THE ANALYSIS OF POLITICAL PARTIES’ POLICY DOCUMENTS FROM A GENDER PERSPECTIVE

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The Kenyan political landscape was extremely fluid in the month of August, 2011 as the Kenyan National Assembly i.e the 10th Parliament attempted to beat the one year deadline on a number of constitutional deadlines set in the 5th schedule under the Constitution of Kenya 2010;


All these statutes affect the 2012 elections and the agenda at hand (gender equality and affirmative action in political party and political systems).
Kenya has 47 registered political parties, twenty seven of them are members of the Centre for Multi-Party Democracy (CMD-Kenya);

The analysis looked at seven (7) parties that have either mentioned or articulated matters of gender in their party documents and instruments;

These 7 parties were also found to have at least more than one document, i.e the party constitution, the manifesto, the strategic plan and also in some case, an election platform;

Two of the parties are women led.
The analysis has stayed mainly with the political party policy documents;

Most documents were prepared for the 2007 elections and are therefore relevant as we are still on the term of the 10th parliament;

Other documents looked at are the Kenya Constitution 2010, the Political Parties Act 2011 (PPA Act) and the Elections Act 2011 (EA);

The analysis has taken time to look at some of the political pronouncements, especially from the President of the Republic, President Mwai Kibaki, the country’s Prime Minister, Rt. Hon. Raila Odinga and Members of Parliament ‘pronouncements’ more so during the debate on the Elections Bill in relation to the two thirds principle.
Constitutional and Political system of the country: What is the system of government in the country, are parties allowed to function openly?

- Kenya obtained a new Constitution in August 2010, following a protracted constitutional struggle spanning over 2 decades;
- The Constitution is hailed as one of the best in the world with a strong Bill of Rights;
- Chapter Sixteen - on amendments of this Constitution guarantees the Bill of Rights to the extent that it cannot be changed without holding a referendum;
- Article 27 (6) and (8) in the Bills of Rights Chapter on Gender Equality, the 2/3rds Principle and Affirmative Action is secured unless via a referendum.
Article 27(6) of the Kenya Constitution 2010 obligates the State to put in Legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

Article 27(8) further states that the State shall take legislative and other measures to implement the principle that not more than 2/3rds of the members of elective or appointive bodies shall be of the same gender.

Although there are many articles and clauses that refer to gender issues, from a human rights perspective, I have consistently stuck to article 27 because it is secured within the Bill of Rights whose articles cannot be amended, otherwise than by a referendum.
The scope of analysis has focused on political parties policy frameworks in form of party Constitutions, Manifestos, Strategic Plans and where available Election Platforms.

The analysis covers the political party’s gender positions, party systems, rules and regulations, including the party leadership lists.

In the main analysis I have pulled out the nomination rules for each of the political parties and also the specific description of each of the positions in order to understand how ‘weighted’ each of the positions is in context of the women placing in the party leadership.
Public positions taken by key leaders like the President, the Prime Minister and other members of parliament have been highlighted to assist in contextualizing and relating speech, party frameworks and action in this analysis.

Pronouncements from both the President and the Prime Minister of the Republic have been categorical towards gender equality and affirmative action.

Political party documents have been obtained:
- directly from the parties,
- the Registrar of political parties and
- the Resource centre of the CMD-Kenya.

Other materials relevant to the research have been included and properly referenced.
Current National Assembly Representation

- Female: 0%
- Male: 91%
- Other: 9%
ANALYSIS AND FINDINGS

1. Is the goal/objective to promote and achieve gender equality and women’s empowerment specified in the political party policy documents?

- **ODM:** in both the party constitution and manifesto, the objectives are well defined to the extent of a minimum 30% representation in all public offices;

- **PNU:** the party Constitution, the manifesto and the 2007 election platform all speak of minimum 30% women representation;

- **DP:** the party constitution, manifesto and strategic plans all speak to advocating, promoting and ensuring gender parity in all public offices;
SAFINA: In both the party constitution and strategic plan, there is intention to have gender parity and take steps to improve gender representation at both party and national level;

SDP: in both the constitution and manifesto, the party aims to promote the interest and emancipation of women in all spheres of life;

NARC: in its constitution, manifesto and strategic plan – 1/3rd of nominated positions, adherence to all international protocols;

NARC-Kenya: fight for the rights of all persons & fight discrimination against women. 1/3rd representation in party committees.
2.

Are there any provisions and or measures in the policy documents to ensure that women and men have equal opportunities to access positions of political leadership and decision making at all levels?
The Constitution:

- Provides that at least 1/3 of members appointed to the ODM’s National Election Board shall be of either gender,
- at least 1/3 of members of the Strategic Planning Committee to be of either gender or
- at least 1/3 of members of the Legal Committee to be of either gender.

The Manifesto:

- speaks of taking affirmative action to ensure a minimum 30% representation of women in parliament, local government, foreign service and
- all other areas of government and decision making institutions and work progressively to realising a 50:50 gender ratio in all public bodies.
PNU

- **Constitution:** PNU states that it shall ensure, as far as possible, that 1/3 of the membership of its organs are women.

- **Manifesto:** the party commits to ensuring 30% of all newly recruited officers in public service are women, that at least 30% of top management in institution of higher learning and other public institutions are women and that at least 30% of all elected public official posts and public appointments to high office are women.

- **2007 PNU Election Platform:** Pledge no. 8 of this document the party commits to ensure that women are assured of more than 30% representation in all public appointments and elective positions.
**DP**

- **Constitution** states that at least 1/3 of the posts of the officials of the Branch Office shall be held by women.

- **Code of Conduct** states that a leader is required to subscribe to the belief in equality of all persons irrespective of (among others) sex. Failure to do so makes them disentitled from continuing to be leaders and constitutes dishonourable conduct.

- **Manifesto;** Ensure that women are involved in decision making by creating special seats in parliament and local authorities, Ensure that 50% of the Cabinet are women, Ensure that 50% of all Parastatals are headed by women.

- **Strategic Plan** under Goal 2, DP provides that it shall organise platforms for women leaders e.g. National Women Congress.
SAFINA

- **Constitution**: the party Election Rules and Procedures provide that at least 1/3 of all elected officials in the branch or national level should be of either gender.

- **Strategic Plan** aims to get 1/3 representation of women in party leadership-reserving seats for women in the party structure, developing & disseminating a gender program on gender mainstreaming
Social Democratic Party (SDP)

- **Manifesto**: commits to adopt a social democracy that will adopt a gender and class *approach* to development in all spheres of life;

- to promote and safeguard the emancipation of women and gender equality and to work for a new Kenya that works for the equality of women and men for the benefit of all.
NARC

- **Constitution** states that the party’s gender policy is to have all nominated persons as ‘minimum one third (1/3) from each gender’.

- **Manifesto** endeavours to ensure adherence to all international conventions on women; establish institutional framework for mainstreaming gender in all sectors of society; facilitate the adoption of the new constitution and make the provisions on women empowerment a reality; and enforce a policy of equal opportunities for women and men.

- **Strategic Plan & Operational Plan**: states that ‘the party’s gender mainstreaming is to be carried out through various types of training’.
NARC-KENYA

- **Constitution:** the party proposes a ‘Women’s Leader’ in all its levels and it has a ‘Women’s League’ whose main function is to give voice to women issues within the party.

- **Article 9 of the party Constitution** provides for representation of at least 1/3 of either gender in all party committees. It also prohibits discrimination of any person on grounds of gender.

- There is also a provision within the National Election Board that it must have at least 30% representation of either gender. This also applies to election bodies at all levels of the party.
3. Are there written rules and procedures for election into the highest decision making positions and other leadership positions within the party and do these support or inhibit women’s equal access to leadership positions?
Each of the selected political parties has nomination rules set out in their party constitutions. As mentioned earlier, I have included in the main analysis an annexure which lifts the rules for each of the political parties as they are quite elaborate.

There are no specific rules in any of the seven parties inhibiting participation of any member to an elected office.
4. Is gender specified as criteria for the identification, nomination and selection for election into the leadership positions and how is it implemented?

✓ Most of the seven political parties analyzed have taken clear positions on gender equality, affirmative action, nomination seats and either the one-third principle or the 50:50 in ascertaining gender equality in most spheres of leadership.
5. Which party structures are identified in the policy documents and what are their roles?

- Except for PNU, the party structures and roles are quite elaborate and again in the main analysis an annexure relating to the same has been attached.

- I found this question intriguing because it gives ‘weight’ to the positions and roles and one can easily see the type of seats relegated to women.
6. Are there recent policy positions/statements made by the party leadership and what are their impact on gender equality in political leadership and decision making?

THE PRESIDENT: MWAI KIBAKI

- ‘The new Constitution gives women more opportunities to participate effectively in decision making nationally and in the devolved governance structures’
- President Kibaki called upon African governments to consider empowering women through increased participation in decision-making at all levels of leadership - ‘Here in Kenya, we have introduced a requirement which reserves 30 percent of all public employment opportunities for women’,

THE PM: RAILA ODINGA

- Prime Minister Raila Odinga has assured women that the Cabinet has no plans to interfere with the two-thirds provision for gender in the Constitution –
- "The Cabinet never intended to subvert the constitutional requirement on affirmative action and we are committed to implementing the Constitution. We are only working within the law to create special seats for women to enable us fulfil the requirement,"
7. What roles do political culture and unspoken rules and biases play in women’s access to leadership positions, party structures and processes?

- It has become obvious that the political culture of exclusion rather than inclusivity is playing out in our parliament to the extent that they seem to have total ignorance of the two principles that cut across the whole constitution on gender equality and affirmative action.

- It is also disappointing that despite strong pronouncements on commitment to gender equality and affirmative action, the President signed into law the Elections Bill, knowing very well that it fell short of providing a formula and therefore could render the two Houses; the National Assembly and the Senate unconstitutional after the 2012 General Elections.
8. What proportions of political parties, their leadership and key functions are occupied by women?

The next slide(s) is a synopsis of the leadership landscape and gender distribution of the seven political parties.
ODM PARTY LEADERSHIP

MALE  FEMALE

45%  55%
DP LEADERSHIP

- Male: 74%
- Female: 26%
SAFINA PARTY LEADERSHIP

- Male: 56%
- Female: 44%
NARC PARTY LEADERSHIP

- Male: 83%
- Female: 17%
CONCLUSIONS

- It has emerged from this analysis that some parties are not connected to their policy positions, others are totally lost, confused or totally unaware of the role of a party vis a viz legislation at the national or local level.

- Take PNU for instance; in the party 2007 election Platform they pledged the following: Pledge no. 8 of this document, ‘the party commits to ensure that women are assured of more than 30% representation in all public appointments and elective positions. The party commits to ensure that 30% of all officers recruited are women and that at least 30% of top management in institutions of higher learning and other public institutions are women, that at least 30% of all elected public official posts and public appointments to high office are awarded to women’ – but the record within their party is the opposite to say the least.

- The President a member of PNU has taken the strongest positions on gender equality and empowerment than any other past president in this country. Yet the party’s internal performance is the worst considering they are a big party and a coalition partner.

- It has also emerged that despite strong party positions on gender equality and empowerment, politicians still operate in their traditional way where culture supersedes policy intention, law and even the constitution. There is a lot of inconsistency in what members of parliament say and what their parties stand for.
RECOMMENDATIONS

✓ Recommendations have been broken down towards parties and also at the national level;

✓ Given the current state of affairs where the two-thirds principle is being challenged at every level possible; cabinet, parliament, courts and at the party levels, the following steps are important especially because we have an election coming in 2012;
Recommendations: Party level

• Initiate a project where political parties are generally monitored against their party instruments and develop a process of holding parties accountable at intra and inter-party levels;

• Develop a score-card mechanism against party instruments, specifically on gender compliance;

• Hold bilateral intra-party meetings to discuss this report and other gender related issues, especially on constitutional implementation and compliance with the PPA and EA;

• Monitor party legislators performance against their party policy documents.
Recommendations: Party Level Continued:

- Parties members should hold their parties to account over their lack of commitment to the party policies;

- Parties should be strengthened to have both gender advisors and party whips;

- Women party members jointly with gender sensitive men, should be vigilant and alert in exposing the party implementation weaknesses vis a viz the positions in the policy framework especially at the legislation level;

- Women party members should insist on taking senior party positions and not be relegated to ‘women only’ positions;
Recommendations: National Level

- It is important to make public the party documents and gender positions;
- We should also make public the findings of this analysis to show the disconnect between party policy positions and action;
- The President and the Prime Minister should be lobbied to rally their party members behind the election promises;
- This being an election year – compliance should be staked high on the agenda of accountability;
- Gender education to be taken another level in the political parties, not just to women but also men – otherwise women end up talking to themselves about what they already believe in.