CCGD conducted baseline studies in Samburu central, Marigat and Laikipia North Districts as part of the partnership with UNIFEM on the Gender and Governance 3 program. Very briefly, the studies revealed that women’s participation in governance and decision making processes is extremely low compared to men. There are very few women leaders within the three districts. Women are not represented in the provincial administration leadership. There are very few women in development committees despite the one third affirmative action principle for women’s representation that has been observed in very few committees. The finding was that even where there are women in the committees, they do not office holders. Members of the respective communities do not ordinarily associate women with leadership in mixed organizations of women and men- women are to be found heading their own organizations. Culture based beliefs attitudes and practices as well as low levels of literacy are still the major obstacles to women’s leadership. In Marigat district, the situation is worse among the Maa speaking Il Chamus than among the Tugen populations of the district. It was however encouraging that nearly all the women respondents supported the idea of women being leaders. Reasons for this were given as women’s value for ensuring fairness and the importance of achieving gender equality. Respondents emphasized the need to lobby men to support women’s leadership; in some instances men have accepted that women may even be a better leader as they are usually more human and considerate than men.

Another key finding of the study was that community members in general and women in particular are not fully aware of the various public (devolved) funds available in the district for their development. Some however, can identify projects that have been funded by various funds such as CDF, Arid lands and LATF. Men were relatively more informed on available public funds compared to their female counterparts. It was explained that men tend to go to offices to enquire, but women have little time to do that. Participants also noted that culturally men own everything in the family, so even money is theirs. The other reason for women’s low levels of awareness on public funds is attributed to the fact that most leaders are men and are the ones through whom money comes in and that whenever men meet they will always talk about available development funds while women spend most of their time talking about family matters. In Samburu it was reported that chiefs and councilors usually come with money and inform the community on the available amount they have received and the project that they will implement. No consultations are made whatever project is presented the community has to accept and implement.

Generally, the limited knowledge of devolved funds available hinders members of the public from participating actively in the management and utilization of these funds.

The communities largely use person to person oral means of information dissemination. Forums convened by the Chief’s office, ministry of social services and the occasional CSO constitute the very few sources of public information particularly in the interior regions of the districts. Even FM radio penetration in vernacular is very poor because of the dearth of Maa speaking programs and general poor reception of radio waves.
As we publish this newsletter, the most salient issue hanging over Kenya’s socio-political landscape like a cloud is the forthcoming referendum on the proposed constitution.

It is crunch time for institutions such as CCGD that have invested so much in working towards realizing a new constitutional dispensation that is gender responsive. While it is a relief that gains made in the new constitution for gender equity are not contentious issues in the public debate that has ensued between the yes and no sides, it is rather disturbing that women’s lives are at the centre stage of the no campaign under disguise of protecting life of the unborn. The clarity of the proposed laws in preserving the current legal status quo and outlawing elective abortion— even going further to firmly anchor the prohibition in the constitution (as opposed to the current situation where abortion is prohibited by an Act of parliament thus making the proposed prohibition more restrictive) does not seem to have appeased the largely male pro-life zealots who would rather equivocate on the right to life of expectant women.

CCGD remains steadfast in its support for the new constitution and joins the many voices that are pointing out that Kenyans and women in particular did not gallantly advocate for the new constitution because of abortion concerns. We have reason to believe that abortion and “Kadhis courts” are red herrings to deny Kenyans a new constitution because of abortion concerns. It is instructive that communities within the districts covered by the program are historically marginalized making the new constitution a special opportunity for them to be included in national development efforts. In separate stories we show how research findings reveal women in those districts as suffering double marginalization as members of “minority” communities and as poor women. It is our conviction that CCGD will secure further funding to substantially be part of the efforts to also contribute to the efforts to deal with the effects of endemic armed conflict that continuously compromises peaceful existence of women and children in particular.

Through current initiatives CCGD is promoting gender responsive solutions to the prevailing situation as she rolls out her strategic plan that pursues her mission; to serve as a resource base for programs that focus on mainstreaming gender in the development processes as well as contributing to gender responsive transformations of society to uphold equity issues and develop democratic institutional and community cultures at local, national and regional levels.

Newsletter Team

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Baseline research findings feedback and community consultative meetings were held in the three districts in March 2010. Participants included representatives from the education offices, provincial administration (chiefs and assistant chiefs), political leaders (councilor) and community leaders, members to various committees such as School Management Committee, Parents’ Teachers Association (PTA), school feeding program committee, constituency development committees and leaders of women groups/organizations such as Maendeleo Ya Wanawake Organization (MYWO). The objectives of the meetings were: to share the research findings on participation of women in governance and decision making processes, to give the community a chance to validate them and give further input and to strategize on the way forward.

The meetings also presented an opportunity for participants to be taken through the CCGD -GGP III project. Key among issues discussed was how to effectively involve all women’s groups/organizations in the target areas in the implementation of GGP3. Women agreed on having focal points in each district that would act as mobilization and communication centers. In Laikipia North district women resolved to form an umbrella network that has all the women’s organizations represented and that is taking charge of implementation of GGP3.

One of the immediate outcomes of the meeting in Laikipia North was that the Chief for Mukogodo location agreed to the women’s request to implement the affirmative action (30% women representation) in the public meetings by giving at least 3 out of 10 chances to women to contribute to community dialogue in community meetings. In all the districts participants recommended that there should be intensive campaigns against traditional practices and cultures that are harmful to women with the help and support from the chiefs and local leaders including in the interior/villages. For information purposes and “enlightenment”, women also needed exposure through tours to other places.

Having shared the research findings with the participants and commenting on the same, the participants were able to come up with work plan as a way forward. CCGD is working with community level women’s organizations in Laikipia North, Marigat and Samburu Central districts on the goals and outcomes of GGP3 through promoting active participation and ownership of the project by women in respective districts. Women are encouraged to agree upon a focal coordinating institutional mechanism that is representative of all the geographical areas covered such as locations and villages and that should also take care of other diversity existing within the districts. The idea is to instill a culture of practicing the principle of equity even among themselves. Additionally, to promote evidence based systematic planning and implementation women will be expected to use the results of the baseline as well as their collective knowledge and experiences to identify and prioritize key issues that hinder women’s participation and representation in decision making mechanisms and processes and come up with a plan of action to tackle them.

They will also be facilitated to set in place systematic accountability mechanisms to themselves as they take charge of implementation of the action plan with facilitation and technical support from CCGD program team. CCGD will facilitate the external evaluation of the project.
With the launch of the draft constitution CCGD is set to facilitate conducting civic education in Samburu Central, Marigat and Laikipia North districts in the preparation for the referendum later in the year. CCGD sees this as an opportunity to mobilize and sensitize the women of Kenya and the public at large to understand the proposed constitution and support gains made by Kenyans and women in particular by passing it.

Proposed project activities will include conducting training workshops for community/district mobilizers/civic education providers on the proposed new constitution. She will also conduct locational public forums on the proposed new constitution and train women agents to safeguard the YES vote at the various voting stations in the targeted districts. Civic education conducted will enable women in the targeted districts to enhance their awareness and understanding of the women’s gains entrenched in the harmonized draft constitution. They will also strengthen their mobilization and training capacities.

The collaborative Centre for Gender and Development has worked on constitutional review process since 1998 when she initiated the project "Engendering the Constitution and the Constitutional Review Process", in an effort to make the constitution of Kenya gender responsive. This has included among other activities carrying out awareness creation on women’s human rights entrenched in the draft constitution, civic education for the 2005 referendum on the proposed new constitution, and lobbying and advocacy for support of gender proposals in the draft constitution.
The African Trade Policy Centre of the United Nations Economic Commission for Africa (UNECA-based in Addis Ababa) published “Gender Dimensions of Cross Border Trade in East African Community” in early 2010. The publication was compiled from findings of research conducted by Masheti Masinjila with the assistance of CCGD staff namely, Praxides Nekesa, Hilda Mpakany, Joan Wangui (since separated) as research assistants and Aileen Gathoni and Eliver Tuzo (IT consultant) as data analysts. This 2009 study focused on the experiences of women traders on the Kenya/Uganda and Rwanda/Burundi borders. CCGD’s participation in the study was part of her efforts at strategically influencing progress of the EAC trade protocols through research. The EAC gender program office through Perpetue Miganda, the gender and social development manager was part of the commissioning of the study and findings were presented to them in a peer review workshop at Arusha before finalization of the report.

The main finding of the study is that informal cross border women traders across the region do not use available formal systems/structures for most of their transactions. This makes it difficult for regional trade policy initiatives such as under East African Community (EAC) and the Customs Protocol to have any significant impact on this informal trade by women. The women show little evidence of knowledge regarding the East African Community Customs Protocol and even less motivation to use it to facilitate trading activities. Women traders continue to trade, largely the same way they have done for many decades gone by as admitted by majority of respondents who have been in the trade for over ten years.

Preference for the old ways of conducting informal cross border trade was evident in the manner in which women traders operating through Kenya for a considerable period of time expressed their doubts or outright discomfort with the opening up of trade under the evolving customs protocol. Their reasons are simple enough—opening up trade will attract more traders eager to take advantage of attendant opportunities to the detriment of current traders. This is so despite a lot of misgivings that they have about current conditions of cross border trade—they still felt comfortable with the current status of traders because they know and are handling it. Traders on the Rwanda Burundi border were generally warm to the idea of regional integration but showed the least knowledge of the protocol and EAC partnership. When asked about specific implications such as common currency and elimination of discrepancies in exchange rates, most opposed the union because it would undermine the basis of the border trade that thrives on economic and currency imbalances between Rwanda and Burundi.

Women traders gave several reasons for not being confident that the East African Protocol will assist them. Top among reasons given is fear of taxation with the common argument that formal taxes will eat into their profits and that traders are unlikely to afford taxes. There is a common belief that the new tax regime like the old one favors big traders and it may have been introduced to seal loopholes through which the small traders conduct their largely illegal trade and in this way it may be punitive. Knowing the behavior of customs officials towards them, women traders expressed strong doubts that the stated official rate of taxation will be the one applicable in real terms. They said they know from experience that customs and security agents will still find reason to get them to pay more money to them in their individual capacities. It was their view that any system that appears to make it difficult for customs, immigration and security officials to receive bribes from women traders is bound to fail because the officials will not allow it to operate smoothly since that is where they “eat”. Stories were told of mysterious “state officials” officials who were not known by the women to belong to customs/security or immigration harassing traders in the presence of the latter. Such officials were said to be common on the Ugandan side of the border. Women traders said the mysterious officials did not usually identify themselves or produce any form of identity on approaching traders or even...
when the traders asked to see some identity.

Traders on the Rwanda Burundi border saw strict tax enforcement such as (in their view) practiced by Rwanda Revenue Authority as detrimental to their survival. Some said openly that the perceived less stringent tax collection on the Burundi side of the border that is aided by a less enthusiastic official government administration mechanism on the ground favors traders and promotes trade. If the customs protocol helps Burundi organize better to collect taxes, then some had doubts about their trade remaining profitable.

0.2 Perceived Benefits of the EAC and Customs Protocol

Top on the list of advantages thought to accrue from EAC is the idea of free movement without harassment across the borders. Women traders in their majority felt that the current ambiguity about whether to use national identity cards or to allow free movement of people from the EAC countries is costing them a lot since they have to bribe security officials to stay and buy or sell in countries other than theirs. Kenya and Nairobi in particular was cited as having very harsh and uncooperative security officials who were also “most corrupt”. They (Kenyan security officials) charge exorbitant bribes when one is arrested and mistreat you in remand according to women traders. Traders along Rwanda Burundi border said they did not experience a lot of problems because they pass their goods mainly through unofficial border routes, besides the people from the two countries being inseparable by appearance and language. Kenyan traders complained that Tanzania security officials were not very welcoming of Kenyans since they “fear them”. However they acknowledged that their experiences were nothing compared to what their sisters from other countries may go through while trading in Kenya. They said they had assisted a lot of traders from the EAC gain freedom from Kenyan detention centers roughly much more than there “sisters” had done in turn because targeting of foreigners for arrest is more rampant in Kenya.

Free movement was seen by women traders as the most effective way to minimize or do away completely with trade related paperwork within the region. Traders were of the view that such paper work such as to do with immigration only led to expensive delays and expanded opportunities for corruption. Traders from countries other than Kenya and Tanzania strongly felt that they should be guaranteed safe passage to the ports because of their landlocked status- talk of free movement was therefore the most welcome news.

0.3 Reasons For Apparent Preference For Illegal Trade

From our analysis we came to the conclusion that there is not enough information disseminated by official sources or people who know it. We did not find evidence of official structures for disseminating such information to women and even male traders. The average male trader or transporter we interviewed demonstrated more knowledge of the protocol as well as confidence at dealing with customs/immigration using their acquired knowledge. Further, customs officials were of the view that male traders had proved more difficult to handle since the customs protocol because they had learned the changes but unfortunately tended to demand even what was not provided for in the protocol as their right. Women traders did not show similar knowledge and assertiveness which implied that customs officials were more likely to be more careful to do things right when handling male traders than female traders.

Closely related to the women’s “knowledge gap” is the age old rampant corruption that thrives on ignorance, fear and impunity of government officials at border posts. Corruption and impunity make it difficult for women traders to believe that they should expect professionalism and adherence to the law when going trading across borders. This is the main reason for their preference for aliases such as middlemen and brokers who appeared to smooth the way and shield women traders from what could be unpleasant confrontation with officialdom. It may appear that there is a possibility that officials at the border crossings are silently sabotaging the protocol for their selfish gain from corruption. The conspiracy may include security personnel, local council/government officials and administration personnel who stand to lose money and/or influence if the protocol is implemented in full.

We also established that conflicting local council/government laws on both sides of the Kenya and Uganda border have not been reviewed with the signing of the protocol. Local council officials present
at the borders were seen stopping people they suspected to be traders and even attempting to take away goods they were carrying across the border because they had allegedly not paid some local council tax. When we interviewed the officials they were reluctant to state what exact laws were broken but still they felt justified in accosting traders because they know that goods crossing the border must be taxed at a higher rate than locally available goods. The potency of such threats to arrest traders or take away their goods as a consequence of non compliance appears to be under threat by the EAC protocol – so it is in the interest of the officers to prove or at least demonstrate that “the more things change the more they remain the same”.

0.4 Recommendations

0.4.1 All efforts should be made to enable women built trust in formal cross border trading structures rather than continue with the old practice of conducting what may be regarded as costly illegal trade. Apart from the trade costing them in unpredictable ways that makes planning difficult it prevents them from getting recognition in formal government structures as the important traders they are which leaves their contribution unrecorded and therefore not officially recognized or documented. The first step is the EAC to communicate better about the protocol and other agreements on immigration and movement of people between the states, by coming out with clear simplified documents in national languages targeting women traders of member states. Such a document should be able to explain the protocol and show how small traders can enhance their participation in trade through it. It may also be necessary to make known official focal points at border crossings and elsewhere, where such information may be accessed. It was better if this function of dissemination was done by and through the initiative of the EAC secretariat rather than leave it to member state structures.

0.4.2 EAC should put in place a practical research based monitoring mechanism for the implementation of the customs protocol in all member states that should capture the performance and ongoing experiences of small scale women cross border traders. Official border crossing points should be the main monitoring locus but reports of goods passing through un-official border points should also be captured even if it is just in narrative of experiences.

0.4.3 Enforcement of local council/government laws as understood by implementing officers came out as a major problem to small traders and one whose scope is difficult to determine because of the indeterminacy of specific laws being enforced. EAC should enable member states to review Acts/laws of local councils/government on border towns to be in tandem with the customs protocol and the spirit and letter of other agreements in the EAC. A beginning point would be to train such local authorities on the customs protocol and its implications and set in place a mechanism of internal monitoring of implementation as well as supervisory oversight by respective state sector ministries/departments. The training should also set to clearly define the role of local authorities in cross border trade since they appear to be working at cross purposes with mainstream government agencies. Local authority/government organs should be directed to include women representation from their trade related organizations that should assist in reporting on violations and putting in place measures to deal with errant officers.

0.4.4 EAC should facilitate a mechanism across the region by which member states may address rampant corruption, theft, intimidation, harassment and general disruption of trade by women traders by illegal means- but using state power (even though without authority). There should be put in place a uniform mechanism of posting and identifying state agents, and traders empowered to ask for identification documents from government officials to take away their anonymity. States should investigate allegations of shadowy figures that appear to act with the full force of the state even allegedly in the presence of uniformed state security and other agents but whose identity and purpose remains unclear to traders. The best strategy is to combine awareness/education and training with enforceable punitive measures for officers not behaving.

0.4.4.1 Insensitivity of Immigration officers to (promoting of) trade was cited as a big problem to women traders whose contribution is not appreciated- instead they are treated as
illegal immigrants. There is need to re-train immigration officers on doing their work within the context of current policy and legal environment that seeks to promote trade between member states of the EAC.

0.4.5 The apparent weak organizational base for most of the women organizations particularly with regard to trade facilitation will continue impacting negatively on their performance in trade unless state organs and trade/development agencies put serious effort including funding in trade focused institutional capacity development. A number of problems faced by women such as harassment from local council officials can easily be dealt with at respective local levels if women are well organized to confront/lobby municipal authorities. EAC should implement a pilot capacity and institutional building of trade related women’s organizations in selected countries and monitor its progress for scaling up in all countries. Training should aim to moving such organizations from a welfare orientation to embrace and enable serious trade facilitation.

0.4.6 More research should be conducted to document experiences of women traders at all border points and within their business premises in respective countries. While it will be important to find ways of quantifying their participation, it will be more strategic to use qualitative methods to assess the experiences and learn from them what the possible implications of opening up regional trade reform regime are there to women traders in order to forestall possible negative impacts they already fear.

0.4.7 EAC should lead a process through which local CSOs, should join hands with government agencies to outreach to women traders with the major aim of informing them about the protocol and changing their largely negative perceptions and historical mindset about formal legal traders and the role of EAC. The best strategy would be to plan and put in place practical cost effective and easy to demonstrate steps and procedures that will challenge deeply held beliefs.

0.4.8 EAC should formally seek to learn from good experiences in West and Southern Africa regional trade blocks measures at mainstreaming gender in cross border trade- some of which have been acclaimed as having succeeded in improving women’s trading conditions. Such measures include selected and targeted affirmative action particularly relating to small scale trade in food items. A specific women’s trade desk as well as targeted field collection of data/visits may be a good beginning point.

0.4.9 The UNECA and the Trade Centre in particular should continue supporting the EAC gender department to set up capacity to influence policies on mainstreaming gender in trade internally but also externally in state organs of member states.
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