

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**IMPLEMENTATION OF GENDER RELATED INTERNATIONAL POLICY
AND LEGAL FRAMEWORK: A CASE STUDY OF WOMEN
EMPOWERMENT IN ARID AND SEMI ARID AREAS IN KENYA**

BY

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DECLARATION

This Research project is my original work and has not been presented for a Masters degree in any other University.

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This project has been submitted with my approval as the university supervisor.

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DEDICATION

I wish to dedicate this work to my daughter Abigail and my Husband Peter, Thanks for believing in me and always encouraging me to soldier on. To my parents words cannot describe how grateful am for your financial support, Mum your prayers kept me going, dad you are the most amazing dad thank you for the financial support am sure I have made you proud.

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ABSTRACT

To establish the level of implementation of gender related international policy and legal framework in respect to women empowerment in arid and semi arid areas in Kenya. The study sought to achieve the following specific objectives: to determine the extent to which implementation of gender related international policy and legal framework in ASAL areas in Kenya has achieved economic empowerment in ASAL, to find out the extent to which implementation of gender related international policy and legal framework in ASAL areas in Kenya has achieved educational empowerment in ASAL, to investigate the extent to which implementation of gender related international policy and legal framework has achieved political leadership empowerment in ASAL and to investigate the extent to which implementation of gender related international policy and legal framework has reduced sexual and gender-based violence in ASAL. This study used a descriptive research design. Due to an arid climate, Isiolo County, North East Kenya was considered an ideal research location. The study use secondary data. Secondary data was sourced from a collection and review of published and unpublished material, journals, academic papers and periodicals. The study was also based on analysis of reports by governmental and non-governmental organizations and other documents on the women's movement, conventions, agreements and other instruments in Kenya. The study found that there was coherence in how the gender related international policy and legal framework interpret the concepts gender mainstreaming and empowerment. Framework agreements set the agenda in development cooperation work in today's international development empowerment is a concept of great importance in Kenya. The study recommends that can women in ASAL areas are empowered economically. This study recommends that barriers to female entrepreneurship should be removed and promotes inclusive financial services and trade policies. Private sector development should support female entrepreneurs by removing the barriers to the development of women-owned enterprises. Female-owned enterprises produce positive economic and social outcomes, enhancing women's self-confidence, increasing their participation in household and economic decisions and contributing to their economic empowerment.

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introductory Background

Gender equality and empowerment of women are internationally recognised goals derived from Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action (BPfA). While CEDAW provides the legal framework, the BPfA is its political expression. Kenya has ratified CEDAW, the International Covenant on Civil and Political rights, International Covenant on Economic Social and Cultural Rights and the African Charter on Human and People's Rights. Kenya ratified CEDAW in 1984 and has remained faithful to its obligation. To date, 187 countries across the have ratified the treaty. The United States is one of only seven countries, including Iran, Sudan, South Sudan, Somalia, and two small Pacific Island nations (Palau and Tonga)—that have not yet ratified CEDAW. Gender equality goals are also included by the European Union (EU) in its Gender Regulation (No. 806/2004) and by the Organization for Economic Co-operation and Development (OECD) in the Development Assistance Committee (DAC) guideline Gender Equality and Women's Empowerment in Development Co-operation (1998).

In 2000, 189 UN member states adopted the Millennium Declaration, which distils the key goals and targets agreed at the international conferences and world summits during the 1990s. Drawing on the Declaration, the UN system drew up eight Millennium Development Goals (MDGs) to provide a set of benchmarks to measure progress towards the eradication of global poverty. MDG 3, to promote gender equality and women's empowerment, includes one target on education and additional

indicators on women's employment and political representation.¹ Far-reaching commitments to gender equality and women's human rights are encapsulated in core international human rights instruments, including the UN CEDAW, as well as in the BPfA and UN Security Council Resolutions 1325, 1820, 1888 and 1889. Together with the commitments in the Millennium Declaration and the 2005 World Summit, the 2008 Accra Agenda for Action and Doha Declaration, and the ILO Conventions on working women's rights, they offer a road map for strengthening action, investments and accountability to advance gender equality and women's rights in countries worldwide.²

Women's empowerment is about rights and equitable societies. According to Swedish Ministry for Foreign Affairs,³ women's economic empowerment is a prerequisite for sustainable development, pro-poor growth and the achievement of all the MDGs. Women's economic participation and empowerment are fundamental to strengthening women's rights and enabling women to have control over their lives and exert influence in society. It is about creating just and equitable societies. Women often face discrimination and persistent gender inequalities, with some women experiencing multiple discrimination and exclusion because of factors such as ethnicity or caste. Economic empowerment is the capacity of women and men to participate in, contribute to and benefit from growth processes in ways which recognise the value of their contributions, respect their dignity and make it possible to negotiate a fairer distribution of the benefits of growth⁴. Economic empowerment increases women's

¹ Olsson, J. thematic Paper on MDG 3: Promote Gender Equality and Empower Women, *UNDP*, 2005

² IBID

³ Swedish International Development Cooperation Agency (Sida), *Inspiring initiative: Amhara Region Women Entrepreneurs Association, Ethiopia, women's economic empowerment series*, Stockholm: sida, 2010

⁴ Endeley, J.B. Conceptualizing Women's Empowerment in Societies in Cameroon: How does money fit in? *Gender and Development*, 9(1), 34-41 March, 2001

access to economic resources and opportunities including jobs, financial services, property and other productive assets, skills development and market information.

Gender equality and empowered women are catalysts for multiplying development efforts. Investments in gender equality yield the highest returns of all development investments. Women usually invest a higher proportion of their earnings in their families and communities than men. A study in Brazil showed that the likelihood of a child's survival increased by 20% when the mother controlled household income. Increasing the role of women in the economy is part of the solution to the financial and economic crises and critical for economic resilience and growth. The persistence of gender inequalities directly results in poorer agricultural and human development outcomes. A study conducted in four African countries showed that providing women farmers with the same quantity and quality of inputs that men typically receive, and improving their access to agricultural education, could increase national agricultural output and incomes by an estimated 10 to 20%.⁵

By enhancing women's economic power in the home in terms of control over resources gender inequality can be reduced, self-confidence increases, women have a greater voice in the household, women can begin to have control over "life options" and they can have a greater influence in community affairs.⁶ This debate is particularly important to the discussion of the links between employment and empowerment because the standard argument is that it is not enough to work and earn a wage, but rather it is control over those resources that matters.⁷ A woman may work,

⁵ World Bank. *Global Monitoring Report 2005*. 2005.

⁶ Blumberg, R. L. Women's Economic Empowerment as the "Magic Potion" of Development? *Paper presented at the 100th Annual Meeting of the American Sociological Association*. Philadelphia, August. 2005.

⁷ *ibid*

but if she has no say in how resources are managed or allocated in the household, she is unlikely to gain any control or power in the household.

Providing supplementary services: such as training, working through groups rather than individuals, or alongside other investments in awareness rising; has been shown to increase women's direct control over resources.⁸ As with all development programming, it is critically important for donors to understand the context in a given region or country, and to support existing frameworks and plans that governments have in place to address gender equality in central and line ministries and at local and community levels. Interventions need to vary according to countries' different development needs and whether they are stable or fragile/conflict-affected. In low-income countries, women's access to basic agricultural inputs and microfinance will continue to be needed, whilst in transition countries, the focus needs to be on labor market skills, access to commercial credit and women's entrepreneurship.⁹

In Kenya, despite the existence of the policies, legislative reforms, plans and programmes, gender disparities still exists in legal, social, economic and political levels of participation in decision making, access to and control of resources, opportunities and benefits¹⁰. Overall the implementation of policies and laws has been slow; a situation attributed to gaps in the laws, delayed enactment gender related legislations and lack of comprehensiveness in content for the same laws. The biggest challenge facing Kenya today is how to create an enabling environment for gender

⁸ UNDP. *The need for rethinking: Vision for a Better World: from Economic Crisis to Equality*. 2010.

⁹ Buvinic, Mayra and King, Elizabeth M. Smart Economics. *Finance and Development. International Monetary Fund*. June, 2007.

¹⁰ Republic of Kenya, Plan of action (2008 – 2012): To Implement the National Policy on Gender and Development, Ministry of Gender, Sports, Culture and Social Services, 2000

equality and translating commitments into action with concrete strategies to eliminate persistent gender inequality to enhance empowerment of women.¹¹

Efforts have been put, to ensure equality and hence empowerment of women, that date many decades back. For example, Mahatma Gandhi advocated for gender equality as the quote below demonstrates.

“To call woman the weaker sex is a libel; it is man’s injustice to woman. If by strength is meant brute strength, then, indeed, woman is less brute than man. If by strength is meant moral power, then woman is immeasurably man’s superior: Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater courage? Without her man could not be. If non-violence is the law of our being, the future is with woman. Who can make a more effective appeal to the heart than woman?”

Mahatma Gandhi

1.2 Problem Statement

Traditionally, socio-cultural beliefs and other impediments have long limited women’s participation in the economy and their access to resources for development especially in developing countries. However, there is a general consensus that in order for women to play a meaningful role in economic development, they must be empowered both at the economic and social level. Enhancing women’s control over income and other key economic resources is a “magic potion” for gender equality, development and empowerment.¹² Apart from access and control over benefits,

¹¹ Ibid

¹² Blumberg, R. L. Women’s Economic Empowerment as the “Magic Potion” of Development? *Paper presented at the 100th Annual Meeting of the American Sociological Association*. Philadelphia, August. 2005.

inequalities in terms of access to and control over factors of production limits women's participation in meaningful economic activities. Land ownership is one of the limiting factors for women especially smallholder farmers in the ASAL region. The significance of having access to and control over land cannot be over-emphasized, land is a major source of livelihood, power and control.¹³ The limiting factors to women's participation in economic activities affect the general output from the economic activities. Further, literacy level among women in ASAL region is relatively low which translates to inability for these women to run a business profitably.

Despite, the efforts made by the government, policy makers, NGOs and financial institutions in extending financial services to micro enterprises to empower women in ASAL regions, majority of women still face enormous challenges in trying to access funds for their enterprises. Constraints to microfinance by women in arid and semi arid regions in Kenya can be attributed to a number of reasons such as low return activities undertaken by women coupled with heavy domestic workloads; channeling their low incomes or returns to support the up-keep of the home; high rate of illiteracy among women, their limited roles in household decision-making among others. Moreover, women in arid and semi arid regions in Kenya has limited access to credit to finance their business owing to their limited autonomy, low literacy levels, and limited collateral to access credit from financial institutions.

Most women empowerment programs in ASAL region in Kenya, especially financial ones rely heavily on donor subsidies. This means that even projects that have been operating for years are unable to function on their own and are unable to fully cover

¹³ Allendorf, K. Do Women's Land Rights Promote Empowerment and Child Health in Nepal? *World Development*, 35 (11), 1975-1988, 2007.

their operational costs. The majority of programs are highly dependent on donor funding, because they do not have the possibility of charging higher interest rates, as these would be too high for borrowers to bear.¹⁴ The fact that many women lack power within households prevents them from fully benefiting from loans and savings because their husbands still decide how their income is spent.¹⁵ Further, many empowerment projects fail to include the women's own perception of their needs as well as their views on empowerment.

All these challenges are rampant despite the existence of the policies, legislative reforms, plans and programmes. Gender disparities still exist in legal, social, economic and political levels of participation in decision making, access to and control of resources, opportunities and benefits which has badly influenced women empowerment in Kenya. Overall the implementation of policies and laws to enhance women empowerment has been slow; a situation attributed to gaps in the laws, delayed enactment of gender related legislations and lack of comprehensiveness in implementation of international laws and policies aimed at speeding women empowerment. This study takes the view that the more crucial drawback that impedes women empowerment in the Kenya ASAL region could be the failure to implement international legal and policy frameworks. This aspect has not been studied before and this study seeks to establish the level of implementation of gender related international policy and legal framework focusing on empowerment of women in arid and semi arid regions. Further, the study will also assess opportunities policies available to expedite empowerment.

¹⁴ Khandker, S. R. (2005). Micro-finance and Poverty: Evidence Using Panel Data from Bangladesh. *The World Bank Economic Review*, 19(2), 263–286.

¹⁵ Ibid

1.3 Objectives of the Study

To establish the level of implementation of gender related international policy and legal framework in respect to women empowerment in arid and semi arid areas in Kenya.

1.3.1 Specific Objectives

The study sought to achieve the following specific objectives:

- i). To determine the extent to which implementation of gender related international policy and legal framework in ASAL areas in Kenya has achieved economic empowerment in ASAL.
- ii). To find out the extent to which implementation of gender related international policy and legal framework in ASAL areas in Kenya has achieved educational empowerment in ASAL.
- iii). To investigate the extent to which implementation of gender related international policy and legal framework has achieved political leadership empowerment in ASAL.
- iv). To investigate the extent to which implementation of gender related international policy and legal framework has reduced sexual and gender-based violence in ASAL.

1.4 Literature Review

Empowerment is the process by which the powerless gain greater control over the circumstances of their lives. According to United Nations empowerment comes from

inside, from the individuals themselves, it cannot be granted by others.¹⁶ Hashemi, Schuler and Riley mentioned that currently the phrase ‘empowerment of women’ is in vogue.¹⁷ In common usage the concept describes women making independent choices, enabling them to emerge from a subordinate position and make claims on their share of the benefits of development interventions as their right, rather than being passive recipients of welfare distribution. Krishnaraj and Kay (2002) stated that gender equality and women’s empowerment is an enabling process for women to express their potentials, as producers, managers of resources and providers of services, to the benefit of their households and their communities at large.¹⁸ Women should not be viewed as vulnerable recipients of assistance but as powerful allies in the process of social and economic change.

Different writers have described women’s empowerment in various ways but all point towards one direction which is the assumption of power or ability by women to address their needs. For instance, Adhiambo perceives it as a means to overcome barriers to women’s equality with men especially in patriarchal societies.¹⁹ For instance, Blumberg attributed women’s invisibility in agriculture to patriarchal values that rigidly sustains powerful male supremacy.²⁰ According to Malhotra and Mather women assuming the ability to identify their aspirations and strategies for change

¹⁶ United Nations, Challenges to the Year 2000. Geneva, United Nations, 2000.

¹⁷ Hashemi, M., Schuler, R., & Riley, A. (1996). Rural credit programs and women's empowerment in Bangladesh. *World Development*, 24(4).

¹⁸ Krishnaraj, M. & Kay, T. (2002). Report of review of IFAD gender mainstreaming projects in Asia. IFAD.

¹⁹ Adhiambo, O. (2003). The Women in the New Political Dispensation: A False Start, in Challenges and Opportunities. *Journal of the Institute of Certified Public Secretaries of Kenya*.

²⁰ Blumberg, R. (2005). “Women’s Economic Empowerment as the “Magic Potion” of Development?” Paper presented at the 100th Annual Meeting of the American Sociological Association. Philadelphia, August.

besides gaining skills and resources to achieve these aspirations constitutes their empowerment.²¹ In addition, women's empowerment is viewed as a process that increases women's choices or ability to makes choices about their life and the environment they live in.

Aspirations or needs that women strive to achieve have been classified into two categories by Moser who developed a framework for analysing these needs. The categories are practical and strategic gender needs which arise from inequalities that exist between men and women.

Societies prescribe gender roles based on sex hence the condition of the people arising from the gender division of labour result into practical gender needs. According to Alsop and Heinsohn argued that women and men differ in terms of their needs as two different gender groups due to the subordinate position of women.²² The subordinate position of women limits their ability to effectively indulge in socioeconomic activities. Importantly, as Kasomo argued, differences also exist within women themselves since they are not a heterogenous social group.²³ These differences need to be taken into account when identifying or analysing gender needs in designing women's empowerment programmes.

The need to address both practical and strategic gender needs have been recognised but the challenge still remains minimal efforts to translate paperwork into practice in terms of intergrating women's issues into the mainstream of agricultural development.

²¹ Malhotra, A. & Mather, M. (1997). "Do schooling and work empower women in developing countries? Gender and domestic decisions in Sri Lanka." *Sociological Forum* 12(4): 599-630.

²² Alsop, R. & Heinsohn, N. (2005). "Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators." *World Bank Policy Research Working Paper* 3510: February.

²³ Kasomo, D. (2012). Factors Affecting Women Participation in Electoral Politics in Africa. *International Journal of Psychology and Behavioral Sciences*, 2(3), 57-63.

Longwe's Women's Empowerment Framework illustrates Moser's perspective of gender needs. For instance, the framework recognises that women's strategic gender need entails assuming control over decision making on certain productive resources. Attainment of strategic gender needs is the highest level of empowerment on the framework. To achieve this level, women's subordinate position in the society has to be challenged so that they are recognised as development stakeholders. Mayoux argued that third parties cannot be given the responsibility to empower women but they themselves should claim it.²⁴ Similarly, Endeley noted the importance of women themselves perceiving that they can ably assume roles ascribed to men rather than depending on development agents to address their strategic needs.²⁵

Mayoux noted that these agents can only succeed in addressing the practical gender needs. The strategic gender needs could face resistance as they challenge the social structures and their involvement could be viewed as an outside interference. The major challenge to Olojede asserts that women spend much of their time and energy in trying to address their practical gender needs at the expense of mobilising themselves for change on strategic gender needs.²⁶ Obura agrees with this notion that instead of aiming to be independent economic actors women put much emphasis on their reproductive roles.²⁷

²⁴ Mayoux, L. (2000). Microfinance and the empowerment of women: A review of the key issues. Social Finance Unit Working Paper, 23, ILO, Geneva.

²⁵ Endeley, J. (2001). Conceptualizing Women's Empowerment in Societies in Cameroon: How does money fit in? *Gender and Development* 9(1), , 34-41.

²⁶ Olojede I. (2007). Women and Public Administration, in Olojede I & Fajonyomi B. (eds), *Essentials of Public Administration*, Lagos: Dept of Public Administration, LASU. pp. 199.

²⁷ Obura, A. (1991). *Changing Images: Portrayal of Girls and Women in Kenya Texts Books*. Nairobi, ACTS Press.

Women empowerment has been highlighted by Kasomo to be necessary for reasons of principle and pragmatism.²⁸ It is a matter of fact that women have the same rights as men, and it is also the right thing to do which will make the world a better place and help us attain human development. Caren, Geeta and Aslihan described that power exists and works at different levels including within the political, the institutional, the household and the individual.²⁹ For example when understanding what power women have and/or what they can or have achieved one could look at a) decision making processes and b) access to resources within all these different levels. The empowerment approach which has its origins in feminist and third world organizations such as DAWN (Development Alternatives for Women in New Era) emphasizes the collective ('power with') dimensions of empowerment. DAWN stresses the importance of women's organizations in demanding and promoting change towards their vision of society and to create political will for serious action by those in power. Proposed activities necessary for change include political mobilization, legal changes, consciousness raising and popular education. Empowerment has been defined by Nyaoro as something that can be seen to have been altered as it has gained support in mainstream development thinking.³⁰

Today, empowerment tends to be seen as individual rather than collective, and focused on entrepreneurship and individual self-reliance, rather than on cooperation to challenge power structures with subordinate women (or other marginalized groups).

According to Odhiambo the notion of power and empowerment to have developed a

²⁸ Kasomo, D. (2012). Factors Affecting Women Participation in Electoral Politics in Africa. *International Journal of Psychology and Behavioral Sciences*, 2(3), 57-63.

²⁹ Caren G., Geeta G., & Aslihan K. (2005). Taking action: Achieving gender equality and empowering women, UN Millennium Project Task Force on Education and Gender Equality, Earthscan, London.

³⁰ Nyaoro, D. (2010). "Policing with Prejudice: How Policing exacerbates Poverty among Urban Refugees." *The International Journal of Human Rights* 14, p.126-145.

major shift from the conventional socio-economic perspective of viewing subordination of women as a lack of socio-economic measures of power indicated by education, income or access to resources.³¹ He insisted that empowerment needs to move beyond a socio-economic institutional perspective which assumes that individual socio-economic characteristics such as women's education, labor force participation and income and access to resources will determine a woman's ability to exercise control over forces of adversity, improving her power relations with men. Indeed empirical evidence shows that despite improvements in education, income and access to resources and credit in the last 10-15 years, women's position in the areas of health, decision-making, employment and freedom of rights have not improved significantly as indicated by human and development indicators.³²

It is essentially a bottom-up process rather than something that can be formulated as a top-down strategy.³³ Understanding empowerment in this way means that development agencies cannot claim to 'empower women' but that women must empower themselves. Devising coherent policies and programmes for women's empowerment requires careful attention, because external agencies/bodies tend to be positioned with 'power over' target populations.

Women bear a disproportionate burden of the world's poverty. Statistics indicate that women are more likely than men to be poor and at risk of hunger because of the

³¹ Odhiambo, M. (2003). 'Women's access to and participation in politics and decision making in Kenyan local authorities: a case study of Nakuru Municipal Council', Unpublished Masters in Policy Studies thesis, University of Zimbabwe.

³² Daley, E. (2011) Strategies to get gender onto the agenda of the "land grab" debate. International Land Coalition Policy Brief, March 2011.

³³ Chege, J., Askew, I., Igras, S., & Mutesh, J. (2004). "Testing the effectiveness of integrating community-based approaches for encouraging abandonment of female genital cutting into CARE's reproductive health programs in Ethiopia and Kenya." Washington, D.C.: Population Council.

systematic discrimination they face in education, health care, employment and control of assets. Poverty implications are widespread for women, leaving many without even basic rights such as access to clean drinking water, sanitation, medical care and decent employment. Being poor can also mean they have little protection from violence and have no role in decision making.

Women represent a high percent of the world's poor, and are often paid less than men for their work.³⁴ Women face persistent discrimination when they apply for credit for business or self-employment and are often concentrated in insecure, unsafe and low-wage work. The current financial crisis is likely to affect women particularly severely.

In many developing countries where women work in export-led factories, or in countries where migrant women workers are the backbone of service industries, women's jobs have taken the greatest hit.³⁵ The International Labor Organization estimated that the economic downturn could have led to 22 million more unemployed women in 2009, jeopardizing the gains made in the last few decades in women's empowerment.³⁶ In many countries, however, the impact goes far beyond the loss of formal jobs, as the majority of women tend to work in the informal sector, for example as domestic workers in cities, and do not show up in official unemployment numbers. Economic policies and institutions still mostly fail to take gender disparities into account, from tax and budget systems to trade regimes. And with too few seats at

³⁴ Fontana, M. & Paciello, C. (2010). Gender dimensions of rural and agricultural employment: Differential pathways out of poverty: A Global perspective. In Gender imensions of Agricultural and rural Employment: Differentiated Pathways out of poverty. Rome: FAO/IFAD/ILO.

³⁵ UNESCO (2003) EFA Global Monitoring Report 2003/4: Gender and Education for All: The Leap To Equality. Paris: UNESCO

³⁶ Wango, G., Musomi, M., & Akinyi, C. (2012). "Gender and Education Re-Alignment of Education to the Constitution" ITP Human Rights Towards Gender Equality Seminar.

the tables where economic decisions are made, women themselves have limited opportunity to influence policy.

According to Dix every pastoralist community is different, but they share some basic similarities.³⁷ Gender inequality is acute and deep-rooted, much more so than in society at large. Women have: very low social status, very low literacy levels, very restricted roles in public life and restricted ownership of livestock (cattle and camels) the main store of wealth in pastoral economies. Some aspects of women's subordination are: very limited access to education for girls, very limited access to training for women, very limited access to information few women own or have access to radios, and so they do not benefit even when there are valuable radio programs in local languages that give market information and access to wider discussions of new ideas and prospective economic opportunities.³⁸ Restrictions on women's ability to travel, early marriage most pastoralist women are married in their (early) teens. Harmful traditional practices such as; polygamy, wife sharing, FGM and the payment of "bride prices" encourages people to view women as property.

The pastoral economy is based on livestock; camels, cattle, sheep and goats. These are the principal assets and store of wealth. But, across the region, social morals limit women's ownership of camels and cattle.³⁹ With a rigid gender division of labor, the exclusion of women from ownership of the main store of wealth is central to gender

³⁷ Dix, S. (2006). "Urbanisation and the Social Protection of Refugees in Nairobi," Humanitarian Exchange Number ³⁵. Humanitarian Practice Network, ODI, p. 17

³⁸ Carter, M. & Barrett. C. (2006). The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach,' *Journal of Development Studies* 42(1), 178-199.

³⁹ Alunga, J. & Murunga J. (2013). Gender Roles and Agribusiness in the Kenyan Communities: The Case of Likuyani District. *Journal of Emerging Trends in Educational Research and Policy Studies (JETERAPS)*. 4(5), 733-738

disparity in pastoral communities. But, some women generally own small stock like goats and sheep. They also own or have use rights over small plots of land, which they devote to the limited range of pastoral-area crops and to horticulture. Enhancing productivity in these areas offers a way forward. Women often have low self-esteem and confidence as stated by Gasper, together with a belief that they have little worth contributing beyond the household.⁴⁰ Identity is heavily influenced by relationships with others, and by the dominant culture. Often identity is prescribed by others. Humans have tendencies to put individuals and groups into categories. Such ‘stereotyping’ is often inaccurate and misleading, based on imperfect information and filtered through individual’s backgrounds and life experience. Identity of pastoral women is strengthened by clothing, jewelry and other adornments. Jewelry can also play an important role in pastoral society as symbols of power and for example, the kind of jewelry worn, illustrates whether a woman is a widow or not.⁴¹

Women’s Empowerment Framework describes access to resources (including education, livestock, income generation, credit, and natural resources) on an equitable basis. It tends to describe the case that men and women have different degrees of access to resources, including natural resources e.g. use of trees or land; economic resources e.g. credit; services e.g. schools and clinics; and political resources e.g. information on their ‘rights’ and legislation, or forums to voice their concerns and needs.⁴² Not only do men and women have different access to resources but they also

⁴⁰ Gasper, D. (2001). The capabilities approach to well being justice and human development, *Journal of international development*. 9(2), 281- 302.

⁴¹ Green, M. & Hulme, D. (2005). From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867–880.

⁴² Carter, M. & Barrett. C. (2006). The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach,’ *Journal of Development Studies* 42(1), 178-199.

have different access to the decision-making processes that concern the use of those resources and how the money is spent, if they are sold. Lybbert et al., said that as such women's entitlement to productive resources is not just a legal or policy matter; but is a question of social transformation of gender relations and social institutions.⁴³

Effective command as defined by Hulme and Shepherd is the degree that resources, to which social actors have legitimate command, are actually utilized. There may be more than one party involved in claiming access to certain properties.⁴⁴ Secondly transforming a legitimate right into effective access, an entitlement demands a proper combination of endowments. A female village member may have principal access rights, by virtue of her membership of the village community. However, she may fail to exercise her initial rights due to prevailing gender relations that proscribe that women cannot go out to graze animals. Alternatively she may find her access rights to the common grazing pastures not translated into actual access because other, more powerful actors have encroached and enclosed a portion of the commons for individual ranching purposes.⁴⁵

According to Oloson (2010), major findings of research indicate that in many parts of the world, it is considered both a right and even an obligation for men to physically chastise their wives in the face of perceived transgressions. Women are taught to be submissive and obedient to their partners, and a man's honour often depends on his ability to control his wife's behaviour. Most of the cultural norms in the communities

⁴³ Lybbert, T., Desta, B. & Coppock, D. (2004). Stochastic Wealth Dynamics and Risk Management among a Poor Population', *Economic Journal*, 114, 750- 77.

⁴⁴ Hulme, D., & Shepherd, A. (2003). Conceptualizing Chronic Poverty, *World Development*, 31 (3), 403-423. p. 407

⁴⁵ Green, M. & Hulme, D. (2005). From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867-880.

where GBV is rampant not only encourage male violence against women but also serve to entrap women in violent relationship by teaching them that violence is normal and deserved. Another common norm, that family affairs should be kept private and that outsiders should not intervene, isolates women from potential sources of support.⁴⁶ According to these studies, health consequences of GBV range from physical injury and chronic pain syndromes to mental and emotional depression, such as anxiety and depression to fatal outcomes, including suicide and homicide.

There is also mounting empirical evidence indicating that women as political decision makers make different choices than men do. According to Smith and Barrett, who collected data on both men and women councillors in India, women invest more in infrastructure relevant to them, like water, fuel, roads, while men who have access to good paying jobs invest more in education with a preference for boys.⁴⁷ The different choices women in leadership make also explain why higher rates of female participation in Government are associated with lower levels of corruption. Previous studies both in developed and developing countries show that a girl's education is important for the welfare of the family and future development. Most of the empirical studies as summarised in Elmi et al., indicate that increased schooling of the mother is associated with larger effects on child health, schooling and adult productivity than increased schooling of the father.⁴⁸

⁴⁶ Omolo N. (2010). Gender and climate change-induced conflict in pastoral communities: Case study of Turkana in northwestern Kenya. *African Journal on Conflict Resolution*. 10(2), 81-102, 2010

⁴⁷ Smith, K. & Barrett, C. (2001). Participatory risk mapping for targeting research and assistance: With an example from east African pastoralists, *World Development* 28:1945-59.

⁴⁸ Elmi, A. H., Ibrahim, D. & Jenner, J. (2000). Women's Role in Peacemaking in Somali Society. In D. L. Hodgson (ed.), *Rethinking Pastoralism in Africa: Gender Culture and the Myth of the Patriarchal Pastoralist*. Oxford: James Currey.

World Bank status report on poverty in sub-Saharan Africa (SSA) indicates that reducing gender-based asset inequality increases growth, efficiency and welfare.⁴⁹ Furthermore, the findings also indicate that gender-based asset inequality acts as a constraint to growth and poverty reduction, which are the key objectives of the PRSP in Kenya. Moreover, macroeconomic policies have a gender-differentiated impact and can worsen or improve the living standards of different groups and contribute to narrowing or widening gender gaps in economic and social welfare. Similarly, gender inequalities and male bias may adversely affect the outcomes of trade and macroeconomic policies and their ability to translate economic incentives into development.⁵⁰

In fact, research has revealed that men and children and therefore the society at large stand to benefit when women are brought more centrally into policy on economic development. For instance, female education leads to better nutrition, education for children and family welfare.⁵¹ A better designed macroeconomic policy therefore creates a virtuous circle in which macroeconomic policy itself contributes to the reduction of gender inequality, in turn lessening constraints to successful economic outcomes. The question is no longer whether gender equality is a goal or development objective in itself, for it has been fully embraced as one, but rather how and through

⁴⁹ Dix, S. (2006). Urbanisation and the Social Protection of Refugees in Nairobi, Humanitarian Exchange Number 35. Humanitarian Practice Network, ODI, p. 17

⁵⁰ Kabeer, N. (2008). *Paid work, women's empowerment and gender justice: critical pathways of social change*. Brighton: Institute of Development Studies.

⁵¹ Mbatia, F. (2007). A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi.

which policies and programmes it can be realized. Engendering macroeconomic policies is therefore consistent with the overall development policy objectives.⁵²

Despite the increasing emphasis on the potential benefits of globalisation, there are concerns over some of its the negative effects, particularly on the weak and vulnerable, the majority of whom are children and women.⁵³ These effects include rising unemployment, poverty and difficulty of providing social safety nets. It is now well acknowledged that in general women and children suffer disproportionately from elements of poverty, including intra-household poverty, compared to men. In addition, there has been increasing recognition of the fact that benefits at the macro level do not automatically “trickle down”, particularly in regard to poverty and inequality, including gender inequality. These issues have to be brought explicitly or directly into the policy framework.

1.4.1 Theoretical Framework

The study will be based on the Liberal Feminist Theory. This is because, the focal point of this study is area of empowerment of women ending inequalities in access of education, work opportunities and complete elimination of discrimination of women through policy and legal frameworks. Therefore, since this study sought to examine

1.4.1.1 Liberal Feminist Theory

This is a feminist theory, which primarily focuses on women’s ability to show and maintain their equality through their own actions and choices. Liberal feminism's primary goal is gender equality in the public sphere equal access to education, equal

⁵² Abagi, O. (1993). *Gender, Education and Development in the Road to Empowerment*. Nairobi: Femment.

⁵³ Khasiani, S. (2009) *Reproductive Rights among Women in Kenya*: Edited by Wanjiku et al in *Democratic Change in African Women's Perspective*. Nairobi: Acts Press.

pay, ending job sex segregation, better working conditions won primarily through legal changes. Liberal feminists argue that society holds a false belief that women are, by nature, less intellectually and physically capable than men; thus it tends to discriminate against women in the academy, the public life, and the marketplace. Liberal feminists believe that "female subordination is rooted in a set of customary and legal constraints that blocks women's entrance to and success in the so-called public world", and they work hard to emphasize the equality of men and women through political and legal reform.⁵⁴ Liberal Feminists focus their efforts on social change through the construction of legislation and regulation of employment practices. it emphasizes on equality through basic freedom for all, education for all, free and democratic election as well as strong legislation to ensure this equality is achieved.

In the context of this study, all human being are equal despite the differences in gender. Therefore, equal opportunities of employment, pay, education and in all other aspects of life thereby ending sex segregation in all spheres of life.

1.5 Justification of the study

Women perform 66 percent of the world's work, and produce 50 percent of the food, yet earn only 10 percent of the income and own 1 percent of the property. This therefore points out that there is a critical need to address the gap. This could be through improving education in the developing world, or development and implementation of policies and programmes to ensure women empowerment, or fighting global climate change, or addressing nearly any other challenge faced.⁵⁵

⁵⁴ Rosemarie, T., *Feminist Thought: A Comprehensive Introduction*. Oxon, United Kingdom: Unwin Human Ltd, 1989

⁵⁵ President Bill Clinton, Clinton Global Initiative, annual meeting (September 2009)

Therefore, this study will be important in addressing the discrepancies between the efforts by women and the subsequent payoff. The study will therefore focus on challenges facing women empowerment and opportunity available.

1.6 Hypothesis of the Study

The study hypothesis will be as follows;

- i). Implementation of gender related international policy and legal framework enhances women participation in education.
- ii). Implementation of gender related international policy and legal framework enhances economic empowerment of women.
- iii). Implementation of gender related international policy and legal framework enhances economic empowerment of women.
- iv). Implementation of gender related international policy and legal framework has reduced sexual and gender-based violence in ASAL

1.7 Operational Definition of key Terms

Empowerment: expansion of the assets and capabilities, of individuals, to participate in, negotiate with, influence, control and hold accountable institutions that affect their lives

Resources: source or supply from which benefit is produced. These are materials, services, staff, or other assets that are transformed to produce benefit and in the process may be consumed or made unavailable

1.8 Research Methodology

Research as noted by Kothari⁵⁶ is defined as a scientific and systematic method consisting of enunciating the problem, formulating a hypothesis, collecting the facts or data, analyzing the facts, and reaching certain conclusion either in the form of solutions towards the concerned problem or in certain generalization for some theoretical formulation.

1.8.1 Research Design

This study used a descriptive research design. This design refers to a set of methods and procedures that describe variables. As noted by Miller, descriptive design is the precise measurement and reporting of the characteristics of the phenomena under investigation, and describes phenomena, situations and events. In this regard, since this study seeks to analyze women empowerment in arid and semi arid regions in Kenya, descriptive research becomes the most appropriate approach.⁵⁷

1.8.2 Target Population and Location

Mugenda and Mugenda⁵⁸ described population as the entire group of individuals or items under consideration in any field of inquiry and have a common attribute.⁵⁹ Due to an arid climate, Isiolo County, North East Kenya will be considered an ideal research location. Isiolo County has a population of 143,000 of which 71.6% are below the Kenya poverty line. The county is characterized by a confluence of tribes including: Borana, Somali, Turkana, Samburu and Rendille (most of them are traditional pastoralists) and the Meru (agro-business).

⁵⁶ Kothari, C. R. (2000), *Research Methodology: Methods and Techniques*. New Delhi: Wiley,.

⁵⁷ Miller, D. C. *Handbook of Research Design and Social Measurement*. (New Park: CA. Sage, 1991)

⁵⁸ Mugenda, O. M., & Mugenda, A. G. *Research methods: Quantitative and qualitative approaches*. (Nairobi, Acts Press, 2003)

⁵⁹ Ibid

1.8.3 Data Collection Instrument and Method

The study will use secondary data. Secondary data will be sourced from a collection and review of published and unpublished material, journals, academic papers and periodicals. The study will also be based on analysis of reports by governmental and non-governmental organizations and other documents on the women's movement, conventions, agreements and other instruments in Kenya.

1.8.4 Data analysis

The interview guides will generate qualitative data. Qualitative data will be analysed by use of content analysis and the findings presented in a prose form.

1.9 Scope of the study

The study will target communities living in Isiolo Counties. The choice of Isiolo County is based on the fact that Isiolo County characterized by a confluence of tribes including: Borana, Somali, Turkana, Samburu, Rendille and the Merus. Further, Isiolo county has a convenient proximity with Nairobi where the researcher is situated. Therefore, this will provide a cost effective avenue to carry out the study expecting generalizable results. The study will seek to study women empowerment in arid and semi arid regions in Kenya.

1.10 Chapter outline

1. Chapter one: details the introduction, literature review and conceptual framework, problem statement, objectives of the study, justification of the study, hypothesis and the research methodology.

2. Chapter two: this chapter will be a conceptual chapter looking at women in ASAL regions in Kenya and women empowerment.
3. Chapter three: this chapter will be a case study chapter. It will look at challenges women in ASAL regions face that challenge their empowerment.
4. Chapter four: this is a critical analysis chapter.
5. Chapter five: presents the study's conclusions and recommendations

CHAPTER TWO

GENDER RELATED INTERNATIONAL LEGAL AND POLICY FRAMEWORKS

2.1 Introduction

The focus of this chapter is a synthesis of the literature that relates to the global policy of gender related international legal and policy frameworks from a historical point of view. It places the question of women and development in the international context and how different development phases, as outlined by the United Nations (UN) have affected, influenced and informed strategies employed to advance the status of women and their participation in the development process. The chapter will first focus on international context followed by the UN CSW. Secondly, it will focus on the world women conferences which form part of background to gender related international legal and policy frameworks. This will be followed by main development frameworks which inform 'women and development' discourse. Finally is a brief discussion on the policy of gender related international legal and policy frameworks and the efforts made by Kenya towards engendering public institutions.

2.2 International Development Context

All issues of international concern including women and development can only be viewed within the global ideological and political contexts in which it operates because they are often tied to existing political and ideological conflicts between the political blocs of the North/South, between liberalism and command economies,

between democracy and dictatorship.⁶⁰ The United Nations(UN), created after Second World War by USA, Britain, China, Russia and France, is central to shaping policies that influence how the states the world over operate. The UN plays a significant role in advancing the status of women. Historically, this has happened in light of the existing wider frameworks and schools of thought dominating the development process at different periods.⁶¹

Within this context, women as a constituency have become galvanized and united for the cause of achieving equality with men; they have pushed to be included as equal partners in setting the international agenda with the hope of having structural transformation in society where hierarchical power structures still exist to disadvantage one gender namely the woman. UN legal instruments such as the UN Charter and UDHR recognize men and women as equal.⁶² For example, the UN Charter in its preamble solemnly determines to, among others, promote social progress and better standards of life; reaffirms faith in fundamental human rights and the equal rights of women and men, and for these ends, among other practices, employ international machinery for the promotion of the economic and social advancement of all peoples.

The destruction that resulted from the Second World War reduced the warring nation-states to rubble. For this reason, the USA, emerging from the war as the most

⁶⁰ Dix, S., "Urbanisation and the Social Protection of Refugees in Nairobi," Humanitarian Exchange Number 35. Humanitarian Practice Network, ODI, 2006, p. 17

⁶¹ Wango, G., Musomi, M., & Akinyi, C. "Gender and Education Re-Alignment of Education to the Constitution" ITP Human Rights Towards Gender Equality Seminar, 2012, P.3

⁶² Carter, M.R. & Barrett. C.B. The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach,' Journal of Development Studies 42(1), 178-199, 2006

powerful, formulated the Marshal Plan to help rebuild Europe and Japan.⁶³ The plan was structured in the capitalist economy framework. An International Bank (International Bank for Reconstruction and Development, now World Bank) was set up to loan finances for rebuilding the infrastructure and aiding in development. The International Monetary Fund was formed too at this time to hold steady the currencies of the world.

The Marshal plan was drawn by economists who gave prominence to development of infrastructure and industries based on the assumption that the effects/benefits would trickle down. And this plan worked well for Europe. Based on this model, the industrialized countries in the period up to the 1960s sought to assist the countries coming out of colonialism based on the same assumption, channeling their technical and financial aid through the various UN agencies.⁶⁴ The enthusiasm of seeking to close the gap between the developed/industrialized countries cut across the political and ideological divides present in the 50s. (These differences would last through to the 80s principally between communism and capitalism). However, by the end of the UN First Development Decade (1961-1970), it was clear that the gap was not narrowing. The role of global governmental and non-governmental actors in providing aid to developing countries was not achieving what had been hoped for. It was realized that ‘market mechanisms alone would not propel development...it required state intervention in the economy’. Green and Hulme conducted a study and found that with time produced evidence that economic growth alone was not enough

⁶³ Alunga, J. U., & Murunga J. W. (2013). Gender Roles and Agribusiness in the Kenyan Communities: The Case of Likuyani District. *Journal of Emerging Trends in Educational Research and Policy Studies (JETERAPS)*. 4(5), 733-738

⁶⁴ Gasper, D. The capabilities approach to well being justice and human development, *Journal of international development*. 9(2), 281- 302, 2001.

to improve the lives of people. The gains of the economy had to be distributed widely if common people were to benefit.⁶⁵

By this time, many colonized countries had gained independence and joined the United Nations. This changed the course of world affairs significantly because the newly independent countries/developing countries started agitating for a change of international policies especially in regard to trade.⁶⁶ The developing countries, realizing the unequal distribution of global resources insisted on a New International Economic Order (NIEO) that would favour their underdeveloped state and propagate 'economic justice and balanced planetary growth'. Towards the end of the 60s into early 70s, the UN conceded that the trickle down economic theory did not really work for the developing world.⁶⁷ A new way of achieving development was necessary. This fact opened up a window for the increasing numbers of newly independent countries in need of development joining the UN and women to be heard and included in the development process as equal partners.

The purpose of UN Second Development Decade (1971- 1980) was 'to bring about sustained improvement in the well-being of the individual and bestow benefits on all' with emphasis on basic needs and elimination of poverty at the grassroots.⁶⁸ In the 70s, the UN began to convene conferences of issues originally not in the UN Charter such as food and population. In these conferences, the UN began to see how women

⁶⁵ Green, M. & Hulme, D. From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867–880, 2005

⁶⁶ IRIN (Integrated Regional Information Network of the United Nations). 'Horn of Africa: Pastoralist crisis will not be solved with food aid.' 17 May 2006.

⁶⁷ Carter, M.R. & Barrett. C.B. The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach,' *Journal of Development Studies* 42(1), 178-199, 2006

⁶⁸ Lybbert, T., C.B. Desta, B. S., & Coppock. D. L. Stochastic Wealth Dynamics and Risk Management among a Poor Population', *Economic Journal*, 114, 750- 77, 2004.

were connected to such issues as food and population, and how integrating the women in development process would enhance lives of their dependents' and the economic well-being of the state.

The oil crisis in 1973 destabilized many developing countries which led to increased financial debts from international financial institutions and bilateral partners.⁶⁹ The debts reached levels where these countries could not service and therefore asked for reschedule of the repayment period so that they could afford to pay. But the Bretton Woods institutions had other ideas and in the late 70s into early 80s, they introduced conditions for developing countries that wanted to secure loans and investments from them. They proposed structural adjustments within government/state structures where the government was required to reduce its obligations to the citizenry by cutting back on social welfare programmes and introduce cost sharing in accessing essential services such as health and education. The Structural Adjustment Programmes (SAPs) further deepened the troubles of the ordinary people in the global South, especially because of the retrenchment programmes that cut employment from breadwinners of families. Complicated by drought, global economic recession, and retarded economic growth, Africans suffered immensely.

Towards the end of the 3rd Development Decade communism fell and the Cold War between USSR and USA and their allies ended.⁷⁰ The USA was stronger because communist USSR had imploded. It therefore pegged its foreign assistance on developing countries' adopting USA ideology of free market principles and

⁶⁹ Green, M. & Hulme, D. From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867–880, 2005

⁷⁰ Hulme, D., & Shepherd, A. Conceptualizing Chronic Poverty, *World Development*, 31 (3), 403–423, 2003. p. 407

democracy. At the time of signing the BDPfA, the international political context was transforming after the collapse of socialism in Eastern and Central Europe, the Liberal West was promoting democracy expressed in political pluralism and human rights- an agenda which encompassed women's rights and facilitated women's call to attention of their cause. Donor agencies tied their aid to seeing reformed institutions in the Third World.⁷¹ This had an impact on women's agenda. Women took advantage of the changing political context to agitate for their rights in legislation and public policy. For example women successfully rallied around the issue of sexual rights and reproductive health rights insisting that women had autonomy and choice, violence against women also came to the center of the global debates.

The 90s saw many developing countries struggling with emerging issues of HIV/AIDS, democratizing pressures from donor agencies and donor countries, declining development assistance, identity politics, intrastate wars/civil wars, and climate change. The peddled notion that liberalization of markets would improve people's lives proved to be fallacious. 'By 2000 reviews of the UN doubted that globalization and market liberalization 'would deliver on its promise'.⁷² Within the 21st century there have been 'some significant shifts in international development policy along with the growing appreciation of the need to develop gender-aware policies. There is greater concern expressed by actors that social and political issues be apportioned some space alongside economic concerns because the 1980s market-

⁷¹ Oloson, J., Rubin, D., & Wangui, E. Gender, Agriculture, and Climate Change: A Regional Analysis, USAID/East Africa, 2010

⁷² Omolo N.A. Gender and climate change-induced conflict in pastoral communities: Case study of Turkana in northwestern Kenya. *African Journal on Conflict Resolution*. 10(2), 81-102, 2010

driven- world ideologies happened at very high social costs.⁷³ At the turn of the millennium, the world came together to set development targets based on the 1990 data that related to development. The development targets were named Millennium Development Goals (MDGs) which would be achieved by the year 2015 to ensure that basic needs were met so as to build a solid society, without which economic progress and development will be elusive.⁷⁴

On the security front, the terrorist attack on the USA in 2001, now dubbed 9/11, refocused international attention to the reality of terrorism and more funds were allocated to security and the war on terror at the expense of development.⁷⁵ A lot of resources were allocated to fighting the monster that is terrorism which without doubt affected developing countries such as the Horn of Africa region countries because of the perception that they are a haven for terrorists. The war on terror account for the incursions in Iraq and Afghan led by the USA, sparking hostility and extremism in equal measure as people rise to criticize these incursions. The wars in Iraq and Afghanistan have captured the world attention together with the persistent crisis of the Middle East both of which draw mixed reaction from leaders and citizens of the world.⁷⁶ The perceived decline of the US and the emergence of the BRICS as economic power houses are some of the issues that currently shape the international perceptions.

⁷³ Below, T., Astrid A., Rosemarie S., & Stefan S. *Micro-level Practices to Adapt to Climate Change for African Small-scale Farmers: A Review of Selected Literature*. IFPRI. Discussion Paper 00953. Washington, D.C.: IFPRI, 2010.

⁷⁴ Kenya Post-Disaster Needs Assessment (PDNA) for the 2008-2011 Drought; Government of Kenya with technical support from the European Union, United Nations and World Bank; April 2012

⁷⁵ Omolo N.A. Gender and climate change-induced conflict in pastoral communities: Case study of Turkana in northwestern Kenya. *African Journal on Conflict Resolution*. 10(2), 81-102, 2010.

⁷⁶ Smith, K., Barrett, C., Box, P. Participatory risk mapping for targeting research and assistance: With an example from east African pastoralists, *World Development* 28:1945-59, 2001

The reality of globalization and regionalism, characterized by increased interdependence of the world economy, revolutionized communications through internet and general technological advancement, is no doubt shaping world politics as traditional allies 'venture out' in search of new political alignments. It is against such a backdrop that women and their issues are looked into. Because the development process is shaped by international politics, the events and dominating ideologies at different times in the political history of the world have a bearing on women.

2.3 The UN Commission on the Status of Women (CSW)

In the preamble of the UN Charter is the provision for equal rights of women and men and a reaffirming of faith in the fundamental human rights, later outlined in the Universal Declaration of Human Rights (1948). In 1946, the United Nations Economic and Social Council (ECOSOC) created a subcommittee on women to the Human Rights Commission and a year later, the Commission on the Status of Women (CSW) became separate.⁷⁷ It was established to report on the rights of women in all the spheres of life.⁷⁸ The Universal Declaration of Human Rights bolstered CSW's voice on the equality of men and women especially with its second article quite clear: everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, colour, sex, language. During its first session the CSW resolved to raise the status of women to equality with men and to eliminate discrimination against women. During its early years the CSW took the perspective of legal rights. It contributed to the drafting of the Universal Declaration of Human

⁷⁷ Elmi, A. H., Ibrahim, D. & Jenner, J. Women's Role in Peacemaking in Somali Society. In D. L. Hodgson (ed.), *Rethinking Pastoralism in Africa: Gender Culture and the Myth of the Patriarchal Pastoralist*. Oxford: James Currey, 2000

⁷⁸ Nyaoro, D., Policing with Prejudice: How Policing exacerbates Poverty among Urban Refugee, *The International Journal of Human Rights*, 14, 2010, p.126-145

Rights document by introducing more inclusive language, which their male counterparts within the UN system at the time were blind to.

The CSW embarked on formulating conventions that would change discriminatory laws. Its efforts made it possible for women to realize gains in regard to citizenship, employment and family law. The conventions that directly concern women adopted in the early years of CSW are; Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of others (1949), Equal Remuneration for Men and Women Workers for Work of Equal Value(1951), Convention on the Political Rights of Women(1952), Discrimination in Respect of Employment and Occupation (1958), International Convention against Discrimination in Education(1960), Convention on Consent to Marriage, Minimum Age of Marriage, and Registration of Marriages (1962).⁷⁹ CSW worked closely with other international organizations such as International Labour Organization (ILO) and UNESCO to develop convention on employment and education respectively.

In order to prop up their assertions that women did not get equal treatment with men in law as well as in practice, CSW conducted numerous studies. Member states provided the CSW with statistics and information on the status of women in their respective countries.⁸⁰ This information became the basis for drafting human rights instruments. The CSW also focused on cultural practices that discriminated against women and girls and UNGA in 1954 adopted resolutions that compelled members to

⁷⁹ Sobania, N. Background History of the Mt. Kulal Region of Kenya. IPAL Technical report Number A-2. Nairobi: UNESCO, 1979.

⁸⁰ WHO, "World report on violence and health," Geneva, Switzerland: world health organization, 2002

abolish such practices.⁸¹ The success of this was limited due to the elevation of such practices as early marriages and female circumcision (female genital mutilation) in societies. With UN membership increasing exponentially in the 60s due to newly independent countries, the UN listened to the concerns of these countries which were primarily concerned with economic development. While the Communist East considered the problem of poverty among women as more urgent in comparison with legal and political rights, the newly independent countries clamoured for economic development in effect taking the issues of women to the backburner.

However, the rights of women were not completely forgotten because the West ensured that they stayed on course. The CSW, in order to accommodate these concerns started to consider the role of women in development. In collaboration with NGOs and the upsurge of the feminist movement efforts, the CSW focused on economic participation of women in the 70s.⁸² The CSW in 1963 drafted the Declaration on Elimination of Discrimination against Women and in 1967 the Declaration was adopted by the UNGA, providing legal ground for equality of men and women. This was followed by the adoption by UNGA of what has been considered the most critical international legal instrument for women – the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) in 1979 and its coming into force in 1981.⁸³ It defined what discrimination is and required governments to take responsibility of guaranteeing women's human rights and freedoms. Although governments were slow to ratify CEDAW at the

⁸¹ KIPPRA. A comprehensive study and analysis on energy consumption patterns in Kenya: *A synopsis of the draft final report*, 2010.

⁸² Hodgson, D. L. *Once Intrepid Warriors: Gender, Ethnicity, and the Cultural Politics of Maasai Development*. Bloomington: Indiana University Press, 2001

⁸³ Dix, S., *Urbanisation and the Social Protection of Refugees in Nairobi*, Humanitarian Exchange Number 35. Humanitarian Practice Network, ODI, 2006, p. 17

beginning, many governments have now ratified it and improved on their domestic laws in conformity with CEDAW. With the changing times and emerging challenges, the CEDAW has included new themes such as HIV/AIDs and disabled women through its recommendations.

In 1972, CSW recommended that there be an international women's Year, which the UNGA endorsed.⁸⁴ 1975 was selected as the year which was intended to remind the world that discrimination against women was still persistent and it was a hindrance to achieving equality. It would also remind governments to make efforts to achieve equality and recognize women's contribution in development. In addition to CSW, the UN, seeing the importance of women and the need to incorporate them in the development process has expanded institutions that concentrate on women and issues that concern them. The UN Secretariat established a section on the Status of Women which would later (1978) become the Division for the Advancement of Women (DAW). In 1975, a new organization International Research and Training Institute for the Advancement of Women (INSTRAW) was formed to undertake studies related to women and development. Again, the Voluntary Fund for the United Nations Decade for Women under the UNDP was in 1984 transformed into an autonomous body – UNIFEM (now UN Women).⁸⁵

CSW continues to work for women and it is responsible for organizing and preparing UN World Women conferences beginning with the 1975 Mexico Conference. The

⁸⁴ Kabeer, N. *Paid work, women's empowerment and gender justice: critical pathways of social change*. Brighton: Institute of Development Studies, 2008

⁸⁵ Mbatia, F. N. A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi, 2007

conferences are held routinely every five years.⁸⁶ The CSW makes sure that the momentum is not lost because although the world is more aware of women's human rights, equality has yet to be achieved and laxity on this matter could make gains made be rolled back. The CSW has secured the mandate to play a central role of monitoring the implementation of various action plans that have come out of the various conferences and advise the UN ECOSOC. As Steans (2006) notes CSW provides an institutions through which coordination, monitoring and evaluating of UN programmes is done. Efforts of the CSW have made gender equality a cross cutting theme in development discourses, programmes and projects by developing the related international legal and policy frameworks approach. Today gender equality issues are central to national and international conferences that focus on policy.

2.4 UN World Women Conferences

When the General Assembly reached a decision to have International Women's Year in 1975, it marked the beginning of legitimate articulation of women's issues in international plat forms. The 1973 Percy Amendment had required that 'women be involved in the decision making bodies that dealt with aid and development issues'.⁸⁷ The amended USA Foreign Assistance Act became a model for UN agencies as it influenced multilateral and bilateral donor agencies to make a requirement for integrating women in development. Thus, the UN and its agencies had to expand institutions that attend to women issues. This requirement, coupled with the increasingly strong feminist movement influenced the first world women conference

⁸⁶ Khasiani, S. Reproductive Rights among Women in Kenya': Edited by Wanjiku et al in Democratic Change in African Women's Perspective. Nairobi: Acts Press, 1993

⁸⁷ Abagi, O. *Gender, Education and Development in the Road to Empowerment*. Nairobi: Femnent. 1994

held in 1975 in Mexico.⁸⁸ During this conference the UN declared the next 10 years a Decade for Women. Conferences have since been held every five years to evaluate the gains and persistent impediments to achieving equality and end discrimination against women.

In the 1990s other world development conferences were held by the UN in order that ‘an integrated global agenda for development’ is established.⁸⁹ Those of particular interest to women are the 1992 conference on Environment and Development held in Rio de Janeiro, the 1993 Vienna conference on Human Rights, the 1994 Cairo conference on Population and Development, the 1995 Social Development Summit, the 1996 Habitat II Conference on Human Settlements and the 1996 World Food Summit. They raised awareness and placed gender issues at the centre of international discourse. For example, the 1993 World conference on Human Rights in Vienna is regarded as the ‘full safeguard of women’s rights’ which will affect the worlds fundamentally.⁹⁰ In these conferences women’s rights were ‘indelibly etched on the world’s consciousness. The following is a brief discussion of each of the conferences. The first four conferences take the names of the cities in which they were held. The Fourth World Women Conference is lauded to be one of the greatest and significant achievements because it set the stage to entrench women’s rights in every facet of life in a most comprehensive way. Thus, from 1995, subsequent gatherings take the name of the fourth conference with an addition of the years that have elapsed since the end

⁸⁸ Halderman, M. The Political Economy of Pro-Poor Livestock Policy-Making in Ethiopia, Pro-Poor Livestock Policy Initiative (PPLPI) Working Paper No. 19. Rome: Food and Agriculture Organization, 2004

⁸⁹ Krathi, S. The Bais behind Nomadic Education. Sussex: Institute of Development Studies, 2000

⁹⁰ Mbatia, F. N. A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi, 2007

of the Beijing Conference because their major objective is to appraise the progress of women based on the BPFA.⁹¹

2.4.1 Mexico Conference, 1975

When in 1972, the UN determined to have an International Women's Year in 1975, the period running up to the year was crucial for preparations. The CSW came up with the themes of the year namely peace, equality and development themes which would go on to be adopted for the UN Decade for Women (1976-1985). 133 governments sent delegations to this conference and after much deliberation, the World Plan of Action of the Objectives of IWY was adopted unanimously with 'set targets and proposed actions for the UN Women Decade.'⁹² The adoption by consensus was a milestone because other international issues such as the need for a new international economic order and the Palestinian crisis repeatedly diverted the discussion from women's issues. The Mexico Conference produced the World Plan of Action, which contained measures that would ensure inclusion of women in the development process, based on the data collected in different countries identifying practices that undermined women's rights.⁹³

The UN saw the need to integrate women into development seeing them as a resource that when well trained would enhance development. It was argued that improved education, health, and nutrition of women would better contribute as a resource of

⁹¹ Shaw, E., Carter, S. and Brierton, J. Unequal Entrepreneurs: Why Female Enterprise is an Uphill Business, *The Industrial Society*, London, 2001.

⁹² Bruin, A., Brush, C. and Welter, F. Advancing a framework for coherent research on women's entrepreneurship, *Entrepreneurship Theory & Practice*, 31(3), 323-39, 2007.

⁹³ United Nations Development Fund for Women (UNIFEM). *Who Answers to Women? Gender and Accountability: Progress of the World's Women 2008/9*. New York. 2008.

labour in the development process.⁹⁴ A parallel NGO forum ran concurrently with the official UN conference. It is regarded as a success because it was the first ever world meeting that brought women together for women. This enabled women of diverse backgrounds to share their experiences and realize the common denominator in their lives that, they were discriminated against regardless of their social standing. In addition, as Chen note women's problems and issues would no longer be ignored.⁹⁵

2.4.2 Copenhagen Conference, 1980

This conference had the purpose to 'review and appraise to *what extent* the targets of the World Plan of Action had been attained during the 1st half of the Decade' and to 'prepare a more precise plan of Action for the remaining half of the Decade.'⁹⁶ The issues of health, employment and education were still central to this conference as in the first conference. The UN 2nd and 3rd committees were now included in paying attention to women's issues indicating the growing attempts to promote the status of women.

Though global issues such as apartheid and trade persisted in Copenhagen to near-confrontation, achievements were recorded, the most significant being the adoption of CEDAW's final text by the UNGA in 1979. Further, 50 governments signed it during

⁹⁴ Kabeer. *Resources, agency, achievements: reflections on the measurement of women's empowerment*. In *Discussing Women's Empowerment: Theory and Practice*. Stockholm: Swedish International Development Cooperation Agency (Sida), 2001

⁹⁵ Chen, M. *Progress of the world's women 2005: Women, work and poverty*. New York: United Nations Development Fund for Women (UNIFEM), 2005.

⁹⁶ Whitehead, A. The gendered impacts of liberalization policies on African agricultural and rural livelihoods. In *The Gendered Impacts of Liberalization. Towards "Embedded Liberalism"?*, S. Razavi, ed. London: Routledge, 2009.

the conference. The decision to hold Nairobi conference in 1985 was reached here.⁹⁷ The parallel NGO forum, with 7000 participants, provided space for women to articulate their issues. During this conference too, women gleaned an invaluable lesson of influencing the direction of international policy when they realized that they could only lobby their governments prior to the conferences.

2.4.3 Nairobi Conference, 1985

The purpose was to critically review and appraise progress and obstacles encountered in attaining the goals and objectives of the UN Decade and to adopt NFLS. The Nairobi conference is described as the turning point for women. Here, action plans were clear and articulate.⁹⁸ The ten years had given women confidence and clarified issues that cut across the world women regardless of class or race. This awareness is what united women. There was adequate preparation for this conference pegged on two major surveys: The World Survey on the Role of Women in Development and the Review and Appraisal of Progress achieved and Obstacles encountered at the National Level in the Realization of the Goals and Objectives of the Decade for Women. It is in during this period that women were seen as subjects and objects /agents and beneficiaries in the development process. It is also here that the call to mainstream women's issues came to the fore.⁹⁹

Women were recognized as equals; seen as intellectuals, policy makers, planners and contributors, and beneficiaries of development and an emphasis on women's

⁹⁷ World Bank. *Engendering development: gender equality in rights, resources and voice*. Oxford: Oxford University Press, 2001.

⁹⁸ Ngau & Keino. *Gender and Agribusiness; unpublished Thesis*, Kenyatta University, 2000

⁹⁹ Jurna, M. N. *Determinant of Female Participation in Primary Education. A Study of Kwale and Taita- Taveta District. Unpublished Ph.D. Thesis*, Kenyatta University, 1994

perspective was seen as critical for human development.¹⁰⁰ The evaluations showed that the goals of the UNDW had been achieved only in part; a lot remained to be done therefore a need to develop further strategies to overcome obstacles. In spite of this the Decade had made covered substantial ground for the cause of women. First, mapping of the situation of world's women through increased statistics and information through study, with the disaggregated by sex had been achieved and secondly the world was no longer blind to women's perspectives. The final document of Nairobi FLSAW was adopted unanimously. Of significance is that it was able to link the three themes of the decade and admit that economic growth does not automate advancement of women. It called on the world to facilitate and ensure women have increased participation in decision making at all levels and have access to power. In the parallel NGO forum held at the University of Nairobi, and attended by more than 14000 women from over 150 countries, women actively participated giving the official UN conference tremendous support.¹⁰¹

2.4.4 Beijing Conference, 1995

Between 1985 and 1995, CSW worked hard to ensure that women's agenda formed global agenda.¹⁰² The preparatory stage for this conference was comprehensive with 170 national reports submitted to the CSW. Within the conference the Beijing Declaration and the Platform for Action (BDPfA) was adopted by 189 countries.¹⁰³

¹⁰⁰ United Nations. *Policymakers guide to women's land, property and housing rights across the world*. Nairobi. 2007

¹⁰¹ Babikian, H. *The Price of a Girl - The Price of a Bride: Girl Child Education*. Kenya: Christian Children Fund, 2003

¹⁰² Mbatia, F. N. A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi, 2007

¹⁰³ Deustch F, M. what everyone should know about Gender and Sexuality, 2007

This Document consolidated previous efforts towards equality of men and women. The BDPfA emphasizes women rights being human rights. It also placed responsibility on the respective governments to promote the rights of women regardless of their ideologies, economic or cultural systems. In Beijing women ‘strengthened articulation of their rights, including equality in decision making, balance in gender representation, sexual and reproductive rights, freedom from violence. They exacted commitments from governments in such areas as the rights of the girl child, education of women and institutional mechanisms to implement recommendations from the Beijing.

The world community discussed how to remove obstacles to the full participation of women in all spheres of public and private life including economic and political decision making. BDPFA built on previous work moving into the 21st century with a gender perspective. It recommended that the international community forges a collective vision to advance women’s status and ensure their empowerment.¹⁰⁴ The BDPfA called upon governments, the international community and civil society to take strategic actions in 12 critical areas of concern. CEDAW Optional Protocol work got its green light in the Beijing Conference. Its content would be discussed over the next four years followed by adoption in 1999. On 22nd December 2000 the convention entered into force allowing the committee responsible to receive complaints from objects of discrimination.¹⁰⁵ The NGO forum was held in Huairou, sixty miles from Beijing under government surveillance. (China is communist and therefore exercises

¹⁰⁴ Ashraf, N., Karlan, D., & Yin, W. Female empowerment: Impact of a commitment savings product in the Philippines. *World Development*. 38 (3), 333-344. 2009

¹⁰⁵ Kabeer, N. Conflicts over credit: Re-evaluating the empowerment potential of loans to women in rural Bangladesh. *World development* 29(1) , 63-84, (2000).

considerable control over what its people consume). In spite of, this attendance was spectacular.

2.4.5 Beijing +5

After Beijing 1995, the UN changed from organizing world women conferences to having five- year rounds of reporting.¹⁰⁶ The Beijing + 5 gathered in New York was designed to ‘review momentum in the implementation of the BPA’ The outcome identified persistent gaps and challenges and provided new recommendations for action to ensure full implementation of the commitments made in Beijing in 1995.¹⁰⁷ During this meeting some groups including the Vatican contested reproductive rights and made an appeal that the traditional family be protected. Some phrases had to be removed from the Outcome Document before it was adopted. Observations at this meeting alluded to the lack of political will by governments to fully embracing and implementing the BPA.

2.4.6 Beijing +1092

A ten year review of the BPA was organized in 2005 at the 49th session of the Commission on the Status of Women.¹⁰⁸ The Secretariat received 134 responses from Member States.¹⁰⁹ Taylor describe the gathering as low key in comparison with the

¹⁰⁶ Littlefield, E., Murdugh, J., & Hashemi, S. Is microfinance an Effective Strategy to Reach the Millenium Development Goals? (2003).

¹⁰⁷ Garikipati, S. The impact of lending to women on household vulnerability and women's empowerment: evidence from India. *World Development*, 36(12) , 2620-2642, 2007.

¹⁰⁸ Milner, J. Agricultural and Rural Development in Malawi: The Role of Policies and Policy Processes. In T. Takane, *Agricultural and Rural Development in Malawi: Macro and Micro Perspective*. Chiba, Japan: Institute of Developing Economies. (2005).

¹⁰⁹ Kabeer, N. Conflicts over credit: Re-evaluating the empowerment potential of loans to women in rural Bangladesh. *World development*, 29(1) , 63-84, (2000).

Fourth World Women Conference a decade earlier.¹¹⁰ There was, however progress at the policy level in many countries. The CSW welcomed the progress made but stressed need to take further action and ensure implementation of the BDPfA. This meeting noted considerable progress in women's political participation, especially in the numbers of countries establishing gender quotas. It was also noted that in spite of the increased numbers women continue to be underrepresented in national parliaments, with only 17.3 per cent by 2007, despite the 30 per cent target for 1995 set by the Economic and Social Council (ECOSOC) in 1990.¹¹¹ The challenges that persisted were identified as attitudes and practices that were discriminatory which made progress slow.

2.4.7 Beijing +15 94

From 1-12 March 2010, the Commission on the Status of Women undertook a fifteen-year review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third and forty nine special sessions of the General Assembly.¹¹² Emphasis was placed on the sharing of experiences and good practices, with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals. As a cross-cutting trend, the review noted considerable progress in most areas of concern at the policy level, with numerous examples of improved global, regional or national policies consensus

¹¹⁰ Taylor, V. *Gender Mainstreaming in Development Planning. A reference Manual for Governments and other Stakeholders*. London: Commonwealth Secretariat, 2009

¹¹¹ March, C., Smyth, I., & Mukhopadhyay, M. *A Guide to Gender-Analysis Frameworks*. Oxfam GB publishers. 2009.

¹¹² Fontana, M. & Paciello, C. (2010). Gender dimensions of rural and agricultural employment: Differential pathways out of poverty: A Global perspective. In *Gender imensions of Agricultural and rural Employment: Differentiated Pathways out of poverty*. Rome: FAO/IFAD/ILO.

agreements and declarations, human rights conventions and rulings, and national legal frameworks.

2.5 Frameworks of Women and Development

While the origin of the discourse of women and development as a subject of inquiry is contested, with feminist scholarship from the Global North placing its birth with Economist Boserup's work and those of the Global South insisting that it predates the 1970s to pre-colonial times, there is little contest to the dominant frameworks guiding the discourse. The frameworks have dominated different periods in history in a near successive manner, a trend prompted by criticisms and weaknesses of a prevailing framework.¹¹³ This is not to mean that any of the frameworks as highlighted below is completely abandoned. The women and development frameworks largely develop in line with macro trends and strategies.

The oldest framework is referred to as Women in Development (WID) which was followed by Women and Development (WAD).¹¹⁴ A change of the concept 'women' in discourse which was replaced by a term that now has become common parlance in development circles: 'gender', necessitated another framework - Gender and Development (GAD), in which men are seen as potential agents of change for the betterment of women's advancement. A new framework - Women, Environment and

¹¹³ Carter, M. & Barrett, C. (2006). The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach, *Journal of Development Studies* 42(1), 178-199.

¹¹⁴ Wango, G., Musomi, M., & Akinyi, C. (2012). "Gender and Education Re-Alignment of Education to the Constitution" ITP Human Rights Towards Gender Equality Seminar

Development (WED), emerged in the 90s which connects women to the environment and argues around the question of sustainable development.¹¹⁵

2.5.1 Women in Development (WID)

The ‘woman in development’ theory is guided by the assumptions of modernization theory which targets individuals to effect social change. It is associated with liberal feminism, a theory emanating from women in the global North who elevate individual freedoms and rights and belief that all human beings are equal. It advocates for the visibility of women by them being included in the development process in their numbers. Essentially, it seeks to fit in the existing structures of society and its call is to see more women integrated in to the development process. Dix identifies five approaches within the WID framework.¹¹⁶

Welfare Approach- this approach predates Ester Boserup’s work of 1970 and is said to be borrowing from the European concept of social welfare, where the state had designated public funds to help the poor by giving them routine handouts in order to meet their immediate needs. Gasper points out that women were not seen as people in their own right but were seen to rely on the men who were regarded ‘household heads and productive agents’.¹¹⁷ The assumption was that if a man benefited, so would the woman. In this approach therefore, development policy and practitioners target women as poor with the aim of enabling them meet their immediate needs as mothers.

¹¹⁵ UNESCO (2003) EFA Global Monitoring Report 2003/4: Gender and Education for All: The Leap To Equality. Paris: UNESCO

¹¹⁶ Dix, S. (2006). “Urbanisation and the Social Protection of Refugees in Nairobi,” Humanitarian Exchange Number ³⁵. Humanitarian Practice Network, ODI, p. 17

¹¹⁷ Gasper, D. (2001). The capabilities approach to well being justice and human development, *Journal of international development*. 9(2), 281- 302.

Most UN assistance programmes in the first development decade used this approach. Alunga and Murunga also point out that ‘UNICEF and UNHCR programmes have consistently and effectively used this approach’.¹¹⁸ Green and Hulme in critique point out that this approach encourages dependency as opposed to the more desirable self reliance.¹¹⁹ Again, they fault this approach for treating women as ‘passive recipients of development benefits’. Further, it does not recognize women as productive; only see their reproductive and nurturing roles.

Equity approach-this is the approach that dominated the UN decade, in consistency with the calls at the onset of the feminist movement. It is rested on the human essence of all people being born equal, therefore destined to enjoy same freedoms and rights.¹²⁰ This approach says that women’s rights are human rights. It was the approach of UN CSW at its inception. It also informs CEDAW. Through this approach legislations that uphold the rights of women and outlaw discrimination on the basis of sex have been enacted. Feminist activists used this approach to exert pressure on development agencies to integrate women in the development process through employment and equal pay with men for equal work done. In the 70s, gender equality encountered considerable hostility prompting the feminist movement change tact to align with the general development direction in the 70s.¹²¹

¹¹⁸ Alunga, J. & Murunga J. (2013). Gender Roles and Agribusiness in the Kenyan Communities: The Case of Likuyani District. *Journal of Emerging Trends in Educational Research and Policy Studies (JETERAPS)*. 4(5), 733-738

¹¹⁹ Green, M. & Hulme, D. (2005). From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867–880.

¹²⁰ Carter, M. & Barrett. C. (2006). The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach,’ *Journal of Development Studies* 42(1), 178-199.

¹²¹ Lybbert, T., Desta, B. & Coppock. D. (2004). Stochastic Wealth Dynamics and Risk Management among a Poor Population’, *Economic Journal*, 114, 750- 77.

Green and Hulme point out that ‘the women of Africa, through ECA declined to adopt equity approach because it lacked development emphasis’ and would be of little help to majority of women in Africa who were rural and illiterate, concerned about putting bread on the table; different from the proponents from the Global North who were seen to have bread and butter.¹²² However, the feminist movement went full circle because in the 90s, in the run up to the Beijing Conference, equity approach gained worldwide acceptance. Women organized and lobbied and by 1995, ‘the Beijing conference carried forward the women in development agenda because the BPA stressed the need for women to participate fully in economic and social development’.¹²³

Anti-poverty approach- the shift to an antipoverty approach to women and development coincided with the shift emphasized by UN agencies in the 70s ILO and WB.¹²⁴ WB targeted women through programmes of population control while ILO insisted on a wage that would meet basic needs. These were aimed at having women overcome the challenges of hunger and malnutrition. Through this approach there was introduction of income generating activities which is seen as a major contribution towards women in development. It is still popular with nongovernmental organizations in urban areas and refugee camps. It was designed to meet basic needs by generating generation without much regard to strategic/long term needs such as restructuring society.

¹²² Green, M. & Hulme, D. (2005). From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867–880.

¹²³ Omolo N. (2010). Gender and climate change-induced conflict in pastoral communities: Case study of Turkana in northwestern Kenya. *African Journal on Conflict Resolution*. 10(2), 81-102, 2010

¹²⁴ Hulme, D., & Shepherd, A. (2003). Conceptualizing Chronic Poverty, *World Development*, 31 (3), 403–423. p.

Efficiency approach- this approach entered the development process in the end 70s to early 80s. Not surprisingly, it coincided with economic depression with IMF introducing SAPS.¹²⁵ Women would be employed to contribute to economic growth. It is an approach that sought to enhance productivity in order to achieve economic growth. Because women constitute half of world population it was assumed that their involvement in the development process would impact overall development. Increasing women's productivity would logically lead to economic growth. However, the efficiency approach became exclusively market oriented. This, coupled with the IMF conditionality rolled back much of what women had gained. The approach proposals to cut back in public expenditure resulted in unemployment and sharp decline in health and education systems.¹²⁶ At the end of the UN Decade for Women, their status was worse than in the era preceding the Decade.

Empowerment approach- this approach was popularized by DAWN in the mid-80s in reaction to the prevailing school of feminist thought of integrating women into existing societal structures that were oppressive.¹²⁷ They rejected the propagated notion that women's experiences were universal; for them, they varied according to race, class, colonial history and position in the economy. This approach seeks to address women's needs by transforming structures and organizing around practical needs. Women's perspectives must be put into account at every level local, national and international. DAWN proposed that poor people ought to be empowered at the

¹²⁵ Kabeer, N. (2008). *Paid work, women's empowerment and gender justice: critical pathways of social change*. Brighton: Institute of Development Studies

¹²⁶ Mbatia, F. (2007). A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi.

¹²⁷ Khasiani, S. (2009) *Reproductive Rights among Women in Kenya'*: Edited by Wanjiku et al in *Democratic Change in African Women's Perspective*. Nairobi: Acts Press.

grassroots by raising their consciousness, accessing productive resources such as land and credit, education and training.

WID achievements and limitations- WID is spread over the period that UN has existed and has a mixed record of progress in social change. The threads that knit WID approaches together are gender equality and economic efficiency.¹²⁸ It has promoted women's visibility, sensitized society to disaggregate data by sex, enabled anti-discriminatory laws and introduced institutional mechanisms for the advancement of women. Related international legal and policy frameworks gender issues is also a contribution of WID. On the other hand WID is criticized for following the path that is politically convenient; one that overlooks the redistribution concerns and structural transformation of power hierarchies. It is said to have ignored women's perspectives in the decision making processes leading to women being handed projects and programmes in which they made no input. Further, it fails to put in to consideration women's reproductive roles, increasing their working hours and creating a double burden. As such, men and women could not benefit equally from development aid.

2.5.1 Women and Development (WAD)

This framework, which developed in reaction to WID, stems from arguments of public /private dichotomy as brought forward by Marxism, which asserts that the public domain- regarded as more superior is inhabited by men while the private/domestic regarded as inferior is the domain of women.¹²⁹ The public is said to carry the productive roles which are profitable while the private carries the

¹²⁸ CDKN (Climate and Development Knowledge Network). 2012. Managing Climate Extreme and Disasters in Africa: *Lessons from the IPCC SREX Report*. CDKN. Accessed 14th April 2014: www.cdkn.org/srex

¹²⁹ Wisner B., P. Blaikie, T. Cannon & Davis. I. *At Risk: Natural hazards, people's vulnerability and disasters*. 2nd Edition. Oxon: Routledge. 2004.

reproductive roles of mothering and nurturing children. The society is therefore structured and these structures are said to determine women's inferior status. Feminists concede that the private/public divide greatly contributes to women's treatment at the workplace, and 'that employment and pay is a source of status and autonomy'. They view inequalities as part of the larger global picture of the economy created by capitalism and patriarchy.

The Marxist feminists focus their attention on exploitation of women by MNCs in EPZs.¹³⁰ Their concern is that structural transformation of production must happen and exploitation of women as cheap labour should change. This framework is criticized for its rigidity, and the limitation of not accepting that society is not static. It also assumes that women are victims and men perpetrators of violence. In addition they refuse to work with development agencies which provide funding for women's projects especially for women's practical needs.

2.5.2 Gender and Development (GAD)

Criticisms of WID and WAD led to the emergence of GAD in the 80s. It shifted from 'women' concept of analysis to 'gender relations' as a concept of analysis. It focuses not just on women, like WID and WAD do, but on social relations between men and women in the work place and other social settings. It views men as potential supporters of women. It brings the issues of power relations into the picture. Basu and Koolwal point out that GAD adopts a holistic approach because it takes cognizance of the multilayered nature of the development process influenced by political and social

¹³⁰ Cannon T. Reducing people's vulnerability to natural hazards: communities and resilience. *UNUWIDER Research*. Paper 34. Helsinki. 2008

economic forces.¹³¹ It departs from the narrow perspective of WID and WAD and sees men as potential supporters of women, therefore advocating that men too be included in the issues of women. This inclusion of both men and women will ostensibly produce a more balanced and equal human society. The state is also expected to assume responsibility in promoting equality in development. The strategies of GAD in the achievement of its objectives include such as community organizing, transformative action, public education and coalition building.

To quote Alsop, gender equity based on recognition of difference rather than similarity has implications that go beyond equality of opportunity training women in marketable skills will not give them the same degree of agency as men in the public domain as long as institutions do not accommodate the different bodies, needs and values that they bring to the work place.¹³² Gender equity therefore requires transformation of the basic rules, hierarchies and practices of public. According to Olojede GAD seeks to put into account the triple role of women as care givers to the community, reproductive role and their productive role.¹³³ It also seeks to meet both the practical needs of poor women as well as strategic needs of transforming societal gender hierarchies.

This approach has been criticized for giving an excuse to abandon measures of specific benefit to women by those who are uncomfortable with women's

¹³¹ Basu, A., & Koolwal, G. *Two Notions of Female Autonomy and Their Implications for Reproductive Health.* Pages 15-54 in: *A Focus on Gender: Collected Papers using DHS Data.* Washington, DC: Macro International, 2005.

¹³² Alsop, R. & N. Heinsohn. *Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators.* *World Bank Policy Research Working Paper* 3510: February, 2005

¹³³ Olojede I. (2007). *Women and Public Administration*, in Olojede I & Fajonyomi B. (eds), *Essentials of Public Administration*, Lagos: Dept of Public Administration, LASU. pp. 199

advancement.¹³⁴ On the positive side, it includes men as potential supporters of women therefore it does not pit men against women. The concept of gender is said to be more accommodating and applicable at all levels- from the household to the international economy. It also emphasizes women empowerment hence self-reliance and holds states to account to stop propagating the differential treatment through institutions and laws.

2.5.3 Women, Environment and Development (WED)

Ecofeminists have called the world's attention to the destructive effects of economic growth on the environment. This framework emanates from reaction to modernization which uses economic growth as an indicator of progress. The increasing need for markets, infrastructure such as roads and settlements, and the ballooning population exert undue pressure on the environment by encroaching on forests, carbon emissions from industries bringing imbalance in the ecosystem. For example, clearing forests to put up industries and settlements reduces forest cover, disrupting patterns of rainfall and destroying catchment areas for water towers. The world therefore neglects the environment at the risk of its own extinction.

This theory calls for 'greater understanding of the crucial role women play in managing the environment.' Ecofeminists expose the assault on the environment by scientific and industrial systems. This theory came to the fore in the 90s and encompasses sustainable development. Sustainable development was popularized in 1987 by the World Commission on Environment and Development headed by

¹³⁴ Endeley, J. (2001). Conceptualizing Women's Empowerment in Societies in Cameroon: How does money fit in? *Gender and Development* 9(1), , 34-41.

Brundtland, the PM of Norway then.¹³⁵ The report points out that long term economic development depends on how well the ability of environmental resources is maintained and enhanced.

2.5.4 Gender Related International Legal and Policy Frameworks

The related international legal and policy frameworks concept was introduced in to women and development discourse during the Nairobi Conference in 1985, where women called on the world to recognize women as equal to men and by so doing transform power hierarchies that pervade society.¹³⁶ The gender related international legal and policy frameworks concept ‘evolved from earlier paradigms of WID and GAD’ and has been endorsed by many governments and international organizations.

In Beijing 1995, women had galvanized their quest to produce the BDPfA which, resting on the principles of equality between sexes and CEDAW, called on governments to ensure that they consciously put the women perspective in to all spheres of public life. Whatever decisions taken, policies formulated or legislation created must be sensitive to women’s perspective as much as men’s perspectives. It means that the question of equal opportunities must be brought in into all policies and activities.¹³⁷ The governments attending the Beijing conference made a commitment by adopting the BDPFA by consensus. One of the general recommendations of UNIFEM states that it is the responsibility of the government to encourage initiatives

¹³⁵ Kasomo, D. (2012). Factors Affecting Women Participation in Electoral Politics in Africa. *International Journal of Psychology and Behavioral Sciences*, 2(3), 57-63.

¹³⁶ Alsop, R. & Heinsohn, N. (2005). "Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators." World Bank Policy Research Working Paper 3510: February.

¹³⁷ Blumberg, R. (2005). "Women’s Economic Empowerment as the “Magic Potion” of Development?" Paper presented at the 100th Annual Meeting of the American Sociological Association. Philadelphia, August.

that guide public opinion and change attitudes that discriminate against women from involvement in public life.¹³⁸ Article 7 of CEDAW addresses the participation of women in public life. It commits states to ensure equality between women and men in political and public life. Women have the right, as do men, to hold public office, vote, and participate in decision making and in designing policy. The BDPFA also sets two objectives in relation to women's effective participation: take measures that ensure women's access to power structures and decision-making, and increase women's capacity to participate in the same.

UNSCR 1325 of 2000 on women peace and security recommends that member states increase women's participation in institutions dealing with matters of conflict.¹³⁹ Progress has been made since 1995. The 'Plus Five' gatherings reports by world regions indicate that progress has been made in policy change and legislation to domesticate the BDPFA. The EU has developed legal framework that rests on treaties and directives. It has also developed tools and mechanisms that address the question of gender equality. The Pacific Islands Countries and Territories have an ambivalent record regarding gender related international legal and policy frameworks, but it is an improvement from the 90s. Africa has also made strides in addressing gender inequality at the policy with the eventual adoption of Gender Policy in 2009. By 2006, 20 countries had achieved the 30% threshold in electing women to parliament as compared to only 5 in 1995. These include African countries such as Tanzania, Rwanda Burundi, South Africa, and Mozambique. By 2012 the number of countries

¹³⁸ United Nations Development Fund for Women (UNIFEM). *Who Answers to Women? Gender and Accountability: Progress of the World's Women 2008/9*. New York. 2008.

¹³⁹ Squire, P. J. Strategies for Enhancing Women's Full Participation in Sustainable Agricultural Development and Environmental Conservation in Sub Saharan Africa. *International Agriculture and Extension Education*, 10(1), 2003.

that had achieved the threshold of 30% women in national parliaments was, with 8 from sub Saharan Africa. There were 13 women heads of governments by 2006. By 2012 the number had risen to just below 30.¹⁴⁰

2.6 Adoption and Implementation of Gender Related International Policy and Legal Framework in Kenya

Gender discourse, in a historical perspective, has moved through various phases during the past two decades: from women in development (WID) to gender and development (GAD). Women's movements developed in the 1970s.¹⁴¹ They demanded political, economical and social equality in society in order to be able to take an active part in development processes, and proclaimed the policy women in development (WID). An important step in achieving this was the CEDAW convention adopted by the UN General Assembly in 1979. The Fourth World Conference on Women, held in Beijing in September 1995, became a landmark event in the history of women's rights. More than 40,000 participants from 189 countries attended this huge global conference. The Beijing Platform for Action, PfA, adopted at the Conference, clearly recognizes that gender equality and women's empowerment are essential for addressing the central development concerns of poverty and insecurity, and for achieving sustainable, people-centred development. The global agreement, reached at the PfA, was that gender equality is a goal. Mainstreaming gender equality

¹⁴⁰ KIPPRA. A comprehensive study and analysis on energy consumption patterns in Kenya: A synopsis of the draft final report, 2010.

¹⁴¹ Caren G., Geeta R. G., & Aslihan K. Taking action: Achieving gender equality and empowering women, UN Millennium Project Task Force on Education and Gender Equality, Earthscan, London. 2005

is the strategy ratified Kenya. The PfA has been followed up by world conferences every fifth year.

In recent years, there have been a number of major improvements to the legal and policy framework with regards to discrimination in Kenya. The introduction of a new Constitution in 2010, with a strong focus on equality, a much improved right to non-discrimination, and special provisions on the protection of rights for particular groups vulnerable to discrimination is welcome.¹⁴² Similarly, the enactment in the last ten years of two specific anti-discrimination acts (on disability and race) and an Employment Act with generally robust equality provisions means that legal protection from discrimination has been significantly enhanced.¹⁴³

Responses to the Platform of Action on women have had a profound impact on bringing gender equality issues to the centre of public awareness and policymaking. Over the past two decades, the global gender agenda has systematically trickled down to all segments of society around the world.¹⁴⁴ In addition, the African Charter for Popular Participation in Development, too, provides space for women's development and empowerment. The Kenyan government has established Harmonization, Alignment and Coordination (HAC) groups for the dialogue process in the development collaboration, where the Kenyan government, the Bretton Woods Institutions (WB and IMF), UN institutions and the donors meet twice a month.

¹⁴² ILO and AfDB. *Assessing the enabling environment for women in growth enterprise: An AfDB/ILO integrated framework assessment guide*, International Labour Organization, Geneva. 2007

¹⁴³ Weiss, T., "Guns in the Borderlands. Reducing the Demand for Small Arms." Monograph No.95, (Durban: Institute for Security Studies, 2004), p.95.

¹⁴⁴ Nyaoro, D. "Policing with Prejudice: How Policing exacerbates Poverty among Urban Refugees." *The International Journal of Human Rights* 14, 2010, p.126-145.

Groups, in which each donor with a support interest can participate, have been established in different governmental sectors, and include the Rural Group, the Agriculture Group and the Gender Round Table Group. They are all accountable to the Kenyan Consultative Group, which has representatives from the government, all donors, the national union, the private sector and the World Bank, and is chaired by the Kenyan government.¹⁴⁵

2.7 Conclusion

There is coherence in how the gender related international policy and legal framework interpret the concepts gender mainstreaming and empowerment. Framework agreements set the agenda in development cooperation work in today's international development empowerment is a concept of great importance in Kenya. They frameworks advocate empowerment at all stages of society. Support is given to local movements, DIs and CBOs to improve women's share and control of resources, improve access to administrative power, provide socio-economic support and empower their role in decision-making and participation. The Kenyan people have to set the agenda themselves in their own social structure and local environment if they are to succeed in mainstreaming gender and empowerment; empowerment strategies have to be built on "power in" and "power within". Murunga discusses the importance of being a part of, being heard and having influence in the process of changing

¹⁴⁵ CREAM, Running for political office: a handbook for women candidates (no date), www.creamkenya.org/pdf/running_for_political_office.pdf

inequality in social constructions.¹⁴⁶ The next chapter will review the Challenges facing women in ASAL Region.

¹⁴⁶ Murunga, G. R.. “Conflict in Somalia and Crime in Kenya: Understanding the Trans- Territoriality of Crime,” African and Asian Studies 4:138-160. 2005, p. 144

CHAPTER THREE

CHALLENGES FACING WOMEN IN ASAL REGION

3.1 Introduction

The section provides the challenges that women in the ASAL region encounter that challenge their empowerment. These challenges range from access to finances, to the responsibility attached to their gender based on community perspective among others. Further, women have a greater vulnerability to sexual exploitation and abuse at the community while at the same time women in ASAL areas are characterized with low literacy levels. These challenges are based gender; they are central to the fact that they are women and the role that is associated with the female gender.

Social classification distinguishes gender as males and females. The appropriate behavior and attitudes, roles and activities show how people relate to each other and learned behavior is what makes up gender identity and determine gender roles.¹⁴⁷ In Kenya, socially constructed gender roles are considered to be hierarchical and characterized as a male-advantaged gender hierarchy. The activities men are involved in are often those that provide them with more access to or control of resources and decision making power, rendering men not only superior dispositional attributes via correspondence bias¹⁴⁸, but also higher status and authority as society progress. Several studies have been done to establish the challenges to empowerment of women in ASAL regions. Most of these studies has highlighted the challenges hinder the empowerment of women in these regions.

¹⁴⁷ Deustch F, M. what everyone should know about Gender and Sexuality, 2007

¹⁴⁸ World Food Programmes. Gender Policy Promoting gender equality and the empowerment of women in addressing food and nutrition challenges. Rome, 2009

3.2 Challenges Facing Women Empowerment

Women in ASAL region are faced with myriad of challenges that are pegged on cultural norms that lead to unequal participation in social opportunities as enjoyed by men. Traditions of communities in ASAL region put women at a disadvantage. Further women empowerment is challenged by low access and control of resources by women, fewer educational opportunities for women, violence and conflicts and poverty among other challenges.

3.2.1 Cultural enslavement

Girls in the ASAL region in most case are married off at very tender age according to their community cultural norms. The dowry is paid in form of cattle, so that parents with daughters of 8 to 12 years of age enter into marriage negotiations with the aspiring male suitor's family. Girls are promised in marriage to older men, sometimes men of 60 to 80 years old, because they have more cattle for the bride price. This practice is reinforced further because the community holds older men with high esteem and unrivalled respect among their colleagues for marrying of a young bride. Many girls are removed from school and married off by their parents at the age of fourteen.¹⁴⁹

The girls when married off begin childbearing early, end their schooling and lose educational opportunities.¹⁵⁰ Evidence shows that women who have their first child before the age of 20 obtain less education, have fewer job possibilities, receive lower income and are more likely to be divorced or separated from their partners than those

¹⁴⁹ Mbatia, F. N. A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi, 2007

¹⁵⁰ Ibid

who marry after age 20. This situation is further complicated by the fact that, most schools in Kenya routinely expel girls who become pregnant.¹⁵¹

In addition, other rites of passage such as FGM is blamed for high rate of school drop out who are captive to their cultural practices, most girls in ASAL region are denied a chance to attain education and forced to undergo female genital mutilation in preparation for early marriages. Further girls are expected to contribute to other household chores. They are sometimes taken away from school to help in the home nurse babies, clean the house, fetch firewood and water, cook food and milk cows.¹⁵² Most of the girls in ASAL areas in Kenya act as deputies to their already overburdened mothers and have to miss schools from time to time to take care of the home whenever the mother is away.

Attempts to overcome the conflict between traditional female roles and the needs of to empower women in businesses sometimes lead to deterioration in family relationships. This is mainly explained by the traditional thought role of women. Male business owners can expect a great deal of domestic and business support from contributing wife. Women especially in remote area may fail to receive support from their family in business and this could be an ailment in women empowerment in ASAL region. Negative family reaction to plans for self-employment creates doubts and disapproval. Family support is of importance to the decision to start an enterprise because it contributes to self-confidence.¹⁵³

¹⁵¹ Babikian, H. *The Price of a Girl - The Price of a Bride: Girl Child Education*. Kenya: Christian Children Fund, 2003

¹⁵² Jurna, M. N. Determinant of Female Participation in Primary Education. A Study of Kwale and Taita- Taveta District. *Unpublished Ph.D. Thesis*, Kenyatta University, 1994

¹⁵³ Ngau & Keino. Gender and Agribusiness; *unpublished Thesis*, Kenyatta University, 2000

3.2.2 Access to and Control of Resources

Women's equal access to and control over economic and financial resources is critical for the achievement of gender equality and the empowerment of women and for equitable and sustainable economic growth and development. Policies which improve women's access to and control over economic and financial resources have direct implications for both women's economic empowerment and broader processes of development.¹⁵⁴ Despite considerable progress on many aspects of women's economic empowerment through, for example, increases in educational attainment and share of paid work deeply entrenched discrimination and inequality persist especially ownership and control of factors of production.¹⁵⁵

Gender-specific constraints create inequalities in the distribution of valued resources and capabilities between women and men on the basis of ascribed differences. More pervasive forms of inequality relate to property and inheritance rights, productive assets and access to education, skills and paid employment. They generally favour men, who are perceived as the primary producers and wage earners, over women, who are regarded as secondary earners.¹⁵⁶ Women in Arid and Semi Arid areas have little or no control of factors of production (resources). Lack of access to and control over economic resources such as land, personal property, wages and credit, can put women at a greater risk of violence.¹⁵⁷ Persistent violence against women also curtails the

¹⁵⁴ Whitehead, A. The gendered impacts of liberalization policies on African agricultural and rural livelihoods. In *The Gendered Impacts of Liberalization. Towards "Embedded Liberalism"?*, S. Razavi, ed. London: Routledge, 2009.

¹⁵⁵ Chen, M., and others. *Progress of the world's women 2005: Women, work and poverty*. New York: United Nations Development Fund for Women (UNIFEM), 2005.

¹⁵⁶ World Bank. *Engendering development: gender equality in rights, resources and voice*. Oxford: Oxford University Press, 2001.

¹⁵⁷ United Nations. *Policy makers guide to women's land, property and housing rights across the world*. Nairobi. 2007

potential of many women in all regions to access and effectively utilize economic and financial resources.

Like other women, women in ASAL region in Kenya are faced with challenges that arise from their disadvantaged position in the society. These women are therefore left at the mercy of their male counterparts in resources. Kabeer¹⁵⁸ notes that male power in the context of gender relations rests on men's privileged access to material resources and their ability to exercise authority over women, within the family and beyond. UNIFEM¹⁵⁹ shows the women's disadvantage, in data from household surveys, which show that in many regions women have limited control over critical household decisions, such as those involving their own health and well-being, and in some areas face significant mobility constraints let alone ownership and control of resources.

In ASAL regions, women would try their hand in business. However, in relation to financing businesses, the evidence generally reveals that female entrepreneurs start with lower levels of overall capitalization and lower ratios of debt finance than their male counterparts.¹⁶⁰ Carter and Kolvereid¹⁶¹ found that women in ASAL area had greater limitations in accessing personal savings, given more punctuated and interrupted work histories, lower patterns of remuneration and high levels of unemployment. Further, women are less likely to have generated a credit track record

¹⁵⁸ Kabeer. *Resources, agency, achievements: reflections on the measurement of women's empowerment. In Discussing Women's Empowerment: Theory and Practice.* Stockholm: Swedish International Development Cooperation Agency (Sida), 2001

¹⁵⁹ United Nations Development Fund for Women (UNIFEM). *Who Answers to Women? Gender and Accountability: Progress of the World's Women 2008/9.* New York. 2008.

¹⁶⁰ Bruin, A., Brush, C. and Welter, F. Advancing a framework for coherent research on women's entrepreneurship, *Entrepreneurship Theory & Practice*, 31(3), 323-39, 2007.

¹⁶¹ Carter, N. and Kolvereid, I. Women starting new businesses: the experience in Norway and the US, *paper presented at OECD Conference on Women Entrepreneurs in SMEs*, Paris, 1997.

to establish formal credit worthiness than their male counterparts.¹⁶² Women cannot access loans using family land as security as they lack ownership. Most women fail to qualify for a bank loan as they lack collateral to secure loan.

Further, in Sub Saharan Africa, women acquire rights to land through their membership in households especially through marriage as kins. This generally means that these rights might be revoked in cases of divorce or sometimes widowhood as some relatives resort to grabbing land since the women do not own the land. The increase in value of land which has resulted into market oriented farming has put women at a disadvantage as men challenge women's rights to land even in matrilineal societies.¹⁶³

3.2.3 Low Education Opportunities

Female education is not only a right but also a need. However, in ASAL region many children, especially girls, hardly enjoy this opportunity. Instead a great gender disparity is portrayed with girls registering a low retention rate in the transition stages. Women in ASAL region registers low education levels unlike their male counterparts as daughters are often kept at home to help the family because the social and economic value of educating girls is not recognized.¹⁶⁴ Without access to education, girls are denied the knowledge and skills needed to advance their status as well as unleashing of their potentiality. The enrolment rate for girls at upper classes in primary remains minimal compared to lower classes.¹⁶⁵ This is so as the girl-child

¹⁶² Shaw, E., Carter, S. and Brierton, J. Unequal Entrepreneurs: Why Female Enterprise is an Uphill Business, *The Industrial Society*, London, 2001.

¹⁶³ Gray, L. and Kevane, M. A Woman's Field is Made at Night, *Working Paper*, Santa Clara University and University of California, 1999.

¹⁶⁴ Mbatia, F. N. A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi, 2007

¹⁶⁵ Ibid

often faces discrimination from the earliest stages of life, through childhood and into adulthood. Her low status is reflected in the denial of fundamental needs and rights as well as in such harmful attitudes and practices as a preference for sons, early marriage, Female Genital Mutilation (FGM) domestic abuse, incest, sexual exploitation, discrimination, less food and less access to education.

Since ASAL regions are situated in remote areas that are hard to access. Remoteness is considered to offer challenge in provision of education and other social services. Krathi¹⁶⁶ highlights that the provision of formal education to the pastoralist communities especially the women is usually hampered by harsh environmental conditions and remoteness of school. Krathi further notes that mainstream explanation for the failure of education provision in pastoral areas usually blame the recipient. Perhaps, the mainstream explanation is correct owing to the fact that majority of the women live in abject poverty and therefore their priority is search for food. Halderman¹⁶⁷ asserts that pastoralists' women are very poor owing to their limited access to basic social services. Since social services like education and hospital are typically near towns education for women in ASAL region then is a challenge. Therefore, remoteness is often assumed to be associated with poverty. Lockheed and Veerspoor¹⁶⁸ argue that children from poor families are less apt to enroll in school. He attributed this to child labor in order to provide for the family, lack of finances and malnourishment. This therefore means that women (girls) in ASAL region will be at a

¹⁶⁶ Krathi, S. *The Bias behind Nomadic Education*. Sussex: Institute of Development Studies, 2000

¹⁶⁷ Halderman, M. *The Political Economy of Pro-Poor Livestock Policy-Making in Ethiopia*, Pro-Poor Livestock Policy Initiative (PPLPI) Working Paper No. 19. Rome: Food and Agriculture Organization, 2004

¹⁶⁸ Lockheed, M. E. & Veerspoor, M. A. *Improving primary education in developing countries*. Washington, DC: Oxford University Press. 1991

disadvantage because, as noted Abagi¹⁶⁹ and Khasian¹⁷⁰ parents generally favour the education of their male children when confronted with limited opportunities and resources for provision of education.

A girl-child in ASAL community is often assigned by her parents work such as fetching water daily at distant wells, watching after her siblings, or herding the cattle and sheep because of the belief that animals multiply faster under the care of a girl. Furthermore, the girl-child is threatened by the cultural practice of early marriage among the ASAL communities. In many cases, young girls are forced into early marriages by their parents as a means of increasing the family's livestock, a measure of wealth in nomadic people.¹⁷¹ These further limits the women chances of attaining formal education.

Empowerment for women in ASAL areas is limited by their low attainment of formal education making it hard for them to consider entrepreneurship. Entrepreneurs are described as individuals who can identify opportunities and who are risk takers. Further, lack of formal education puts women in ASAL region at a disadvantaged even in management of home affairs. There is a growing body of research which illustrates that women exercise greater decision-making power within their families when they have a certain level of education, reasonably stable and well-paid work and access to resources, such as land, credit or social support.¹⁷²

¹⁶⁹ Abagi, O. *Gender, Education and Development in the Road to Empowerment*. Nairobi: Femnet. 1994

¹⁷⁰ Khasiani, S. Reproductive Rights among Women in Kenya': Edited by Wanjiku et al in *Democratic Change in African Women's Perspective*. Nairobi: Acts Press, 1993

¹⁷¹ Mbatia, F. N. A survey of education access by the Girl-child in ASAL Region: A study of Magadi Division, Kajiado District. *Unpublished thesis*. University of Nairobi, 2007

¹⁷² Kabeer, N. *Paid work, women's empowerment and gender justice: critical pathways of social change*. Brighton: Institute of Development Studies, 2008

While the GoK guarantees the right to free primary education for all, most women and girls in ASAL region lack access to formal education due to lack of opportunities or inadequate awareness of the rights to education. However, for those who have access the education facilities, they find it difficult to access education due to the cost books, uniforms, desks and school fees¹⁷³. For women and girls in ASAL region, poverty and socio-cultural reasons keep girls at home as boys attend school.¹⁷⁴ This has limited women's ability to live engage even in entrepreneurial activities as they lack the formal education and also capital for business start up. KIPPRA¹⁷⁵ notes that education is linked to higher incomes, it has the potential to improve food security and serve as an empowerment tool.

3.2.4 Violence and Conflicts

According to WHO¹⁷⁶, violence against women constitute an urgent public health problem worldwide, particularly in the context of the HIV/AIDS pandemic. A growing number of studies document a high prevalence of physical, sexual as well as financial, legal, psychological deprivation designed to control and disempower the victims. Women encounter violence as a result of conflict and other upheaval and are often exposed to violence in public spaces such as the work place and community. The threat of GBV towards women and children is heightened significantly among ASAL populations. Women in ASAL region face more violence since as owing to the remoteness of the areas they live in redress is hard to come by.

¹⁷³ Dix, S., *Urbanisation and the Social Protection of Refugees in Nairobi*, Humanitarian Exchange Number 35. Humanitarian Practice Network, ODI, 2006, p. 17

¹⁷⁴ Hodgson, D. L. *Once Intrepid Warriors: Gender, Ethnicity, and the Cultural Politics of Maasai Development*. Bloomington: Indiana University Press, 2001

¹⁷⁵ KIPPRA. *A comprehensive study and analysis on energy consumption patterns in Kenya: A synopsis of the draft final report*, 2010.

¹⁷⁶ WHO, "World report on violence and health," Geneva, Switzerland: world health organization, 2002.

According to WHO's World Report on Violence and Health, one of the most common forms of violence against women is that performed by a husband or male partner. Violence against women has profound implications for health but is often ignored. This type of violence is frequently invisible since it happens behind closed doors, and effectively, when legal systems and cultural norms do not treat as a crime, but rather as a "private" family matter, or a normal part of life. Similarly, women in ASAL regions face these challenges.

WHO¹⁷⁷ indicates that the link between gender based violence and HIV/AIDS are a major concern as violence can directly or indirectly expose women to HIV infections. According to WHO, rape can result in vaginal laceration and trauma which in turn increase risk of acquiring HIV infection. Violence and fear of violence makes it difficult for women in ASAL region to negotiate for safe sex including use of condom in their relationship. Further, the report indicates that girls who were exposed to childhood sexual abuse are likely to engage in risk behavior like early sex, more partners and abuse of drugs and alcohol. Also fear of violence prevents women from disclosing their HIV status and seeking for treatment and for services that prevent HIV transmission.

Domestic violence and gender based violence in ASAL region can be seen as the most extreme form of patriarchal control over women's bodies that restrain women and deny them of the most fundamental human rights of life, liberty, bodily integrity and dignity as a person. The consequence of such violence inflicted and the threat of violence restricts women's lives in term of their options and choices including their behaviour. The experience of violence affects their personal, family and community

177 Ibid

relations. Such violence also results in serious health problems such as trauma and mental disorders¹⁷⁸.

Further, other forms of violence that may include community clashes are rampant among communities in ASAL regions. Conflict in dryland areas has been identified as a major challenge for women and children.¹⁷⁹ Livestock raiding and violence have a long history in northern Kenya.¹⁸⁰ However, these conflicts took on a more devastating dimension in the 1980s with the increased use of modern weapons and attack strategies. This trend only worsened in the past decade as considerable small arms (especially the popular AK-47) came into the region from conflict-ridden Somalia and Sudan, and as multi-party politics in Kenya aggravated ethnic tensions in the area. Armed encounters and the fear of them directly affect pastoral livelihoods and welfare in several ways. For example, there is the obvious loss of animals stolen in attacks, which can further impoverish already poor households. Further, there is loss of lives of the women or the husbands or children which affects the family livelihood especially if it touches on the head of the household.¹⁸¹ Further, in the ASAL region it is usually men that migrate with livestock and who are more at risk of death from tribal clashes; however, women could be affected indirectly through a reduced household income and reduced social capital as a widow.¹⁸²

¹⁷⁸ Nyaoro, D., Policing with Prejudice: How Policing exacerbates Poverty among Urban Refugee, *The International Journal of Human Rights*, 14, 2010, p.126-145

¹⁷⁹ Elmi, A. H., Ibrahim, D. & Jenner, J. Women's Role in Peacemaking in Somali Society. In D. L. Hodgson (ed.), *Rethinking Pastoralism in Africa: Gender Culture and the Myth of the Patriarchal Pastoralist*. Oxford: James Currey, 2000

¹⁸⁰ Sobania, N. Background History of the Mt. Kulal Region of Kenya. IPAL Technical report Number A-2. Nairobi: UNESCO, 1979.

¹⁸¹ Smith, K., Barrett, C., Box, P. Participatory risk mapping for targeting research and assistance: With an example from east African pastoralists, *World Development* 28:1945-59, 2001

¹⁸² Omolo N.A. Gender and climate change-induced conflict in pastoral communities: Case study of Turkana in northwestern Kenya. *African Journal on Conflict Resolution*. 10(2), 81-102, 2010.

3.2.5 Poverty

The World Bank estimates that 45.9% of the population in Kenya survives on less than \$1 per day majority of whom live in the ASAL region.¹⁸³ An increasingly important limiting factor for increased food production in ASAL is climate, particularly low or erratic precipitation. It is estimated that the climate impacts reduces yields in ASAL regions by up to 50% and revenues by an even larger percentage because of higher risk of drought and higher temperatures, among other factors.¹⁸⁴ In common with the rest of the Horn of Africa, drought is an inherent part of life in the ASALs of Kenya. In the last decade drought episodes were experienced in 2001, 2003, 2006, 2009 and 2011. In addition major floods occurred in 2006 and 2010, as heavy rains followed drought periods. Flooding would affect infrastructure and therefore interfere with their daily life including and not limited to access to social amenities like school and hospitals. Further flooding is a health risk as it exposes the women to water borne diseases like bilharzia, malaria, cholera, dysentery, diarrhea among other ailment.¹⁸⁵ Harsh climatic conditions in the ASAL region have subjected the women in abject poverty.

These ASAL populations experience the lowest development indicators and highest incidence of poverty in the country. They contain 18 of the 20 poorest constituencies in Kenya. In the vast northern districts of Turkana, Marsabit, Wajir and Mandera between 74% - 97% of people live below the absolute poverty line. Usually, community living in ASAL regions are pastoralist. Pastoralist communities remain

¹⁸³ Kenya Post-Disaster Needs Assessment (PDNA) for the 2008-2011 Drought; Government of Kenya with technical support from the European Union, United Nations and World Bank; April 2012

¹⁸⁴ Below, T., Astrid A., Rosemarie S., & Stefan S. *Micro-level Practices to Adapt to Climate Change for African Small-scale Farmers: A Review of Selected Literature*. IFPRI. Discussion Paper 00953. Washington, D.C.: IFPRI, 2010.

¹⁸⁵ Omolo N.A. Gender and climate change-induced conflict in pastoral communities: Case study of Turkana in northwestern Kenya. *African Journal on Conflict Resolution*. 10(2), 81-102, 2010

the most chronically food insecure groups in the country experiencing consistently high malnutrition rates that are habitually above international emergency thresholds. Therefore, women in these regions have the lowest density of health facilities and highest maternal mortality rates in Kenya.¹⁸⁶

Pastoralists communities use assets (animals) to distinguish the pastoral poor and non-poor. Poverty is increasingly presented as caused by a lack of immediate assets without which households cannot graduate to being non-poor.¹⁸⁷ Hulme and Shepherd¹⁸⁸ note that “a complete understanding of poverty must also rely on developing a picture of people’s assets and changes in assets over time”. While assets (animals) have clear economic value as the source of income from a chosen livelihood, they also serve an important social insurance function, facilitating complex social networks that can be drawn upon in times of need for the community living in the ASAL region in Kenya. Women in these communities are at a disadvantage as in most cases they do not own property like land or even livestock.

The herd size distinguishes the ‘better off’ pastoralists’ from others.¹⁸⁹ This asset-based approach emphasizes that pastoral households increase incomes and better buffer themselves against drought by herd accumulation.¹⁹⁰ However, most women in this region live in abject poverty owing to frequent drought in the area. Some women are in chronic (structural) while others are transitory poverty. Transitory poverty is associated with temporary movements into and out of poverty, such as those that

¹⁸⁶ Oloson, J., Rubin, D., & Wangui, E. Gender, Agriculture, and Climate Change: A Regional Analysis, USAID/East Africa, 2010

¹⁸⁷ Green, M. & Hulme, D. From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867–880, 2005

¹⁸⁸ Hulme, D., & Shepherd, A. Conceptualizing Chronic Poverty, *World Development*, 31 (3), 403–423, 2003. p. 407

¹⁸⁹ Lybbert, T., C.B. Desta, B. S., & Coppock. D. L. Stochastic Wealth Dynamics and Risk Management among a Poor Population’, *Economic Journal*, 114, 750- 77, 2004.

¹⁹⁰ Carter, M.R. & Barrett. C.B. The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach,’ *Journal of Development Studies* 42(1), 178-199, 2006

occurred during and after the 2000 drought, while chronic poverty reflects persistent deprivation.¹⁹¹ After the drought ends, the household rebuilds its herd and moves back out of poverty as happened for many ‘better off’ herders of northern Kenya during 2000-2002. In the case of chronic poverty, poverty persists in shock and non- shock years as the women control too few assets to handle and recover from disasters and, in many cases, are unable to escape from poverty.¹⁹²

3.3 Conclusion

Being social beings, men and women strive to belong and seek for approval by complying and conforming to the social and cultural norms within their society. The conformity to social norms not only shapes the pattern, but also maintains the very existence of sex- typed social behavior.¹⁹³ Homosexual communities appreciate males performing feminine roles and vice versa.¹⁹⁴ Unfortunately, this is not the case among women in the ASAL region who remains exploited and with little or no empowerment.

Studies have established that women in ASAL region still suffer from ages old cultures that threatens their empowerment.¹⁹⁵ These cultures have condemned women in ASAL to early marriages and FGMs thereby denying them opportunities to seek for formal education. Lack of formal education coupled with cultural practices that limit the access and control of resources plunges women into abject poverty and therefore

¹⁹¹ Green, M. & Hulme, D. From correlates and characteristics to causes: thinking about poverty from a chronic poverty perspective, *World Development* 33(6) 867–880, 2005

¹⁹² IRIN (Integrated Regional Information Network of the United Nations). ‘Horn of Africa: Pastoralist crisis will not be solved with food aid.’ 17 May 2006.

¹⁹³ Gasper, D. The capabilities approach to well being justice and human development, *Journal of international development*. 9(2), 281- 302, 2001.

¹⁹⁴ Alunga, J. U., & Murunga J. W. (2013). Gender Roles and Agribusiness in the Kenyan Communities: The Case of Likuyani District. *Journal of Emerging Trends in Educational Research and Policy Studies (JETERAPS)*. 4(5), 733-738

¹⁹⁵ Carter, M.R. & Barrett. C.B. The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach, *Journal of Development Studies* 42(1), 178-199, 2006

thwarts their efforts of empowerment. Gender Based Violence and fear of violence makes it difficult for women in ASAL region to negotiate for safe sex including use of condom in their relationship and its therefore a major concern as violence can directly or indirectly expose women to HIV infections.

CHAPTER FOUR

IMPLEMENTATION OF GENDER RELATED INTERNATIONAL POLICY AND LEGAL FRAMEWORK AND WOMEN EMPOWERMENT IN ASAL REGION IN KENYA

4.1 Introduction

This chapter will present analysis of secondary data collected. The analysis of data was based on the hypothesis of the study. The study sought to establish the influence of gender related international policy and legal framework on women participation in education, economic empowerment, women participation in politics and reduction in violence and discrimination against women.

4.2 Women Participation in Education in the ASAL Region in Kenya

Education is of key importance to empowerment of disadvantaged groups in Kenya. the government of Kenya has laid down policies to ensure access to education for all within the republic. These efforts can be seen in the constitution, vision 2013 and other adopted international policies like CEDAW, BPfA, MDGs among others. Girls' and women's empowerment as well as vulnerable children are seriously impeded by several factors, such as, cultural and religious practices, inadequate policy guidelines and effective implementation, poverty, and lack of community awareness. These have continued to impact negatively on access, participation and performance at all levels in education, training and research.¹⁹⁶

¹⁹⁶ Wango, G., Musomi, M., & Akinyi, C. "Gender and Education Re-Alignment of Education to the Constitution" ITP Human Rights Towards Gender Equality Seminar, 2012, P.3

Kenya has made remarkable progress towards the realization of the AFA goals which is in accordance with the Liberal Feminist Theory¹⁹⁷. For example, more teachers have been trained than was the case before the launch of the Kenya Education Sector Support Programme (KESSP); more girls and boys are now in school; the gender gap has been narrowed; several laws that out-law Child Labour and other practices have been passed, and adult literacy has improved considerably. The gender in education plan of action includes the six EFA goals outlined at the Dakar Framework for action: Early childhood development; Access to Primary School; Lifelong Skills; Adult Literacy; Gender Equality in Education; and, Quality of Education. These efforts have been accelerated by the adoption of the Sector Wide Approach to programming (SWAP) to finance the education sector through the development of Kenya Education Sector Support Programme (KESSP) in 2005.

Implementation of gender related policies and legal framework in Kenya is however not without a challenge in the ASAL region. While right to education is clearly laid down on the constitution, many girls in ASAL region lack awareness of their rights and are unable to exercise them.¹⁹⁸ Further, there are challenges in ensuring girls in ASAL region attends to access education due to the cost of transport, books, uniforms, desks and school fees¹⁹⁹. Wango, Musomi and Akinyi²⁰⁰ notes that access to education is challenged by long distances to schools in Arid and Semi-Arid Lands (ASAL). Also, in arid areas, schooling is in competition with basic survival needs. Here, girls continue to be an important source of labour and wealth and therefore in

¹⁹⁷ Ibid

¹⁹⁸ World Refugee Survey, 24 August 2009, p.76

¹⁹⁹ Dix, S., "Urbanisation and the Social Protection of Refugees in Nairobi," Humanitarian Exchange Number 35. Humanitarian Practice Network, ODI, 2006, p. 17

²⁰⁰ Wango, G., Musomi, M., & Akinyi, C. "Gender and Education Re-Alignment of Education to the Constitution" ITP Human Rights Towards Gender Equality Seminar, 2012.

accordance to the traditions of communities in the ASAL, girls remain at home to take care of household chores or they undergo Female Genital Mutilation (FGM) and are married off at tender ages therefore losing their chance for schooling. However, the government seeks to fight this and ensure as many girls as possible attend schooling. In its effort, Kenya passed the Anti FGM bill 2011 into law to fight FGM.

Further, participation of women in education in ASAL region is hindered since most parents are still unable to meet the high direct cost of education and therefore continue to prefer to send the boy child to school. Also, education for girls in ASAL region is hindered by early pregnancies and early marriages in the areas. Most girls in ASAL region are subjected to Female Genital Mutilation and its consequences such as early marriages. Wango, Musomi and Akinyi²⁰¹ notes that schools in ASAL ail from shortage of teachers especially females who would act as role models to the girls. Further, inadequate guidance and counseling in these schools coupled with sexual and physical harassment in and out of schools blocks chances of these girls achieving quality education.

According to statistics from Ministry of education in Kenya, primary school net enrolment rate in 2008 for girls in north eastern, which comprises ASAL region, was estimated at 14.1%.²⁰² Not only is a large number of girls denied the right to education, but many who attend school receive their education through under-resourced and over-crowded classrooms, poorly-trained or untrained teachers, and emotional and physical abuse through bullying, insults, physical punishment and

²⁰¹ Wango, G., Musomi, M., & Akinyi, C. "Gender and Education Re-Alignment of Education to the Constitution" ITP Human Rights Towards Gender Equality Seminar, 2012.

²⁰² MoE statistics report, 2008

sexual harassment. This hinders girls' participation in education²⁰³. Overall the Gender Parity Index (GPI) in North Eastern province in year 2003 and 2007 was estimated at 0.62, 0.63, 0.71, 0.73 and 0.63 respectively.²⁰⁴ Overall GPI depicts the ratio of enrolment of girls to boys over the period between 2003 and 2007. This is a measure of how well the country is attaining equity in the provision of education. Further, school drop out in primary school for girls in ASAL region is relatively high. MoE statistics report²⁰⁵, indicates that in North Eastern province, Primary School Completion Rate for girls between 2003 and 2007 was at 14.2%, 14.8%, 15.4%, 15.7% and 21.7% respectively. Primary School Completion Rate measures the number of children graduating from standard eight expressed as a proportion of the 13 year olds in that year.

Though there has been marked progress towards achievement of universal primary education in the country, realization of the MDGs and EFA continue to experience a number of challenges especially in ASAL areas. Schools in ASAL areas are characterized with overcrowding as a result of free primary and free secondary education, inadequate physical facilities due to increased enrolment and dilapidated infrastructure, high students / teacher ratios, and sometimes gender based violence against children which includes rape and sexual violence. This includes increased cases of incest. Also, girls education in ASAL region are threatened by diminished support by communities mainly due to poverty and attitudinal change and conflicting role of the girl child at home and schools coupled with poverty and other cultural factors that limit the chances of completion and result in school dropout. This

²⁰³ UNESCO (2003) EFA Global Monitoring Report 2003/4: Gender and Education for All: The Leap To Equality. Paris: UNESCO

²⁰⁴ MoE statistics report, 2008

²⁰⁵ Ibid

eventually results to regional variations of female to male literacy ratios and it poses challenges to the national literacy achievements.

In Kenya, the EFA target is seriously threatened by the HIV and AIDS pandemic and the most devastating and far reaching effect is the impact it has on the education system. HIV and AIDS is draining the supply of education, eroding its quality, weakening demand and access, drying up the countries pool of skilled workers and increasing sector cost which is already high in relation to available public resources. AIDS orphans and other vulnerable children pose a challenge in education. Girls and women's empowerment through education is impeded by a number of factors such as cultural and religious attitudes and practices, infrastructural limitations, inadequate policy guidelines, poverty, HIV and AIDS, lack of community awareness as well as lack of adequate female role models especially in the rural areas.

Dube²⁰⁶ in his study to establish factors affecting transition, performance and retention of girls' in secondary schools in arid and semi arid land taking a case of Rhamu Town - Mandera County, indicated that there was more preference on boys to girls in education access. The study established that girls were forced by different circumstances to drop out of school. These includes, lack of school fees, marriage pregnancy and poor performance in exams. On average number of girls who dropped out of school in form one to form four was two per class with a maximum of up to 18 students. The study established that early marriage is a major hindrance to education for girls in ASAL. Early marriages affected retention of girls in schools where girls in standard 4 or between 12 and 14 years were withdrawn from school to be married off

²⁰⁶ Dube, A. K. "Factors affecting transition, performance and retention of girls' in secondary schools in arid and semi arid land: a case of Rhamu Town - Mandera County, Kenya" unpublished thesis, Kenyatta University.

to wealthy men in the community in exchange for dowry. This study also indicated that girls in Rhamu town of Mandela county have constant pressure from their peers and community members including their own parents to drop out of school and get married or undergo FGM.

Girls in ASAL areas are also challenged by cultural and religious belief that girls are supposed to stay at home to be married off at an early age as some parents feel that when girls go to boarding schools, their moral fabrics may decay. Low level of parent educational achievement is a major challenge facing girls' education in ASAL region. Further, lack of motivation and role models for the girls in ASAL region have reduced their participation in education. This situation is since there are few educated women, low number of female teachers and teacher absenteeism as source of de-motivation to the girl learners in these areas. Poor transition rate from primary to secondary by the girls was is also a challenge. Lack of medium of information dissemination like television sets to acquire knowledge.

4.3 Economic Empowerment of Women in the ASAL Region in Kenya

In implementation of gender related policy and framework in Kenya is well supported by the constitution and vision 2030 documents. MDG 3 aims at promoting gender equality and women's empowerment. It target on education and additional indicators on women's employment and political representation. Traditional ideas about the roles of girls and women restrict their contributions to Kenya's economic growth. These ideas hold women back from contributing to important development goals to integrate Liberal Feminist Theory; especially in the areas of economic growth, nutrition and food security. Previously, women in Kenya were underrepresented in decision-making positions. However, the untapped potential of women and girls is

gaining greater attention in Kenya. The country's Constitution, passed in 2010, provides a powerful framework for addressing gender equality. It marks a new beginning for women's rights in Kenya; seeking to remedy the traditional exclusion of women and promote their full involvement in every aspect of growth and development.

The GOK has accorded the ASAL a top priority in its current Economic Recovery Strategy (ERS), and also the Bank's Country Strategy Paper (CSP) has recommended a holistic approach to the integration of the ASAL into the mainstream of the country's economy by addressing in tandem the issues of water development, education and agriculture. To ensure women empowerment in accordance with MDG 3, the government established Women Development Enterprise Fund (WDEF). The project aim is to provide Kenyan women with access to alternative financial services through the establishment of a fund. It is expected that the loans women will access as a result of the establishment of the fund will have a positive impact on family welfare. Since its establishment, the Fund continues to train women in areas of entrepreneurship, and in export trade.

However, women economic empowerment in ASAL areas is yet to be received in totality. This have been blamed on their less access to education, land, and employment. Women in these areas spend long hours collecting water and firewood; interfering with school attendance and leaving them with little time to earn money or engage in other productive activities. According to FAO²⁰⁷ many of the activities in which rural women engage in their livelihood strategies are not defined as "economically active employment in national accounts systems, yet are crucial to the

²⁰⁷ FAO, Women in Infrastructure Works: Boosting Gender Equality and Rural Development! Gender and Rural Employment Policy Brief #5, 2010. 7.

well-being of household members”. Economic empowerment of women in ASAL areas is further limited as much of women’s work is also undervalued because it is typically un- or under-remunerated and often confined to the domestic, or household, realm.²⁰⁸ Caring for children, the elderly and the ill, collecting water and fuel for cooking and heat, and maintaining households and preparing food are responsibilities which are mostly taken up by women and girls; they constitute a heavy time burden for women in ASAL region because of inadequate social and health infrastructure and lack of facilities and of institutional support (e.g. childcare and health facilities).

The great majority of women in ASAL region lack access to formal employment and as such is engaged in the informal economy. Semiskilled and unskilled women are involved in the same type of work, mostly casual labour and petty trade. Culturally, communities in ASAL region are patriarchal in structure with women and girls having few entitlements to family or community resources.²⁰⁹ Due to their low education qualifications, women in ASAL region still live in abject poverty. This is more so because they cannot secure jobs. The lack of decent work has been identified as the primary cause of poverty.²¹⁰ Therefore these women depend mainly on agriculture and livestock. While agriculture provides most of the rural employment for some 1.3 billion smallholder farmers and landless workers, employment in other areas like the ASAL areas, which is characterized by erratic rainfall, is also needed to reduce rural poverty and to enable women’s economic empowerment.

²⁰⁸ Fontana, M. & Paciello, C. Gender dimensions of rural and agricultural employment: Differential pathways out of poverty: A Global perspective. In *Gender imensions of Agricultural and rural Employment: Differentiated Pathways out of poverty*. Rome: FAO/IFAD/ILO, 2010.

²⁰⁹ Chege, J., Askew, I., Igras, S., & Mutesh, J. K. “Testing the effectiveness of integrating community-based approaches for encouraging abandonment of female genital cutting into CARE’s reproductive health programs in Ethiopia and Kenya.” Washington, D.C.: Population Council. 2004

²¹⁰ ILO. *Global Employment Trends for Women*. Geneva: International Labour Organization. 2009.

Control over production resources such as land is considered important for economic independence for women in ASAL region. However, very few women have access to these factors of production. Women's access to, ownership of, and control of land can determine their economic independence through possibilities for livestock-keeping, small-scale enterprise development and employment, access to water, fuelwood, and other common property resources, and credit.²¹¹ Women in ASAL areas also face gender disparities in accessing (and controlling and owning) other productive resources such as agricultural inputs (fertilizer, pesticides, water, etc.) often because of their lack of access to, and more importantly, control and ownership (land titling) over land. Customary practices for communities in ASAL region often contradict policy and legislation that protect women's rights to land and other productive resources. These customary laws influences land ownership and therefore negatively impact on economic empowerment of women.

Harsh climatic condition in ASAL areas hinders women empowerment through agribusiness. Drought is a common phenomenon and the pastoralists employ various survival mechanisms to cope with the fragile environment. Poverty is severe and is further aggravated by the low integration of the ASAL into the mainstream of the national economy, coupled with the frequent and persistent droughts and occasional floods. On the average, 65% of the ASAL population live below the poverty line compared to the national average of 26%, with some of the poorest districts far exceeding this figure. The ASAL is, thus, home to the poorest segments of the Kenyan society, who are trapped in a drought-plagued and hostile environment and are often marginalized from the mainstream of the country's economic activity.

²¹¹ Daley, E., Strategies to get gender onto the agenda of the "land grab" debate. International Land Coalition Policy Brief, March 2011.

In ASAL region, women economic empowerment is leveraged in some situations where there is women's involvement in decision-making about livestock. It should be noted that even though, to a large extent, livestock ownership and control is seen as the domain of men, women also own livestock obtained through marriage or inheritance. In addition, although men's work has been associated with herd management and decision-making, the gender division of labour is not that clear cut. The extent of women's involvement with livestock is considerable as women are often involved in decision-making related to livestock and on the balance spend as much time as men, if not more, on animal care. Women are also responsible for milking, food processing and distribution, managing of small stocks including herding, animal health management and marketing. They are also responsible for daily food provisioning in the homestead.

Due to the significant decimation of cattle and other animals in ASAL, women in these areas are increasingly playing a more active role to ensure family survival by participating more aggressively in activities such as beekeeping, camel rearing and trading in livestock, particularly smallstock, as well as non-livestock products such as hay, mats, charcoal, clothing, and vegetables and a few are into tailoring. From the proceeds of these activities, they pay school fees, and look after the health of their children and livestock. With these activities, women are capable of utilization and repayment of micro-credit. The number of female-headed households in the ASAL is on the increase. Currently 40% of all households in Garissa, one of the ASAL

districts, for example, are female headed. This is due to the high rate of divorce and the HIV/AIDS pandemic.²¹²

4.4 Women Participation in Politics and Leadership Positions in the ASAL Region in Kenya

One challenge facing women in ASAL region to take up leadership position is low literacy level. The literacy level is quite low, and a large proportion of the people cannot communicate in languages other than their mother tongue. All these remain a dilemma in the pastoral communities because majority are unaware of their rights. The in these communities women have remained poor and marginalized due to lack of representation and participation in both the Political and economic arenas. To establish gender equality in Kenya as laid down by international policies and legal framework, laws have been enacted and incorporated in the new constitution. The current Constitution in Kenya, has established equality between men and women without discrimination.²¹³ The same constitution has created special seat for women as women representatives and emphasized on affirmative action, representation of disadvantaged groups. The Constitution of Kenya, 2010, Article 27 (8) provides for affirmative action where the State is required to take legislative and other measures to ensure that not more than two-thirds of the members of elective or appointive bodies are of the same gender. Article 81 further reiterates that the same rule should be applicable in elective public bodies.

It has also recognized the presence and contribution of both the minority and marginalized communities. However despite experiencing relative political stability,

²¹² African Development Fund, Kenya ASAL-based livestock and rural livelihoods support project appraisal report, agriculture & rural development department north, east and south regions, September 2003

²¹³ Kenya Constitution, National Gender and Equality Commission Act, Laws of Kenya, 2011.

poverty and traditional practices remain two serious obstacles that drag their achievement to women's equal rights in Kenya. Government policy, legislation and the media favors women's rights, but the traditional low status of women is hard to overcome in communities in ASAL areas.

Poverty in general inhibited the full enjoyment of human rights and that the situation where women had unequal access to resources ensured continuing discrimination. Kenya is however one of the African countries that has gone far in addressing women's rights. However, historical anecdotes show that the practices of the communities that occupied the ASAL region have been discriminative of women. Thus women were generally inferior to men, as were girls to boys. The roles that traditional communities ascribed to women were directly defined by the projection of women as inferior people. In some cultures, women were at the same level as children; in some they were objects, to be owned, used and sometimes even exchanged. Therefore, failure to offer leadership positions to women is based on the skewed notions about male roles in the society.²¹⁴

To recognize the gender equality and women empowerment in ASAL region, Kenya constitution seeks to put an end to prejudices against women. In spite of the historical prejudices that women faced in the ASAL regions, the constitution was expressed in gender blind terms-it treated every person as equal. In view of their exclusion from the mainstream society women could not take advantage of any of the available opportunities to serve in political positions. Women were ever under-represented in positions of public power.²¹⁵ There were fewer of them in parliamentary, civic and

²¹⁴ Odhiambo, R A A. 'Women's access to and participation in politics and decision making in Kenyan local authorities: a case study of Nakuru Municipal Council', Unpublished Masters in Policy Studies thesis, University of Zimbabwe, 2003

²¹⁵ Ibid

other elective positions. The patriarchal set-up of the ASAL society meant that women were relegated to less public roles. This exclusion also meant that fewer women were part of the elite which formed the pool of political leaders.²¹⁶ Women were often unable to command the financial resources that would enable them compete effectively with their male counterparts. The political culture in Kenya is defined by male experiences and hence does not respond to or accommodate the peculiarities of women. The vicious often violent confrontation in the political landscape effectively locked out women from political contests. The legal framework in its part did not facilitate effective engagement by women in politics.²¹⁷ The often male-dominated political parties gave few or no opportunities for women leadership.²¹⁸ Until 2008 there was no comprehensive legal framework governing political parties.²¹⁹ They were constituted as voluntary organizations under the Societies Act and as such could be organized in any which way the members pleased.²²⁰ Therefore, after passing constitution in 2010 referendum, participation of women in politics has been enhanced.

4.5 Violence and Discrimination against Women in the ASAL Region in Kenya

In its effort to end gender based violence several enactments have been made. Key among these is the enactment of the Children's Act and the Sexual Offences Act that seeks to protect children from any form of violence. Assaults and violence against women is an area where Kenya human rights record fairs poorly. This is worst in rural

²¹⁶ Ibid

²¹⁷ Ibid

²¹⁸ CREAM, Running for political office: a handbook for women candidates (no date), www.creamkenya.org/pdf/running_for_political_office.pdf

²¹⁹ The Political Parties Act 2007, provided for a framework for governing political parties but it only came into force on 1st July 2008.

²²⁰ CREAM, Running for political office: a handbook for women candidates (no date), www.creamkenya.org/pdf/running_for_political_office.pdf

areas where women do not have a voice because they are ignorant, uneducated/illiterate and unaware of their rights. Most of women in ASAL region live in deplorable conditions, and since they live in a patriarchal society, they don't own property that can help them improve their conditions of living. Factors of production are owned and controlled by their male counterparts. According to Pavanello, Elhawary and Pantuliano²²¹, for the women in ASAL regions, they are often confronted with culturally accepted gender roles that encourage inequality and submission to men, mostly due to culture and the Islamic religion. Very extreme cases of poverty have forced most of the refugee women living in these regions to live in under the mercy of their male counterparts. Therefore, likelihood of GBV greatly increases. The situation is made worse because the women do not control and own factors of production and therefore are economically challenged. Therefore, victims are reluctant to complain for a variety of cultural, financial and legal reasons²²².

Domestic violence and gender based violence can be seen as the most extreme form of patriarchal control over women's bodies that restrain women and deny them of the most fundamental human rights of life, liberty, bodily integrity and dignity as a person. The consequence of such violence inflicted and the threat of violence restricts women's lives in term of their options and choices including their behaviour. The experience of violence affects their personal, family and community relations. Such violence also results in serious health problems such as trauma and mental disorders²²³.

²²¹ Pavanello, S., Elhawary, S., and Pantuliano, S., "Hidden and Exposed: Urban Refugees in Nairobi, Kenya," HPG Working Paper March 2010, p. 7

²²² Ibid

²²³ Nyaoro, D., "Policing with Prejudice: How Policing exacerbates Poverty among Urban Refugee," The International Journal of Human Rights 14, 2010, p.126-145

After the Kenya Defense force entered Somalia in an operation dubbed “Linda Nchi”, areas in the ASAL have been receiving a series of grenade and gun attacks believed to be carried out by Al-shababs militia.²²⁴ According to Pavanello, Elhawary and Pantuliano²²⁵ many Kenyans living around refugee camps (Kakuma and Dadaab) have reported feeling unsafe where security incidents including rape and killings of women and children have been recorded. In areas of Mandera, Garisa and Wajir security is also not guaranteed. As noted by Pavanello, Elhawary and Pantuliano²²⁶, women in ASAL regions are regularly subject to harassment and extortion, especially by bandits if not the security apparatus. Conflict destroys livelihoods and forces people to adopt new strategies to support themselves. Often these new pursuits are unstable and can increase exposure to gender-based violence (GBV)—especially for women in ASAL.

Violence against women has profound implications for health but is often ignored. According to WHO's World Report on Violence and Health, one of the most common forms of violence against women is that performed by a husband or male partner. This type of violence is frequently invisible since it happens behind closed doors, and effectively, when legal systems and cultural norms do not treat as a crime, but rather as a "private" family matter, or a normal part of life. Similarly, women in ASAL regions face brutality from their husbands or other family members. WHO²²⁷ indicates that the link between gender based violence and HIV/AIDS are a major concern as violence can directly or indirectly expose women to HIV infections.

²²⁴ Nyaoro, D. “Policing with Prejudice: How Policing exacerbates Poverty among Urban Refugees.” *The International Journal of Human Rights* 14, 2010, p.126-145.

²²⁵ Pavanello, S., Elhawary, S., and Pantuliano, S. “Hidden and Exposed: Urban Refugees in Nairobi, Kenya,” HPG Working Paper March 2010, p. 21

²²⁶ Ibid

²²⁷ Ibid

Therefore, violence towards women in ASAL areas has detrimental effect on health and confidence for these women. According to WHO²²⁸, rape can result in vaginal laceration and trauma which in turn increase risk of acquiring HIV infection and other sexually transmitted diseases, forced pregnancies, persistent gynecological problems and sometimes even physical disability. Violence and fear of violence makes it difficult for women in ASAL region who have previously been exposed to violence to negotiate for safe sex including use of condom in their relationship. Also fear of violence prevents women from disclosing their HIV status and seeking for treatment and for services that prevent HIV transmission. The threat of violence limits women's participation in community and public life²²⁹.

According to Garissa District Development Plan (GDDP) 1994-1996, the influx of refugees into the district from Somalia resulted into insecurity thereby adversely affecting the supervision of development programmes. The insecurity problem posed by the coming of refugees to Dadaab has always been stressed by the various government officials as manifested in the various Garissa District Development Plans²³⁰. In addition to the GDDP report of 1994-1996²³¹ referred above, the GDDP report of 1997-2001 reiterated on the insecurity posed by the refugee influx when it reads in part that: With the political instability in the Republic of Somalia and the resultant influx of more than 150,000 refugees, a lot of insecurity in the district is now being experienced²³². Sophisticated weaponry has found its way into the district promoting banditry, cattle rustling and general violence in the district. According to

²²⁸ Ibid

²²⁹ Murunga, G. R.. "Conflict in Somalia and Crime in Kenya: Understanding the Trans- Territoriality of Crime," *African and Asian Studies* 4:138-160. 2005, p. 144

²³⁰ Republic of Kenya, "*Garissa District Development Plan (1994-1996)*," (Nairobi: Government printer), 81

²³¹ Ibid

²³² Republic of Kenya, "*Garissa District Development Plan 1997-2001*," Office of the Vice President and Ministry of Planning and National Development, Nairobi: Government Printer, 59

Weiss²³³, lethal modern weapons smuggled into Kenya from Somalia have placed fire power into the hands of Kenyan and Somali bandit gangs. Further, GDDP 2002-2008 report notes that: Dadaab and Jarajila divisions are a bit insecure compared to others. This has mainly been caused by the presence of refugees in Jarajila and Dadaab, which has made the divisions adjacent to be insecure. Proximity to Somalia Republic border in these regions makes insecurity a challenge.

Women in ASAL region are faced with a challenge of Female Genital Mutilation. UNICEF²³⁴ describes FGM as always traumatic. Girls and women will often be under strong social pressure, including pressure from their peers and risk victimisation and stigma if they refuse to be cut. Immediate complications can include severe pain, shock, hemorrhage (bleeding), tetanus or sepsis (bacterial infection), urine retention, open sores in the genital region and injury to nearby genital tissue. Long-term consequences can include recurrent bladder and urinary tract infections; cysts; infertility; an increased risk of childbirth complications and newborn deaths; the need for later surgeries.²³⁵ The eradication of FGM is pertinent to the achievement of four millennium development goals (MDGs): MDG 3 - promote gender equality and empower women; MDG 4 - reduce child mortality, MDG 5 - reduce maternal mortality and MDG 6 - combat HIV/AIDS, malaria and other diseases.

In Kenya, an estimated 27.1% of girls and women aged 15-49 years have undergone FGM²³⁶, a figure that has decreased from 37.6% % in 1998, and 32.2% in 2003. There are significant regional variations, with prevalence ranges from 0.8% in the west to

²³³ Weiss, T., "Guns in the Borderlands. Reducing the Demand for Small Arms." Monograph No.95, (Durban: Institute for Security Studies, 2004), p.95.

²³⁴ UNICEF. Female Genital Mutilation/Cutting, A Statistical Exploration. 2005

²³⁵ World Health Organization (WHO). Female genital mutilation, Fact sheet N°241, Updated February 2013: <http://www.who.int/mediacentre/factsheets/fs241/en/>. accessed on 28/7/2014

²³⁶ Kenya Demographic and Health Survey 2008-09: <http://www.measuredhs.com/pubs/pdf/FR229/FR229.pdf>. accessed on 25/7/2014

over 97% in the north-east (the ASAL region). The practice is particularly among the Somalis in the North Eastern province practice (97.7%). The prevalence is also highest among the Kisii (96.1%) and the Maasai (73.2%). FGM is a deeply rooted cultural practice, although the reasons vary between ethnic groups. For some, it is an important rite of passage, for others it is closely tied to marriageability or the concepts of family honour and the need to preserve sexual purity. Among some communities, there has been a trend towards the medicalisation of FGM with the procedure being carried out by medical professionals.

Kenya Government have remained steadfast on fight against FGM and other cultural practices that are detrimental to human health and dignity. At the end of 2011, the government passed the Prohibition of Female Genital Mutilation Act 2011 to replace the existing law. There are many local NGOs, CBOs, faith-based organisations, international organisations and multilateral agencies working in Kenya to eradicate FGM using a broad range of approaches. All these efforts are aimed at ensuring that gender equality is attained and therefore implementation of policies concerned with equality and discrimination against women.

4.6 Study Findings

The study confirms hypothesis one to be true in that implementation of gender related international policy and legal framework enhances women participation in education. Women's Empowerment Framework describes access to resources (including education, livestock, income generation, credit, and natural resources) on an equitable basis. It tends to be describe the case that men and women have different degrees of access to resources. For instance, the framework recognises that women's strategic gender need entails assuming control over decision making on certain productive

resources. Attainment of strategic gender needs is the highest level of empowerment on the framework. This study takes the view that the more crucial drawback that impedes women empowerment in the Kenya ASAL region could be the failure to implement international legal and policy frameworks.

From the findings the study confirm hypothesis two to be true in that implementation of gender related international policy and legal framework enhances economic empowerment of women. These efforts can be seen in the constitution, vision 2013 and other adopted international policies like CEDAW, BPfA, MDGs among others. However women's empowerments are seriously impeded by several factors, such as, cultural and religious practices, inadequate policy guidelines and effective implementation, poverty, and lack of community awareness. These have continued to impact negatively on access, participation and performance at all levels in education, training and research.

The study has found that implementation of gender related international policy and legal framework indeed enhanced economic empowerment of women. This indeed is reflected from the 70s, where the UN began to see how women were connected to such issues as food and population, and how integrating the women in development process would enhance lives of their dependents' and the economic well-being of the state. For example, the 1993 World conference on Human Rights in Vienna is regarded as the 'full safeguard of women's rights' which will affect the worlds fundamentally. In these conferences women's rights were 'indelibly etched on the world's consciousness.

From the findings the study approves hypothesis four to be true in that implementation of gender related international policy and legal framework has

reduced sexual and gender-based violence in ASAL. Women have taken advantage of the changing political context to agitate for their rights in legislation and public policy. For example women successfully rallied around the issue of sexual rights and reproductive health rights insisting that women had autonomy and choice, violence against women also came to the center of the global debates and this has reduced cases of sexual and gender-based violence in ASAL. In Beijing women 'strengthened articulation of their rights, including equality in decision making, balance in gender representation, sexual and reproductive rights, freedom from violence. They exacted commitments from governments in such areas as the rights of the girl child, education of women and institutional mechanisms to implement recommendations from the Beijing. This has been adopted in women in Kenya and has indeed improved women empowerment in the ASAL areas where sexual and gender-based violence has decreased significantly in the last five years.

Indeed empirical evidence shows that there has been an improvement in women education empowerment; political posts, access to financial empowerment in the last 5-10 years, women's position in the areas of health, decision-making, employment and freedom of rights have improved significantly as indicated by human and development indicators as well as Liberal Feminist Theory.

Despite considerable progress on many aspects of women's economic empowerment through, for example, increases in educational attainment and share of paid work deeply entrenched discrimination and inequality persist especially ownership and control of factors of production. Women in Arid and Semi Arid areas have little or no control of factors of production (resources) due to lack of implementation of legal and policy frameworks. Lack of access to and control over economic resources such as

land, personal property, wages and credit, can put women at a greater risk of violence. Lack of implementation of legal and policy frameworks, has denied women in the ASAL areas the knowledge and skills needed to advance their status as well as unleashing of their potentiality.

4.7 Conclusion

Kenya has remained dedicated to its commitment to ensure gender equality and empowerment of women as recognized goals derived from CEDAW and the BPfA. Therefore, Kenya has tailored its constitution, the supreme law in the land, to fast track implementation of gender related international policy and legal framework. The constitution of Kenya outlines human rights that are to be enjoyed by all Kenyans. Further, equality is emphasized on Kenya vision 2030. The constitution has established equality between men and women without discrimination; creating special seat for women in parliament and emphasized on affirmative action. This way, more women have been elected and appointed to public offices and therefore enhanced women participation in politics and leadership therefore engaging them in decision-making. Also, Kenya has several enactments that prohibit prejudice against women like prohibition of Female Genital Mutilation Act 2011. It should also be noted that Kenya ascribes to EFA to ensure that education for all. This is in line with MDG 2 to achieve universal primary education. To this end, Kenya has rolled out free primary education and scrapped tuition fees in secondary schools to ensure that all Kenyans have access to education. To enhance women access to education, education act allows girls who are within schooling age to get back to school after pregnancies. Also, the state machinery have established fund for empowerment of women; Women Development Enterprise Fund.

However, in its noble task, Kenya faces challenges in implementing these gender related international policy and legal framework especially in ASAL region. The implementation is challenges by cultural establishments that have been seasoned for ages. For example, communities living in the ASAL area in Kenya ascribes to patriarch way of life. This indicates that men control major resources leaving little for women. This therefore challenges the economic and political empowerment of women. Further, the chauvinism in the area denies women equal competition for leadership positions. it should also be noted that harsh climatic conditions in the area frustrates women's effort for economic empowerment through agriculture which is a choice avenue for most people in third word countries like Kenya. Accesses to education efforts for girls are cut short by cultural practices like FGMs and early marriages. Poverty also plays a prohibitory role in girls' education where families chose to educate boys in place of women.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Education

It is critical to empower both females and males through education and skills development so as to reduce the social and economic inequalities in Kenya. There is need globally, regionally and nationally to adopt specific strategies to ensure equity in opportunities in education. Therefore, there is increased need to recognize the importance of exploring the link between gender and education particularly girls' education and the overall national development. Kenya recognizes the role of basic education in ensuring sustainable socio-economic and human resource development, empowerment and good governance. The country ratified UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984 and has remained faithful to its obligation. Further, in order to achieve the relevant EFA and MDG goals and objectives, Kenya continues to strengthen national and international level partnerships. The achievement of the aims and objectives are aligned to the Constitution and Vision 2030. The Constitution is very comprehensive while vision 2030 aims to make the country an industrialized nation. Commitment to these goals in education is demonstrated by the increased budgetary allocation and various intervention strategies.

To show its commitments in ensuring education for all, GoK guarantees the right to free primary education to all its nationals. The Government is committed to develop, nurture and promote the participation of all persons especially women in national development. The Kenya Vision 2030 highlights gender, youth and other vulnerable

groups as key to social, economic and political development, and in decision making processes. Access to quality and relevant education is one of the highest priorities on the development agenda. This is because it is through education that the Government will provide a globally competitive and quality education, training and research.²³⁷

Further, according to Wango, Musomi and Akinyi²³⁸ the Ministry of Education in Kenya is guided by three key aspects; access, equity and quality. Gender in Education is therefore a very significant development as it provides the framework for the planning and programming of gender responsive education at all levels through the Gender Policy in Education. There is need to refocus education in tandem with modern times through development of effective educational strategy that not only focus on sending more children to school as it is interpreted by many, but also on maintaining and enhancing the quality of life and schooling. This highlight issues such as peace education, life skills education, guidance and counselling, health, food and nutrition, HIV and AIDs prevention, harmonious living and an enhanced understanding among different communities. These promote national unity, health, life skills promotion as a major strategy to enhance national development through mutual understanding to augment unity in diversity of religion and culture.

Access to raise schooling levels should continuously be expanded with attention to the quality of education. The education system accentuates access, equity and quality that align reward with reliable outcomes. This is through increased ability in decision-making and autonomy, coupled with accountability and governance that will lead to improved social economic and political development. Equity and quality schooling

²³⁷ Wango, G., Musomi, M., & Akinyi, C. "Gender and Education Re-Alignment of Education to the Constitution" ITP Human Rights Towards Gender Equality Seminar, 2012, P.3

²³⁸ Ibid

will be statistically significant related to social economic growth. Such specifications enlarge access to education with quality in an institutional framework, and hence gender mainstreaming. The institutional framework of access and quality are the openness of a competitive education system for a robust individual in a globalised world economy.

Kenya is committed to gender equality in all spheres of development and in measures to address existing inequalities. Among the EFA goals and targets, as articulated at the Jomtien Conference and reaffirmed at the World Education Forum in Dakar, was to eliminate gender disparities, and achieve gender equality in education, with a focus to ensuring girls' full and equal access to, and achievement of basic education of good quality. Kenya is a signatory to major international conventions and agreements on human rights and gender equality.

In 2007, the Gender Policy in Education was officially launched and disseminated to the implementing entities. Gender policy was worked out with various stakeholders in education including Development Partners particularly USAID, Girl Child Network, Forum for African Women Educationalists (FAWE-K) and others. The policy highlights key gender concerns in education such as: disparities in enrolment, retention, and transition rates; negative socio- cultural practices and attitudes which inhibit especially girls' access to schooling; teaching and learning environment that is not conducive to girls and boys education; stereotyping in learning materials and in actual class teaching; and, drop out of girls due to pregnancy and early marriages, among other issues. The Policy recognizes gender equality as central to the achievement of EFA and proposes a number of strategies to address gender concerns in education.

In 2003, the Kenya Government introduced Free Primary Education. This led to an increase in enrolment of children in primary schools from 5.9 million in 2002 to 7.2 million in 2003 and further rising to 8.2 million in 2008 and rose to 8.6 in 2009 (Boys 4.4 and Girls 4.2) representing a 42.3% rise. In terms of financial resources, a substantial amount has been spent on the instructional materials public primary schools countrywide. In 2008, the Free Secondary Education was introduced and this greatly enhanced girls transition from primary to secondary, attendance and retention in secondary schools nationwide. It is rewarding to note that with the two Government initiatives the overall gender disparities at primary and secondary level are diminishing and gender parity is rapidly being realized. The gender parity index at primary level averaged about 0.95 in 2007. However, gender disparities still persist in certain regions especially in Arid and Semi-Arid Areas.

To curb disparities, since 1996, the Ministry has a policy on readmission of school age girls who get pregnant while in school. The Government has established boarding and mobile schools especially for girls in Arid and Semi Arid Lands. For instance, in North Eastern Province with low enrolments and participation especially of girls.

Further efforts by the government to ensure that girls participates in education should include; provision of sanitary towels to needy girls in arid and semi arid areas; girls' empowerment through participation in peer education, guidance and counselling, life skills education and empowerment programmes such as 'Tuseme' (speak out, FAWEK) and Child Rights Clubs (Girl Child Network); females are admitted two points lower to enhance access to public universities; mentoring of girls from the arid and semi arid regions especially in secondary schools; construction of boarding schools for girls including equipping of science laboratories to improve girls'

enrolment and performance in science and technical subjects; building rescue centres for girls who have been salvaged from early marriages and female genital mutilation; advocacy for girls' education through community social mobilization campaigns, media and role modeling; empowerment and sensitization of communities on inhibitive cultural practices to girls' education such as FGM and early marriages; affirmative action especially for girls and women to access further education and training by award of bursaries to girls and scholarships through the Constituency Bursary Fund.

5.2 Economic Empowerment

Women's economic empowerment is a cross-cutting issue, adequate implementation of the aid effectiveness agenda requires a combination of interventions aiming directly at increasing women's access and control over economic resources. This has to be combined with commitments to facilitate equal sharing of family responsibilities and unpaid care work between women and men and gradual development of options for childcare solutions. Work in seven key areas will contribute to strengthening women's position as economic actors. There is a need for increased access to land and property rights and a gender perspective in entrepreneurship programmes, private sector development and labour market policies. Developing women's human capital is also essential for them to become economic actors. Reforms and re- distribution of unpaid care work will facilitate women's economic engagement. Also, a gender perspective in social protection will provide women in vulnerable situations with economic security.

Several recommendation can be put forward to ensure that women in ASAL areas are empowered economically. This study recommends that barriers to female

entrepreneurship should be removed and promotes inclusive financial services and trade policies. Private sector development should support female entrepreneurs by removing the barriers to the development of women-owned enterprises. Female-owned enterprises produce positive economic and social outcomes, enhancing women's self-confidence, increasing their participation in household and economic decisions and contributing to their economic empowerment.

Education opportunities should be enhanced for women in ASAL regions since they have limited access to education and training, are less likely to be members of business associations, have less freedom to select their business sector, and are subject to discriminatory attitudes in property, marital and inheritance laws.²³⁹ Many rely on personal savings or on contributions from relatives to fund their enterprises, and without property ownership, they lack collateral to access credit from formal financial institutions.²⁴⁰ They also face administrative barriers as well as lack of information, which limit business development and hinder graduation from the informal to the formal economy. Enabling women to become successful in business development requires addressing underlying policy and regulatory constraints. It is important to develop the knowledge base about local entrepreneurship and its characteristics, including the challenges confronting each group in different settings. Thereby women's and men's equal access to economic resources and business support to start, formalize and expand their businesses can be ensured.

²³⁹ ILO and AfDB. Assessing the enabling environment for women in growth enterprise: An AfDB/ILO integrated framework assessment guide, International Labour Organization, Geneva. 2007

²⁴⁰ Gerry F. Facilitating women's entrepreneurship: Lessons from the ILO research and support programmes, paper presented at the OECD workshop on Entrepreneurship in a Global Economy: Strategic Issues and Policies, September 8–10, Budapest, Hungary, 2003.

In order to be successful, sector policies need to continue supporting business training, start-up services and mentorship for women in ASAL linked to micro-finance while promoting measures that set the foundations for a more business-enabling environment and inclusive financial systems. These women should be offered small-scale entrepreneurship training, provided with market information, promotion of market access through, for example, trade fairs, and improve business management and financial skills.

due to their low access and control of resources, women in ASAL regions should be given access to non-collateralized credit for starting or growing businesses. Proper assessment should be done to ensure loan given to these women provide sufficient capital to start or grow an enterprise. Therefore, proper product development that responds to the need for larger loans and longer terms in micro-credit programmes and setting up equity lines as incentives for commercial banks to lend to women in ASAL region.

Increased access to economic resources such as land and property will give women greater economic security and increase their economic rights. Women in ASAL areas usually access land and housing through their husband or other relatives, or they rent land in their local village. Their economic security becomes dependent on their relatives and is not secured through formal titling or laws. In cases such as divorce, the death of a husband, or re-marriage, women's ownership rights are not guaranteed, and are often forfeited or overruled by social pressure. As a result, women's economic security is weak, and uncertainty leads to low incentives for women to invest in the land or their farm. Strengthening women's access to land and natural resources is critical as women are major food producers and contributors to the local food supply

and family nutrition in most countries. New land legislation has to include explicit and mandatory measures of inclusion to translate into de facto changes in customary land practices or local bureaucratic decision to allow women in ASAL areas have ownership and control of land. If constitutional rights are to be guaranteed, statutory reforms are needed and specific guidelines have to be developed. Increasing women's basic legal literacy through targeted information campaigns about laws improves their options for exercising their property rights. A priority in land law processes, land distribution processes and land administration processes must secure both women and men's rights. Policies and interventions aiming at strengthening women's in ASAL areas access to land and property rights need to take into account complex factors leading to weak implementation of women's rights. Gender inequality in terms of access to land can originate in discriminatory inheritance practices and/or purchases or transfers from the state or traditional local authorities.

Women in ASAL areas should be provided with opportunity to receive formal education to allow them to get a decent job for their economic empowerment. Decent work is a human right and should be at the forefront of gender aware labour market policy. Economic growth is a prerequisite for employment creation, but not sufficient in itself. It is widely recognized that decent work is not guaranteed by economic growth, and specific policies are needed to make it happen. Sector analysis, looking into opportunities for improvements in working conditions and productivity increases in agriculture and supply and value chains, including working conditions for home-based workers, could be of great importance for enhancing decent work opportunities for these women and strengthening their economic empowerment. This could also

help stem the migration of vulnerable young women from rural areas into low-quality informal jobs in urban areas with high risks of exploitation.

Further, policies that aims at increasing women's access to quality post-primary education should be formulated to ensure that they receive training that can land them into formal jobs or can become entrepreneurs. Education policies intended to promote women's economic empowerment should prioritize post-primary education. Primary education provides a solid foundation on which to develop human capital, but primary education alone is not enough to address structural inequalities. Higher levels of education increase women's chances of formal employment and the gains from employment. Gender inequality in wages is reduced for those with higher levels of education. Women are more likely to be the agents of change if they have post-primary education.²⁴¹ Therefore, it is essential to promote measures to increase post-primary education for girls and women in ASAL areas. Further, vocational training programmes should be considered for its ability to offer girls and women training that does not reinforce occupational segregation or concentrate women in low-skill and low-wage work, but leads to better-paid work, offers opportunities for career advancement and increases the number of women in occupations outside the traditional female fields. It is expected that vocational training in ASAL areas will offers viable options for girls and women unable to pursue higher education, and for women who lack formal education, and will improve their economic status.

Women's work in agriculture is essential for poverty reduction, food security and rural growth. Women are responsible for 60–80 percent of food production in

²⁴¹ Caren G., Geeta R. G., & Aslihan K. Taking action: Achieving gender equality and empowering women, UN Millennium Project Task Force on Education and Gender Equality, Earthscan, London. 2005

developing countries, even though they are restricted to growing food crops and rearing poultry and small livestock, and their work remains mostly unpaid. Therefore, increased investments that provide women farmers in ASAL with greater access to resources, inputs (fertilizers, seeds, credit), markets, information and technologies can help reduce poverty, improve food security and strengthen rural growth. Policies and interventions targeting the economic empowerment of ASAL areas women need to remove obstacles to women's productive work. In most developing countries like Kenya and especially in ASAL areas, women farmers are mostly under-resourced. They have less access than men to land, credit, technical assistance and other key inputs and services essential for developing their productive functions. These hindrances need to be resolved to ensure that women are economically empowered and therefore can play on a level ground with men.

5.3 Politics and Leadership

Women in ASAL face daunting social, economic and political challenges. For the governments of Kenya to deliver to their constituents, they must be truly representative; women must be equal partners in the process of democratic development. As activists, elected officials and constituents, their contributions are crucial to building a strong and vibrant society. In the ASAL region women participation in politics and leadership is inhibited by their lack of education and confidence; illiteracy and poverty; rivalry among women; economic constraints; misrepresentation of religion; and other social and traditional constraints.

To enhance women participation in political and leadership position, it's recommended that women should be placed in winnable positions on party lists, and consider internal party measures to increase women's participation at all levels of the

party. This includes addressing gender equality in party manifestos. Support public financing of political parties in an effort to increase internal party democracy. Encourage women to work across party lines to advocate for political participation and create networks that will increase leadership opportunities. Create strategic plans to actively recruit, train, and support women candidates beginning well in advance of elections. Conduct gender awareness training for men and women political party members; encourage political parties to become more inclusive organizations which take advantage of women's participation to gain a competitive edge.

According to UN²⁴² to enhance women participation in politics and leadership, in addition to national laws, relevant international instruments relating to full political rights for women, such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Political Rights of Women, should be ratified, integrated into national law and implemented. Further there should be review of laws that requires high monetary deposits before one is allowed in political election. Such law may be discriminating against women candidates especially in ASAL areas. Special measures should be enacted to guarantee women access to the legislature and decision-making positions, including through legislated quotas within a proportional representation system or reserved seats within majoritarian systems with specific and effective sanctions for non-compliance that should be directly elected.

²⁴² United Nations Division for the Advancement of Women (DAW) Department of Economic and Social Affairs (DESA). Equal Participation of Women and Men in Decision-Making Processes, with Particular Emphasis on Political Participation and Leadership, Report of the Expert Group Meeting Addis-Ababa, Ethiopia, 24 – 27 October 2005

For political parties to enhance participation of women in political and leadership positions, it is recommended that they should adopt clear and transparent rules to ensure internal democracy, with specific attention to gender equality and consider special measures to ensure women's participation in decision-making positions within political parties with the aim of achieving parity at all levels. Political parties should also adopt clear rules for candidate selection that would allow party members to provide meaningful input into the process of selecting candidates and implement effective gender quotas with the aim of achieving equitable representation of women candidates in elected positions, including party placement mandates in winnable positions.

It is also recommended that political parties should promote women's candidacies through the adoption of special training programmes, recruitment drives and financial incentives, especially in majoritarian electoral systems where women may face greater challenges in getting nominated. Further, it is recommended that political parties should allocate a percentage of public 'non-campaign related' funding to activities related to promoting gender equality and the empowerment of women, including training and research.²⁴³

5.4 Violence and Discrimination

In Kenya, violence against women and girls, whether rape, coercion or physical or emotional intimidation, increases their vulnerability to HIV infection. HIV prevalence in girls 15 - 19 years old is six times higher than that in boys of the same age (3% of young women in this age range are infected, but less than 0.5% of young men). HIV prevalence among women 20 - 24 is over four times that of men in the same age

²⁴³ Ibid

group (9% versus 2%). Peak prevalence among women is between the ages 25 - 29 (13%); among men prevalence rises gradually with age to peak between 40 and 44 (9%).

There are several responses to violence against women and girls in Kenya. The Ministry of Health through the Division of Reproductive Health has developed National Guidelines on the Medical Management of Sexual Violence, launched in 2005. In addition, the ministry supports the violence response unit within Kenyatta National Hospital. The Nairobi Women's Hospital, in operation since 2001, is a private institution that specializes in obstetric and gynaecological care, but also provides general medical services. The Gender Violence Recovery Centre (GVRC) Unit has been operational since 2001 and caters for women and children who have been subjected to abuse by strangers or people close to them. The GVRC offers medical care, rehabilitates women victims of all forms of violence including rape through specialized trauma counselling and administers PEP (post exposure prophylaxis) and several other tests for STIs or other infections resulting from the ordeal. The GVRC receives an average of eighteen.

Further, the country needs to ensure that anti discrimination are implemented and enforced. For example, FGM act of 2011 needs to be enforced and heavy punishment imposed on the perpetrators. Although the cases of FGM are on the decline, the figures are alarmingly high. This country report into FGM across Kenya shows FGM in 15-49 year olds reducing from 37.6% (1998) to 32.2% (2003) to 27.1% (2008-9). This is measurable progress and around 10% over 10 years. However, measuring changes in attitudes and belief is difficult, and there is still much to do.

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