

Implications of Affirmative Action Policies on Women Legislators' Performance between 2017-2022 in Wajir County, Kenya

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Abstract

Affirmative action is an approach aimed at increasing representation of a historically marginalized group such as women and has been used in Kenya to increase their bargaining power on issues close to them and eventually empower them to air their voices. This study sought to assess the implications of affirmative action policies on women legislators' performance in the legislature in Wajir County, Kenya. This study was guided by Liberal Feminist theory. The study utilized a mixed-method approach where quantitative and qualitative methods were used to collect data with a sample size of 49 MCAs, 11 FGDs, and 15 KIIs targeting County assembly staff, community members, civil society organizations, as well as gender policy experts respectively. The study found that most respondents believe that the legislative priorities of women differ significantly from those of men as women MCAs are always on the frontline in championing policies and legislation targeting women and children. These differences in the priorities of women and men have an impact on their performance in the legislature. In addition, women MCAs have influenced debates in the County assembly formulating and championing policies targeting safeguarding the interests of children and vulnerable members of the community. Women legislators' participation in the County assembly influenced reports of county assembly committees despite the stigma and barriers they faced in performing their duties. Similarly, most men MCAs believe that the increase in the number of women MCAs in the county assembly as a result of affirmative policies has influenced legislation in the County Assembly. It recommends that there is a need to systematically and consistently consider women for House leadership and Committee leadership positions instead of being relegated to serve as deputies. The study also recommended more capacity building for women legislators on leadership skills, parliamentary procedures, and legislative matters to enhance their performance in the House.

Keywords: *Affirmative Action Policies, Implications, Women Legislators' Performance*

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1. Introduction

Affirmative action is an approach aimed at increasing the representation of a historically marginalized group such as women (Ellerby, 2011). Weiss (1997) observes that the objective of affirmative action is to increase diversity and poverty reduction. Barnes & Burchard (2013) observe that affirmative action is a gradual, organized, proactive, and subtle system of liberation and getting equity without using force. However, it is established on constructive government policies to pay off for the past discrimination. Ellerby (2011) argues that affirmative action is a mechanism that effectively increases the representation of women in the House of Representatives and provides a level ground between men and women in the political realm. Affirmative action is centered on the idea of distributing the gains of development and a response to feminists' demand to deal with historical inequalities.

Women's agenda has gained prominence in the last few decades at a global, regional, and local level. The public is continuously becoming aware of the unequal and disadvantaged position that women have. Even though there has been an improvement in economic and socio-political positions for women in many societies because of education and higher literacy levels of women, they still lag when it comes to decision-making in most established democracies for several reasons (United Nations Women, 2000; Dahlerup, 2013). Underrepresentation in decision-making and leadership positions is accounted for by discrimination against women, largely. This aspect of underrepresentation can be traced back to the lack of sufficient legislation and the existence of laws that do not sufficiently address women's welfare.

Around the world, affirmative action policies have been used to varied degrees to promote diversity and address historical inequalities. In the United States of America, affirmative action has been used to promote gender and racial diversity in employment and education. For instance, the *Brown v. Board of Education* case and the Civil Rights Act of 1964 were used to promote these inclusivity efforts. However, there are debates over the effective implementation of these inclusivity policies and fairness (Katznelson, 2005).

In Africa, trends in the numerical and descriptive representation of women differ across countries in the continent because of different perceptions of countries and nations on integrating affirmative action as far as political discourse is concerned. According to Okedele (2021), the adoption of policies based on affirmative action in Africa has led to increased representation of women in the political arena. Women's representation in Africa's political arena has risen by almost 30%, especially in Sub-Saharan Africa. There are countries in Africa whose parliaments boast of highest female members in 2023 such as Uganda (34.0%), South Africa (46.0%), Senegal (46.6%), Tanzania (37.4%), Rwanda (62.25%), and Kenya (23.28%), among others, after adopting affirmative action policies (Niyonzima & Bayu, 2023; Thwala, 2023).

In the Kenyan context, SDGs provided a basis for equitable development on which many governments, including Kenya, have signed, especially SDG Goal 5 which seeks to decrease gender inequality, empower the demands of women, and increase their representation in the legislature. Affirmative action is used to increase the power of women in bargaining for issues close to them and eventually empower them to air their voices. In education, affirmative action has been implemented by the Kenyan government to make sure that disadvantaged and marginalized populations access educational opportunities. The Constituency Development Fund (CDF) has been used to provide scholarships and build schools in underprivileged

communities (Gichira, 2022). Further, university admission policies have adjusted entry requirements to enhance gender equality in university enrolment (Odhiambo, 2016).

In Kenya, the 2010 Constitution introduced a concept of affirmative action in governance and decision-making at various levels at the national and county governments. Article 81 (b) prescribes a threshold of not more than two-thirds of elective or appointive positions. The number of women in parliament significantly increased from 6% in 1963 to 9.8% in the 2008 general elections. The proportion grew in 2013 to 19% and subsequently to 21% in the 2017 general elections. However, legislation and policies in line with affirmative action have not been effective in bringing about important change by female leaders in policy making (Kaimenyi, Kinya & Chege, 2013). Nonetheless, it was an important move to address the gender gap, increase female leaders in positions of influence and their visibility in governance, and challenge gender stereotypes. Consequently, it is not enough for the Kenyan government and county governments to only adopt affirmative legislation and policies to increase women's representation in parliament and governance but also make sure that women are availed with opportunities to acquire leadership skills and sustain them (Bouka, Berry & Kamuru, 2019).

Women continue to experience challenges in seeking to enter the House of Representatives and appointive positions even after over a decade since the new constitution was promulgated in 2010. However, devolution has registered fundamental gains in other aspects. In the two chambers of parliament, there are only a few female politicians who show interest in contesting for elective seats (Kaburu, 2019). For instance, the national assembly has 349 seats but 197 women contested, and only 69 were elected to parliament in 2013. Further, the Senate chamber has 67 representatives but only 16 women were nominated to represent special interest groups and counties in 2013. It is also important to note that 623 women contested to be MCAs in 2013 but only 85 (13.6%) were elected as MCAs compared to 1,365 of their male counterparts who were elected out of 9,287 contestants (Kwon., & Otieno., 2022).

Wajir County is dominated by Somali-speaking people. The community is significantly patriarchal whereby women's leadership has not been fully embraced. However, as a result of affirmative action, women have joined decision-making platforms such as Wajir County Assembly. Women MCAs hold leadership positions in County Assembly committees such as disability, culture, gender, children, and community services as well as trade and cooperatives. Despite these gains, women still struggle to stamp their presence in the legislature. It is in the backdrop of this information that the current study sought to examine their influence and performance in the legislature.

1.1 Problem Statement

Since attaining her independence in 1963, Kenya's twelve general elections have been conducted with the latest being that of 2022 which was the second under the Constitution of Kenya 2010. The proportion of women elected as members of parliament has continued to increase since the promulgation of the 2010 constitution. This reality is replicated in all the county assemblies in Kenya as well even when parties are compelled to nominate women in the legislative bodies. The affirmative action legislations/policies through the Constitution of Kenya 2010 and the County Governments Act 2012 propelled women into legislative roles through election as women representatives and nominations as members representing special interest groups at the county assemblies. After the 2013 general elections, 15 (33%) women were nominated to the county assembly. In 2017, 17 (35%) women were nominated to the County Assembly of Wajir, while in 2022, women broke the glass ceiling when two (7%)

women were elected from the wards and 13 (29%) women were nominated to the County Assembly.

All MCAs elected or nominated have equal rights when it comes to House business such as tabling motions and bills, chairing committees, access to training, voting in legislative debates, and sitting in committees in line with the County Assemblies Powers and Privileges Act of 2017. However, the extent to which they perform their representation, legislation, and oversight roles is not clear. It is not known how they are overcoming deeply entrenched patriarchal structures and sociocultural resistance norms in a men-dominated County Assembly. They also need to win political goodwill to fully exercise their right to engage in representation, legislation, and oversight work, yet their performance is highly dependent on overcoming these social and cultural barriers. Therefore, it was necessary to determine whether women in Wajir County exercise these rights just like in other legislative bodies. Therefore, this study sought to examine the implication of affirmative action on women legislators' performance in the Wajir County legislature.

1.2 Research Objective

To examine the role of affirmative action policies on women legislators' performance in the Wajir County Assembly.

2. Literature Review

2.1 Theoretical Review

The study was guided by the Liberal Feminist theory. It emphasizes equal rights and equal opportunities for women and men. Among the original proponents of this theory were John Locke and Mary Wollstonecraft (Baehr, 2007). The two believed that men and women are equal. They further believed that the subordination of women is deep-rooted in legal and customary structures that hinder women's entrance into public life. The theory emphasizes that an individual has the power as a person to change or eliminate the discriminatory practices that women face (Scarince, 2015). This approach focuses on an individual, as a unit of analysis, to exercise his or her capabilities in the democratic process to support men as well as women to be equal not only at the place of work and society but also before the law.

The proponents of this theory use different tactics, measures, and resources to advocate for and promote change including raising awareness on issues; lobbying legislators; and organizing women into larger and effective groups to air grievances at higher levels (Scarince, 2015). According to Ford (2010), liberal feminism works within established structures and systems to eliminate any form of inequality based on gender. For instance, it targets discrimination in educational, political, and legal institutions and promotes policies and laws to address these inequalities (Worrel & Remer, 2003). Nthiiri (2014) observes that women as politicians and MPs must take part in democratic processes which include electoral politics, engaging in public political discourse arena, and shaping and influencing decision-making process not just in the country but also in the legislature to be gender-sensitive.

Strategies used by liberal feminists work well to gain and promote the legal and political rights of marginalized groups, especially women. This argument exists because women continue to be oppressed by a patriarchal society. This oppression extends to political arenas such as county assemblies. Hence, this approach seeks to increase women's participation in electoral politics and public life as well as house businesses in county assemblies, which are characteristically male-dominated. It is important to identify women as a minority to mobilize them effectively

as oppressed groups that should seek political equality in the county assemblies and deserving of equal opportunities as their male counterparts. According to McLaren (2002), the position of women can only be improved if they become self-reliant and exercise absolute control over their decisions.

Relevance of Liberal Feminist Theory to the Study

The liberal feminism approach can be traced back to liberal thought, enlightenment, and rationalism as well as rights philosophies. According to Worrel (2002), this approach celebrates the strength of women and not merely focusing on gender differences. Therefore, this theory applies to the current study since most Kenyan communities are patriarchal and resist any attempts for gender equality as most of them see it as a threat to male dominance (Kivoi, 2014).

Chambers and Pettit (2004) observe that a decision-making chamber (the county assembly for the case of this study) that accommodates both women and men but acts exclusively for the male gender cannot be considered representative. Therefore, this study adopts the argument by liberal feminists that where the nature of representation is an issue itself like in the Wajir County Assembly, equality of outcome and performance becomes an objective and not merely issue of examining the claims of equal opportunity. The theory has been used to examine differences in political party structures and systems and how they influence the prospects of women in establishing their presence and effective performance among nominated and elected representatives significantly.

This theory assumes that exploring the socialization of gender roles and their restrictive impacts tends to raise awareness among women regarding how issues such as low self-esteem, low confidence, fear of being successful, and anxiety may jeopardize their dreams and aspirations (Worrel, 2002). An individual can develop skills and become assertive once she is aware of her internalized restrictions. It will not be easy for women to take part in public spaces on equal ground as men as long as men are continuously favored by socialization in all political spaces including in the legislature (Kivoi, 2014). As members of the county assembly, women must individually strive to make sure that they adequately take part in legislative processes. For instance, they too, just like men, have the power to propose and enact legislation; contribute to debates, chair committees, oversight the executive, and represent the people.

2.2 Empirical Review

Proponents of Affirmative Action argue that it provides a basis for women to showcase their skills, talents, and leadership qualities and thus compensate for their historical discrimination (Vilakazi, 2008; Bagde, Eppe, & Taylor, 2016; McLaren, 2002). It also creates more opportunities for women who may act as role models for other women. Kaimenyi et al. (2013) add that affirmative action encourages public welfare and promotes diversity by increasing opportunities for women for the common good. This aspect reduces potential conflicts since men and women find themselves at the same social, political, and economic levels. Other scholars have found that affirmative action policies result in increased productivity, a more desirable and just society, and create organizational harmony as well as help in understanding the greater needs of minority groups (Dahlerup, 2013).

However, some scholars have argued against affirmative action policies claiming that it is a form of reward based on chromosomal formulae – being a woman (Kaimenyi et al., 2013). According to Weiss (1997), these interventions favor women and thus contravene the democratic tenet of equality of opportunity. They also argue that women should be accorded a level playing ground to compete with men equally. Further, critics argue that these policies

lower the self-worth and self-esteem of women since they may not know if they have succeeded based on merit or preferential treatment. In addition, Dessler (2005) observes that these policies lower the delivery and performance standards since less qualified individuals may be given contentious positions. Seeing affirmative action using these two competing lenses may help this study understand the research questions and offer practical recommendations.

The inclusion of women in the political arena is a political, economic, and social good in itself. It is a significant component not just for gender equality but for democracy as well. All citizens are required to participate in a democratic and governance process. A slight deviation to this aspect makes any attempt to promote democracy just another form of promoting social and political norms that create unequal and unfair gendered power sharing. Consequently, discriminating political processes and unequal social policies occur. The power structure and power relations that emasculate the consideration of the interests and needs of women on the policy-making table are challenged by women's political inclusion. According to Hassim (2006), women's political inclusion plays two fundamental roles; breaks the dominance of men in politics and it is a democratic good in itself as it promotes gender equality. Asiedu (2018) notes that increasing women's representation in parliament promotes vulnerable groups' representation, and involvement in public issues, improves policy outcomes, and curbs corruption. In the backdrop of this information, there is a need to examine the implications of affirmative action on women legislators' performance in the Wajir County Assembly- 2017-2020 Second Assembly.

The 30% women representation is the critical mass required to have an impact according to Dahlerup (2005) and Kanter (1977). The two authors argue that it is important for women to occupy at least 30% of decision-making space to apply their influence and advance policies that are consistent with women's needs and interests (Sarah & Mona, 2008). However, recent studies demonstrate that women can influence a lot of things even when they are few on one hand and the other hand diminish the likeliness of women parliamentarians to pass laws favoring women even when they have greater numbers (Celis, Childs, Kantola, & Krook, 2014).

Asiedu (2018) and Grey (2006) do not agree on the implications or significance of critical mass in legislative bodies even though international organizations and women's movements advocate for the critical mass as discussed in chapter one. Nonetheless, many scholars have argued that it is very important to have a critical mass for women in the political space but what matters is the "safe space" and "critical acts" (Dahlerup, 2013; Lovenduski, 2001; Grey, 2006; Childs & Krook, 2006). But, Grey (2006) adds that there is a need for different critical masses depending on the needed outcome. Without a doubt, Asiedu (2018) argues that women holding even 15% of political seats can influence the political agenda but passing friendly policies to women will require at least a proportion of 40% of seats. It is not only the number of women legislators that matters but also their ability and capacity to effectively participate in the representation, legislation, and oversight role in the assemblies.

Women legislators wield a lot of influence in looking for and asserting their space in committees as well as the roles they play in representation, legislation, and oversight. In parliament, the system of committees is characterized by in-depth deliberations on representation, legislation, oversight, and other aspects as may be introduced. Committee members are nominated and assigned by their political parties owing to their ability to articulate the issues, loyalty to the party, and capabilities (Mzalendo, 2016). Most women legislators chairing and sitting in committees have demonstrated leadership and steered different

deliberations with good results firmly and effectively. Most of them understand the proceedings of the committee and the implementation of its resolutions (Mzalendo, 2016). However, they face challenges due to their low numbers in the National Assembly.

According to Godia (2017), even with their low numbers in the legislature, women have performed exceedingly well and injected their understanding and perspectives on issues and Bills. Examination of 2013 to 2017 (the 11th Parliament) demonstrates that women used their cumulative and individual knowledge, capacities, and experiences to add value to the quality and success of Bills and Laws and their contribution was equally relevant as that of any other member. Nevertheless, their inputs are sometimes disregarded and may not form part of the final draft of the bill therefore follow-up of these inputs is important. For instance, women's input to the "Magistrates Court Act, 2016" was not reflected in the final Act (Mbugua, 2017).

3. Methodology

The study utilized a mixed-method approach where quantitative and qualitative methods were used to collect data with a sample size of 49 MCAs, 11 FGDs, and 15 KIIs targeting County assembly staff, community members, civil society organizations, as well as gender policy experts respectively. Questionnaires, FGDs, and interviews were used to collect data which was analyzed quantitatively using SPSS version 26 to develop percentages whilst qualitative data was analyzed using Weft-QDA software to analyze textual data. All ethical considerations were observed during data collection and analysis.

4. Results and Discussion

4.1 The Role of Affirmative Action Policies on The Performance of Women Legislators in The County Assembly

The objective of the study was to examine the role of affirmative action policies on the performance of women legislators in the County Assembly. This objective was measured by examining areas of representation by the legislators, leadership in the house and committees, legislative priorities of women, bills, and motions sponsored by women legislators in the County assembly.

4.1.1 Areas of Representation by the Respondents

The Constitution of Kenya mandates for not more than two-third gender rule in appointive or elective bodies. Article 177 outlines the composition of the County Assembly. There are members elected by registered voters in each of the electoral wards in a County. Seats are also dedicated to women and marginalized groups in the County Assembly. However, Aboagye, Kipgen, and Nwuche (2020) argue that even though the Constitution provides for a legal and constitutional framework to support the political participation of women, there is still more work to do to improve their performance. The study sought to establish the areas of representation by the 49 MCAs of the County Assembly in relation to the study objectives. This was important because although all members of the county assembly have equal rights and powers, nominated members of the county assembly, the majority of whom are women are less facilitated and looked down upon by their elected counterparts. The findings are presented in Table 1.

Table 1: Areas of Representation by the Respondents

Areas of Representation by the Respondents	Frequency				Total	
	Men		Women			
	N	%	N	%	N	%
Ward	30	93.8	-	-	30	62.5
Women	-	-	7	37.4	14	27.1
Youth	1	3.1	5	31.3	2	4.2
People with disability	1	3.1	5	31.3	3	6.3
Total	32	100.0	17	100.0	49	100.0

Wajir County has 30 wards (IEBC, 2022). Information contained in Table 4.5 demonstrates that all the elected MCAs were men representing voters from the 30 wards except 2 (6.2%) who were nominated to represent the youth 1 (3.1%) and people with disability 1 (3.1%). There was no female MCA elected by the people. All of them were nominated as representatives of either the youth 5 (31.3%), women 7 (37.4%) or people living with disability 5 (31.3%). Therefore, the majority of the MCAs 30 (62.5%) in the Wajir County Assembly were elected by the voters to represent their wards. Additionally, 14 (27%), 2 (4.2%), and 3 (6.3%) of the respondents indicated that they represent women and vulnerable groups such as youth, and people with disability respectively.

These findings align with the Constitution of Kenya 2010 Article 81(b) and (c) which provides a constitutional framework to support the increased participation of women. These findings are also in line with the proposition of the liberal feminist theory used in this study that an individual has power as a person to their entrance and success in public life. The study also revealed that seven women county Assembly legislators had previously unsuccessfully vied for the MCA position and were later nominated into the County Assembly.

4.1.2 Leadership in the House

The study sought to establish the gender composition of house leadership and committees. This was important because membership in the house leadership affects performance. House leadership influences bills and motions introduced in the County Assembly. The offices of the house leadership such as the Office of the Speaker, speakers' panel, leader of majority and the deputy, the leader of minority and the deputy, chief whip and deputy whip, committee chairpersons, and vice chairpersons are well facilitated by the County Assembly. Table 2 presents the number of respondents who have held leadership positions.

Table 2: Leadership Positions in the House

Leadership Positions	Frequency				Total	
	Men		Women			
	N	%	N	%	N	%
Yes	16	50.0	7	41.2	23	46.9
No	16	50.0	10	58.8	26	53.1
Total	32	100.0	17	100.0	49	100.0

Information contained in Table 2 indicates that 16 (50%) men and 7 (41.2%) women MCAs held leadership positions. However, 16 (50%) of men and 10 (58.8 %) of women MCAs held no leadership positions. The findings established that affirmative action has contributed to women holding leadership positions in the County Assembly. It was quite evident that women have been given a platform to be actively engaged in the decision-making levels in the County Assembly. However, the findings illustrated no woman held the position of Speaker, Deputy Speaker, Leader of Majority, Leader of Minority, and Whips.

Leadership of House Committees

The study sought to establish leadership in the House Committees. This was important because committees are one of the tools that assist the County Assembly in its functions, namely representation, legislation, and oversight, including reviewing county budgets and expenditures; gathering information relating to questions asked by legislators, conducting investigative inquiries, and carrying out vetting of nominees to county public service offices among others. Table 3 presents the findings.

Table 3: Wajir County Assembly House Committee Leadership 2017-2022

S/No	Committee Name	Membership	Gender of Chairperson	Gender of Vice Chairperson
1	Committee On Agriculture, Livestock and Fisheries	7	Man	Woman
2	Committee On Water, Energy, Environment and Natural Resources	11	Man	Man
3	Committee On Medical Services, Public Health and Sanitation	9	Man	Man
4	Committee On Early Childhood Education and Vocational Training	9	Man	Man
5	Committee On Children, Culture, and Community Services	7	Woman	Woman
6	Committee On Roads, Transport and Public Works	9	Man	Man
7	Committee On Lands, Physical Planning and Housing	7	Man	Woman
8	Committee On ICT and E-Governance	7	Woman	Woman
9	Committee On County Public Accounts and Investment	7	Man	Man
10	Committee on Disability	7	Woman	Man
11	Committee On Delegated County Legislation	5	Woman	Man
12	Committee On Justice and Legal Affairs	7	Man	Woman
13	Committee On Public Service, Labour, and Decentralized Units	7	Woman	Woman
14	Committee On Trade, Tourism, Cooperative Development and Wildlife	7	Woman	Man
15	Committee On Peace, Cohesion, and Integration	9	Man	Woman
16	Committee On Finance, Budget and Appropriations	11	Man	Man
17	Committee On Welfare and General Administration	7	Man	Woman
18	Committee of Powers and Privileges	7	Man	Man
19	Committee on Implementation	7	Man	Man

**Chairperson positions held by women- 6 (31.6%)*

** Vice chairperson positions held by women- 8 (42.1%)*

Information contained in Table 3 indicated that male legislators 13 (68.4%) dominate the leadership of the committees in the house. Further, out of the 19 committees, women legislators only chaired 6 (31.6%) committees. They chaired committees such as trade, tourism, and

cooperative development; public service, labour, and decentralized units; disability; delegated county legislation; children and culture. On the other hand, male legislators chaired committees such as implementation, powers and privileges, finance, security, agriculture, health, and public accounts among others. However, the study also found that women legislators held 8 (42.1%) vice chairperson positions out of 19 committees. These findings implied that the “most influential” committees in the Wajir County Assembly were chaired by male legislators and this has an implication on the performance of women legislators. The County Assembly business is often dominated by motions and bills emanating from committees dealing with county budgets and finances and such committees are chaired by men.

A woman MCA adds that;

We all have equal rights to join the committee of the house business, which is led by the chairperson. Anyone can be a member of this committee. Even though the chairperson is a male MCA at least the vice-chairperson is a woman (KII 14, 2022).

Liberal feminist theory argues that an individual has the power as a person to change or eliminate the discriminatory practices that women face (Scarince, 2015). This aspect demonstrates that despite their challenges women legislators held leadership positions in some committees and played similar roles as their male counterparts in the performance of their duties.

Committees that are a no-go zone for women legislators

Although all committees in the County Assembly have roles and responsibilities assigned to them by the Standing Orders, certain committees are seen to be more important than others. A good example of these committees includes the Budget and Finance Committee as well as the Public Investments and Account Committees. The study sought to establish whether there were committees perceived to be a no-go zone for leadership by women legislators. The findings are presented in Table 4.

Table 4: Committees in the house that are a no-go zone for women MCAs

Are there committees in the house that are no-go zones for women MCAs	Frequency				Total	
	Men		Women			
	N	%	N	%	N	%
Yes	2	6.2	10	58.8	12	24.5
No	30	93.8	7	41.2	37	75.5
Total	32	100.0	17	100.0	49	100.0

Findings contained in Table 4 demonstrate most male respondents 30 (93.8%) do not believe that there are committees in the house that are a no-go zone for women MCAs. However, the majority of women respondents 10 (58.8%) highlighted that there are committees in the house that they cannot be allowed to lead (these include security, infrastructure, and finance) and 7 (41.2%) did not think that is the case. These findings imply that men and women MCAs

perceive their access and involvement in house committees differently. Even though all MCAs have equal opportunity of being selected to be part of any committee of the house, ascending to leadership positions in different committees involves a lot of power dynamics.

4.1.3 Legislative Priorities of Women and Men Legislators.

The study sought to examine whether legislative priorities of women and men legislators differ as this would have an impact on their performance. Respondents were also asked whether they believe that the legislative priorities of women legislators differ from those of men legislators. The findings are presented in Table 5.

Table 5: Legislative Priorities of Women and Men Legislators

legislative Priorities of Women and men	Frequency				Total	
	Men		Women			
	N	%	N	%	N	%
Yes	23	71.9	10	58.8	33	67.3
No	9	28.1	7	41.2	16	32.7
Total	32	100.0	17	100.0	49	100.0

Information contained in 5 indicates that 23 (71.9%) of men respondents believe that the legislative priorities of women and men differ as compared to 10 (58.8%) of women respondents. However, the majority of women respondents 7 (41.2 %) believe that the legislative priorities of women and men do not differ against 9 (28.1%) of male respondents.

4.1.4 Motions and Bills Tabled by Women Legislators

A motion is a proposal by a Member or a Party that the Assembly do something, order something to be done, or express an opinion with regard to some matter. It may, however, also be a proposal that the Assembly discuss some matters of county importance. On the other hand, a bill is a legislative proposal or change to an existing legislation that is introduced for debate and consideration in the County Assembly. The study sought to establish the extent and types of motions that were tabled by women legislators in the County Assembly. The findings are presented in Table 6.

Table 6: A schedule of motions tabled in the County Assembly of Wajir between 2017 – 2022

S/NO	The subject of the Motion	Gender of the legislature/mover	Status
1	Approval of the County Assembly Business Committee Members	Man	Concluded
2	Approval of the Calendar of the House	Man	Concluded
3	Alteration of the Calendar	Man	Concluded
4	Adoption of the Report of the Select Committee on the Impeachment of County Executive	Man	Concluded
5	Payment of Housing Allowance to all MCAs	Man	Concluded
6	Effects of Khat (Miraa) on Youth in Wajir County	Man	Concluded
7	Adoption of the Report of the Select Committee on Finance, Budget and Appropriation	Man	Concluded
8	Extension Period for Adhoc Committee on Consideration of Pending Bills	Man	Concluded
9	Progress Report by Finance, Budget, and Appropriation Committee	Man	Concluded
10	Adjournment	Man	Concluded
11	Alteration of the County Assembly Calendar	Man	Concluded
12	Procedural Motion-Adjournment Motion	Man	Concluded
13	Adoption of the Report of Welfare and General Administration Committee	Woman	Concluded
14	Payment of all Genuine Pending Bills by the County Government of Wajir	Man	Concluded
15	Completion of the New County Assembly Building at Makaror	Man	Concluded
16	Adoption of the Report of the County Public Accounts and Investment Committee	Man	Concluded
17	Adoption of the Report of Justice and Legal Affairs Committee on the Punguza Mizigo	Woman	Concluded
18	Prostitution in Wajir Town	Man	Concluded
19	Procedural Motion to Reduce the Publication Period of Wajir County Maternal, Newborn	Man	Concluded
20	Adoption of the Report of Wajir County Assembly Service Board on the Recruitment	Man	Concluded
21	Adoption of the Report of the County Public Accounts and Investment Committee	Man	Concluded
22	Adjournment	Man	Concluded

**Motions moved by women- 2 (9.1%)*

** Motions moved by men- 20 (90.9%)*

Source: Wajir County Assembly Office of the Clerk.

Information contained in Table 6 indicates that the majority 20 (90.9%) of the motions were moved by male legislators while women legislators tabled only 2 (9.1%) motions; the adoption of a report from the Welfare and General Administration Committee and the motion report of Justice and Legal Affairs Committee on *punguza mizigo*. The study found that the performance of women legislators in tabling motions in the County Assembly was low compared to men legislators. It therefore means there is a relationship between representation in the house leadership and committees and tabling of motions.

According to an advocate of women's rights, women MCAs are always on the frontline in championing policies and legislation targeting women and children. She pointed out the following;

Women MCAs in the county assembly are spearheading laws and policies that seek to empower the minority and marginalized members of society. They are passionate about children's rights, education, and support as well as health. They also push for laws that seek to empower women, support families, and social welfare. Nevertheless, men are more concerned with the security of the community, infrastructure, and the economy of the county. However, this does not mean that the two genders do not support each other in the areas of passion only that they are more likely to present that in the house and during community meetings (KII 3, 2022).

Further, the Hansard reports of 2017, 2018, 2019, 2020, 2021, and 2022 supported these sentiments by revealing that women MCAs were effective in introducing, executing, and propagating issues affecting women, children, education, and the welfare of the community than their male counterparts (The County Assembly of Wajir Hansard, 2017; 2018; 2019; 2020; 2021; 2022). These findings are also in line with Kieborz (2014) which established that women MPs in Jordan were active and effective in addressing issues affecting women.

Frequency of tabling motions by women legislators in the county assembly

The study sought to establish the frequency of tabling motions by women legislators. The findings are presented in Table 7.

Table 7: Frequency of tabling motions by Women MCAs in the county assembly

How often do women MCAs table motions in the house	Frequency				Total	
	Men		Women			
	N	%	N	%	N	%
Most frequently	2	6.3	7	41.2	9	16.7
Rarely	27	87.4	9	52.9	36	75.0
Not at all	3	9.3	1	5.9	4	8.3
Total	32	100.0	17	100.0	49	100.0

Information contained in Table 7 reveals that 7 (41.2%) of the women respondents indicated that they frequently tabled motions in the county assembly. However, 9 (52.9%) indicate that women legislators rarely table motions in the county assembly. On the other hand, only 2

(6.3%) of men MCAs observed that women MCAs frequently table motions in the county assembly. The majority of the male respondents 27 (87.4%) indicated that women MCAs rarely table motions in the county assembly. Generally, only 9 (16.7%) indicated that women MCAs frequently table bills and motions in the county assembly.

The study also sought to establish the extent to which women legislators sponsored bills before the County Assembly of Wajir. The findings are presented in Table 8.

Table 8: Bills sponsored based on gender

Bill Number	Bill Name	Gender of Sponsor	Status
1	Wajir County Revolving Fund Bill, 2014	Man	Passed
2	Wajir County Bursary Fund Bill, 2014	Man	Passed
3	Wajir County Disaster Management Bill, 2014	Man	Passed
4	Wajir County Flag, Emblems and Names Protection Bill, 2014	Man	Passed
5	Wajir County Wards Development Fund Bill, 2015	Woman	Passed
6	Wajir Water Services Bill, 2015	Man	Pending
7	Wajir County Control of Polythene Materials Bill, 2015	Man	Pending
8	Wajir County Climate Change Fund Bill, 2015	Man	Passed
9	Wajir County Control of Video Show, Pornography and Posters Bill, 2015	Man	Passed
10	Wajir County Bursary Fund Bill, 2019	Man	Passed
11	Wajir County Sexual and Gender Violence Bill, 2019	Woman	Passed
12	Wajir County Disaster Management (Amendment) Bill, 2019	Woman	Passed
13	Wajir County Bursary Fund Bill, 2019	Man	Passed
14	Wajir County Maternal, Newborn and Child Health Bill, 2019	Man	Pending
15	Wajir County Disaster Management (Amendment) Bill, 2019	Woman	Passed
16	Wajir County Water Management Bill, 2019	Man	Pending
17	Wajir County Persons with Disabilities Bill, 2021	Woman	Passed

***Bills sponsored by women- 5 (29.4%)**

***Bills sponsored by men- 12 (70.6%)**

Source: Wajir County Assembly Office of the Clerk

Information contained in Table 8 revealed that the majority of the bills 12 (70.6%) were sponsored by male legislators while women legislators sponsored 5(29.4%) bills. The study also found that men legislators predominantly sponsored bills relating to issues such as environmental protection, disaster management, and financial management while women legislators sponsored bills relating to social welfare such as the Wajir County Sexual and Gender Violence Bill and the Wajir County Wards Development Fund Bill which were passed. Further findings indicated that there was a relationship between the sponsor of the bill in terms of gender and its thematic area.

A member of the community adds;

I think women MCAs have influenced the type of debates in the county assembly. Women focus on issues that affect the community directly because of their experiences such as women empowerment, children's needs, support and protection of the needy, and people living with disability. Pushing of these topics by women forces men to follow along and prioritize them as well (FGD 4, 2022)

5. Conclusion

This study on the implications of affirmative action policies on women legislators' performance between 2017-2022 in Wajir County concluded that affirmative action has made it easy for women to be in the County Assembly and pass legislations that are not just close to their hearts but also affect the majority of the members of the community. Similarly, the leadership of women in public spaces is still a privilege that must be guarded and fought for daily. In addition, citizens have very high expectations of women but they have less access to political positions and are still seen as primary caregivers for children, and homemakers, and attend to domestic chores. However, the tide is changing and women are significantly seen as equal partners with their male counterparts in decision-making processes. Their views and opinions are respected and they have equal access to training opportunities in the county assembly

6. Recommendations

The county assembly to build the capacity of women MCA on legislative processes in terms of communication and debating skills, leadership skills, parliamentary procedures, and legislation matters to enhance their effectiveness in the house.

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