as equal to their male counterparts and suffer as a result of discrimination. In the education sector for example, despite women teachers forming a majority in the teaching profession, only 15% of senior positions are held by women at the primary level.⁶

Politically, though women form the majority of the voters in all the wards and constituencies in the country, it is unfortunate that there is no commensurate representation in decision-making bodies. This was attributed to the historical perceptions which have socialized women to believe that leadership positions are not for them.⁷ Like elsewhere in the world, leadership in Kenya has long been a male dominated terrain.

Increasingly few women have been able to break through the male dominated space. Despite serious socio-cultural barriers, every election year in Kenya more women political aspirants surface. In the 10th parliament, women account for 10 percent, well below the 30% considered to be the critical mass of influencing decision making aimed at improving the status of women (Ibid, 2007). The August 8, 2017 General election saw the election of 70 female representation in the 12th Parliament and of three female governors at County level.

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⁶ The Role Of Women In Conflict Management: An Assessment Of Naboisho Conservancy In Kenya; Achieng Anne Stella - R52/67354/2013
⁷ Factors Influencing Participation Of Elite Women In Political Leadership In The Maasai Community Of Narok South Sub-County, Narok County, Kenya, Zeddy Kauria
A thesis submitted to the Graduate School in partial fulfillment for the requirements of Doctor of Philosophy Degree in Sociology of Egerton University; Egerton University, October, 2018
Consequently, the few Women occupying political position in the Country are mostly through affirmative action arrangements – constitutional women protected quotas. The affirmative action provision include the one-third gender rule in public service positions, the women representative seat for each of the 47 Counties and the County Assembly nomination arrangement to achieve the one-third principle.

Not only are women relatively least represented in elective politics they often suffer disproportionate impacts of post-election violence. Kenya has had a history of violent uprisings following elections, attributed to corruption of the political leaders and parties, nepotism, frustration of the population with the lack of proper representation, ethnic conflicts; with the female population experiencing sexual and gender-based violence. In 2007 for example, girls and women who were forced to flee from their unsafe home or region, engaged in prostitution in exchange for money, food or shelter. These acts of sexual and gender-based violence consisted mainly of rape, gang rape, defilement, genital mutilation, sodomy, forced circumcision, insertion of objects and sexual exploitation.⁸

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⁸ Women’s Rights in Kenya and their Relevance to Development” Verfasserin Angelika Maria Heider, 2012
Kenya has been ranked as one of the countries with the lowest number of women legislators within the East African region, despite the constitutional Two Thirds gender rule. Kenya stands at position six, with 22 per cent of women in the National Assembly and 31 per cent in Senate. Rwanda is leading the pack with 61 per cent followed by Tanzania (36), Burundi (36), Uganda (34) and South Sudan at 28.5 per cent. This is slight improvement from before the promulgation of the Constitution, the number of women in Parliament had risen from 20.6 to more than 23 per cent. There is only one Women founded and led political party - NARC-Kenya chair Martha Karua.\(^9\)

### III. THE CASE OF THE MAASAI WOMAN: NAROK COUNTY

The Maasai community finds itself in predicaments that threaten the practice of pastoral way of life – socially, economically and politically - in the face of land-tenure reform, political marginality and state neglect, climactic instability, and population growth.

Narok County is a predominantly Maasai pastoralists County with notable growing influence of other Kenyan ethnic groups. The pastoralists Maasai community in Narok (and elsewhere in East Africa) are in a dilemma. Pastoralism as a livelihood production system, has often been sustained by household Labour rendered by male and females in equal measure.

In most of Maasai land, low altitudes, variable and little rainfall, and poor soils produce a semiarid climate with little agricultural potential. Consequently, traditional livestock husbandry - pastoralism - is the primary economic activity. Cattle, goats, sheep, and even a few camels are raised through a form of

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\(^9\) The Standard Newspaper, 13\(^{th}\) January 2018
transhumant husbandry: during the wet season animals are grazed within the vicinity of a permanent homestead, and during the dry periods they are moved to distant pastures.

There is little infrastructure in the Southern rangelands. Residents have access to water through scattered boreholes, seasonal streams, and hand-dug wells. There is minimal access to electricity and paved roads. The options for diversification and small-enterprise development are limited by the lack of electricity, poor infrastructure, low levels of education among the adult population, and a difficult climate for agricultural endeavors.  

For this reason, pastoralism and the marketing of livestock is still one of the most important sources of income and security for families in the region. Parents, mothers especially, have taken on increased herding and domestic responsibilities to compensate for the loss of their children’s labor while they attend school.

Despite historically lagging behind in school enrollment rates, pastoralist Maasai are increasingly enlisting their children in formal education. Formal education, is seen by parents as a potential pathway to offer their children alternatives to the exclusive practice of pastoralism in a region where rapid land fragmentation and dispossession, continued neglect by the state, increased climactic instability, and heightend population pressure have all compromised the viability of a pastoral livelihood for Maasai youth.

A study by Archambault in 2007 indicated that the percentage of girls having attended one or more year of formal schooling was even higher than that of boys (64 percent of girls compared to 60 percent of boys). Among women ages 46 years and above, only nine percent had ever attended one or more years of schooling. The rise in primary education participation in Maasai land is linked to the perceived decreasing viability of pastoralism as a livelihood strategy for future generations.

In spite of these positive attitude and indeed outlook towards formal education, the pastoralists Maasai community have often received bashing from promoters of Girl Child rights - Formal school curricula and extra curricula; Churches, NGOs and governmental policy and programmes – in which they paint parents as violators of girl child rights on account of outdated traditions founded on patriarchy and collective rights. The church leadership for example quite actively promotes education of the girl child, the sanctity of love marriages, and free choice of life partners and condemns polygyny as well as both early and out-of-wedlock pregnancy.

Promoters of Girl child rights in Maasailand blame the minimal engagement of women in politics and general development practice on the many practices associated with or implicated in what has come to

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10 Ethnographic Empathy and the Social Context of Rights: “Rescuing” Maasai Girls from Early Marriage, Caroline S. Archambault ... American Anthropologist, Vol. 113, No. 4, pp. 632–643, ISSN 0002-7294, online ISSN 1548-1433. c2011  
11 Ibid
be defined as early marriage, including child marriage, female circumcision, girl child education, reproductive rights, and arranged marriage or betrothal.

The Maa community views marriage as one of their social networks useful in their aspiration for protection of and access to resources—arguably more than ever before. Maasai lineage, clanship, age-set, and marriage systems provide an institutional foundation for these networks. “Customary” marriage is therefore viewed as connecting families to pastoral resources now under individual title and providing strong links of mutual support and reciprocity. This form of marriage is understood and valued as an alliance of families.

Given increasing pressure on pastoral practices and the role that customary marriage plays in providing extended family support, it is perhaps less surprising to note that, in contrast to the general trends in Kenya and elsewhere in East and sub-Saharan Africa (Mensch et al. 2006), age at first marriage among the Maasai seems to be actually decreasing rather than increasing.

Early marriage is therefore viewed as the next best available pathway to ensure that daughters are well protected in good homes, prevent unwanted and early pregnancy, promiscuity and STDs and in responding to the growing family poverty by drawing on support and security from the resultant family alliances.

Other intervening factors negatively influencing access to Schooling, include, proximity to Schools within ASALS; highly competitive absorption opportunities, with positions in secondary schools available for only just over half (55 percent) of primary graduates; Low-quality of education provide (because of large class sizes, understaffing, lack of learning resources), and a non-conducive learning environment, among other factors, make this a real challenge, especially for girls; and prohibitive secondary school fees.

According to Archambault (2007), on average, children in rural Maasai land live 57 minutes’ walk away from the nearest primary school amidst shrub land and wildlife. Consequently, parents wait for children to be “big” enough to make it to school, sit through the day and learn productively, and return home safely.

Because of difficulties in accessing school, Maasai children—girls especially—often begin their education at a relatively late age, often reaching reproductive age while still in primary school. Arising from these difficult circumstances, a little over one quarter (28 percent) of girls between the ages of 26 and 35 who attended primary school entered secondary school, with only ten percent pursuing some form of tertiary education (Archambault 2007). While achieving literacy through primary school education is useful and necessary for everyone, higher levels of education tend to produce substantial, indirect opportunity costs in the form of lost child labour.

The challenges of accessing formal education in Maasai land is complicated by the Inadequate access to vocational and technical training, including teaching approaches and ideologies that presents pastoralism as an archaic mode of production rendering pastoral kids that access formal education “least skilled” for pastoralism. In this light, choosing early marriage may be understood as an adaptation strategy and decision taken by parents out of love and concern for their daughters and who have lost confidence in the education system or in the economy or who do not trust their daughters’ future to the hands of the state.
The study on the place of women in Naboisho conservancy demonstrates the reality and irony that women have always been important users and managers of natural resources yet they have been generally excluded from formal decision-making processes about those resources. Traditional authorities tend to be male dominated. The traditional position of Maasai women is deemed problematic as unless women leave the community, they have a limited opportunity of being involved in the decision making processes of the community or the family, simply by virtue of being women.\(^\text{12}\)

Maasai men and women held separate roles and responsibilities in the care and management of cattle and smallstock (sheep and goats). Adult women cared for calves, smallstock and sick animals. They milked cattle (and sometimes smallstock) in the morning and evening and controlled the distribution of milk to household members and visitors. They maintained the right to trade any surplus milk. Women also processed animal skins, and either made clothing or sleeping skins from the hides or traded them. Young boys usually herded livestock; *ilmurran* guarded people and livestock from raids, attacks and wild animals; and elderly men made the broad management decisions about the timing and location of grazing and watering the herds.

Four broad institutions of governance are central in the socio-political and cultural organization of the Maasai society namely *Olosho* (16 territorial section); *olgilata* (clan), *Olparr* (the age-set system) and *enkidong* (the guard, office of the prophet). Although each of these institutions has a clear jurisdiction, be it territorial, thematic, or lineage related, they also serve to reinforce each other while at the same time providing checks and balances.

The Age-Set system is one of the most central structures of social and political organizations among the Maasai. In short, the age-set system organizes men into cohorts of age-mates who pass through various stages of their lives together through ritual promotion. A new age group is inaugurated approximately every seven years with the circumcision of young boys, ritually transforming them into *ilmurran* (loosely translated as warriors). On a fourteen-year cycle, successive pairs of age groups (identified as the left and right hands) merge together through a ceremony (*Enkang o Olorioakan*), to form a single age-set and graduate together to become junior elders (*ilmoruak*). From junior elders they will graduate to senior elders and eventually to wise retired elders (*iltasati*).

Each age-set system has a set of leaders nominated by elders in consultation with the *Oloiboni* during boyhood and certain rites of passage. They are lifelong leaders whose power stays throughout their lives. The age-set provided an excellent social structure for learning the ways, values, cultures, indigenous knowledge and systems of the community.

Women also played central roles in the numerous rituals that marked life stage transitions, such as the birth of children, naming ceremonies, circumcision rites, the passage of groups of men from one set of age-grade statuses to another and ‘peace-making’ ceremonies of neighboring groups. Although not specifically ‘political’, women’s religious and ritual activities were power-laden in that they reflected and expressed moral authority.

Like production, political power was also structured by gender, age and to a lesser degree kinship. As men grew older, their political power as arbitrators of community and clan disputes increased as well, peaking

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\(^\text{12}\) The Role Of Women In Conflict Management: An Assessment Of Naboisho Conservancy In Kenya; Achieng Anne Stella - R52/67354/2013
when they were elders/senior elders. Women followed a similar trajectory of increasing respect and power through their lives. And when their sons began to marry and they became mothers-in-law, their authority increased, and their workload decreased as they managed their daughters-in-law. These same sons and daughters-in-law would in turn care for these women when they became elderly and feeble kokoo (grandmothers).¹³

Women representation at the County Assembly - Narok County:

Narok County has 30 electoral wards, each of which elects a single member of the County assembly through universal suffrage. All 30 elected members of the County Assembly in the 2017 general election are males despite a few women offering their candidature for election. To achieve the one-third constitutional gender rule 15 women were nominated into the Assembly on account of political parties’ strength in the house. Evidently, no Woman would have seen the County Assembly, were it not for nomination arrangement under the affirmative action clauses of the Constitution.

While the nomination affirmative action arrangement increases women representation and voice in the County Assembly effective representation and equity in voice, is anything but optimal. Women still face numerous challenges in the house that almost negate the value of their presence in the assembly.

Firstly, Political parties have undue influence on members granted their nomination slots. Nominated Women representatives are often taken hostage by their respective party positons and their voice is muffled. The carry-over of the campaign period hardliner and polarizing positions often makes bipartisan legislation and governance decisions a highly protracted struggle in the house.

Second, Nominated members must also deal with the stigma associated with how they came into the House. Because of their unquestioned allegiance to the nominating authority. Nominated women members in particular are prejudiced, intimidated and seen as inferior and “less honorable members” because of how they came into the Assembly. They often acquire the demeaning and derogatory tag “Flower Girls”. This is so, despite efforts to make the political party nomination processes transparent and objective through open discussion, listing and publication of nominees.

Third, access to Assembly resources, is a game of chance for most nominated members of County assembly, particularly women. While their National Assembly counterparts have access to a dedicated Affirmative Action fund, the County Assembly members are at the mercies of the Executive. County development resources are allocated on Elective Ward basis, for which nominated MCAs have none. While elected counterparts have an allocation of at least Kshs, 1.5m p.a, the nominated ones received less than 15% of that. Even under the current proposals for creation of Ward development fund or the Ward Equalization Fund at the County government level, nominated MCAs must fight for their share to factored into the fund. In addition, nominated MCAs are least facilitated (mileage or secretariat support) to undertake such activities like the elected MCAs.

Fourth, there is also tension and competition for recognition between elected and nominated members. Ultimately, nominated members have minimal representation and peripheral influence in influential house committees (Sectoral and standing house committees). A woman presently heads only one Committee in the Narok County Assembly. In contrast, their nominated male MCAs often get into

¹³ Ole Riamit, 2019, Exploration Study On Conflict Resolution, Peacebuilding Mechanisms & Justice System Of The Pastoral Maasai Society & Its Interaction With The State Administered System(s)
positions in the Committees perceived to be more influential. Nominated members are not seen to represent any Wards, or any special constituency of voters’ interests. The fact that nominated women MCAs represents women’s issues that go beyond ethnic boundaries are often ignored or disregarded.

Fifth, nominated women representatives in the Assembly, have oblique chances of carrying through policy and legislation proposals they bring to the house. Policy-making processes is an expensive endeavor calling for resources to undertake research, benchmarking and lobbying fellow legislators. The Hon. Member interviewed in the course of this study shared her frustration in pushing through several policy proposals that included Policy on Beadwork for Women, Irish potatoes, Charcoal burning and Affirmative action in employment opportunities at the County level – all of which are yet to see the light of day.

Sixth, unlike their national assembly colleagues who are organized under the umbrella of the Kenya Women Parliamentarians Association (KEWOPA), Women at the County assembly are least organized and receive minimal support from Non-State Actors in the legislative endeavors.

IV. WOMEN DISEMPOWERMENT: FACTORS AFFECTING LEVEL OF PARTICIPATION IN DECISION-MAKING AND POLITICAL PROCESSES

This section of the paper explores and summarizes some of the underlying factors contributing directly and/or indirectly to women’s minimal involvement in political processes and under representation in elective positions and other decision-making arrangements. The reasons range from entitlement to property, cultural practices/Customs and belief systems, education and exposure, personal agency and legal and policy concerns among others.

a) Entitlement to Property Rights: Land & Natural resources

In most pastoralists communities land is the primary asset on which a livelihood can be based and consequently possession of the rights to that asset can ensure the economic well-being and social status of a person. Land tenure is a reflection of the distribution of power in society and in many pastoralist societies like the Maasai; men have more access to power than women, translating into weaker land rights for women. Women have always been important users and managers of natural resources yet they have been generally excluded from formal decision-making processes about those resources. Access to land and property rights for women is a crosscutting issue, which affects economic sustenance, human rights, and access to justice.15

Prior to the introduction of individual property rights to land in Maasai land, most lands were held collectively under customary tenure. Customary ownership may be more usefully conceptualized as a set of interlocking rights of access and control reflecting power allocated to individuals/groups for particular purposes. The system envisions land tenure as “bundles of rights” that are tied to property. These include

14 Key Informer interviews with Hon. Rahab Kenana, nominated MCA Chama Cha Mashinani
15 Justice for the Poor / Kenya Women’s Access to Land and Property Rights. A Review of the Literature; July 2008; Andrew Harrington - Andy_harrington78@
the right to use land, such as exploitation and control rights, such as the right to ownership, rights to

gather minor forest products or to obtain water, management, exclusion of others and alienation of the

resource.  

Rights to land are generally predicated on one’s membership and status in a controlling social group,

while individual families hold spatial and temporal usufructory rights over land. In practice, no one holds
greater rights than those of the herder. However, those rights do not necessarily include the ability to
alienate the land; under customary tenure, sales are rare, if permitted. The ability to alienate land as such
does not mesh well with customary restrictions on permanent transfer.

The pastoralist Maasai customary tenure system is Patrilineral — property is “owned” by the husband or his
family. Men, as head of the family unit accrue powers over the allocation of land, albeit within the family
structure. Property belongs to the husband’s lineage which in turn means that wives are usually excluded
from participation in major decisions. Daughters may be perceived as transients and wives as newcomers
and interlopers. Neither wives nor daughters are seen to have a durable interest in family patrilineal land
resources.

In this matter, women have a very difficult stand considering the fact that under customary rule they are
allowed only to use the land in accordance with the rights of their father over a piece of land, or
otherwise with that of their respective husbands’ land, but they do not possess the right to ownership.
For women, the right to use the land must therefore be secured by bringing forth male successors. Thus,
the women’s preference of sons is not only culturally embedded, but also a very practical way for a
woman to secure her customary legal claim to land and property. Women’s rights to property are often
seen as “secondary” because of their contingency upon a relationship with a male.

Attempts to address the shortcomings of the customary tenure with respect to women rights, through
legislation/written law have also yielded mixed results. While under official law women are granted
the right to own and inherit land, formal law has limits and does not eliminate cultural, informational or
institutional barriers which prevent women from claiming their rights. In addition, formal law may not
recognize rights to important uses of the land, such as gathering forest products or obtaining water for
domestic use. Formal legal victory lacking local legitimacy/social license may prove illusionary.

Generally, formal law is avoided because women fear or mistrust it, lack understanding (linguistic and
procedural), it is physically and financially inaccessible, they experience cultural discomfort, or decision
making is protracted. Conversely, customary avenues are culturally familiar, resolve problems quickly, are
socially legitimate insofar, geographically and financially accessible and focus more on restorative
consensus and reconciliation.

The question remains that of finding synergies between customary and formal law and developing a
dialogue for change within communities at the grassroots level, rather than through legal edicts handed
down from above. It is possible to generalize on one point: as the individualization of land ownership
progressed, women lost out.

\footnote{Mackenzie 2003, 257; Akech 2001.}
b) Access to education and training:

Education is recognized as a key determinant in human development through more opportunities and enhanced earnings. Unequal opportunities in access to education have long-term consequences that include intergenerational persistence of poverty, as it indirectly and directly influences future earnings, child health, and other social and economic outcomes.

Article 53(1)(b) of the Constitution of Kenya states that every child has the right to free and compulsory basic education and since 2000, Gok, has supported free primary education. Yet, only four out of every 25 people in rural areas have secondary education. Most (38 percent) of those with secondary education and above live in urban areas. Narok is categorized as one of the most rural counties in which education levels are lower than the average reported in urban, and more so among the women.

Data from the fields indicates that the administrative and constituency units predominantly occupied by pastoralists Maasai have the lowest average access rates to schools at all level. While the overall student population has a 1:1 sex ratio, at the time of enrollment in Enkutoto, high dropout rates among girls distorts this positive trend in subsequent schooling years.

Taking into consideration that the costs of a school education in Kenya has to be borne by the parents, and the dire economic situation of many Kenyans, it is not surprising that parents calculate very carefully the costs and benefits for the expenses of each child. For the reasons mentioned above and because women are less likely to find paid employment, most parents consider the education of their sons can receive at school to be more important and rewarding than it would be for their daughters. The prevailing notion is that by investing in their daughters they’d end up benefitting another household, not their own.

c) Formal Employment:

According to the Kenyan Government, in 2007, only 30% of the total number of persons employed in the formal employment sector were women. Most of the women have only informal work with no social security and a very small and unstable income. Women are grossly under-represented in senior decision-making positions within the civil service, in which 84% of the top-level positions are occupied by men, leaving only 16% to women.

Fifty-percent of the households led by a female in the rural areas are considered poor, compared to 48.8% of those led by a male. In the urban areas, the gap is bigger with 46% of the households led by a female living in poverty compared to only 30% of those led by a male.

Yet, women in Kenya are the primary producers of agricultural goods with which they not only can feed their children, but also sell the surplus at the local markets. Women are largely excluded from the formal labour market and so they make up about one half of the agricultural workforce and 70 to 80 per cent of all subsistence farmers. The work in agriculture and subsistence farming makes women especially vulnerable to exploitation and impoverishment because often their work is not remunerated and working hours are long.

For Maasai pastoralist women, their main duties centre around domestic chores such as construction of the Manyatta, fetching firewood and water, childbearing and taking care of the family members.
Increasingly, women are engaging in diversified income generating activities, such as sale of milk, beadwork and running local kiosks for dry goods.

d) Participation:

Full and effective participation of social actors in planning and decision-making processes that have a bearing in their rights and livelihoods is critical in safeguarding their rights and interests. Citizen access to information is crucial as a right in its own regard and is central to the functioning of democracy and enforcement of other rights. Without freedom of information, State authorities or agents can selectively release good news whilst withholding damaging information.

Effective participatory and democratic governance, facilitate creation of an enabling environment for sustainable development through enabling the sharing of perspectives from the poor and historically marginalized groups, strengthening local capacity, holding leaders to account, control against excessive discretion vested on public servants and political of leaders, provides for checks and balances against unnecessary political interference in service delivery, cultivating a sense of ownership, ultimately contributing to sustainability of development initiatives.  

Participatory democracy therefore must take into consideration the voices of those who finance government and those to be affected by decisions being made by government. Conscious and deliberate steps must be taken to ensure women and indeed any other disadvantaged group that were initially marginalized are included in decision-making processes and mainstream development processes.  

Citizen consultation and participation in planning and decision-making processes is in the heart of the Kenyan constitution, 2010. The Constitution vests all sovereign power on the people of Kenya. Participation of the people” is one of the country’s values and principles of governance, while the object of devolution (County governments) is to “enhance the participation of the people in the exercise of the powers of the state and in making decisions affecting them”.  

These rights are realized through democratic processes of direct representation, right of petition, right of recall, referendum and right of access to information. The avenues for information dissemination such as radio, information communication technology based platforms (Facebook, Twitter, Instagram, Whatsapp ..) community barazas, Citizen fora and other civic education activities undertaken by County and national governments are hardly accessible to women for reasons enumerated earlier on this paper.  

Some of the critical development tools and instrument for which women voices and perspective are less pronounced in Narok County include County Integrated Development Plan (5yearly), County Spatial Plan

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17 Factors Affecting Community Participation In The Management Of Development Projects Through Local Authority Service Delivery Action Plans: A Case Study Of Kilgoris Constituency, Narok County … Godfrey Ndubi Kwen… A Research Project Report Submitted To The School Of Management And Leadership In Partial Fulfillment Of The Requirement For The Award Of The Degree Of Executive Master Of Business Administration At The Management University Of Africa, October 2013


19 Constitution of Kenya Art. 10(2)

20 Constitution of Kenya, Art. 174(c)

21 County Governments Act, 2012 arts.15, 27 & 87
(10yearly), Budgetary Processes (Annual), Annual workplans and Policy formulation, implementation and Monitoring.

Overall poor awareness by women of their constitutional rights and responsibilities in the political and development processes has contributed to least responsive development outcomes with respect to women rights and interests in Maasai land, ultimately entrenching marginalization of communities, poor prioritization of community needs and high incompletion rates of projects at local.

e) Lack of role models:

Beyond the many structural, cultural and legal constraints impeding women’s meaningful participation in political processes in Kenya and in Narok County in particular, the issue of role modelling and mentorship was also cited as critical one. Some researchers have observed that women leaders tend to give female leaders lower ratings than do other women and male subordinates. That, women rarely look up to their fellow women as mentors (Javidan, 1995). Women interviewed decried the lack of mentors, they felt that they had struggled to lead without much direction. The few women that manage to break through the glass ceiling, often get so preoccupied with competing with their male counterparts, that they hardly spare time to mentor aspiring fellow women. The result is that gains by women are far apart and less sustained.

f) The Blessings and Price of Motherhood:

The immediate and sacred duty of women in most African society, (and among Maasai in particular) is perceived to be motherhood - and everything else is subordinate to this. The traditional influence of the clans and/or tribes was, and often still is, very strong in both the private as well as in the political spheres. Consequently, children a woman has do not belong to her alone, but to the extended family and the whole tribe, and that the decision to limit the number of children is not a merely personal one. Thus, women are often under pressure to get more children for various reasons.

These includes that influence of the patrilineal system of property ownership, which vouches for inheritance through sons; children as a sign of wealth, source of family labour and political consideration. Some Kenyan politicians were on record incentivizing Women with Kshs. 1000 note to give births so as to maintain the political dominance of a particular ethnic group. Another one was on record exhorting women “inkala are ake” (only two-teeth – reduce child spacing), so as to facilitate a catch-up in political numbers of a minority ethnic group.

Women get into marriage early, leading to early childbearing and a longer period of fertility which results in numerous and often unplanned pregnancies. This situation is complicated by the minimal practices of family planning among rural women. In 2009, life expectancy at birth was 58 years for men and 62 years for women, while pregnancy related deaths were the leading cause of premature death and disability among women of reproductive age in Kenya. The maternal mortality rate was 414 deaths per 100,000 live births per year in 2003.

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Ultimately, the main duty/profession for women is reduced into Childbearing, raring and maintaining the household with little entitlement to property and hardly any other time for other professions, including politics. Political and managerial positions entails job rotation and geographical mobility, which is often seen to create difficulties for a woman’s child and a disruption of the husband’s career.

**g) Equity in Law and in the Application of the law:**

Overall, Kenya’s legislative and policy environment with respect to Women rights and their specific concerns is relatively positive and progressive. As indicated earlier, Kenya has ratified most relevant international and regional treaties and conventions. The constitution safeguards and provides affirmative action on women representation and a number of enabling legislation addressing historical exclusion of women in areas such as property rights, employment, rights and equity in marriage, cultural practices considered to be harmful (female circumcision, early and arranged marriages) and reproductive health have are in place.

The main legal challenge facing women is less the absence of requisite laws than it is the interaction of existing legislation with customary law, and enforcement of the provisions of such legislations. Women are caught up in a complex legal context where different norms of statutory and customary law compete, conflict with, contradict, recognize and refer to each other and women have no clear authority for instance that exclusively defines their actual rights and that enforces them.

The Country appears to dither between aspirations of customary and statutory law with resultant effect of tenuous “legal dualism” of the country legal systems reflected in all the branches of law-making. Be it land rights, inheritance or family law; in all these fields a large number of different laws and acts are in force, which cause a great deal of inconsistency in court decisions and, consequently, legal insecurity.

The challenge of the dualism in law is clearly demonstrated in context of land tenure arrangement and how women related concerns are dealt with. For example, registration has been used as a tool to disinherit and remove people from ancestral lands, and by husbands to clandestinely sell portions of family land to outsiders without family or community knowledge. Women in particular have been negatively affected.

The Land Control Board (LCB) was established under the auspices of the National Government Administrative Office (Commissioner’s office) to ensure fidelity to the rule of law, fairness and justice in the issue of all “sale*s+, transfer, lease, mortgage, exchange, partition or other disposal of or dealing with any agricultural land”. The owner of agricultural land must apply for, and receive, an LCB’s consent before any transfer of such land can take place.

Such consent would be required were a sale to be formal and legally undertaken; however, most land transactions in Kenya do not appear to follow formal channels because of the costs and lengthy procedures. Prior to issuance of Consent, the LCBs must ascertain the seller has sufficient agricultural land and has considered families of persons involved with agricultural land transfers (fairness).

The reasoning was that families ought not be left destitute and landless as a result of a land transfer – usually undertaken by the Husband, perhaps unscrupulously. For example, transactions may be blocked if women report their husband attempting to use their title deed to secure a loan without consulting them, or trying to sell any portion of the land. Daughters may contest their exclusion during subdivision/allocation of family land.
h) Socio-Cultural Barriers:

Traditional attitudes towards gender equality are major culprits in barring women into elective office. Customary law, values and beliefs define distinct roles and spheres of influence for men and women. Overall, women domain of influence remains the domestic and household space, while men dominate the political and economic space in society.

Firstly, Maasai women are socialized early in life to accept the role of second-class citizens. They hence internalize their role of nature and ascribed role as care providers in their homes and families. Second, stereotyping about women and what they can or cannot do seems to lock out many women aspiring for leadership positions in politics and other sectors.  

The traditional rites of passage in case of the Maasai such as initiation, marriage and inheritance are highly gendered. Male and female circumcision is practiced, as a physical manifestation of initiation into adulthood. It includes traditions, laws, manners and the duties of an adult in the group, ideas of what is appropriate behaviour with regard to sexual intercourse, child rearing and general information on how to function as an adult within the respective group. Customary law, for examples, allows the marriage of adolescents who have reached puberty, mostly after circumcision, regardless of their age. Under customary law, girls who’ve undergone circumcision regardless of their schooling status are considered adults ready for marriage.

In media circles, women are seen as advertisement gargets and a woman picture accompanies every advertisement on a new car or a new electrical gadget. Women seem to be reduced into objects of admiration but less as potential leaders and social influencers.

i) Institutional barriers:

These arise from the policies and practices governing recruitment, placement and promotion in various government institutions of power. There appears to be discriminatory policies to women’s progress in organizations and companies. Discrimination against women in personal decisions involving promotion, selection and supervision are rife in Kenya. Women who ascend to power are seen as intruders to a male dominated world. Women leaders often suffer isolation and often have to contend with challenges emanating from male dominate social-political spaces. When women advance to top management positions, special attention often is focused on the fact that they are women.

j) Political barriers:

One of the fundamental principle of human rights and democracy is that every human being has the right to take part in the government of his or her country and to vote or be vote for. In Kenya, and Maasailand in particular, few women have made it in politics and so there is no adequate ‘voicing’ of the plight of women in political arena and platforms.

Kenyan women felt unfairly treated by the society with respect to political processes. Women with political ambition are always intimidated and called names. Being considered spoilt, prostitutes and rebellious. Overall, women aspirants often reported assault associated with their intention to vie for civic

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24 Gender Disparities in Education Administration and Management in Kenya; Volume 01 Issue 04 May 2015
and parliamentary seats in Kenya’s general election. They often experience hostile treatment by men during campaigns, which include verbal abuse and harassment which contributes to women lagging behind in political participation not just in the Maasai land but in Africa and all over the world. Ultimately, many women drop off the elective race long before the actual ballot.

Political mobilization in the Country is highly ethnicized. Political parties are often established along ethnic and tribal lines or coalitions of ethnic groups. The parties so formed are mostly founded by and men-led with women playing very peripheral roles. Consequently, access to political party nomination during primaries and Party resources during full political campaigns rarely goes to women. Independent of the candidate’s popularity with the electorates, the Party ticket often goes to those pre-determined by the Political Party owners. Of all the major Political parties in the Country, only one – The National Rainbow Coalition, Kenya (NARC-Kenya) is founded and led by a woman.

The politics of Clan and Age-set further complicates women chances in elective politics among the Maasai. The social-cultural organization of the Maasai is based on Kinship system comprising of at least 7 major clans and subclans. As the practice of marriage is exogamy women are married into a different Clan from one own. Yet, in the practice of politics women clan identity is subsumed into that of their husbands - hence women are expected to vote along the lines of their husband’s clan.

Like-wise with the Age-set system, politics is played by men along the lines of Age-set and age-group alliances. Again, women assume the Age-set/group to which the husband belong. Overall, the personal agency and kinship identity is dissolved into those of their husbands. When voters are whipped into towing and voting along the kinship/ Clan and/age-group identity, women identities are discounted, as men identities dominate the scene.

k) Personal barriers/Agency:

Women aspirants for the diverse elective positions and those active in political processes tend to be women who defy the odds and do not fit into Kenyans’ gender stereotypes. Those less actively engaged tend to lack assertiveness characteristic of male political and corporate leaders, and whenever they became aggressive and confident, men tend to label them as abrasive, authoritarian and uncultured. Women voices, level of participation and ultimate exercise of their agency is influenced by level of education, marital status and age; increasing with level of education and age, exposure and constrained by marriage.

V. RECOMMENDATIONS WAY FORWARD:

To be fully aware of women’s rights is not only necessary for their personal development; it is also indispensable for the development of their children, the community and the country as a whole. States are required to incorporate international laws they have ratified into their legal system or practice — they

26 Daily Nation March 8, 2008
27 Tempered Radicals And Servant Leaders: Portraits Of Spirited Leadership Amongst African Women Leaders; Faith Wambura Ngunjiri … A Dissertation Submitted to the Graduate College of Bowling Green State University in partial fulfillment of the requirements for the degree of Doctor Of Education; May 2006

17.
- **Promoting Rights Based Approaches in Development and Politics**: Material benefits alone do not guarantee political power, end discrimination or improve security for poor people simply because they have increased their income. One must look beyond economics, at deprivation, insecurity, exclusion and the lack of a voice on relevant issues, and to recognize these issues as human rights problems. Principles of human rights are the requirement that policies, programs and their supervision ensure equality, participation, non-discrimination, accountability and transparency, including on gender. Only when people have a voice, when they are able to organize, speak up and take part in decision-making that directly concerns them, can they tackle exclusion, insecurity and deprivation. Lobby for direct women representation in all local and county decision-making, development planning and implementation arrangements. Such an approach should be enabled through training of the Security Personnel (Police) on Women aspects of human rights, dedicated and sufficiently facilitated police desks/departments to deal with gender based violence, dialogues between State law enforcers and traditional leaders among others.

- **Culturally Appropriate and Sensitive Engagement**: While certain cultural practices such as Female circumcision and forced early marriages violate women rights and compromises the exercise of their agency, approaches and interventions to address it need to be re-visited. Overall, current approaches have tended to be antagonistic, paternalistic, patronizing and blind to underlying nuances that rationalize the practices. The effect, is a pushback by communities feeling their culture is being unfairly attacked and condemned unheard. Government, Non-State Actors, Development practitioners and Religious groups need to adopt deliberative, consultative bottom-up approaches in their programmatic interventions. Such an approach should engage both men and women, Elders, Age-set leaders (who are custodians of the rites of passage), appreciate and creatively respond to indirect/underlying drivers of such negative practices including access to basic services (education, health, livelihoods securities). Any “alternate rites of passage” should be defined and generated by the communities concerned. Such an approach will ensure social cohesion, safeguard identity of the girls, eliminate stigma and sustainability of the newly adopted practice.

- **Affirmative Action and Clarity in law**: Despite the many positive legislations with respect to women rights and concerns in the Country, much more ground remains to be covered in terms of eliminating ambiguities in law, ensuring harmony with customary law and enabling full and effective implementation of such laws. The Building Bridges Initiatives (BBI) arising out of the handshake between the President and the Leader of opposition presents a golden opportunity for addressing the identified gaps and constraints. Lessons should be borrowed from the clear nomination arrangement at the County Assembly level and the dedicated Women representative elective positions in National Assembly. Already, under the BBI process Women in Kenya are calling for a legislative arrangement that will ensure a 50:50 representations ratio of both genders in elective positions as well as upholding of the two-thirds majority rule in appointive positions, including engendering top seats (leadership of the three arms of government) where opposite gender is either head or deputy.

- **Ownership and Access to resources, including land**: Besides the cultural constraints impeding women proportionate participation and representation in elective and appointive positions of leadership and decision-making, access to resources to help shape Women’s own destinies, including organizing and delivery effective political campaigns and pursuing careers of their choice is critical.
have a responsibility to take all necessary legislative, judicial, administrative and other measures to ensure the full realization of women’s and children’s rights contained in them.

- **Self-organizing and Collaborative Action**: The issue of minimal involvement of women in political processes requires collaborative approaches bringing both men and women to dialogue together on the negotiation table. Firstly, the issue of patronage of political parties by male-founder members must be addressed. As it has proved a herculean task to penetrate male-founded and led political parties, it’s about time women founded and built women-led parties, as vehicles of political representation and negotiation. In addition, Women should organize themselves into caucuses on thematic issues of interest to women to engage pro-actively and strategically with instruments and processes of development planning in the County such as County Integrated Development Plans, Budgetary processes and spatial planning among others. The said causes should benefit not only from Political women leaders, but also from the perspectives of women academics, lobbyists and locally influential Women leaders. Women legislators at the County level should consider establishment of an Association of Women Legislators similar to the Kenya Women Parliamentarian Association at the National level.

- **Enhanced Mandatory Access to Education**: Evidence abound, that the few Women who’ve managed to breakthrough into elective politics of representation in Narok County, are those with some basic level of formal education. First because, there are basic legal requirement of formal education to qualify as potential candidate in all elective positions in the Country. Second, navigating the state bureaucracy and political landscape calls for some level of literacy and exposure to the functioning of the modern state. Girls in Maasailand still experience disproportionately low transition rates due to high dropout rates associated to socio-cultural, structural and economic barriers.

  o These barriers ought to be addressed through targeted and sustainable affirmative action arrangements, informed by experiences of the affected communities and women; such as Girls targeted scholarships, enhanced learning infrastructure and safe access to schools

  o Schooling for Girls must be made meaningfully mandatory, mechanism puts in place to ensure safe places to learn, including stabilizing Laws prevent pregnant girls from being expelled from school, establish high mandatory school age for girls to reduce the incidence of child marriage. Enhance awareness raising interventions on the need to educate more girls so that a ‘pool’ of professionals is created in the County

- **Self-Determination and Mentorship**: Its evident from stories of the few successful Women that belief in self and respectfully challenging status quo is fundamental to expanding occupation to political and appointive positions for women within the County. These individual efforts and Personal agency gains should be augmented with deliberate programming for role modeling and mentorship particularly targeted at the rural areas, where exposure to new ideas and opportunities for political representation are minimal. This could take the form of *School Vacation mentorship Camps, Guest Speaking arrangement in Schools, Documentary films and Successful Case story publication* and dissemination.
- Laws governing property ownership to land should expressively provide for equity in access to land and natural resources, including livestock in the case of Maasai pastoralists. Joint titling between Husband and wife should be express requirement in law.
- Under the proposed Ward development fund or the Ward Equalization Fund, a County Affirmative Action fund for nominated women representative should be established to contribute towards addressing the very practical needs for the women constituency, which they represent. Such a fund would increase the visibility of nominated Women at the community level and ultimately increase their chance of being directly elected or re-elected in subsequent elections.

- **Supporting Women Legislative Agenda in the House**: In addition, to the anticipated legislative arms’ of government budgetary support for general legislation, Women legislators should also be supported by other relevant Non-State Actors to facilitate realization of women specific aspirations in the House. The required technical and resource support would help identify critical tools of analysis and prepare the agenda for dismantling patriarchal institutions and legislation, and ensure gains under the new constitution are translated into meaningful and tangible gains in the daily livelihoods of Women. It would also take the form of support in campaign strategies, policy formulation, learning exchange and lobbying in the house.
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