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ENHANCING GENDER EQUALITY AS AN AFFIRMATIVE ACTION SUSTAINABLE DEVELOPMENT.

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ABSTRACT

Affirmative action has been used internationally as a means to address gender and other imbalances in access to education, health, employment and politics. While it has improved the male and female ratios in primary education, it has been less effective for improving women's representation in political and public life. Gender equity is important for human development. This paper explored how gender inequality has hindered the full participation of women especially in key decision making levels and therefore affecting the progress towards achieving sustainable development. It argues that affirmative action can improve gender equity and indeed sustainable human development. In Kenya, there remains gross inequality between men and women in almost all areas of human life but especially at the political arena. Such gender inequalities are not just damaging to the interests of women but also to people's livelihood strategies as a whole and sustainable development. Sustainable development being that which meets the needs of the present without compromising the ability of future generations to meet their own needs, gives a synopsis of the needs of both women and men. The paper makes the case for enhancing affirmative action on grounds of attainment of broad developmental goal towards sustainability and traces gender history, achievements, limitations and continuing challenges, providing lessons from more successful cases of affirmative action in countries in the region. It gives recommendations to enhance affirmative action for gender equity for sustainable development.

Keywords: *Affirmative action, gender equity, sustainable development*

INTRODUCTION

In the year 2000, the United Nations while setting the Millennium Development decided and agreed that Goal No. 3 be to commit United Nation members to promote gender equality and empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable (UN, 2000). This brought about gender mainstreaming in the sectors of development such as

education and other social and political institutions. By the end of 2015, gender inequality was still a major concern and in order to strive towards sustainable development, the Sustainable Development Goals were set with goal number 5 being to adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels (UNGlobal, 2016), many targets relate to opportunities, empowerment and enhancing capabilities.

Targets related to universal primary and secondary education, literacy and numeracy; ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life; ensuring responsive, inclusive, participatory and representative decision-making; universal access to sexual and reproductive health and reproductive rights; full and productive employment and decent work; and increase in skills for employment and entrepreneurship.

Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets. The achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities (UN, 2015). Women and girls must enjoy equal access to quality education, economic resources and political participation as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels.

The United Nations committed to work for a significant increase in investments to close the gender gap and strengthen support for institutions in relation to gender equality and the empowerment of women at the global, regional and national levels. All forms of discrimination and violence against women and girls will be eliminated, including through the engagement of men and boys. (UNWomen, 2014) The systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial.

Gender Concept

Gender is defined as a social construct that ascribes different qualities and rights to women and men regardless of individual competence or desires. This often means that women globally perform the bulk of work without pay in the home while men receive these services yet are regarded both as family providers and as family heads – with all this entails in terms of obligations, rights and power (Philips, 2005). Gender and gender power are reflected at all levels of society, where women are often responsible for health and social care provision-both at home and at work – while men are able to use their greater share of leisure time to pursue careers/work and to participate in decision-making at all levels of public life. Gender is seen as personal traits and position in society connected with being a male or female.

Gender is different from sex because sex refers strictly to the biological makeup of a male or a female. Clearly boys and girls have different biology, but that does not necessarily mean that biology creates personality. However, women and girls are socialized to be caring and dependants, while men and boys are socialized to be strong and culturally expected to be leaders, providers, givers of security and problem solvers. According to (Kamau, 2012), however, men who lack physical strength may experience low self-esteem and result in violence against women to prove to self that they are men enough. Such men are particularly threatened by women who seek leadership and thus violate such women in order to disempower them.

While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact with others of the same or opposite sex within households, communities and work places. When individuals or groups do not “fit” established gender norms they often face stigma, discriminatory practices or social exclusion – all of which adversely affect health. It is important to be sensitive to different identities that do not necessarily fit into binary male or female sex categories. Gender norms, roles and relations influence people's susceptibility to different health conditions and diseases and affect their enjoyment of good mental, physical health and wellbeing. (UNDP, Resource Guide: Gender in

Water Management, 2009) They have a bearing on people's access to and uptake of health services and on the health outcomes they experience throughout the life-course.

Theoretical Developments of Gender

Interest in women in Development dates back to the 1970s and has since largely been formulated within the WID/WAD/GAD framework. The first of these approaches, Women in Development (WID), emerged among Northern (predominantly American) aid workers and was particularly popularised by the first UN Decade for Women (1975–1985) (Moser, 1993). Significantly influenced by liberal feminist ideals, Women and Development (WAD) approach appeared to adopt a more critical stance on the relationship between women and development. Drawing attention to the economic work performed by women in both the formal/public arena and informal/private spheres, Women and Development advocates argued that development discourse failed to acknowledge not only women's perspectives but, equally crucially, the perspective of developing world countries, (Merlily Porter, 1999) also asserts that poverty, inequality and violence against women continue to affect women's lives all over the world and social justice becomes a challenge. As such, the approach was more appreciative of diversity among women.

By the 1980s there was an increasing shift in focus from women to gender in order to include the relations between men and women and to the social construction of femininities and masculinities, all of which were summarized by the Gender and Development philosophy, according to (Moser, 1993). This gender approach was welcomed on the grounds that its diverse ideals would be incorporated into development thought and practice. Characterised by a more radical agenda, the Gender and Development philosophy critiqued the development process itself while trying to address the basis of inequalities between men and women and thus transform gender roles and relations so as to empower women.

Gender and development by empowering women thus enabled them the capacity or the capability to participate in development issues that concerned them. However, despite close to 30 years of a focus on women, through above mentioned approaches, women still constitute the majority of the dispossessed and the vulnerable in the world yet according to (Goetz, 2003), gender holds the promise of redistributing the power inherent in gender relations. The exclusive focus on women has an additional ideological foundation, particularly among both national and international policy makers who are unwilling to get involved in the dilemma of gender relations. Goetz argues that there is a lack of political will which ignores the problem of deep institutionalization of gender differences and male privileges in the public sphere. The post-Beijing situation seems to reflect mixed reactions. Fundamentally, however, states seem to be restricted to a minimalist agenda as far as women are concerned. This is according to (Ahikire, 2007) because states more often than not will go with initiatives that do not undermine the deep-seated male privilege.

Kenya has responded in gender inclusion by enacting Cap 97 a clause (b) in the Constitution (2010) which states forty-seven women will be elected by the registered voters of the counties, each county constituting a single member constituency. Though this development has only taken place during the 11th parliament, it has enabled more women than in the past get to high positions of decision making institutions such as parliament and in county governments and this according to (Nzomo, 2012) would de-masculine the deeply embedded institutional male political culture and replace it with a more democratic culture and translate into influencing policy and programmatic actions that would be responsive to the needs of poor women in the allocation of national budgets. However, still more women need to be elected and appointed to decision making position in order to represent the majority of women who constitute the larger proportion of the country population.

What is Development?

Development is the process of improving the quality of all life of human beings and capabilities by raising people's level of living, self-esteem and freedom (Tondaro, 2015). From this definition, one can simply say as a fact that development is about positive change or progress that brings quality of life in which all humans

beings are included in the process. Therefore, for development to be said to have happened, major changes have to be seen to have happened which include but not exhaustive: social structure, attitudes and national institutions as well as the acceleration of economic growth, the reduction of inequality and the eradication of poverty.

According to (Tondaro, 2015), “Development in its essence must represent the whole gamut of change by which an entire social system turned to the diverse basic needs and evolving aspirations of individuals and social groups within that system, moves away from a condition of life widely perceived as unsatisfactory towards a situation or condition of life regarded as materially and spiritually better”. This then means that development is not just about economic growth but must bring about change in the human life in the following three aspects: seen to reduce poverty, inequality and unemployment

Sen (1999) went further and included another indicator of development that is freedom in “Development as Freedom”, he states that what people can positively achieve is influenced by economic opportunities, political liberties, social powers and the enabling conditions of good health, basic education and the encouragement and cultivation of initiatives. The institutional arrangements of these opportunities are also influenced by the exercise of people’s freedom through the liberty to participate in social choice and in making decisions that impel the progress of these opportunities. Therefore, this freedom or liberty is progressive and not static but have to be cultivated and exercised.

Sustainable Development

The Brundtland Report of 1987 defines sustainable development as both an objective and a method. It is defined as “development that meets the needs of the present without jeopardizing the ability of future generations to meet their needs.” This clearly expresses what is fair and how it is imperative to act in a responsible manner so that the fundamental needs of all can be met today, throughout the world and far into the future. Sustainable development and the fight against poverty may thus be viewed as two sides of the same coin, where sustainable development has both a ‘horizontal’ dimension – addressing solidarity and poverty reduction today throughout the world and a ‘vertical’ dimension in the form of solidarity with future generations.

According to the United Nations World Commission on Environment and Development (1987), development is sustainable if it “meets the needs of the present without compromising the ability of future generations to meet their own needs.” So, sustainable development is about equity, equality of opportunities for well-being. Meaning that in order to develop, there should be balance in the interests of different groups of people, within the same generation and among generations, and done simultaneously in three major interrelated areas – economic, social, and environmental, World Bank (2014). Sustainable development is economic, social and environmental that ensures human well-being and dignity, ecological integrity, gender equality and social justice, now and in future. Tondaro (2015) points out that sustainable development has to be a pattern of development that permits future generations to live at least as well as the current generation, generally requiring at least a minimum of environmental protection.

Sustainable development recognizes that growth must be both inclusive and environmentally sound to reduce poverty and build shared prosperity for today’s population and to continue to meet the needs of future generations. It is efficient with resources and carefully planned to deliver both immediate and long-term benefits for people, planet, and prosperity. Sustainable development cannot be achieved without including all humanity in the planning process.

The three pillars of sustainable development – economic growth, environmental stewardship, and social inclusion – carry across all sectors of development, from cities facing rapid urbanization to agriculture, infrastructure, energy development and use, water availability, and transportation. Cities are embracing low-carbon growth and public transportation. Farmers are picking up the practices of climate-smart

agriculture. Countries are recognizing the value of their natural resources, and industries are realizing how much they can save through energy and supply chain efficiency (UNGlobal, 2016)

Gender Equality

Gender equality aims to ensure that everyone gets the same things in order to enjoy full, healthy lives. In the present context refers to a state of affairs in which women and men enjoy the same opportunities in all walks of life. It also means having a gender perspective in decision making of all kinds and that woman's interests are given the same consideration as men's in terms of rights and the allocation of resources. Gender equality and empowerment of women as well as the active participation of women in political, economic, social and cultural life should be promoted in order for women to be able to fully exercise their human rights towards sustainable human development. Gender perspectives have to be mainstreamed in all-inclusive policies.

Women's 'agendas', like men's, differ in many respects, depending on age, wealth and other factors. It may be assumed here, however, that men share certain collective interests in their role as males, irrespective of political and other preferences. As members of the same biological sex, all men are assumed to have an interest in ensuring that their health is secured by means of improved care and research on male diseases (such as prostate cancer). A further assumption is that men share a common interest regarding the rights, services and resources they have access to as a result of their social gender – such as care and help in the home, for instance, via mothers, wives/partners and daughters etc – and inexpensive health care as well as care for elderly people, normally provided for by women.

Equity

This involves trying to understand and give people *what they need* to enjoy full, healthy lives also implies representation as well as access to resources. Equity of access to decision-making and the basic necessities of urban life are fundamental to good urban governance. Yet there are countless ways in which income or social status affects people's ability to participate in town life and access its resources. Even when resources are available, public expenditure may be under allocated in gender terms.

For example, economic restructuring often impacts heavily on women, as cutbacks are concentrated on health and social services, which support their domestic and caring roles (Moser, 1998). Women's rights to representation, as well as to basic services and other urban resources, cannot be denied if sustainable development is desired, and there should be measures to ensure that gender equity is achieved and that the benefits from development programmes and services are equally distributed and accessed by all, regardless of gender. This should be monitored regularly towards sustainable development.

Role of Gender in Sustainable Development

The role of gender in sustainable development needs to take greater note of the role women play on grounds of equity because women bear an unbalanced share poverty and also on the grounds of growth because they play a vital role in productive activities, and in maintaining their families and households. It is not enough to just provide resources and formulate development objectives with women in mind. According to (Ingham, 1995), what is needed is a gender-sensitive culture, which involves changing traditional perceptions of women and in particular rejecting cultural arguments for the subordination of women. Linking gender equality with sustainable development is important for several reasons. It is a moral and ethical imperative, according to (UNations, 2014). Efforts to achieve a just and sustainable future cannot ignore the rights, dignity and capabilities of half the world's population.

To be effective, policy actions for sustainability must redress the disproportionate impact on women and girls of economic, social and environmental shocks and stresses. A way forward is to scrutinize programs and policies through a gender lens, to challenge gender discrimination and to implement and deliberately promote and enhance gender equal measures through gender mainstreaming by purposeful consideration

of gender in all stages of program and policy planning, implementation and evaluation, with a view to incorporate the impacts of gender at all levels of decision making. Gender mentoring programmes need to be put in place to ensure that gender equity and inclusion is monitored and evaluated yearly.

Background to Affirmative Action

Affirmative action is a set of measures adopted by governments and public and private institutions such as political parties, educational establishments, corporations and companies to address a history of systemic discrimination and exclusion of particular social groups or to encourage the efforts of particular social groups in the interests of certain development goals. Affirmative action means taking a deliberate move to reforming or eliminating past and present discrimination using a set of public policies and initiatives designed to help on the basis of colour, creed, geographical location, race, origin and gender among others (WilDAF, 2010).

Furthermore, (Ingham, 1995) proposes a commitment to people-centered development that requires purposeful efforts to weaken the hold of such perceptions and to bring about more enlightened social attitudes to women. This is because affirmative action takes into account under-representation and insignificant occupation of positions by the minority in the society with the aim of offering equal opportunity to all people. According to (Dzodzi, 2009), affirmative action is expected to improve development indicators by reducing inequalities and facilitating the contribution of particular social groups to development. It therefore relates to both the productive and distributive aspects of development. While affirmative action may or may not arise from the agitation of disadvantaged social groups and advocates, the state and its institutions are central to its design and implementation. Without public policy in support of affirmative action, it cannot be adopted wholly and implemented.

Affirmative Action in Kenya

Debates on strong affirmative action in Kenya have been there for years. For example, Affirmative Action Bill 2007 on 50 automatic seats for women in the 10th Parliament, met with strong opposition from the general public. When it was subjected to opinion polling at the national level, where the pollsters had asked the respondents of their thought on whether women deserved the 50 special seats in Parliament as proposed in the Kenyan Constitutional (Amendment) Bill 2007.

In 2006, Hon. Mwai Kibaki declared the government's commitment to implementation of an affirmative action in recruitment and promotion of women in the public sector to create equity in employment of men and women as well as promotion to senior positions where 30% of all job vacancies were to be reserved for women (GOK, 2010). A survey done by the Ministry of Gender in 2009, while monitoring the 30% affirmative action indicated that employment and promotion of women in the public service is tilted in favour of men and that though some ministries had made efforts to employ and promote more women, gender parity is still far from realization (GOK, 2010). Figures for recruitment of men and women indicated 31.1% women, while men were at 67.9% of the workforce as at 31st December, 2009.

The affirmative action policy has been entrenched in the Kenyan Constitution. The Constitution of Kenya chapter seven, article 81 (b) states, — not more than two thirds of the members of elective public bodies shall come from the same gender. This inclusion, as impressive and welcoming as it may be, seems to negate one basic tenet of judicial justification; justice as fairness, and thus fails sensitiveness test. The clause triggered a demand from the Kenya Women Parliamentary Association (KEWOPA) to set aside 80 seats in Parliament for women in the 11th parliament. This according to KEWOPA was to raise the number of women parliamentarians, and to increase their contribution and influence on Parliamentary business and ensure increased attention to issues affecting women. The questions many scholars are struggling with are: do women deserve those positions because they are women? Or, because they are capable? Or because they are left behind?

There seems to be too much interest taken in the welfare of the girl child in the current Kenyan society. For example, The Kenya Universities and Colleges Central Placement Service (KUCCPS) always has lower cut off grades for girls than boys. The cut-off grade for girls in the last intake (2014) was B- of 58 points and B of 60 points for boys, regardless of the environment where the candidates studied and sat for the exams. However, there is still gender inequality in the top level decision-making level despite the fact that on 11th December 2012, the Supreme Court of Kenya delivered a majority decision that the realization of the two-thirds gender principle under Article 81 (b) is progressive.

In its ruling, the Supreme Court directed that Parliament is under an obligation to have a framework on realization of the two-third Gender rule by 27th August 2015. This remains a bill and the debate for and against continues because as recent as 27th April, 2016, MPs fell short of the threshold of passing the Constitution of Kenya Amendment No. 4 Bill of 2015 also known as the 'Duale Bill.' Only 195 MPs voted for the Bill against the 233 MPs required passing it. In effect, 38 MPs refused to support the bill despite being present. It is for that reason that National Assembly Speaker Justin Muturi ordered a fresh voting after 199 legislators supported it, while 28 opposed (Assembly, 30th April 2015).

Why is a Gender-Sensitive Approach to Sustainable Development Needed?

Sustainable development cannot be achieved without a more equitable distribution of resources today and tomorrow: prevailing inequalities are deeply gendered as mentioned earlier. It is therefore important to understanding this and act upon it is a key condition to achieving sustainable development (UNECE, 2012) asserts that taking women's needs, concerns and their knowledge and skills into account will ensure a better understanding of the dynamics in society which create and perpetuate gender inequality and enable policymakers and other agents of change, including employers and civil society organizations, to develop appropriate policy responses and actions. Equal participation in decision-making and a balanced involvement of both men and women in implementation will ensure that they take equal responsibility for today's and future generations.

Some African countries have affirmed that gender equality is achievable by having women participation in public decision making areas. Rwanda is leading with 56% women representation in parliament and is also leading globally. The rest of the countries in that have achieved 30% women representation which is the threshold are South Africa at 45%, Angola at 37.3%, Mozambique 34.8%, Uganda 30.7%, Burundi 30.5% and Tanzania 30.4% (UNDP, 2011). However, women in Kenya have not done well in competitive politics since independence owing to social-cultural factors such as patriarchy, lack of adequate resources needed to garner support of the electorate, gendered power relations and roles, election violence and the fact that democracy, leadership and elective politics have traditionally considered women and other marginalized groups to be part of the political leadership (Kabira and Mbote, 2015). In the 11th parliament, the number of women though being the highest decision making level remains below constitutional required minimum at 19% (AMWIK, 2015).

CONCLUSION

Though Kenya has made an attempt towards attaining the development goals, the exclusion of women from leadership and decision-making processes has led to inequality and skewed policies, increasing women's marginalization, poverty and insecurity. Women's participation in leadership and decision making in the social, economic and political spheres is crucial in ensuring good governance and accountability. Socio-cultural impediments against women's leadership, including pastoralist communities, must be removed for all to participate equally in the development process.

Legitimate governance requires that affirmative action is taken to ensure representation of women in governance at all levels. Decentralized governance and traditional leadership structures must be responsive to women's needs and concerns and include women as actors in decision-making. Comprehensive support and mentoring women into political leadership and strengthening of accountability of political structures to

women constituencies must be enhanced so that women can effectively influence policies through political systems, while national election systems and mechanisms must be made more conducive to the participation of women in local, county and national governance and leadership. Quality of governance must be audited by measuring the representation of women in decision making in civil society, government and the private sector.

Sustainable development requires strong institutions underpinned by the rule of law (Oyugi, 2016). Whatever challenges an economy might be facing, be it the need to overcome market failures, strategizing/negotiating its relationship to the global neoliberal economy, attracting foreign capital, maximizing state-interventionism.

Achieving gender equality and realizing the human rights, dignity and capabilities of diverse groups of women and the marginalized is a central requirement of a just and sustainable world (UNWomen, World survey on role of women in development "Gender Equality and Sustainable Development, 2014). Kenya need to implement the gazetted bill on two-third Gender Rules Law (Supplement No 52, 2015), so that women can be equally represented in top level of decision making considering that parliament is the highest institution where all should be equally represented so that no one is left behind as we all strive towards sustainable development

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