



Netherlands Institute for
Multiparty Democracy

Political party financing and equal participation of women in Kenyan electoral politics: A situation overview

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INTRODUCTION

Despite laudable efforts at international and national levels especially in the past 20 years, achieving equal political participation of women and men remains a challenge globally. A multitude of complex factors impede women's participation and leadership on an equal basis with their male counterparts. One such factor is access to the financial resources needed to effectively participate in electoral processes as candidates. Against this background, the Netherlands Institute for Multiparty Democracy (NIMD) and its implementing partners the International Institute for Democracy and Electoral Assistance (International IDEA), the Centre for Multiparty Democracy-Kenya, and the United Nations Development Programme (UNDP) Colombia, developed the Respect for Women's Political Rights Programme (WPR Programme). This four-year programme (2014-2017) is aimed at strengthening the political leadership of women in three countries—Colombia, Kenya and Tunisia—by improving the political environment for equal participation and leadership of women and men in political parties.

The WPR Programme works directly with political parties to:

- assess, reform and transform both formal and informal barriers that impede and discourage progress on gender equality and women's political rights;
- enhance the capacity of women candidates, as well as men and women politicians to be more effective fundraisers, campaigners and leaders; and
- build political parties' institutional capacities on gender-sensitive policymaking and legislation.

This report presents findings from a study on political party financing and equal participation of women in Kenyan electoral politics, which was conducted as part of the WPR Programme's objectives to assess the formal and informal barriers that women face in relation to exercising their political rights. The study specifically looks into the role and extent to which access to financial resources determines the success of women running for elective positions in Kenya. It discusses the main findings on financial barriers for women politicians in Kenya, and makes recommendations for political parties, (women) politicians and potential candidates, Kenya's electoral management body and other oversight bodies, as well as for democracy assistance providers, to facilitate reforms in this area.

This analytical report is part of a broader series from all three countries that, together, is aimed at contributing to the development of an access-participation-transformation-tool that will guide political actors in Kenya, Tunisia and Colombia, but that could also inspire political parties and politicians in other countries to address the identified challenges for women and men's equal political participation.

The WPR Programme is supported by the Human Rights Fund of the Government of the Netherlands.

THE KENYAN POLITICAL AND GENDER CONTEXT

Kenya gained independence from the United Kingdom in 1963 and returned to multiparty politics in 1992. Since then, five parliamentary elections have been held, and the 2002 election marked the first major change in recent Kenyan politics (the then-sitting president, Moi, was not eligible to run, and his party lost almost half its seats in parliament). However, the National Rainbow Coalition (NARC), which won the election, later collapsed, and the 2007 elections saw widespread violence in parts of the country. The political situation stabilized after the 2013 elections, although its sustainability is uncertain in light of current security challenges facing Kenya.

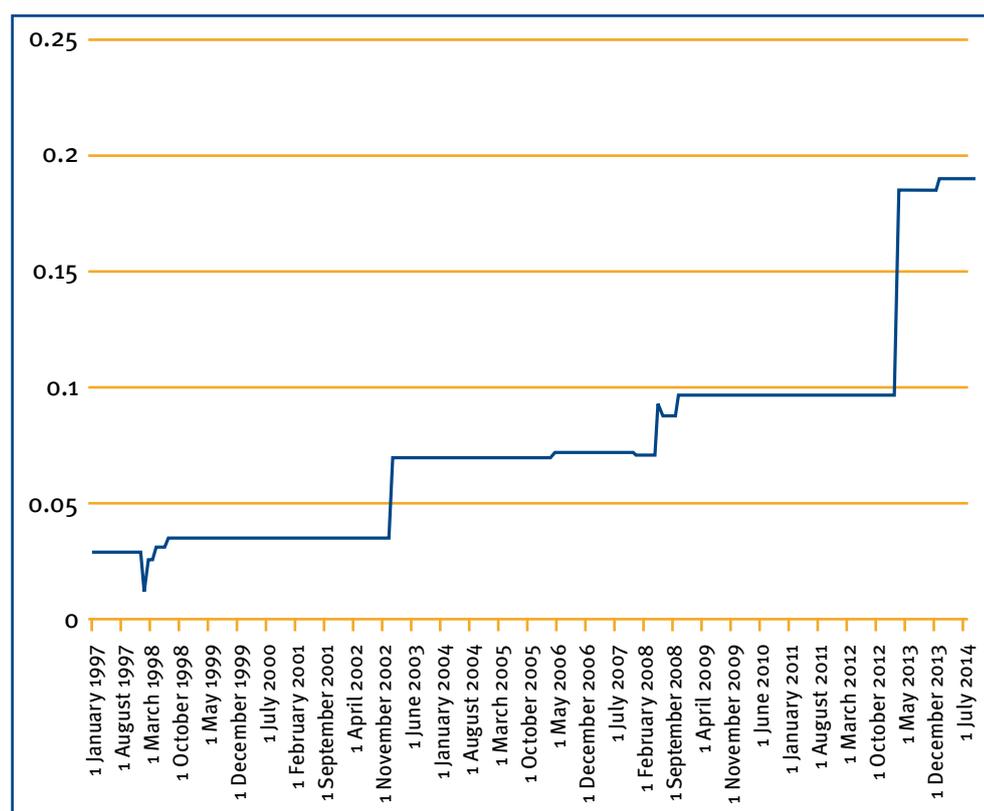
Table 1.1 shows the National Assembly seats held by different political parties after each of multiparty election in Kenya. Many of the parties that won seats in the earlier elections have since merged with other parties or alliances. The seats include the women county representative (WCR) seats, a 2013 reform that is discussed further below.

Table 1.1. National Assembly seats by political party

Party/seats	1992	1997	2002	2007	2013
Kanu	100	111	68	14	6
FORD-Asili	31	1	2	1	
FORD-P		3	15	3	4
FORD-K	31	18		1	10
DP	23	41			
NDP		21			
SDP		16			
NARC			132	3	3
ODM				99	96
PNU				43	
ODM-K				16	
TNA					89
URP					75
WDM-K (Wiper)					26
UDF					12
Others	3	11	5	27	28
Total	188	222	222	207	349

Fewer women have served as members of parliament in Kenya than elsewhere in the region. While the average share of women in sub-Saharan parliaments (lower house if applicable) increased from 10 per cent in 1997 to 13 per cent in 2002, 17 per cent in 2008 and 23 per cent in early 2014, the share of women in the Kenyan Parliament has always been significantly below this level, as illustrated in Figure 1.1. Currently, the percentage of women in the Kenyan Parliament is even much lower than the East African sub-regional average which is 36 per cent. The percentages in the other four East African Member States range from 31 per cent (Burundi) to 64 per cent (Rwanda).

Figure 1.1. Share of women in the Kenyan Parliament



The situation for women in Kenya is problematic in many areas. According to one report, ‘Throughout Kenya’s history, women have been subjugated to consistent rights abuses while shouldering an overwhelming amount of responsibilities’ (Foundation for Sustainable Development ND). Change in this area has been coming very slowly, even though most Kenyan parties claim to favour increased gender equality (International IDEA 2013: 41–3).

While the 2007 elections increased the share of women members of parliament (MPs), the EU Election Observation Mission noted that ‘The combined factors of an absence of adequate measures to ensure female representation in parliament, the lack of satisfactory internal political party initiatives to encourage female candidates and the poor social and economic conditions of women meant that there are no notable changes to the ratios of female representation in the new parliament’ (EU EOM 2008: 29).

A reform in the 2013 elections was the introduction of WCR seats. They are to be contested only by women candidates nominated by political parties and presented for election in each of Kenya's 47 counties. This system does not exclude women from contesting for regular constituency seats, but rather to complement it and increase women's representation. This reform led to a significant increase in the share of women MPs, as seen in Figure 1.1. Taking both the National Assembly and the Senate together, after the 2013 elections there was a total of 86 women among the 416 MPs (21 per cent).

The share of women holding National Assembly *constituency* seats, however, decreased in the 2013 elections. The total number of women elected or appointed by the major parties (those that gained at least 10 seats in the National Assembly) is shown in Table 1.2. The figures do not include county assembly members.

Table 1.2. shows the number of women who had been elected to the National Assembly, Senate and Governorships in Kenya in 2013, and also the number of women who were appointed to the National Assembly and Senate to represent women.

Table 1.2. Number of women elected or appointed by major parties, 2013

Party	NA constituency seat	NA WCR	NA nominated	Senate nominated ¹	Deputy County governor ²	Total
TNA	8	14	2	4	1	29
URP	3	10	2	3	2	20
ODM	1	15	0	5 ³	3	24
WDM-K	2	6	0	1	1	10
FORD-K	0	0	0	1	?	?
UDF	0	0	0	1	?	?

NA = National Assembly; WCR = women county representative

There have been few restrictions on how Kenyan political parties can raise and spend money, and election observation statements have been full of reports on vote buying and abuse of state resources. Kenya was in this sense behind the regulatory situation in most sub-Saharan countries until 2013.⁴ According to one of the politicians interviewed for this study, the culture of vote buying has negative implications beyond the electoral process itself, because it is one of the major triggers of corruption by politicians after they get into power, because they want 'to get return on money invested during election campaigns'. A draft bill containing significant changes, including donation and spending limits and increased reporting requirements, was introduced in parliament in 2011. This bill was a logical follow-up to the new political party and electoral acts,

¹ No women were elected as senators.

² No women were elected as governors.

³ Includes one woman nominated to a seat designated for youth.

⁴ For details about the political finance regulations in African countries, see the International IDEA Political Finance Database, available at <<http://www.idea.int/political-finance>>.

which in turn resulted from the significant problems encountered in relation to the 2007 elections. However, the draft bill became stuck in parliament, and was not passed until after the 2013 general elections. The provisions in the 2013 Election Campaign Financing Act therefore remain untested in a general election. The various regulations included therein, and the connection to gender equality in electoral contests, are discussed below.

Elections in Kenya are highly competitive, in part because Kenyan MPs are the highest paid in the world relative to per capita GDP (Afritorial 2012). This salary combined with access to other resources (including in some cases government contracts) means that winning election to parliament can be very profitable (even after MPs agreed to a significant pay cut after the last elections) (BBC 2013). This increases the importance of winning elections for ambitious politicians. Those with access to resources may often be willing to use large amounts of money in order to access even larger sums further on. This increases the role of money in elections, and decreases the chances of those with less access to money, including women.

This report highlights the importance of addressing political finance in order to improve political gender equality in Kenya. Naturally, gender inequality is a complex issue, and it is not argued that addressing access to resources will in itself solve the existing problems, or remove the challenges that women wishing to run for office face. Other challenges include gender-related values among political party officials and voters, violence and the threat of violence, and general discrimination against girls and women, including the fact that girls have lower chances of pursuing higher levels of education than boys; coupled with perceived roles and identities.

OBJECTIVES OF THE ANALYSIS

The specific objectives are:

- to identify how access to financial resources is connected to the ability to effectively contest elections and to participate in political processes at the internal political party and national levels;
- to describe the experiences of men and women politicians in relation to accessing political/electoral financing within their respective political parties and beyond, and to highlight any gender dimensions identified;
- to propose measures for political parties, women politicians (or potential candidates), national policymakers and democracy assistance providers to address the identified constraints; and
- to help guide the approach in the other two countries in this project, Colombia and Tunisia. This is important since few studies have combined political finance and gender equality issues.

METHODOLOGY

The starting point for the initiative are recent publications on political finance and gender equality on a global scale. As part of developing this report, a review was carried out of written sources focusing on the challenges faced by women and men in

successfully running for the Kenyan Parliament. Kenyan legislation was reviewed as part of an analysis of how existing political party and campaign finance regulations affect the chances of women and men running for office.

Given the relative scarcity of specific attention to the link between political finance and equitable gender participation and representation (in Kenya as well as elsewhere), the main input to this analysis came from interviews with a small sample of women and men involved in electoral politics in Kenya. A total of 15 individuals (referred to as 'respondents' in this report) were interviewed in October and November 2014; a list of respondents is provided in the reference section at the end of the report. The respondents included women who had successfully or unsuccessfully participated in various aspects of electoral politics as well as male politicians and others with an insight into the dynamics involved. The interviews were all conducted anonymously, though unattributed quotes have been included to illustrate their responses. Though 15 respondents does not constitute a sufficiently representative sample given for instance that there were 12,400 candidates for all elective positions during 2013 elections alone, the testimonies of the respondents provide good insight into the gender-related constraints to accessing financial resources and the related implications for candidates' potential success.

ISSUES REGARDING POLITICAL FINANCE AND GENDER EQUALITY

PREVIOUS RESEARCH

While both political finance and gender equality have been a subject of discussion for a long time, they have seldom been considered in the same context. The impact of political finance on equitable gender participation and representation in politics has been discussed broadly as one of contributing factors to the unequal participation of men and women in electoral processes; but the issue of access to political finance has seldom been singled out for deep analysis. Julie Ballington's chapter in the 2003 International IDEA handbook *Funding of Political Parties and Election Campaigns* represented the major contribution to this field for many years (Ballington 2003). There have been some subsequent writings on the matter, such as the report by the Women's Environment and Development Organization on *Women Candidates and Campaign Finance* (WEDO 2011), a UNDP (2007) report on electoral financing and gender and Amber R. Maltbie's brief *Campaign Finance and Gender Disparity* (Maltbie 2011).

There has also been some interesting country-level research, for example on Brazil by Teresa Sachet and her colleagues. Their research showed that 'women in the parties are correct when they claim that their campaigns receive less financial support from the parties than the campaigns of their male counterparts' (Sachet 2011: 32).

The main global work in the field at the moment is the chapter on gender and political finance written by Julie Ballington and Muriel Kahane in the 2014 International IDEA publication *Funding of Political Parties and Election Campaigns*. This text analyses the interplay between *political finance and gender equality* from many different angles, a number of which will be discussed below in relation to the Kenyan situation.

In addition, the International Foundation for Electoral Systems (IFES) published a white paper written by Lolita Cigane and Magnus Ohman on political finance and gender equality in mid-2014. This document reviews international experiences in the field and draws on specific fieldwork conducted in Tunisia and Yemen, including interviews with women politicians and multi-stakeholder working groups that developed recommendations for reform.

THE CONNECTION BETWEEN POLITICAL FINANCE AND GENDER, BEYOND REGULATIONS

It is important to note that debate (both within parties as some respondents claimed, and in national media) on the role of political finance in achieving gender equality in Kenya is evolving from being conflated among many other issues on gender equality to being an issue of focus on its own.

While this report concerns the interplay between political finance and gender, it is not exclusively about formal regulations on fundraising and spending, or indeed about other regulations concerning the electoral process. It also touches on practices in relation to financing candidates that may not necessarily fall within the formal regulations.

Table 1.4, **Overview of the gender impact of political finance regulations** (below) provides a checklist of factors (regulations) that may facilitate women's political participation, each of which is discussed below. These regulations represent the current thinking about the impact of political finance regulations on the electoral chances of women and men, as expressed in Ballington and Kahane (2014), Cigane and Ohman (2014) and other sources.

However, while the presence of the above factors in a country may help women get elected to parliament, they are neither necessary nor sufficient. For example some of the factors listed in Table 1.4 are found in Sweden, perhaps most importantly an electoral process based on proportional representation. However, there are no quotas, and very few regulations on political finance. The comparatively high level of gender equality among elected officials in Sweden is more a result of general societal views of gender and work done within political parties than of formal regulations.

Many countries with political finance regulations also have low levels of female representation. For example, Papua New Guinea has donation limits for both candidates and parties, public funding that is partly related to gender equality, reporting requirements and an Alternative Vote electoral system. However, only 2.7 per cent of its MPs are women.

This disconnect between the existence of political finance regulations and the level of gender equality in politics is not surprising. Many such regulations are not implemented, and both money and gender in politics are highly complex matters. There are no individual criteria that are sufficient to create equal opportunities for women and men in politics, but a combination of factors can make equality more (or less) likely. There is ample evidence that money is one of the most influential factors determining whether women and men can successfully enter and remain in electoral politics (Ballington and Kahane 2014: 303f).

Therefore, the point of departure for this report can be found in the views on political finance expressed by women and men engaged in electoral politics in Kenya, regardless of the formal regulations. The recommendations provided at the end of the report include legal reforms that may help increase gender equality in access to funding as part of election campaigns. Most recommendations relate to the behaviour of Kenyan women and men, political parties, and the institutions mandated to enforce party finance and electoral laws and regulations.

FINDINGS FROM THE KENYAN ANALYSIS

RESOURCES ARE ESSENTIAL FOR ELECTORAL SUCCESS, WHICH DISADVANTAGES WOMEN

‘Leadership is not for the poor’ (says one respondent interviewed for this study)

A first issue to address is whether access to resources is important for winning elected seats. If other factors such as the policy agenda or grass-roots support (or ethnicity) are much more important, it may not be meaningful to discuss political finance in the context of increasing gender equality in elections.

None of the respondents argued that money was the only factor in Kenyan elections. If a candidate is not nominated by the strongest political party in the area, the chances of success are generally small even if he or she has a lot of money. Ethnicity, language and familiarity with the constituency are often equally crucial for any candidate. Respondents also noted that women face challenges that are not directly related to money, in particular parties’ unwillingness to nominate them and some voters’ reluctance to vote for them.

However, the respondents all agreed that money plays a crucial role in the electoral process in Kenya. They claimed that the amounts required are often large, and that the relatively lower levels of resources available to most women, in comparison with men, in Kenyan society in general therefore often pose a very significant challenge.

This view is echoed in other information about Kenyan politics. Getrude Mbeyu, who was elected WCR for Mombasa County, stated in a separate interview that ‘finances were a challenge since it is not child’s play when it comes to handling logistics of campaigns’ (NDI 2013). Rebecca Otachi, who ran unsuccessfully for the Kitutu Chache North constituency seat, stated that ‘financial constraints were a major challenge during the campaigns as she relied on family resources, support from well-wishers and personal savings to finance campaigns’ (*Kenyan Woman* 2013: 4).

The Federation of Women Lawyers in Kenya’s (FIDA) gender audit of the 2013 elections found that ‘all women reported financing as a major problem’ (FIDA 2013: 64).

It is also important to note that lack of access to financial resources may have a more far-reaching impact than what is immediately visible. For example, two Kenyan women leaders noted that a ‘majority of women were not willing to seek...leadership positions because of the huge financial requirement and gruelling nature of campaigns’ (*Kenyan Woman* 2013: 5). This denies Kenyan citizens an opportunity to be aware of, let alone elect such women with good leadership potential.

THE CANDIDATE-SELECTION PROCESS IS ESSENTIAL, EXPENSIVE AND A HINDRANCE FOR WOMEN

To win an elected seat, a Kenyan must in practice win both the nomination of a leading party and an election. While party affiliation is not legally required to run for office, only four out of 416 MPs (less than 1 per cent) in Kenya were elected as independents in the 2013 election.

The importance of the candidate-selection process for Kenyan women aspirants is beyond doubt. In 2002, the Carter Center (2002: 2) noted that ‘several respondents complained about the relative exclusion of women aspirants from the candidate-nomination process. Of a total of 1,035 candidates from 34 parties for the 210 seats in Parliament, only 44 were women’. The situation improved in 2007, but the EU EOM (2008: 28) noted that only ‘9.6 per cent of civic candidates, 10.2 per cent of parliamentary candidates and one of nine presidential candidates were women in the 2007 general elections. In 2013 general elections, out of 416 elected Members of Parliament (both houses) 86 are women (21 per cent). Though these figures indicate progressive increment of numbers of women in elected positions over the years...the numbers for Kenya remain low when compared to international standards for [women’s] representation.’ The FIDA gender audit also concluded that ‘During the 2013 elections, political party selection was assessed as one of the most pivotal factors in the success or failure of women aspirants and candidates’ (FIDA 2013: 58). International observers also noted ‘the low number of women nominated to run for seats in the 2013 elections’ (Carter Center 2013: 22).

The importance of the candidate-nomination process, and the role of money in that process, is often overlooked in discussions about political gender equality, including those about gender equality and political finance. While the OSCE’s *Handbook for Monitoring Women’s Participation in Elections* highlights how political parties often do not provide financial support to women candidates, it does not mention the candidate-selection process at all.⁵ However, this process is increasingly highlighted in discussions about political finance and gender equality because this phase can be ‘a major obstacle for women seeking elected office, in part due to the importance of early money in winning the party nomination’ (Ballington and Kahane 2014: 305).

In Kenya, aspirants often have to pay to even be considered in the candidate-nomination process. In some cases, parties seem to use the nomination process as a major source of income, including fees for participating in the candidate-selection process and for objecting to errors in the process. This is partly because very few parties (only three currently) receive public funding while the rest depend entirely on members’ or other private contributions. According to WCR candidate Moira Chepkok, ‘I had difficulties raising the 100,000 Kenyan shillings for party nomination and the 500,000 Kenyan shillings [to file a] petition after I was unfairly locked out of the race’ (IWPR 2013). Not all men candidates necessarily have the capacity to raise these fees either, but the claims of respondents that more women are affected means that a reduction of these fees would contribute to levelling the playing field for women and men.

⁵ OSCE (2004: 32). Admittedly, the recent OSCE *Handbook on Promoting Women’s Participation in Political Parties* does discuss the candidate-selection process from various angles, including that of finance (what it refers to as ‘resources-driven candidate-selection processes’) OSCE (2014: 64ff, 195).

The importance of the candidate-nomination process varies significantly depending on the relative voter support of particular parties in a specific area. Smaller parties (and larger parties in areas where they have little support) may struggle to find candidates. In areas that can be considered a stronghold of a particular political party (which respondents estimated comprised a majority of Kenyan constituencies), however, winning the nomination from the right party all but guarantees success in the election. Running as a candidate for any other party in such areas may provide experience in electoral campaigning, but effectively no chance of electoral success. There are indications that the creation of special parliamentary seats for WCRs created further challenges for women who wish to represent a party in an election for a regular constituency seat, requiring them to raise and spend even more money during the nomination phase because the regular seats are now perceived as ‘men’s seats’.

All the respondents who had participated in elections in party strongholds (and some who had participated in other areas) stated that they spent more money during the party primary campaign than in the general election campaign. This fact has very significant implications for the connection between political finance and gender equality in elections,⁶ not least because formal campaign finance rules almost always only apply to the official election campaign.⁷ Supporting the campaigns of women candidates who are running for a party with little chance of electoral success, or indeed where the popular support of the party that nominated them means that they are all but guaranteed victory, is likely to have a minimal impact on the outcome. It is only in constituencies where the election outcome is uncertain that financial support for a female candidate is likely to make a difference. In constituencies where one party dominates politically, increasing the chances of a woman being elected could be achieved at the candidate-nomination stage (within the party in question), but hardly thereafter.

In the latter case, the importance of fundraising and spending during the candidate-nomination process becomes crucial for both women and men who are interested in becoming involved in electoral politics.

CANDIDATES RECEIVE LITTLE OR NO SUPPORT FROM THEIR POLITICAL PARTIES

The support that political parties give women in the candidate-nomination process and during elections can be crucial. In the candidate-nomination process, the issue is mainly whether parties require aspirants to pay large amounts to participate, and the emphasis is on their access to resources. General election campaigns are often run mainly by the candidates themselves, and outside the party strongholds, significant resources are often required to have a chance of victory.

Kenyan political parties have sometimes claimed that they will devote resources specifically to women candidates. For example, the ‘Orange Democratic Movement (ODM) stated in September 2007 that it intended to support women parliamentary candidates by campaigning alongside them across Kenya’ (EU EOM 2007: 28). However, ‘Although the political parties made campaign promises to integrate and mainstream

⁶ Also see CGD (2005: 28).

⁷ While Kenya’s new campaign finance rules also formally apply to the candidate-selection process, the applicability of this is uncertain, as discussed further below.

women in politics in reaction to violence against female candidates, in reality very few of these pledges were given real substance' (EU EOM 2007: 28). According to the FIDA report, the challenges facing women who wish to enter politics in the country include a 'lack of political party support for female candidates, in particular in terms of the above-mentioned critical areas of financial resources and political networks' (FIDA 2013: 3).⁸

It seems that the situation was similar in the 2013 elections. Moira Chepkok, who ran in the WCR elections in the Uasin Gishu, stated that 'her party, the Orange Democratic Movement, gave her less funding for her campaign than it gave to her male counterparts running for other positions'. She also said: 'I received minimal financial support from my party, [which] discriminated [against] me' (IWPR 2013). In this context, it can be noted that the WCR seats cover an entire county (the same size as for Senate and governor candidates), which means that WCR candidates have to reach a significantly larger electorate than those for constituency seats. A USAID assessment of the elections also concluded that 'Parties did not come to the defense of women who were harassed or abused, and did not help them access financial support for their candidacies' (USAID 2014: 12).

The interviews conducted for the current analysis showed how several Kenyan political parties have sought to address this disadvantage by reducing or sometimes waiving the registration fee for women candidates. (This approach is also discussed in Ballington and Kahane 2014: 324.) This is a gesture that shows support among the leaders of political parties to increase the participation of women. Similar approaches have been used by political parties in Ghana and Nigeria (Ballington and Kahane 2014: 328).

Yet measures such as waiving nomination fees are primarily symbolic, since aspirants would have to spend much more to become candidates representing the larger political parties, and the electoral prospects of those representing smaller political parties are often negligible. Focusing on increased financial support from Kenyan political parties for women candidates (and aspirants) is unlikely to change the current situation significantly, and respondents generally did not suggest this approach because the parties generally depend on their elected officials and candidates for income.

Simply calling on political parties to provide financial support for their women candidates is therefore not helpful, and most women respondents acknowledged that their political party had limited resources. They stated that in some cases candidates fund the party and in others the party funds the candidate or that both happen, with the net direction not always being easy to ascertain. This fluid situation makes it difficult to categorically consider Kenyan political parties as institutions that should provide funding to the candidates they nominate as opposed to the parties receiving financial support from their candidates instead. It is a case-by-case scenario depending on the financial capacities/funding arrangements for each individual party.

However, parties could be more proactive in their support for women aspirants. Meaningful party engagement to support more women running for Kenyan elected office could consist of identifying and mentoring talented women who may not yet be engaged in politics or younger women with potential in parties' youth wings, and

⁸ Female candidates did mention receiving some support from their parties (FIDA 2013: 58).

providing seed money to assist their fundraising efforts long ahead of elections. Training on effective campaigning (and cost-effective campaign spending) can play a positive role, but only if it starts long before an election is held. The women's organizations that have recently been formed (or are in the process of being formed) in several Kenyan political parties can be very useful in this regard.

WOMEN HAVE LESS ACCESS TO PRIVATE RESOURCES FOR GENERAL ELECTION CAMPAIGNING

'When you have resources you have power' (woman respondent)

Access to money is also important for most general election campaigns. As described above, the main task in party strongholds is to win the primary election, after which election to parliament is more or less assured. However, political parties will often rely on their parliamentary candidates to engage in active campaigning in their strongholds, as it is important to mobilize party supporters to vote in elections with larger electoral areas, such as the Senate, governorship and in particular the presidency.

The need for resources is a key challenge for many women. According to a World Economic Forum report (2013: 51), the female-to-male income ratio in Kenya is 0.65:1, ranking the country 47th in the world ('1' indicates the country with the smallest gap between genders).

Confirming the input from the respondents, previous interviews with women politicians in Kenya have often highlighted the financial challenges they have faced. When NDI interviewed two successful WCR candidates after the 2013 elections, both stressed the issue of political finance. Priscilla Nyokabi, who was elected the WCR for Nyeri, stated that:

My biggest challenge was financial. The logistics of running for a political office are very costly. I couldn't afford to hire a campaign manager or security personnel; I was basically doing everything on my own.⁹

WOMEN OFTEN NEED TO SPEND MORE TO CONVINCING THE ELECTORATE

'What male candidates do, women must do twice or thrice' (woman respondent)

It is important to analyse not only how much money women and men are able to raise, but also whether there is a gender difference in how much candidates must spend to be successful in primaries and general elections. Some US research has indicated that women candidates in the United States have to spend more than men to win election (Political Parity ND). Unfortunately, the issue has not been studied in most other countries.

Most of the respondents asserted that women aspirants and candidates often have to spend more than their male counterparts to win a party ticket and election due to the

⁹ <<https://www.ndi.org/kenya-elected-women>>.

need to overcome prejudices among the electorate, including the view that a woman's place is in the home, and that they are not suitable political leaders. The interviews indicated that this factor may be more important in some areas (e.g. conservative rural areas) than in others. Additional resources are needed for female candidates to be able to meet voters and persuade them to vote for a woman running for office.

Men have dominated every Kenyan parliament since independence, and being an incumbent often entails significant advantages such as access to resources and name recognition. It often costs more to unseat an incumbent, and 'The added costs associated with unseating an incumbent can dissuade women from entering [a] political race' (Ballington and Kahane 2014: 308). However, the number of elected MPs who lose their seat (known as *incumbency turnover*), especially during the candidate-nomination phase, tends to be much higher in Africa than in established democracies (Ohman 2004). This is also the case in Kenya, where the incumbency turnover has at times been very high (Ohman 2004: 77). The reason for this needs to be analysed further, but an important factor seems to be that MPs are generally unable to deliver the expected level of material development to their constituencies. Thus the incumbency advantage is not a major obstacle for women aspirants in Kenya.

Even if the incumbency effect does not act as strongly against women aspirants and candidates as it might in some other countries, the reflections of the respondents clearly indicate that women often need to spend significantly more money than their male counterparts to be successful in primary and general election campaigns.

VOTE BUYING IS LIKELY TO FURTHER DISADVANTAGE WOMEN CANDIDATES

Unfortunately, vote buying is a frequent occurrence in electoral processes around the world, and it can have a very negative impact on the quality and fairness of elections. This form of illegal campaign spending can sometimes become a major part of the necessary outlays for candidates and other actors.

There has been little research concerning the connection between vote buying and gender equality among candidates. While vote buying is not limited to only one gender, this practice can indirectly disadvantage women by heightening the impact of the existing financial inequalities between women and men (Ballington and Kahane 2014: 314f). Access to funding is essential in electoral processes in which vote buying is rife, and it is more difficult for candidates with less financial access (including women) to compensate for this by campaigning via other means.

According to various election observation bodies, vote buying is a major part of Kenyan elections. The EU EOM noted that 'significant amounts' were handed out in the 2007 election and that no candidates were immune: 'even candidates who disapproved of this practice felt pressured to hand out money' (EU EOM 2007: 12).

The issue of vote buying goes beyond strict transactions between candidates and voters regarding how ballots are cast. It concerns the entire relationship between political parties, politicians and the electorate, and the emphasis that is placed on the distribution of resources damages the political prospects of those with limited access to funding. Musambayi has noted that 'rather than support the parties, the public expect the parties to give them handouts if politicians want their support' (Ohman 2014a: 44).

Women candidates in the 2013 Kenyan elections complained that vote-buying efforts hindered their chances of being elected. In addition to the respondents, Rebecca Otachi, an unsuccessful candidate for Kitutu Chache North, complained that:

[I]ncidents of vote buying influenced the voting patterns and final results, as well as the electorate's choice of leaders. It compromised the electorate's democratic right to choose leaders based on policies and ability to deliver on the political positions they were seeking. Hand-outs played a major role in the campaigns and the electorate expected to receive cash hand-outs and thus ignored candidates if they failed to hint that they will part with something after addressing them (*Kenyan Woman* 2013: 4).

There is no reason to believe that women are inherently less willing to engage in corrupt behaviour than men. Some respondents openly talked about buying party membership cards for their supporters, which can be seen as a way of buying their favour in an election. However, apart from their lower access to funds for vote-buying initiatives, women wishing to run for office may also lose out since those interested in exchanging votes for money may be less likely to turn to women candidates if they perceive them to be less willing (or able) to provide gifts.

VIEWS OF THE WCR SEATS ARE MIXED

As described above, a major reform in the 2013 general elections in Kenya was the introduction of WCR seats for each of the country's 47 counties. This was a major change for Kenya, and it was logical given its electoral system (since candidates are nominated for single-member constituencies, it is more difficult to use a traditional quota than in party-list systems).

While the WCR system means that a set share of parliamentary seats will be filled by women, interested women still need to participate in (and spend money on) electoral campaigns, since the 47 seats are elected rather than nominated. In a sense, the outcome of the WCR elections showed the importance of being nominated by the right party. Almost all WCR seats (45 of 47) were won by candidates representing the four largest political parties, which together won 80 per cent of the constituency seats (see Table 1.3). The two remaining seats went to the small NFK party, while larger parties such as the UDF and FORD-Kenya, which gained 11 and 9 constituency seats each, failed to win any. Winning the candidate nomination for the most popular party in individual counties would therefore have been especially important.

Table 1.3. Members of the Kenyan Parliament by party, 2013 election

Party	Constituency seats	WCR seats	% of constituency seats	% of WCR seats
ODM	78	15	27%	32%
TNA	72	14	25%	31%
URP	62	10	21%	21%
WDM-K	19	6	7%	13%
NFK	4	2	1%	4%
Others	55	0	N/A	N/A
Total	290	47	81%	100%

As noted above, there are indications that in some cases, women competing in the WCR elections received less financial support from their political parties than did candidates for constituency seats: ‘candidates for women’s seats particularly suffered from the lack of party funding, especially considering they had to campaign in the much larger countywide constituencies’ (Carter Center 2013: 40). The campaigning was also made more difficult by the fact that the 47 counties were created in the 2010 constitution (based on the number of districts that existed in Kenya in 1992), and were thus untested in a general election.

The Kenyan respondents, both women and men, had mixed views about the WCR system. While all but one wanted to keep the system, they all expressed significant concerns with the way it currently functions, with many saying that voters did not understand its benefits.

Many of the women respondents noted that the introduction of WCR seats has meant that the constituency seats are now perceived as ‘men’s seats’. Unsuccessful constituency candidate Rebecca Otachi stated elsewhere that ‘some of my opponents kept reminding the electorate that Kitutu constituents since independence [have] never been led by a woman, so let Rebecca contest for the Women Representative’s seat and leave the National Assembly seat to male candidates’ (*Kenyan Woman* 2013: 4). This perception increases the need for women aspirants to spend more money in general election campaigns, and perhaps especially in party primaries, to persuade voters to support a woman interested in running for a seat that is not designated for women.

FORMAL CAMPAIGN FINANCE REGULATIONS HAVE A ROLE, THOUGH IT IS LIMITED

While the above discussion has highlighted how the interplay between political parties and campaign finance and the opportunities of women and men to succeed go far beyond the legal regulations of political finance, this does not mean that formal rules cannot make a difference. While they do play a role, it is limited.

The campaign finance rules introduced in Kenya after the 2013 elections also encompass the candidate-selection process. While it is not entirely clear from the legal text, the new spending limit determined by the Independent Electoral and Boundaries Commission

(IEBC) for each election also seems to cover the candidate-nomination phase.¹⁰ It is very rare that money raised and spent during this process is regulated by law. It is possible that the only exception is Israel, which has both donation and spending limits, as well as reporting requirements for primary campaigns (once they have been nominated, candidates are not allowed to run individual campaigns outside those of their political parties).¹¹ FIDA (2013: 33f, emphasis added) concluded that:

The impact of unregulated campaign financing on women candidates cannot be understated, especially because it further skewed the odds against women candidates since it is well established that women in Kenya command less economic resources than their male counterparts. Irregular, and sometimes even illegal, use of funds during campaigns was observed, and the women candidates FIDA Kenya spoke to confirm that it was one of the key disadvantages with which they had to contend.

The new provisions represent a positive step in Kenya, which could help reduce many of the challenges faced by women discussed above. Unfortunately, the interviews indicated that there was little or no faith that the new rules will be implemented.

Donation limits

It has been claimed that donation limits can help women who wish to stand for public office, since they often have less access to individuals, companies and networks with substantial resources, yet they may be able to raise small amounts from a large number of individuals:

Since individual donations to women tend to be smaller than those to men, on average, women need to attract larger numbers of individual contributions to reach the level of donations reached by their male counterparts. Lower contribution limits might help to level the playing field for women candidates by ensuring that all candidates cultivate a broad base of support rather than rely on a few large donors (Ballington and Kahane 2014: 312).

Thus it was unfortunate that no donation limits were introduced in Kenyan legislation until after the 2013 elections. The 2013 Election Campaign Financing Act introduced such limits (the exact level is to be determined by the IEBC), which will be in place in future elections. However, compliance with donation limits is notoriously difficult to monitor, and will only be effective if potential donors believe they will be enforced. Given the general sense that enforcement will be weak at least in the short term, the respondents did not mention donation limits as a way to equalize access to funding between women and men.

¹⁰ This interpretation is based on reading Article 18.1 together with the definition of campaign spending in Article 2. It is directly confirmed in Article 18.5, which specifies that the number of party members in an electoral area should be one of the criteria for establishing spending limits, though only for the 'party nomination expenditure of party candidate'.

¹¹ See the International IDEA Political Finance Database.

Spending limits

The gap in available resources between female and male candidates in Kenya is often immense:

When Martha Karua, who emerged sixth in the presidential race announced that she only [had] KSh56 million to her name, it was not clear how she would finance her campaign machinery when her most serious rivals were talking about an KShs8 billion campaign budget (*Kenyan Woman* 2013: 5).

The spending limits that were introduced after the 2013 elections may benefit female aspirants and candidates. Some respondents, especially women who had participated in elections, argued that such limits could help reduce the advantage of male competitors with significant access to funding. Ballington and Kahane (2014: 312) have stated that ‘if spending limits are enforced, women may feel more confident in challenging male incumbents’. While compliance with spending limits may be easier to monitor than for donation limits (since donations are often made in private whereas most forms of campaign spending have to be visible to have the desired effect (with the exception of vote buying), it is still very difficult to enforce.

Yet there are reasons to be cautious, especially in the short term. One concern is that spending limits are difficult to monitor in a manner that ensures that the rule of law is observed and protects against misuse. The demands on the implementing institution would be substantial. It should be noted that no country in sub-Saharan Africa is effectively enforcing spending limits (Ohman 2014a: 56).

Another concern related to the above discussion is that women candidates may need to spend more than their male counterparts to overcome prejudice and deep-rooted hostility against women as political leaders. In such situations, enforcing spending limits may actually hinder attempts to improve gender equality. This means that enforcement of donation and spending limits would need to go hand in hand with other supplementary measures aimed at changing voters’ perceptions of women candidates. Otherwise if women still needed to spend more than men to convince the electorate, measures to limit spending might be counterproductive.

It is too early to determine what, if any, effect the spending limits introduced after the 2013 elections will have on the chances of women and men to successfully run for office in Kenya. No significant impact should be expected in the short run, but it would be interesting to study the impact of this measure in the long run.

Public funding

If access to funding is a major factor in the electoral process and a barrier to entry for women contestants, it is reasonable to assume that the provision of regulated public funds might reduce the importance of money and thus increase the chances of candidates with more limited personal access to funds. Around two-thirds of all countries use direct public funding of political parties, and among the 15 countries with the largest share of women in parliament, 87 per cent do so.

According to Kenya's 2011 Political Parties Act, direct public funding is available to eligible political parties (the 2007 Political Parties Act established provisions for public funding, and some funding was earmarked for at least three parties that met the required threshold ahead of the 2013 elections) (EU EOM 2008: 20), although it is understood that it is only disbursed after the elections. The total funds provided should amount to 0.3 per cent of national government revenue (Article 24.1.a), which in 2013 represented around USD 385 million. Taking into account purchasing power parity and the size of the population, that would work out to around I\$ 1.7 per citizen, which is higher than that recorded in any other African country.¹² Kenyan politicians and institutions such as the Centre for Multiparty Democracy (CMD-K) have however indicated that to-date, only about 10 per cent of the amount provided for by law is being provided to the parties, and only three out of 60 registered parties receive (share) these public funds (according to participants at the validation workshop for this report at CMD-K in Nairobi, April 2015).

The same act states that political parties with more than two-thirds of their national office bearers (i.e. internal party leaders) of the same gender are not eligible to receive public funding (Article 25.2.b), which is a strong incentive for Kenyan parties to comply. Yet parties that are not serious about gender equality can easily bypass this requirement by simply creating new deputy positions for women that have no real power.¹³

In addition, according to Article 26.1 of the Political Parties Act 2011, at least of 30 per cent of the direct public funding provided should be used for 'promoting the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalised communities'. It is not clear whether the EMB monitors compliance with this provision. Even if some parties may comply with this legal requirement on funding allocation, it is important that monitoring mechanisms both within parties and by the IEBC and/or the Office of the Registrar of Political Parties are in place to ensure that funds are spent on initiatives that will indeed improve women's participation and success in elections.

In general, it is also unclear whether the current public funding provisions will increase women's chances to successfully enter and stay in electoral politics. Another option is to directly tie the amount of public funding to gender equality among those representing political parties in elections.¹⁴ A reform of this kind in Kenya would have to take into account the country's electoral system and the primary system of candidate selection used in most Kenyan parties. Simply demanding that a certain percentage of candidates should be of each gender is unlikely to work when the party leadership has only partial control over which candidates are chosen in each constituency. Adding public financial incentives for the party leadership to get involved in this process is unlikely to outweigh the loss of income from wealthy aspirants that such interference would most likely cause. Such a measure would only improve the gender balance among candidates if the loss of funding from withheld public support significantly hurt a party's chances of electoral success.

¹² Data on government revenue is taken from National Treasury (2013). Data on public funding in African countries is taken from Ohman (2014: 50f). 'I\$' stands for international dollars and takes into account purchasing power parity. For more information on international dollars, see <<http://www.idea.int/political-finance/international-dollars.cfm>>.

¹³ Information about women in Kenyan party structures can be found in Ndonga et al. (2014: 25).

¹⁴ This issue and its potential advantages (and challenges) are discussed in depth in Ballington and Kahane (2014).

Bookkeeping and disclosure requirements

Transparent political finance and effective enforcement of regulations on donations and spending limits is very difficult to achieve unless political parties and candidates are subject to suitable bookkeeping and reporting requirements. The 2013 Election Campaign Financing Act includes such provisions, but it remains to be seen how effective they will be. The main assessment of this will come in the next general elections, but gradual enforcement in relation to preceding by-elections could serve as useful test cases.

Kenyan political parties can also consider accounting that is disaggregated by gender, showing for example the (admittedly limited) amounts provided to candidates of each gender. Compliance with the legal provision noted above that 30 per cent of public funds provided should be used to promote participation among other women will also be easier to monitor if parties note the target group for their different activities.

Petition fees

The high fees required to launch an official petition against an election unduly disadvantage women candidates. The FIDA report stated that, ‘While potentially effective in discouraging frivolous suits, the costs proved to be prohibitive, especially for women candidates who tended to be less financially resourced’ (FIDA 2013: 19). This could be especially important where women candidates have spent their personal resources to campaign in primary and general elections.

Enforcement of regulations

It is a generally accepted and regrettable fact that the implementation of political finance regulations is lacking in most countries (Ohman 2014b: 30). Regulations can only increase the chances of women in politics if they are enforced (i.e. donors and political parties must expect violations to be detected and sanctioned). The lack of enforcement is likely to have a negative impact on the transparency and fairness of the overall role of money in politics, but it may particularly damage those with limited access to resources, who may especially rely on regulations such as donation and spending limits and bans on vote buying and the abuse of state resources.

Even if there is a petition on the ground to repeat the 2013 elections I wouldn't go back because the same people that stole my victory will still be there, the same people with the same money, systems will be [the] same...Only if the government came forward to say that all IEBC officials have changed, all police have changed, would I go back. In Kilifi specifically the bribery was so rife that the whole electoral process was made a mockery of (Naomi Cidi, candidate for Senator Kilifi County) (FIDA 2013: 68).

RECOMMENDATIONS

The following recommendations were presented by the respondents and included in Kenyan and international reports on the relationship between political finance and gender equality in elections.

FOR THOSE INTERESTED IN SUPPORTING WOMEN

1) *Train and generally strengthen the capacity of women to fundraise*

The interviews conducted clearly show that the main challenges for women wishing to engage in elected politics take place during the candidate-selection phase. Indeed, respondents who had participated in primary elections stated that they spent more money during this process than during the election. Thus training women and providing other related support for early fundraising is important.

Party loyalty among voters also means that there are many party stronghold areas in which the winner of the primary election is all but assured a victory in the general election. Candidates from other parties, regardless of their political programme, personal capacity, gender and financial resources, are often very unlikely to be successful. Holding conferences and workshops for women who have already become candidates in such marginal seats to assist their campaigning is therefore unlikely to significantly impact their electoral chances.

2) *Support women who have expressed political ambitions even before they are nominated by their parties*

Engaging potential women candidates before their nomination is likely to have a more significant impact on gender equality in elected positions because, after they are nominated (which, in most Kenyan parties, happens shortly before the start of the official campaign), candidates of both genders will have to spend all their time campaigning. The key is to identify women who may become successful politicians early in the process, and to mentor them in effective campaign and fundraising techniques. Several respondents talked about the need for mentoring programmes within (and sometimes outside) political parties, and the fact that involving experienced women politicians who have gone through electoral processes can guide less-experienced aspirants in how to effectively raise and spend money as part of effective electoral and political engagement.

For example the EMILY's List initiative in the United States, in which pro-life women candidates from the Democratic Party receive financial support beginning at the candidate-selection stage, is often highlighted as an effective model for reducing the

gender gap in election financing.¹⁵ Similar initiatives can also be supported in Kenya, ideally in combination with efforts to persuade political parties to nominate women in winnable electoral areas.

FOR WOMEN INTERESTED IN RUNNING FOR OFFICE

1) ‘Start early, stay focused and organize your finances’¹⁶

The interviews clearly showed that successful women candidacies are assisted by early planning, and that savings and early fundraising efforts can significantly increase their chances of success. Talking to women who have already run for office can provide very useful advice in this regard.

2) Network with other women

Networking with other women interested in running (or nominated to run) for other seats, as well as those at the grass-roots level, can also be valuable. This is likely to increase sources for in-kind contributions such as other women volunteering to distribute campaign posters and/or carrying out door-to-door campaigns in their villages/localities.

3) Plan your campaign, and use cost-effective campaigning methods

The financial considerations for women wishing to run for office must not be limited to fundraising. Cost-conscious campaigning—including the development of a budget and identification of low-cost, high-impact campaign activities—should be adopted at an early stage. The interviews indicate that in addition to early networking with existing groups in the considered constituency, engagement in community affairs and involving one’s grass-roots supporters in designing campaign strategies and activities can provide name recognition and trust that a latecomer must spend many shillings to achieve.

FOR POLITICAL PARTIES

Recommendations that political parties should provide financial support for women candidates are fairly common all over the world (NDI 2011: 2). However, as the analysis above has revealed, in the Kenyan case such a recommendation makes only limited sense, since (1) only women nominated by the right party in the right constituency stand any chance of winning election regardless of the resources available, and (most importantly) (2) Kenyan political parties are generally cash-strapped and rely on candidates to support their own campaigns (and often the party as well). Therefore, we focus here on other measures that political parties can adopt/implement to support women members and help mitigate the cost implications for their electoral candidacies.

¹⁵ The focus on early support is highlighted in the name of the organization, which is an abbreviation of the phrase ‘Early Money is Like Yeast’ (since it raises the ‘dough’, which is American slang for money). See Ballington and Kahane (2014: 329), where the Republican version of EMILY’s List, known as the WISH List, is also discussed.

¹⁶ Hon. Dr Joyce Laboso, Deputy Speaker and Member of National Assembly, cited in FIDA (2013: 69).

1) Nurture potential women leaders and nominate them for election

Political parties should take the lead in the early identification and support of potential women leaders, as discussed above. In so doing, they will fulfil one of the key roles of political parties in a democratic polity: providing the electorate with competent candidates to choose among. It is also in the interest of Kenyan parties, since they can (through limited means) strengthen a cadre of capable politicians who may be more faithful to the party than those who simply pick the party that can help their career at a given point in time. This naturally applies to male politicians as well, but given the various challenges faced by women discussed above, support for potential women politicians may be particularly important. This can be considered a form of positive discrimination that is necessary given the historical discrimination against women in Kenyan political life.

2) Help women become candidates in competitive areas

The above analysis indicates that unless women are nominated in winnable areas, gender equality in Kenyan elections is unlikely to improve. Kenyan parties will continue to rely on the access of aspirants and candidates to resources for the foreseeable future. Even so, parties should aim to nominate women in secure areas even if they have more limited funding, perhaps encouraging wealthy male aspirants to run in more marginal areas where their resources would make more of a difference. Attempting to limit the extent to which the candidate-selection process is resource-driven is challenging for cash-strapped political parties, but could yield positive results down the line (OSCE 2014: 195).

3) Consider a candidate-supported campaign fund to support women candidates

Parties should also consider pooling a smaller percentage of available campaign funds and, if necessary, require that resource-rich candidates (whether men or women) pay a larger amount, which would facilitate the nomination of more women candidates in competitive areas. Parties should also make it clear that gender equality is desirable, and that the constituency seats in parliament are intended for both women and men, regardless of the existence of the WCR system.

4) Conduct internal gender audits of party activities

Political parties should also review their activities from a gender perspective. Women within parties can analyse their de facto positions in their party (often at the bottom of the party pyramid) and how much in-kind work they provide in return for influence over party decisions. Such gender audits can be carried out by each party's women's wing, if one exists, and should review the level of financial support for all candidates (UNDP 2007: 20).

Any review of financial support should extend to looking at whether the financial resources parties may allocate to support women's participation (for instance from the 30 per cent of public funding) are spent on addressing the real issues hindering women's participation and whether it is women members themselves deciding what initiatives these funds should be spent on. Women politicians have stated that, at times, parties'

top leaders (mostly men) arbitrarily decide to spend such money on token initiatives such as exchange trips for a few women or on workshops that do not add value to the general capacity needs of women members.

Political parties can also improve gender equality in other ways, such as disaggregating financial records by gender, as noted above. Working to shift the expectation among voters on politicians as short-term providers of resources to a focus on long-term policy development can help reduce the demands on candidates to provide resources during primary and election campaigns. Such a shift would take decades, and would largely be determined by what political parties and politicians do, rather than what they say.

FOR THE KENYAN PARLIAMENT

1) Consider making certain amendments to political party and campaign finance regulations

Parliament should consider making changes to political party and campaign finance regulations that might aid women wishing to run for office. While legislative reform will not be the main way to improve women's chances to access the necessary funds and overcome the challenges discussed above, it can play a role.¹⁷ For example, public funding can be tied to gender equality among the candidates presented by a political party. To be effective, care would need to be taken in designing an applicable electoral system as discussed above.

2) Lower nomination fees

Another option is lowering fees for nomination and election petitions for women candidates. While maintaining a reasonable threshold of nomination fees is necessary to guard against frivolous candidacies and petitions, there is currently room to lower the amounts to a level that would improve the chances of more candidates, particularly those with more limited financial means (who are mainly women).

3) Closely monitor the implementation and implications of donation and spending limits

The effectiveness of nominally gender-neutral campaign finance regulations such as reporting requirements and donation and spending limits should be reviewed once they have been tested in a few elections, and if they do not work in practice, they should be reformed accordingly.

4) Consider lowering the salaries of MPs

Lowering the salaries of MPs could potentially reduce the fierceness with which parliamentary elections are conducted, and thus increase the chances of aspirants with more limited access to resources (the decision on MP salaries could be taken by an independent entity).

¹⁷ 'More effective legislative, institutional, and civil society support for equitable campaign finance regulation (of various means) could provide a more level playing field for aspirants and parties, especially women, youth, and minority candidates' (Carter Center 2013: 8).

FOR THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION AND THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

1) Ensure compliance with laws and regulations

As discussed above, the effective enforcement of the 2013 Election Campaign Financing Act and its regulations could help reduce the challenges faced by women wishing to run for office.¹⁸ For example, the effective enforcement of spending limits could reduce the advantage of candidates with significant access to money (normally men). Furthermore, the enforcement of incentives and regulations to achieve increased gender representation either through strengthening party nomination requirements or through the operationalization of the two-thirds gender requirement, is important. The IEBC and the Office of the Registrar of Political Parties have a significant task ahead in this regard, with which they may require international assistance. The respondents expressed doubt about whether the new regulations (such as on donation and spending limits or the two-thirds rule) would be effectively enforced.

International experience shows that even the most capable and dedicated political finance enforcement institution will be unsuccessful unless other stakeholders (e.g. parliament, political parties, the legal system and other administrative institutions) support its efforts. Civil society groups and the media should monitor the IEBC's work and offer constructive criticism and recommendations for reform, while realizing that real change will take time.

FOR DEMOCRACY ASSISTANCE PROVIDERS

1) Assist potential women leaders

While most activities to support gender equality in Kenyan elections need to be carried out by Kenyan stakeholders, international actors can help. Foreign governments are not allowed to provide direct financial assistance to any aspirants or candidates, as this would violate Article 11.b of the 2013 Election Campaign Financing Act. However, foreign institutions (including donor agencies) can help potential women leaders develop their fundraising and campaign management skills before they enter the candidate-selection process.¹⁹

2) Engage with political parties and parties' women's wings

Another valuable activity can be strengthening the women's wings of Kenyan political parties, most of which are either new or in the process of being formed. Such assistance, which can include cooperation with women's wings in other countries, should cover many areas, including fundraising and cost-effective campaigning for potential women politicians.

¹⁸ This sentiment was also expressed in the FIDA report. One recommendation focused on 'Enactment of campaign finance legislation: As noted, a campaign finance law will regulate and enhance fairness of the campaign for all candidates, especially women who are often less financially empowered', FIDA (2013: 71).

¹⁹ This approach has not always been used in Kenya. A USAID report noted how 'some mission and partner staff expressed concern that USAID's efforts to support women running for office were insufficient and began too late to make a difference' USAID (2014: 15).

3) Support the effective enforcement of political parties and campaign finance regulations

As mentioned above, the effective enforcement of the 2013 campaign finance regulations and the 2011 Political Parties Act could have a positive impact on the role of money in Kenyan politics, and on the challenges this presents for women. Nonetheless, the IEBC and the Office of the Registrar of Political Parties face many challenges, and international assistance may be essential in ensuring that the commission fulfils its role. Such assistance providers could for instance provide the IEBC and the Office of the Registrar of Political Parties with much needed technical support to develop monitoring and enforcement mechanisms that will ensure they can more effectively hold political parties to account in relation to implementing these regulations.

Building the IEBC's capacity should be combined with assistance in developing procedures for receiving, reviewing and publishing financial reports, and also for investigating of possible violations. Outreach to political parties and the Kenyan public (both women and men) will also be essential. Progress in effective oversight will take time, and the aim should be to facilitate gradual improvement over the next few electoral cycles.

4) Invest in a deeper, comparative analysis of sub-regional best practices

Kenya lags behind the East African sub-region as well as the broader Sub-Saharan average in terms of percentages of women in parliament. Arguably, there are a combination of factors that could explain this. However, it would be interesting to undertake a much deeper and comparative analysis of any specific financing measures/mechanisms that exist in other countries that could at least partly explain the higher numbers of women and that might be used to inform internal party and national electoral/political financing reforms in Kenya.

Table 1.4. Overview of the gender impact of political finance regulations

Factor	Relationship	Theorized connection	Situation in Kenya	Comment
Single-member district (SMD) electoral system	Negative	Research shows that countries with a proportional representation (PR) electoral system have higher shares of women in parliament. Access to funding among candidates is reduced if campaigning is mainly done by the party.	Kenya has an SMD system. For some elections, notably WCR races, the constituency size is large (up to 1 million people), which represents a significant spending burden for candidates.	While changing the electoral system was discussed during the drafting of the 2010 constitution, the SMD remains, and reforms in this area are unlikely in the short term.
Public funding	Positive	The provision of public funding is thought to reduce parties' dependency on individual interests, and (if large enough) to reduce the importance of candidates' access to resources. This could make parties more likely to nominate women, who often have less access to resources.	Public funding is available for eligible parties in Kenya.	There are no indications that the funding provided is sufficient to change the nature of Kenyan party politics.

Connection between public funding and gender equality	Positive	A small but growing number of countries have linked public funding to meeting certain criteria regarding gender equality among candidates. While this measure is theorized to have a positive impact on gender equality, the reforms are too new in most countries for their impact to be reliably tested.	There is no connection between public funding and gender equality among nominated candidates.	Political parties have reportedly not fully complied with the spirit of the one-third rule regarding internal party office holders by creating additional offices with no practical function. A legal change to connect public funding with gender equality among candidates for elected office could have a positive role, but must take into account the candidate-selection process in Kenyan parties.
Quota	Positive	In PR electoral systems, it is possible to require that a certain percentage of candidates on party lists be women. Such an approach is also possible in SMD systems, but it is seldom effective in increasing the share of women in parliament, since parties may nominate women for 'unsafe' seats. In SMD systems, designated seats can be used instead.	Kenya introduced 47 designated seats for women in the 2013 election. The influence and impact of political finance is not clear, since these seats are elected rather than appointed, as they are in some other countries.	The WCR system guarantees a certain share of women in parliament, yet individual women aspirants still require funds for the party primaries and election campaigns.
Donation limit	Positive	Enforced donation limits can reduce the advantages of candidates with access to wealthy contacts. Male candidates are more likely to have such contacts.	A donation limit is to be set by the IEBC at least 12 months before each election. However, this provision was introduced after the 2013 elections, so it has not yet been tested in a general election.	Donation limits can only have an impact if potential donors, aspirants and candidates expect violations to lead to sanctions.
Spending limit	Positive	Enforced spending limits can reduce the advantages of candidates with access to significant resources. Male candidates are more likely to have such contacts.	A spending limit is to be set by the IEBC at least 12 months before each election. However, this provision was introduced after the 2013 elections, so it has not yet been tested in a general election.	Spending limits can only have an impact if political parties and candidates expect violations to lead to sanctions.
Ban on vote buying	Positive	Vote buying increases the importance of access to funding, and reduces the importance of other types of networking opportunities.	Vote buying is banned in Kenya.	Bans on vote buying are seldom enforced effectively, and so have little impact on the electoral process.

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15 people were interviewed for this report. Included were representatives from the Association of Media Women in Kenya, the Centre for Governance and Development, NARC Kenya, the NARC party, the ODM party, the PDP party, the TNA party, the URP party and the Wiper Party.

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