



## GENDER FORUM BRIEF

**TITLE:** Nominate or Elect; Realizing the Not More Than Two Thirds-Gender Principle

**Date:** Tuesday, 25<sup>th</sup> September 2018

**Venue:** Alliance Francaise

**Time:** 4.00 pm to 6.00 pm

**Live-streamed, Sign Language Provided**

**ENTRY FREE**

### Synopsis:

The National Assembly has 290 members elected from constituencies, 47 women each elected from the counties and 12 members nominated by parliamentary political parties according to their strength in the National Assembly (Article 90) to represent special interests: the youth, people with disabilities and workers.

The Senate has 47 members each elected from a county, 16 women members nominated by political parties according to their strength in the senate (Article 90), two members (a man and a woman) representing the youth, two members (a man and a woman) representing people with disabilities).

The Legislative authority at the county level lies with the county assembly, which consist of members elected in each ward constituting single member constituency and nominated members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender.

Any member sitting in any legislative authority both at the national level or county level has to either be elected or nominated. This highlights the importance of political parties which play a critical role for both the election and nomination process.

The use of quotas as an affirmative action strategy has in the last two elections elicited a discussion on the shortfalls of nominations in Kenyan political scene. Quotas may be defined as an affirmative measure that establishes a fixed percentage or number for the nomination or election of a specific group, in this case representation of women, most often in the form of a minimum percentage; not more than two thirds gender principle to be precise.

The discussion on nominations has consequently resulted in a silent differential treatment for nominated legislative members, both in the county assemblies and parliament. A difference in mandate and access to resources between elected and nominated lawmakers is a clear limiting factor

for women's influence in Kenyan politics, a statement that has been elaborately explained in the synthesis report 'Strengthening the leadership and influence of women in politics in Kenya' By Rift Valley Institute.

Recently, there have been numerous highlights in both print and electronic media that continuously devalues the democratic roles of the nominated legislative members, a majority of whom are women. Demeaning titles such as 'bonga points and flower girls' have always been used to describe them. Though nomination of women in the legislative bodies is a constitutional provision, their working environment is still insensitive in enhancing a level playing ground for both elected and nominated members in discharging their legislative roles. The above narrative poses numerous challenges to the progress made by women in leadership and is an affront to the Constitution of Kenya which identifies Inclusivity as a central national value. For example, Kisii County which is currently in the process of delimiting the powers of MCAs nominated under the affirmative action. Sensi Ward MCA Paul Angwenyi has tabled a Bill in Kisii County Assembly that is barring nominated MCAs from tabling and voting for motions that directly impact on Wards; because it is a mandate he feels rests with the elected MCAs.

### Key discussion points:

- Are nominations a threat to the realisation of the constitutional provisions on gender equality?
- What legal frameworks exist to safeguard the affirmative action seats?
- What more can be done to help realise the not more than two thirds gender principle?

**About the Gender Forum:** The Gender Forum is a monthly public dialogue convened by the Heinrich Böll Stiftung since 2001, encouraging dialogue on pertinent national issues with a gendered lens. It brings together scholars, lawmakers and implementers, civil activists, government institutions, students and the general public, aiming at sharing knowledge and inspiring gendered analysis of policy and programmes.

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## Gender Forum

Perspectives on Gender Equality

The Green Political Foundation

**PROGRAMME: 25<sup>th</sup> September 2018**

**Nominate or Elect; Achieving the Not more than two thirds gender principle**

Time	Session
4.00 – 4.15pm	Arrival and Registration
4.15 – 4.30pm	Opening Remarks: <b>Ulf Terlinden</b> ; Director, Heinrich Böll Stiftung
4.30 – 5.30 pm	<b>Panel Discussion with;</b> Hon. Gladys Shollei Hon. Abdullahi Diriyee Hon. Dennitah Ghati Hon. Jennifer Shamalla  Moderated by; <b>Ms. Victoria Rubadiri</b> – Anchor, Citizen TV
5.30-6.00 pm	<b>Plenary and Panel responses</b> – Ms. Victoria Rubadiri
6.00 pm	Closing Remarks : <b>Caroline Kioko</b> , Gender Democracy Programme Coordinator, Heinrich Böll Stiftung

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Note: The photographs/video taken during the forum may be used in print, on the web, on film, and/or in archived form to promote and raise awareness of the Heinrich Böll Stiftung, its offices abroad, and its affiliates in all German states.

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