



Briefing Paper

Mainstreaming Gender in Trade Policies: What Progress in Eastern and Southern Africa?

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Summary

This briefing paper summarises findings from a study by CUTS International on “Trade Policies in Eastern and Southern Africa: Springboard or Barrier to Women’s Economic Development?”, and explores the present status of gender mainstreaming in trade policies in selected Eastern and Southern African regional blocks and countries. It discusses the potential implications of gender mainstreaming for trade in these regions, and provides suggestions on how national and regional entities can ensure trade works better gender equality.

Introduction

The role of women in African trade is enshrined as producers of tradable goods, as cross-border traders and as managers or owners of firms involved in trade. About 90 percent of small-scale traders across Sub-Saharan Africa (SSA) are women, particularly informal, producing and selling major crops such as cassava, maize, cotton and rice. According to United Nations Conference on Trade and Development (UNCTAD), women comprise about 70-80 percent of informal cross border traders across sub-Saharan Africa. Women in these countries are also providing cross-border services such as education, health and professional services including legal and financial. Thus, the role of women is not restricted to delivering food and energy at the household level, but also in generating jobs for an increasing number of young people, alleviating poverty and promoting a shared prosperity.¹ Despite their undeniable contribution in the African economy, women traders and producers face more challenges in conducting trade related activities when compared to their male counterparts. Acts of intimidation, abuse, various physical harassment and insults have often become a recurrent part of their lives. Female traders are considered to be “petit traders” and very often, social bias and domestic violence coerce them into submitting to a life of domestic responsibilities.

Trade policies are often assumed to be gender neutral and expected to deliver similar development opportunities for both male and female. However, due to the difference in their roles in society and in the economy, distributional outcomes of trade vary largely between women and men. Moreover, women are not a homogenous group and, therefore, trade

policies may impact them differently based on their income, socioeconomic conditions, educational level, labour market dynamics, etc. One key reason for this laxity among policymakers towards gender segregation of trade policies is the unavailability of gender-disaggregated data and information which can inform on the true contribution of women. Absence of adequate participation of women traders and rural producers in the trade policy discussions also hamper their chance of getting heard.

As countries on the African continent are further opening their economies, there is a need to assess the impact of trade liberalisation on gender equality. This will assist African policy makers to effectively mobilise responses to crises and to exploit emerging opportunities, as well as to find solutions to break down the barriers to women's full participation in development through trade. This will work as springboard for women economic empowerment leading to increased income, saving and investment.

Gender sensitive trade policies: the WTO scene

The World Trade Organization (WTO), since its coming into being in 1995 has aimed to ensure open and fair trade for the benefit of all, including women. Although in different WTO Ministerial Conferences, the trade-gender nexus has been acknowledged, different agreements of WTO and the accompanying strategies have failed to integrate this gendered perspective. This is mostly under the assumption that market opening and free trade would bring equal opportunity to both genders. Even the Doha Development Agenda (DDA) which takes into consideration several other key social

¹ BHATTACHARYA, DEBORNES & VIDYADHARAN (2018). *Trade Policies in Eastern and Southern Africa: Springboard or Barrier to Women's Economic Development?*. Geneva: CUTS

International, Geneva.

issues was surprisingly silent on gender.

However, the 11th WTO Ministerial Conference (MC11) that took place in Buenos Aires, Argentina on December 2017 showcased almost three-fourth of the nations endorsing a Joint Declaration on Trade and Women's Economic empowerment (JDTWEE), seeking women's economic empowerment by removing barriers to their participation in trade. JDTWEE provides a global framework and a point of reference for countries to ensure gender equal access in trade, by focusing on the role inclusive trade can play in promoting gender equality and empowerment of women. It acknowledged the importance of improving women's access to finance for achieving Sustainable Development Goals (SDGs) and emphasised the need to develop evidence-based interventions to address the various barriers that limit women's opportunities for participation in trade and overall economy.

Through this declaration, WTO member countries agreed to take steps primarily in six areas, including: (i) Gender-Based Analysis of Trade Policy; (ii) Enhancing Women Entrepreneurs Participation in Public Procurement; (iii) Connecting Women Entrepreneurs to International Value Chains; (iv) Promoting Financial Inclusion for Women; (v) Women and Trade in Trade Agreements; and (vi) Women in Digital Trade. The members have also

agreed to share methods and procedures for the collection of gender disaggregated data, the use of indicators, monitoring and evaluation methodologies and the analysis of gender-focused statistics related to trade. This exchange of information will be useful in making international trade more gender-responsive by exploring and finding best ways of tackling gender barriers to trade and working to ensure active participation of women in the global economy.

On 6 and 7 December 2018, the Ministry of Foreign Affairs of the Netherlands, the World Trade Organization and the World Bank Group organised a one and a half-day conference in Geneva. The aim of this conference was to present and discuss the impact of trade policies and entrepreneurship on women and men and to conduct a stock taking exercise one year after the Declaration. To galvanise support for the declaration, the International Gender Champions (IGC) Trade Impact Group (TIG), has been conducting another five workshops, since March 2018 at WTO Headquarters.

In addition to these seminars, many signatory countries have started to work towards incorporating gendered concerns in trade policies and will submit their progress reports in 2019. As of now, European Union, Iceland and one African country, Gambia, has also voluntarily addressed gender related issues in their recent TPRs.

THE CASE OF FREE TRADE AGREEMENTS

Gender issues have been addressed in Free Trade Agreements (FTAs) by a number of countries. In the EU-Mexico FTA signed in 1997, gender equality is considered to be a key element in development cooperation between parties. The preamble of EU-ACP Economic Partnership Agreement states that “systematic account shall be taken of the situation of women and gender issues in all political, economic and social areas.” The chapters on trade and gender in the recently concluded Chile-Canada FTA and Chile-Uruguay FTA provide a framework for the development of gender-focused indicators and obligates both sides to share experiences in designing programmes to encourage women’s participation. It recognises the importance of gender mainstreaming for achieving inclusive economic growth and the key role that gender equality policies play in fostering socio-economic development.

Nonetheless, mere inclusion of gender chapter won’t produce gender equality and the chapters need to focus on making the gender provisions of the FTA legally enforceable, study the gendered impacts of trade liberalisation and understand that dispute resolutions mechanisms are not applicable for the trade and gender chapter. However, present developments should be considered as a welcome start as they raise the profile of gender equality issues in the trade discourse and encourage broader participation by civil society. They also enhance cooperation between parties to take the trade-gender nexus seriously and work towards strengthening capacity-building, particularly in the context of developing countries.

Gender in regional trade policies in Eastern and Southern Africa: the state of play

The African Union (AU) recognizes the challenge of and striving to work towards bringing gender equality in all spheres of life, including trade related activities. Agenda 2063 of AU aims to create “An Africa where development is people-driven, unleashing the potential of women and youth”. In 2008, AU published a Gender Policy Action Plan in support of the UN Process of gender recognition and in accordance with the AU Action Plan. Regional blocks and national governments are also taking different initiatives to mainstream gender equality, including in trade.

The African Union (AU) recognises Regional Economic Communities (RECs) as regional groupings meant to work towards regional integration through a range of activities and programmes. In addition to serving as trade blocks, RECs are responsible for the coordination of activities on various areas including development, governance, peace and security, and gender and also

play a crucial role in facilitating the adaptation and adoption of various AU initiatives, including forthcoming Gender Strategy.

In this section, gender-based frameworks of three most prominent regional blocks of the eastern and southern Africa i.e. COMESA, EAC and SADC are discussed.

Common Market for Eastern and Southern Africa (COMESA)

One of the principal objectives of COMESA Treaty, which entered into force in 1994 and is the largest REC in Africa with 21 Member States, is to support women entrepreneurs and businesswomen.

COMESA Gender Policy, developed in 2002 and revised in 2016, calls for the development of training programs in business, financial management and business negotiation skills for women and small-scale traders along with a host of other skills. COMESA also has the COMESA Medium Term Strategic Plan (MTSP) 2016 – 2020 to support women entrepreneurs through creation of a regional forum for information exchange and networking, opportunities for market access, mentorship, access to financial services and business linkages, and

business profiling.

COMESA has also established a Women's Economic Empowerment (WEE) Platform to bolster coordination and collaboration between different actors within the WEE sector and act as a vehicle to the social, political and economic empowerment of women. In 2010, COMESA launched the Simplified Trade Regime to reduce constraints and challenges faced by small-scale traders especially women in informal cross border trade.

COMESA has also developed the Charter for Cross-Border Trade (CCBT) to address the challenges faced by cross-border traders, particularly for vulnerable groups – not only women but also youth - including high duties and bureaucratic hassles, corruption, sexual abuse and harassment by officials. The document enshrines a basic set of rights and obligations for traders and officials. With support from the World Bank, "Charter for Cross-Border Traders" has been piloted on the Zambia-Malawi border.

East African Community (EAC)

The EAC Secretariat recognises women contribution to the economy and the EAC treaty clearly defines and/or mandates women empowerment and gender mainstreaming under Articles 5, 121 and 122. In 2012, EAC established the East African Women in Business Platform (EAWiBP) towards bringing together business-women from across the EAC. EAC is also promoting inclusion of gender chapters in future FTAs to achieve EAC Gender Equality and Development Bill.

In 2007 EAC launched its Simplified Trade Regime. Under the EAC List of Originating Goods, goods that are commonly traded by Small Scale Cross-

Border Traders, particularly women are eligible for clearance through the simplified certificate of origin. It is expected that women should benefit greatly from this trade arrangement.

In 2013, EAC has adopted the Social Development Framework, with specific focus on socio-economic development of women, particularly in trade related activities. EAC Strategic Plan for Gender, Youth, Children, and Persons with Disability, Social Protection and Community (2012-2016) was developed to promote women's participation in socio economic development and business.

Southern African Development Community (SADC)

Since the outset, SADC has considered gender equality as one of its main priorities and has shown a strong commitment toward mainstreaming gender which is enshrined in the 1992 SADC Treaty. Its article 6(2) clearly instructs not to discriminate against any person on the grounds of inter alia, sex or gender. In addition, gender focal points have been established in most national ministries to ensure the effective adoption and implementation of gender mainstreaming.

In 2003, the Regional Indicative Strategic Development Plan (RISDP) was adopted as a comprehensive development and implementation framework. The plan is expected to guide Member States, SADC institutions and other primary stakeholders on various measures to integrate gender issues into their programming cycles. In August 2008, SADC Heads of State and Government signed a Protocol containing 28 substantive targets with the objective to achieve gender equality and equity in the sub region by 2015. Articles 12 and 17 are important in this context.

In 2009, SADC developed a toolkit to strengthen the

capacities of its members in mainstreaming gender within the policies and programmes including trade, industry, finance and investment, infrastructure and services, social and human development and special programmes, politics, defence and security cooperation, human resources etc.

Gender in National Economic Policy framework in Eastern and Southern Africa: the state of play

This section explores how the gender aspect has been treated in the trade-related/economic national policies in some of the COMESA, EAC and SADC member countries.

Malawi

Malawi launched its National Trade Policy (NTP) along with National Industrial Policy in the year 2016 with an aim to support the private operators i.e. farmer organisations, cooperatives, women's groups, Micro, Small and Medium Enterprises (MSMEs) and businesses in furthering economic development, generating employment and reducing poverty. The policy recognises the limited participation of small scale traders and in particular women and the youths in Cross-Border Trade (CBT) due to procedural challenges at the border and seeks to support free movement of goods to markets in neighbouring countries by MSMEs particularly youth and women. Promoting Simplified Trade Regime (STR), establishing training programs specifically for women, linking women entrepreneurs to international value chain are the key measures, identified by the government to reduce the gender inequality in trade.

Malawian government is also mobilising women groups to make them part of women economic

empowerment process. These women groups are expected to be engaged in formalising the informal sector through creation of cooperatives. The government is also considering mainstreaming Farmers Unions in Malawi's Gender Strategy. There are plans to elevate women to leadership roles in Beach Village Committees. These committees play important role in protecting fisheries in Malawi's lakes. However, National Trade Policy of Malawi speaks of women only in the context of "initiatives to support free movement of goods to markets in neighbouring countries by MSMEs, particularly youth and women". There might not be any immediate concrete plan to mainstream gender in trade related activities at the national level.

Zimbabwe

Zimbabwe also has a National Gender Policy (2013–2017). The government of Zimbabwe is implementing it through its Ministry of Women Affairs, Gender and Community Development (MWGCD) and has adopted women's economic empowerment as a key strategy for achieving SDGs and long-term economic development.

The latest trade policy of Zimbabwe, National Trade policy (NTP 2012-2016) does not distinctly target women but acknowledges the need for gender mainstreaming. It promises to give due consideration to women so that they can have equal access to trade finance and trade support facilities. The Government also aims to facilitate the participation of women in local, regional and international exhibitions to create market linkages for women products and to improve networking with other organisations in order to foster women empowerment, gender equality and community development. The policy also aims to explore and consider extending the concept of the STRs to other neighbouring trading partners under the auspices of

COMESA/SADC or bilateral trading arrangements in order to facilitate and simplify informal cross-border trade, which is mainly dominated by women.

Rwanda

Rwanda is a leading example of successful integration of gender considerations in all government programmes and laws, as well as in the main plans and strategies that form the country's development framework.

The new Labour Code and 2003 Constitution recognizes an equal right to work for men and women, and the right to equal pay for work of equal value. Gender considerations have also been included in the design of both medium- and long-term national development frameworks and key instruments such as Vision 2020, the Decentralization Policy, and the Economic Development and Poverty Reduction Strategy (EDPRS), which implements Vision 2020. In 2004, the government of Rwanda put in place a National Gender Policy with the objective to guide the inclusion of gender as a cross-cutting issue into all trade and investment programs.

Rwanda has National Trade Policy which places social development and gender equality as one of its primary focuses, and recognizes the need for the gender assessment of trade agreements in its policy. Additionally, within the Ministry of Trade, representatives of ministries dealing with gender are part of the national monitoring committee on non-tariff barriers. In fact both national trade policy and national export strategy of Rwanda suggest specific interventions to reduce gender imbalances within the context of trade policy.

Kenya

New Constitution of Kenya, passed in 2010, provides a powerful framework for addressing gender equality, marking a new beginning for women's rights in Kenya. Several articles of the Constitution, including Articles 27(3), 27(6), 81(b), 177(b) and 197, can be termed as milestone in Kenya's quest for gender equality and equity in representation.

The National Trade Policy (NTP) formed in 2016, paved the way for mainstreaming gender. The last part of section D, Chapter 6 of NTP acknowledges the challenges faced by the women and identifies inadequate legal framework and inadequate access to capital as principle challenges to women's participation in trade. Moreover, the National Development Vision, 2030 endeavours to uplift the socioeconomic status of women through a series of targeted programmes.

Promoting gender in national and regional trade policy framework: Way forward

Today, there is a serious need to frame gender specific policies or scale up trade measures to address the gender gap in current trade policies that impacts men and women differently. It is also important to understand how specific trade policies can bring positive impact for women and girls. Trade policies need to address gender barriers in trade participation and how equality in benefit sharing can be ensured. Some specific recommendations at the policy level can be formed to improve women's participation in trade related activities and contribute to reducing gender inequality caused by gender insensitive trade policies, among others.

● *Gender Assessments*

Prior to introducing any new trade measures, regional and national policymakers may conduct some ex-ante assessments of gender sensitivity reforms to their trade policy. A value chain analysis linking the entire range of sectors as well as economic activities and agents involved in the process can be useful in identifying inequalities in the chain and come out with specific recommendation to address this disparity.

● *Gender in Trade Agreements*

The inclusion of gender chapter in trade agreements has the potential to improve partnership between multiple stakeholders at the national, regional and multilateral levels. It can also leverage opportunities for women to be involved in trade and work as a form of investment aimed at improving the gains of women from trade.

● *Inclusion in Investment Policies*

Investment policies need to acknowledge the barriers faced by the women. Programs and policies need to go beyond the existing trade networks for information dissemination and create new networks keeping women traders in mind.

● *Regional Integration*

There is a need for cross-border cooperation to share best policies and practices of gender mainstreaming. A regional platform to exchange best practices among and across RECs should be implemented, as well as a uniform monitoring tool to check the implementation of various plans on Gender Equality and women empowerment.

● *Women Participation in Policy-Making*

The participation of women and gender experts need to be promoted at all levels of trade policy-

making and negotiation processes. Multi-stakeholder mechanisms such as the National Committee on the WTO (NCWTO) in Kenya and the Inter-Institutional Committee (IITC) in Uganda are successful examples of the participation of civil society in national trade policy-making.

● *Policy Coherence*

As most of the countries of the region are part of at least two or more regional groupings, it is important to ensure that their gender policies are not contradicting each other. It is necessary to keep in mind the diversity of all the nations in terms of culture, socioeconomic status, development and growth indicators, climatic conditions affecting trading patterns while addressing gender inequality in trade.

● *Policy Ownership*

Trade policies should be simple and easily understood by all the women traders. Informal Cross-Border Trade (ICBT) rules should be clearly manifested in the border posts. Predictable rules and regulations and clarity on the required documents could help the small scale women traders to deal with the unfriendly border officials.

● *Role of Cross Border Traders' Associations (CBTAs)*

National governments need to empower the leadership of existing CBTAs with the requisite knowledge of the legal regime regulating trade and enhance CBTAs' knowledge base and expertise on customs procedures and documentation, tariff classification, Rules of Origin, STR, Technical Barriers To Trade, Sanitary and Phytosanitary (SPS) measures, security and cross cutting issues in the trade agreements.

● *Capacity Building*

Governments should give special importance to skill trainings and reserve adequate budget in that respect. The training should focus on entrepreneurial skills, in addition to building women's capacity in specific technical issues, in other words, skills which will improve women's ability to participate in trade and skills to manage an organisation including financial management.

● *Monitoring & Evaluation*

To ensure that the project implementation is leading to the policy achievement, RECs and respective governments need to conduct regular monitoring and evaluation. Further, local and national

governments should be held accountable for their actions towards gender equality and women's empowerment.

To conclude, there is no doubt that African countries will benefit from better gender equality in trade. However, the question of bringing in gender issues in the WTO and other Multilateral Trade Agendas needs to be carefully analysed. It is critical that African policy-makers interested in gender equality are aware of the full range of opportunities and specific challenges of incorporating gender issues in WTO work.



CUTS International, Geneva

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