

GENDER ANALYSIS OF EXISTING TRADE POLICIES AND REGULATORY FRAMEWORKS WITHIN THE EAST AFRICAN COMMUNITY PARTNER STATES

An Action Research



**Final
Report
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About EASSI

The Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI) is a registered sub-regional civil society organization working in eight countries namely Burundi, Eritrea, Ethiopia, Somalia, Kenya, Rwanda, Uganda and Tanzania. EASSI was born in 1996 after the Beijing Conference with a mandate to monitor implementation of the African and Beijing Platforms for Action in Eastern Africa and the Beijing and African Platforms for Action are the main international agreements that frame EASSI's programmes. Over the years, EASSI has taken on other regional and international instruments such as the Maputo Protocol and the United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security.

Our Vision:

A society where all enjoy gender equality, access to justice and peaceful coexistence.

Our Mission:

To contribute to the attainment of the Beijing and African Platforms for Action through policy engagement and demonstration of best practices for the advancement of women.

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FOREWORD

Regional integration is a development strategy that the East African community (EAC) has embraced in order to uplift the status of the 150 million women, men, girls and boys in the region. The sequential steps of integration have progressed with formation of a Customs Union, a Common Market to open borders for free movement of people and goods. A monetary union is at an advanced stage and a Political Federation which is the last Pillar in the EAC integration process is not too much of a distant dream. With all these milestones, gaps remain in terms of the status of women in the region yet they constitute half the population of the EAC. In order for the regional integration process to be truly “people centered” as enshrined in article 5 (c) of the Treaty for the Establishment of the EAC, and to address the advancement of women, as indicated in Articles 122, the EAC federation process needs to take into account gender dimensions in the integration process. Of great interest is the role of women in business especially the cross border trade conducted by informal women traders.

With support from Trade Mark East Africa, EASSI is implementing a project aimed at “Consolidating the gains of women cross border traders in the East African Community Economic integration process.” The project follows a previous project “Empowering Women Cross Border Traders in the EAC Common Market” 2012-2013) which highlighted the dire need for more attention on gender in the EAC integration process and the need for attention of gender dimensions of trade within the region and especially cross border trade.

The general assumption is that trade liberalization (the removal of barriers to cross-border trade) has equal impacts on men and women. However women and men are affected differently by trade due to their different roles in production and reproduction and to imbalances over control of land, power and resources. Gender sensitive policies can help ensure that female and male importers and exporters reap the same benefits from improved trade logistics. This means identifying the gender dimensions of customs and regulatory reforms, and using gender analysis, policymakers can determine who benefits from customs and regulatory reforms, whether reform and transport costs are prohibitive for poor women and men, whether reforms decrease opportunities for violence and harassment and how to target trade information for specific groups. For example, a gender analysis of export procedures can reveal how women’s ability to export may either be enhanced or compromised by process simplification.

EASSI therefore undertook a gender analysis of the existing trade policies at national and regional level in the EAC. This study analyses the gender responsiveness of the trade policies within the EAC Secretariat and the Partner States with a view to identifying gender gaps that need to be filled in order to provide women traders in East Africa with a level playing field as far as regional trade is concerned.

Marren Akatsa-Bukachi
Executive Director-EASSI

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EASSI wishes to thank her Executive Director, Ms. Marren Akatsa-Bukachi who tirelessly edited the contents of this report and the entire EASSI team whose comments greatly improved and finalized this report.

Finally, EASSI extends her gratitude to Trade Mark East Africa for their invaluable support in facilitating this gender analysis of the EAC trade policies and for funding the project targeting women cross border traders at the border points of Namanga, Kobero-Kabanga, Holili-Taveta, Busia, Malaba, Mutukula and Katuna.

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ACRONYMS

ASYCUDA	Automated System for Customs Data.
BDF	Business Development Fund
BDS	Business Development Services
BIC	Business Information Centers
BPFA	Beijing Platform for Action
BWIT	Business Women in International Trade
EAC	East African Community
EASSI	Eastern Africa Sub – Regional Support Initiative for the Advancement of Women
DFAIT	Department of Foreign Affairs and International Trade Canada
DTIS	Diagnostic Trade Integrated Study
CIDA	Canadian International Development Agency
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CMP	Common Market Protocol
CSLP	<i>Cadre Stratégique de Lutte contre la Pauvreté</i> (Strategic Framework to Fight Poverty)
CSO	Civil Society Organisation
CUP	Customs Union Protocol
GTIA	Gender and Trade Impact Assessment
ICT	Information Communication and Technology
ICBT	Informal Cross Border Traders
IITC	Inter Institutional Trade Committee
JBCs	Joint Border Committees
KNCCI	Kenya National Chamber of Commerce and Industry
MATRADE	Malaysia External Trade Development Corporation
MEACT	Ministry of East African Affairs, Commerce and Tourism
MFI	Micro Finance Institutions
MTIC	Ministry of Trade, Industry and Cooperatives
MTS	Multilateral Trading System
NES	National Export Strategy
NDP	National Development Plan
NGOs	Non-Government Organisations
NGP	National Gender Policy
NSGD	National Strategy on Gender and Development
NTBs	Non - Tariff Barriers
NTP	National Trade Policy
ROSCAs	Rotating Savings and Credit Associations
SACCOS	Savings and Credit Cooperative Societies
SME	Small and Medium Enterprise
SCO	Simplified Certificate of Origin
SOSPA	Sexual Offences (Special Provisions) Act
TMEA	Trademark East Africa
UWEAL	Ugandan Women Entrepreneurs Association Limited
WICBT	Women Informal Crossborder Traders

EXECUTIVE SUMMARY

The analysis of gender dimensions of trade policies of the EAC and its Partner States was commissioned by the Eastern African Sub – Regional Support Initiative for the Advancement of Women (EASSI) with support from Trade Mark East Africa (TMEA). The overall purpose was to assess whether women and men's needs, concerns and interests are integrated into trade policies and regulatory instruments; and to identify gaps for appropriate interventions and assistance. The report is intended to inform policy change in trade and the regional integration process by laying strategies for gender inclusive trade policies without which the sustainable development of EAC populations cannot be realised.

Since the adoption of the Beijing Declaration and Platform for Action (BPfA) in 1995, significant progress has been made towards gender equality and women's empowerment in many parts of the world. Within the EAC region, achievement has been noted especially in girls' education and the expansion of space for women's participation in decision making, especially political participation.

Article 121 of the Treaty for the Establishment of the East African Community (EAC Treaty) recognises the fact that the full participation of women is important for the effective implementation of policies and programs aimed at the economic and social development of the Partner States. In this regard, Partner States committed themselves to promote the empowerment and effective integration of women at all levels of socio-economic development, through appropriate legislative and other measures. In the same way, Article 122 recognises the importance of women as a vital economic link between agriculture, industry and trade and undertakes to enhance the role of women in business.

However, even with such affirmations, meagre progress has been made in women's economic sphere of life. Structural inequalities persist in many Partner States, preventing the full achievement of women's rights. Trade liberalisation and market opening have taken centre stage, without integrating gender objectives into trade policy initiatives. This is notwithstanding the fact that trade policies impact women and men differently and cannot be assumed to lead to an equitable impact for all segments of society. This is compounded by the general lack of awareness of the strong linkage between gender and trade among trade policy makers.

The bulk of intra- EAC trade is carried out by Informal Cross Border Traders (ICBT), the majority of who are women.¹ Studies have shown that cross border trade represents a significant portion of intra – Africa trade and remarkably boosts regional integration.² Women Informal Cross Border Traders (WICBT) however have been found to face numerous challenges, crippling their effective participation in regional trade. Evidence indicates that experiences of women and men in accessing trade facilitation services differ, with women facing particular constraints unique to their gender.³ Inequalities in income distribution and command over resources, unequal access to productive inputs such as credit, land, and technology as well as biases in education and training remain major impediments with enormous negative impacts on women.

1 Report Meeting on Policy and Strategy Development to Promote Cross Border Trade - UNWOMEN, 2012. According to this report, as much as 74% of informal cross border traders in the Great Lakes Region are women

2 *Ibid*

3 Higgins, Kate 2012. Gender Dimensions of Trade Facilitation and Logistics: A Guidance Note. World Bank, Washington DC.

At border crossings, women have been found to face higher levels of violence and harassment, sexual abuse, stigmatization, and are more prone to the imposition of arbitrary taxes.⁴ This is mostly as a result of lack of information and inadequate access to technology.⁵ In effect, women tend to avoid formal border crossings altogether. Legal, regulatory and institutional obstacles to the use of formal border processes have also increased the incidence of informal trade among women.

The EAC has adopted various agreements and protocols aimed at facilitating the free movement of people and goods. These include the Customs Union Protocol (CUP) and the Common Market Protocol (CMP). Despite these efforts, there remains a disconnect between its trade and gender policies. In fact, key trade protocols are generally gender blind, to the extent that they fail to take into account women's needs and concerns. The deficient implementation of the agreements and protocols and the lack of information on related opportunities have equally posed additional obstacles to WICBTs and women entrepreneurs generally, limiting trade expansion.

The above challenges call for policy interventions to support women entrepreneurs to improve their competitiveness and to have the confidence to formalize and expand their businesses. This would require the reduction or elimination of trade facilitation impediments at points of entry and exit. Trade policies and the regulatory environment are key to setting the right conditions for women traders to grow. Trade reform interventions therefore ought to specifically target the increased participation of women to trade across borders through improved logistics and trade facilitation.

It is widely recognised that women plough back a large percentage of their revenue in to their families and communities hence the need for deliberate effort to promote women to grow economically. By tapping into women entrepreneurship, chances are expanded for achieving a higher developmental impact. Each of the Partner States must therefore strive for gender equality – that is, to give women the same rights, responsibilities, and opportunities as men. By narrowing the gender gap, women will get an opportunity to play a more active role in the development of their societies

This report maps out key areas requiring urgent consideration and policy reform. It is useful for policy makers at the EAC Secretariat, Partner States (specifically Ministries responsible for trade), Development Partners as well as Public and Private Sector Organisations with keen interest in fostering the growth of women entrepreneurs and their role in regional integration. It complements findings and recommendations of a project implemented by EASSI in 2013/14 on "Empowering Women Cross Border Traders in the EAC Common Market," also funded by TMEA. The project highlighted the urgent need for more attention on gender in the EAC integration process and the need for attention of gender dimensions of trade within the region and especially cross border trade.

Opportunities for quick wins are identified by underscoring the means through which WICBTs and other traders can take advantage of trade prospects in the policies such as through the Simplified Certificate of Origin (SCO). The SCO is a customs document used to clear goods that have been grown or made in the Partner States, whose commercial value does not exceed 2000 USD. EAC originating goods can be cleared across borders without paying duty, making it cheaper and easier for women and other traders to conduct cross-border trade.

⁴ *Ibid*

⁵ *Ibid*

KEY FINDINGS

The Study found that only three of the Partner States had National Trade Policies (NTPs) viz Rwanda, Uganda and Tanzania. For Kenya and Burundi, the trade policy instruments were scattered in a mix of measures that include legal regimes, tariff regimes, export strategies, regulatory frameworks, sectoral policies, institutional frameworks, agreements and treaties.⁶

All the five Partner States were found to have undertaken efforts in recognition of gender issues in the formulation of key documents and especially in their respective Constitutions and National Development Visions⁷. With the exception of Uganda, whose National Trade Policy has no clear gender dimension, Rwanda and Tanzania. The two other Partner States with National Trade Policies had taken commendable efforts in engendering the policies. For instance, Page 31 of the Tanzania National Trade Policy draws attention to women as the focus of the gender factor in the Policy, in view of their unique role as a productive force that is severely constrained by limitations in accessibility to key production assets such as capital, education and skills.

Similarly, the Rwanda Trade Policy specifically targets social development as one of its primary focuses and considers gender equality a legitimate policy goal, to the extent that it provides better opportunities for women and fosters human development (Page 16). The Policy recognises the need to conduct an assessment of the effect of trade liberalization and trade agreements on women as a discrete sector of the population and states that such an assessment would help in (i) better understanding the specific challenges and opportunities that women face from market liberalization; (ii) designing and implementing complementary policies aimed at maximizing opportunities for women; and (iii) facilitating the transition of women to more competitive and better rewarded activities. This assessment is yet to be done.

Literature review confirmed that in all Partner States, women entrepreneurs and women export led firms continue to face gender specific constraints in pursuit of growth opportunities through cross border trade. Cultural influences continue to play a big part in confining the role of women in economic activities to the periphery. Research found that relative to men, women entrepreneurs lack access to crucial information about trade, export requirements and opportunities and tend to have lower levels of access to finance and skills necessary to fulfill their trade and export potential,⁸ an indication of latent gaps between policy affirmation and implementation.

Uganda and Rwanda offer very useful practical insights to gender mainstreaming within the EAC, even though Uganda's National Trade Policy is on the whole considered gender blind. Major efforts are seen in Uganda's National Export Strategy (NES)⁹ that was launched in 2007.

6 The trade policies referred to include the Rwanda Trade Policy, Tanzania National Trade Policy and the Uganda National Trade Policy. Other trade related policy measures for all the Partner States can be found in the respective Constitutions (as the grand norm), National Development Visions, Customs Management Acts, National Export Strategies, Small, Medium Enterprises (SME) Policy, Industrialisation Policy, Special Economic Zones Policy, Cooperatives Policy, Competition Policy etc, including laws and regulations of the different Partner States. The National Trade Policy and its Implementation Plan must, as a rule establish coherence with all these (complementary) documents.

7 National Visions are the long term strategic approaches to national development by the Partner States. They are usually accompanied by National Development Plans as their overarching programmatic formulation.

8 UNWOMEN, 2012. Report Meeting on Policy and Strategy Development to Promote Cross Border Trade.

9 The Uganda National Export Strategy October 2007 (Currently under review).

Its accompanying strategy - Gender Dimensions of the National Export Strategy sought to boost the participation of women in the export sector through capacity building initiatives and value addition.

In Rwanda, both the National Trade Policy and National Export Strategy provide key interventions to be implemented in addressing gender imbalances. These include the integration of gender issues in trade policy formulation and implementation; and increasing access for women to training in entrepreneurial skills, including training for women entrepreneurs in rural areas.

Other Partner States have equally made important strides towards mainstreaming gender in their trade policies and regulatory instruments. The Tanzania NTP realises that measures to increase gender equality, apart from their social and distributional implications have considerable potential in inducing growth acceleration. Consequently, the policy pledges expedition of initiatives to ensure access to better extension services in agriculture for the rural population and in particular, women. Despite these positive assertions however, the Study found that the country's sound gender policies including those articulated in the Small and Medium Enterprises Development Policy are yet to translate into meaningful and sustainable gains.

In Kenya, we found that the country has no National Trade Policy although a draft was prepared in 2009 (it was never validated). A consultant has been engaged to develop what would be the country's first National Trade Policy, with support from TMEA. Policy guidance on trade can be gathered from a combination of measures already highlighted above. Apart from the 2010 Constitution, the other key gender aware document is Vision 2030, the country's blue print for socio – economic development. Vision 2030 has a flagship programme; the Uwezo Fund that aims at enabling women to access finances to promote their businesses and enterprises.

Burundi like the other Partner States has made firm commitments on gender mainstreaming through some of its key policy documents the most important of which is Vision 2025 and the strategic plan for its implementation. Gender equality is one of the main intervention pillars under the Peace Consolidation Strategic Framework i.e., the second generation Poverty Reduction Strategy Paper. Like Kenya, Burundi also lacks a National Trade Policy. A review of literature however showed that although gender is considered a cross cutting issue in its key trade policy instruments, the degree to which it is implemented was deficient. There is need for deliberate effort to institute policy mechanisms for purposes of influencing the national development process to consciously develop programs that target and benefit women.

At regional level, most of the trade policies have no specific gender dimension. However, the Simplified Certificate of Origin, a creature of the Customs Union is expected to deliver quick wins for WICBTs, even though it is not specifically designed for women. The SCO uses a simplified declaration form for goods whose value is below two thousand dollars (USD 2000). Perhaps the most important benefit of the SCO is its potential to reduce the use of unauthorized routes since it incentivises informal traders to use formal channels. This could significantly reduce some of the problems faced by women conducting cross border trade.

To address the persistent challenges faced by both men and women conducting crossborder trade as a result of the imposition of unauthorised trade requirements/measures also known as Non-Tariff Barriers (NTBs), the EAC developed an EAC NTBs Bill. The Bill has been forwarded to the East African Legislative Assembly for enactment into law. This will be a significant milestone in redressing NTBs in the region. This is in response to the EAC Treaty that outlaws the imposition

of NTBs to intra- EAC trade and Article 13 of the Customs Union Protocol that obligates Partner States to eliminate NTBs amongst themselves.

The EAC is also implementing a One Stop Border Post (OSBP) project with support from TMEA. OSBP is a one stop form of border crossing point jointly managed by neighbouring countries where activities are streamlined to maximise efficiency. It is expected to improve intra-EAC trade by reducing bottlenecks and avoiding duplication of clearance procedures at borders for both people and goods. Together with the SCO, the OSBP will go a long way in reducing the time spent by women and men at border points hence improving business efficiency.

In response to Article 121 and 122 of the EAC Treaty, the EAC, through the East African Business Council and with support from TMEA established the East African Women in Business Platform (EAWiBP). EAWiBP seeks to address the challenges faced by women owned businesses within the region. EAWiBP conducts biennial Women in Business Fora that helps to track progress and increase the progression of women owned enterprises from informal to formal status. The flip side of this effort however is the fact that it addresses the bigger players and does not capture WICBTs per se.

Remarkable progress has generally been made to mainstream gender at regional and Partner States level. However, the EAC and all the Partner States still face the challenge of ineffective implementation of the trade policies and legislative reforms into concrete outcomes. These constraints are a serious impediment to the promotion of gender equality and the advancement of women in the respective countries. For instance, it was revealed that many women traders have not taken advantage of the SCO regime, exposing gaps between policy formulation and implementation. The regime has not been popularised enough among women and other traders.

It was obvious that the EAC and its Partner States have not done enough to understand the ICBT sector, document its trends and contributions and make policies and procedures that include them.¹⁰ Even much less effort is evident in making WICBTs part of the process of developing the sector. For example, there is a total absence of sex disaggregated data to determine the differential impact of trade policies and trade reforms on women and men, obscuring the contribution of WICBT to ICBT and national economies.

Review of the National Trade Policy, National Trade Sector Development Plan and Export Strategy is ongoing in Uganda, while Kenya has engaged a consultant to develop its first National Trade Policy and review its National Export Strategy. The EAC Secretariat is also developing a common Regional Trade Policy for the Partner States. These processes present an opportunity for advocacy groups to lobby for the mainstreaming of gender in the policies and strategies. Ministries of gender and Non-Government Organisations (NGOs) active in this area can make key contributions to this process.

10 Uganda Bureau of Statistics in collaboration with the Bank of Uganda (BOU) have conducted several ICBT Surveys at the main border posts. However, the data was not disaggregated by gender to determine the distinct contribution of women and men. Kenya has conducted a similar exercise but the reports are unpublished.

RECOMMENDATIONS

To achieve a desirable level of economic empowerment for women in the EAC, gender-specific perspectives must be integrated at the design stage of policy and programming. This requires full commitment of the Partner States alongside sound policies, strategies and programmes. In light of the above, we recommend the following;

General Recommendations

Access to Finance

- i. Facilitate women access to adequate and timely credit and finance
- ii. Widen instruments for collateral to access financing;
- iii. Increase trade finance outreach especially the geographical spread of credit institutions;
- iv. Enhance the capacity of women to formulate bankable project proposals;
- v. Facilitate the building of capacities of women entrepreneurs in financial management;
- vi. Provide simplified training and information on sources and uses of credit.

Access to Markets and Market information

- i. Widely disseminate market information so as to reach rural women entrepreneurs;
- ii. Support advocacy platforms of WICBTs for promoting an enabling environment for their business and access to better services;
- iii. Facilitate linkages between women-owned/managed micro and small enterprises and larger national or multinational firms;
- iv. Facilitate networking through contacts, coaching and sharing of experiences among women entrepreneurs. Successful women entrepreneurs are powerful role models, demonstrating that despite being at a disadvantage compared to their male counterparts, business success is attainable.

Entrepreneurial Education and Skills

- i. Emphasise women-focused entrepreneurship training in technical skills upgrading; record-keeping, access to markets, export management training, as well as taxation and regulatory requirements;
- ii. Build entrepreneurial competences among potential and existing women exporters.

Trade Facilitation and Logistics

Encourage Public – Private Partnership investment in trade related infrastructure such as storage, accommodation and sanitation facilities.

Specific Recommendations

To the EAC

- i. Restore confidence in formal cross border trading structures by popularising the benefits of use of formal systems such as those under the SCO.
- ii. Establish a regional financial facility under the East African Development Bank.
- iii. Develop WICBTs Charter detailing rights and responsibilities

To Partner States

- i. Mainstream Gender in Policies and Work Plans;
- ii. Provide budgetary allocations for the economic empowerment of women;
- iii. Build capacity to conduct gender - trade analysis;
- iv. Support sectors with high female presence;
- v. Support WICBTs Hubs;
- vi. Build data banks for gender disaggregated data;
- vii. Increase participation of women in trade policy-making at national level.

METHODOLOGY

The study reviewed available literature and analyzed both primary and secondary data on the subject. For all countries involved in the study, the methodology comprised an extensive review of documents that *inter alia* included EAC regional trade policies, national trade policies, trade strategies, trade and gender analysis reports, publications on the internet, including relevant trade data bases. In-depth interviews were conducted with key informants in ministries responsible for trade and with experts and practitioners in public and private organizations concerned with trade development. The primary data consisted of semi-structured interviews. All responses formed part of the analysis.

The semi structured interviews were conducted using a questionnaire that consisted of a mixture of closed and open-ended questions. The tool was structured in a way that allowed for responses through pre-formulated questions primarily for eliciting facts, as well as through open-ended questions that gave the respondent the opportunity to express him/herself. Unstructured interviews were also conducted to allow a participatory process for spontaneous interaction between the research team and the respondents. This was done in form of conversations using a guide that consisted of a list of open ended questions. The questions were designed to probe the gender responsiveness of the trade policies by sharing experiences, practices and attitudes.

One of the limitations of the study was the lack of gender disaggregated data in all the Partner States. While some Partner States have attempted to record data on the volume and impact of informal cross border trade, it is not disaggregated by sex to enable an appropriate analysis of WICBT contribution.

The research involved the following steps:

Review of literature on the status of gender mainstreaming of the trade policies of the EAC and its Partner States.

- I. Interview of officials from the EAC Secretariat and Ministries responsible for trade in the Partner States as well as Public and Private Sector trade Organisations/institutions such as Chambers of Commerce, Export Promotion Councils and Private Sector Federations.
- II. Selection of a gender and policy analysis model and adapting it to fit a trade-focused gender analysis framework to guide the overall analysis.¹¹

The report is organized as follows: Part I gives an introduction to the study, with analysis of gendered constraints to trade. Part II looks at the level of gender responsiveness of the trade policy instruments; Part III provides conclusions and recommendations on the way forward.

11 The model adapted to this study was developed by Dr. Wesley Weideman and recast by the Canadian Development Agency (CIDA) to fit a gender – trade analysis. The study used the CIDA adapted model. See Weideman, Wesley: Gender and Policy Implementation; A Tool for Assessment of Policy-Derived Impacts on Men and Women. Washington D.C - Genesys Project/USAID, 1994. Also see; Increasing Gender Inputs into Canadian International Trade Policy Positions at the WTO; Diana Peebles Kartin, 2005.

PART I: INTRODUCTION

1.1 Background and Context

The Treaty for the Establishment of the East African Community (EAC Treaty) was signed in Arusha on 30 November 1999 and entered into force on 7 July 2000, following its ratification by the original three Partner States – Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007. The EAC seeks to widen and deepen economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments.

The Treaty recognises the importance of effective participation of women in the trade and development activities of the Community. Under Article 5(3)(e), the EAC commits to mainstreaming gender in all its endeavours coupled with the enhancement of the role of women in cultural, social, political, economic and technological development. Similarly, Chapter 22 of the Treaty acknowledges the contribution of women towards the process of socio-economic transformation and sustainable growth. In particular, Article 121 and 122 commit the EAC Partner States to promote the imperative role of women in socio-economic development and in intra-EAC trade respectively. In this context, the EAC developed the Gender and Community Development Strategic Plan (2012 - 2016) that takes into consideration the various legal instruments and commitments made by Partner States at international and regional level such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted in 1979 and the Beijing Platform for Action adopted in 1995.

The EAC is currently implementing the Customs Union¹² and Common Market¹³ Protocols. The former came into force on 1st January 2005, and the latter on 1st July 2010. Women are key players to this process through their participation in Informal Cross Border Trade (ICBT). ICBT constitutes a significant part of intra - regional trade and is an important component of the economies of the Partner States.^{14 15} It is considered a major source of income and self-employment for the poor population, particularly women, who form the bulk of informal cross border traders.¹⁶

12 The Protocol on the Establishment of the EAC Customs Union was signed by the 3 East African Heads of State (original members) on 2nd March 2004 and came into effect on 1st January 2005. The customs union had a five-year transitional period that ended on 1st July 2010. Rwanda and Burundi became full members of the Community on 1st July 2007.

13 The Protocol on the Establishment of the East African Community Common Market (Common Market Protocol) was signed on 20th November 2009 by the 5 EAC Heads of State, and came into force on 1st July 2010. It provides for “Four Freedoms”, namely the free movement of goods; labour; services; and capital.

14 According to a 2010 Consumer Unity & Trust Society (CUTS) International Trade Guide on Fixing Informality, informal trade in Burundi contributes 39% of the country’s GDP while Uganda’s informal exports were estimated at US\$ 1.56 billion in 2009, representing 49% of the country’s total export earnings.

15 A report by the United Nations Development Fund for Women, 2009 indicates that 70% of informal cross-border trade in sub-Saharan Africa is undertaken by women and youth (‘Findings of the Baseline on Studies on Women in Informal Cross Border Trade in Africa,’ Presentation Brussels, 24 March 2009).

16 *Ibid*

The region however has not fully exploited the potential for ICBT and its related economic impact is not entirely explored. ICBT is generally undocumented and uncaptured by policy formulations. A negative perception prevails about ICBT, often viewed as a threat needing control rather than a genuine economic activity.¹⁷ Policy, law and fiscal regulation have largely failed to support informal traders and their enterprises, limiting income growth and productivity; as women continue to be side-lined in gaining access to opportunities for economic empowerment.

1.2 Barriers to Women Entrepreneurial Growth

Women face numerous gender specific constraints in their pursuit for economic prosperity and growth opportunities through cross border trade. Border delays, corruption, rape, lack of trade information and inadequate access to financial resources are common constraints stifling their competitiveness. Often times, they are perceived as smugglers and more of a nuisance at the borders, leading to violation of their rights. What is more, majority of them are illiterate and normally bear enormous family obligations. Stereotypes inherent in the structure of EAC societies exacerbate these problems as they link the gender identity of women to roles associated with domestic responsibilities and care-giving, while that of men is associated with leadership and economic provisioning. Such stereotypes have adversely affected the participation of women in economic life and pervade the integration of gender into key policies.

Apart from the socio-cultural barriers above, women lack information regarding business opportunities, business management and technical training, access to productive inputs such as credit, land, and technology and have limited access to affordable Business Development Services (BDS). Women are neither effectively served by Commercial Banks nor Micro Finance Institutions (MFIs). They are less collateralized than men and unable to offer land titles¹⁸ as security for bank loans since majority do not own land in their own names. Women's lesser access to collateral means they hardly access loans from commercial banks. These difficulties are coupled with the lack of skills to develop acceptable bankable proposals and to negotiate larger amounts of credit. Where credit facilities are available from MFIs and commercial banks, the limits are too low to finance reasonable growth. The fact that women finance the bulk of their business costs from personal savings¹⁹ leaves most of their enterprises undercapitalised.

Another factor is the role of 'middlemen' in most ventures in which women ICBTs are involved. Often, many transactions in Savings and Credit Cooperative Societies (SACCOs) and money pooling ventures involve 'a middle man' with knowledge on the who and how issues related to the market. These tend to benefit even more than the women contributors themselves.

The above aspects play out differently albeit with similar impacts. Culture and gender norms for instance often assume that women are better suited for certain types of work and must exclusively bear the different familial burdens. When it comes to trade facilitation, logistics, and transportation,

17 Percy F. Makombe: Informal Cross border Trade in SADC, the search for greater recognition.

18 For example, in Kenya, women hold only about 1 % of registered land titles, with around 5-6 percent of registered titles held in joint names.

19 EASSI: Women Informal Cross Border Traders; Opportunities and challenges in the East African Community-An Action Report.

the related constraints are more gender-intensified. Women are less equipped to navigate complex customs procedures, ending up with phobia for the system.²⁰ Another hurdle relates to access to credit facilities. Key export sectors are usually masculinised, as a result of women's limited access to finance which is usually facilitated by ownership of land and other forms of physical capital. This makes it difficult for women to fulfill their trade and export potential.²¹ Meanwhile, the value of access to information and business networks coupled with entrepreneurial education and training cannot be over emphasised. Yet, many WICBTs lack the requisite skills, information about opportunities and trade and export requirements. In addition, men typically dominate business networks and organisations such as chambers of commerce.²² Women are also normally underrepresented in government institutions established to support exporters.

Trade policies have not taken into account the care burden born by women, which usually limits the time of their interaction with trade. It is clear that proper gender mainstreaming has not happened yet, where women's reproductive and productive roles are reconciled so as to enhance women's involvement in trade. Another interesting angle to this is the general effect of HIV. Majority of people in the EAC have been affected or experienced the effects of HIV. The burden of care has often been pushed to female members of the family which in turn restrains their involvement in the market. So critical is the care burden that even grandmothers have to stay home with orphaned children, depriving them of the opportunity to engage in business. Related to these roles is the preservation of traditional knowledge. Intellectual property laws have not catered for women's unique role in the preservation of traditional knowledge in aspects such as food processing, which could be exploited for export.

The safety of women as they venture out of their homes to do business is equally of critical importance, yet the laws and enforcement practices remain uncondusive. For example, the absence of a Sexual Offences Act²³ and laws that are proactive on matters of marital property in some Partner States compromises the safety and productivity of women.

Given the rapid pace of development in the region, it is important to integrate gender into trade policies to enable both men and women to fully benefit from the integration process and to contribute to the growth of their individual countries in particular and regional wealth in general. It would require improving all the areas above as well as collapsing all barriers to women involvement in trade including the provision of logistics at border points; such as storage facilities from which women can exceptionally benefit. Gender sensitive trade policies would positively improve the earning capacity of women through higher export receipts and would lead to increase in employment. Enhanced earning capacity in turn brings about multiplier benefits for family life, health, education and national GDP. On the other hand, any negative impact of trade policies may exasperate women's already vulnerable position and deepen the existing gender inequalities.

20 (Kate Higgins, 2012).

21 DTS (Development & Training Services, Inc.). 2009. The Greater Access to Trade Expansion (GATE) Project: Final Report. Washington, DC: United States Agency for International Development.

22 Smith et al. Ethical Trade African Horticulture: Gender, Rights & Participation." Institute of Development Studies Working Paper, University of Sussex, Brighton 2004, 32.

23 Uganda, Burundi.

Considering that the issues discussed above have serious implications on the performance of women entrepreneurs including WICBTs, the report analyses the extent to which these issues have been taken into account in the formulation of trade policies and regulatory instruments. Using Dr. Weidmans's model (as adapted by the Canadian International Development Agency (CIDA)²⁴ and modified for this research), the report interrogates four key areas; Education and Training, Access to Finance, Access to Information and Access to Markets. It finds that the failure of trade policies to address these aspects leads to women's continued peripheral participation in trade. The proceeding discussion will look at each Partner States' trade policies and measure gender responsiveness of their trade policies on the basis of the parameters of the four areas above.

Meanwhile, it must be noted that mainstreaming gender perspectives in trade policy is a recent endeavour in many countries,²⁵ hence some Partner States may not have acquired the experience and expertise required to do the same. It has only been recently realised that men and women are affected differently by trade policies and that gender inequalities, in turn, impact on trade policy outcomes and economic growth. Therefore, despite the emphasis on gender mainstreaming, Partner States may not have the theoretical tools to embark on such an endeavour. Thus, there is need to build capacity in those areas in order to generate positive effects.²⁶

24 CIDA (2003), Gender Equality and Trade-Related Capacity Building: A Resource Tool for Practitioners.

25 *Gender Equality & Trade Policy. Resource Paper, 2011.* United Nations Inter-Agency Network on Women and Gender Equality (IANWGE).

26 Good examples are initiatives in India described in the book *Mainstreaming Gender through India's Foreign Trade Policy* by Rajan S. Ratna, IIFT, 2010, especially pages 15-19.

PART II: GENDER RESPONSIVENESS OF THE TRADE POLICY INSTRUMENTS²⁷

The trade policy instruments applied in the EAC Partner States entail a combination of measures aimed at ensuring a stable macroeconomic environment. These include; legal regimes (the legislative framework that includes laws, Treaties and Agreements), tariff regimes, export strategies, regulatory frameworks, sectoral policies and institutional frameworks. These elements of trade policies are usually integrated into National Trade Policies. All the trade policy measures are hinged on export led development. The overriding theme is the principle of trade liberalization which involves the removal of tariff and non-tariff barriers to international trade, including reductions in import tariffs, and removal of bureaucratic obstacles to trade.²⁸

All EAC Partner States are in one way or another pursuing policies for the promotion of women's economic empowerment which also translates to their ability to pursue economic opportunities through cross border trade. They all recognise gender in one or more of the key national documents including National Development Visions, constitutions, trade policies, development plans and strategies. Following the completion of the study in July 2015, dissemination and validation meetings were held in Kenya, Uganda, Rwanda and Tanzania with representatives from Key government Ministries, departments, agencies, the business community, women cross border traders, the private sector and civil society organizations. During the validation meeting, the findings were validated as a true representation of the policy in each of the country, additional gaps were identified and specific recommendations made to different stakeholders.

The study was not validated in Burundi due to the continued tension in the country.

2.0 Uganda

Article 33(1) of the Constitution of the Republic of Uganda provides for equal rights for both men and women.²⁹ The country also has a National Gender Policy (NGP) that aims to facilitate and obtain equal opportunities for women and men, girls and boys in all sectors.³⁰ Serious differences however exist in the legal status of women and men that affects the socio-economic rights and protections afforded to women by law. The NGP describes Uganda as a patriarchal society where men are the dominant players in decision-making. Vision 2040³¹, the country's long

27 This section reviews Partner State's trade policy instruments to determine the extent of integration of gender issues.

28 Trade policy is also closely linked to other policies associated with exchange rate determination, investment, monetary and fiscal policies, and competition policies.

29 Article 33 (1)–(6) enumerates various guarantees for women including an obligation by the State to provide facilities and opportunities necessary to enhance the welfare of women to enable them realise their full potential and advancement..

30 The NGP (MGLSD, 2007), Page 21 provides a clear framework for identification, implementation and coordination of interventions designed to achieve gender equality and women's empowerment. It prescribes interventions that improve the earning potential of women and respond to the diverse livelihood needs of women and men.

31 Under Vision 2040, achieving gender equality and women's empowerment has been identified as a prerequisite for social economic transformation.

term strategic approach to national development, as well as the National Development Plan³² make provision for women and clearly spell out the importance of harnessing gender aspects into both social and economic activities of the nation. Gender and specifically women have been alluded to in several other trade related policies, strategies and regulatory instruments including the National Trade Policy and the National Export Strategy (NES).

Uganda's first National Trade Policy (NTP) was adopted in 2007. Prior to that, there was no single coherent Trade Policy document to guide players in the trade sector. Trade and trade-related policies however existed in various documents but these lacked consistence and coherence. The National Trade Policy consolidated, streamlined and updated the existing policies into one single document. The NTP is the principal document that provides the direction of trade of a country. All other trade facilitating instruments are supplementary to the NTP. NTPs do not operate in isolation; they are supported by complementary policies such as the Small, Medium Enterprises (SME) Policy, Industrialisation Policy among others.³³

One of the guiding principles of the National Trade Policy is boosting the capacities of the socially and economically disadvantaged to trade and providing trade information to enable prudent and optimal investment decision making. Its key priorities include developing capacities to exploit existing market access opportunities. The Policy does not make specific mention of women as a social group but possibly lumps them up among the socially and economically disadvantaged. This is notwithstanding the fact that Ugandan women face many socio-cultural, legal, familial, and economic barriers that in turn impede the growth of their businesses and enterprises.

In Uganda, a significant share of intra-regional trade consists of informal crossborder trade which is not captured in official trade statistics. A 2012 ICBT Survey conducted by Bank of Uganda (BOU) and Uganda Bureau of Statistics (UBOS) at the main border posts indicates that estimates of informal exports amounted to over \$450 million in 2012, comprising about 16 percent of Uganda's total exports. Like in many other countries, majority of actors in ICBT in Uganda are women. Despite their pivotal contribution to economic growth, targeted policy initiatives on women's enterprise development do not exist within the National Trade Policy and its Implementation Plan, and women's entrepreneurial activity, including cross border trade is largely overlooked.

While the National Trade Policy seeks to create opportunities for equal participation in trade through entrepreneurial development and prioritisation of the socially and economically disadvantaged groups in society, the Policy is mute on women's access to entrepreneurship skills, technical training, credit facilities, information and markets. Key informants in the Ministry of Trade, Industry and Cooperatives (MTIC) did not feel that women had been given any priority in the Trade Policy. This pointed to a general lack of awareness and recognition of their potential to become economic power houses.

32 The National Development Plan 2015 – 2020 (NDP II) seeks to enhance productivity of twelve selected enterprises namely: Cotton, Coffee, Tea, Cassava, Rice, Beans, Fish, Beans, Beef, Milk, Citrus and banana. It states that the gender gap in access to agricultural resources and production will be reduced by enhancing women's productivity along the value chains of the above selected commodities. It emphasizes that government shall increase market access and value addition-agro-processing, support access to affordable agricultural finance to enable acquisition of production inputs.

33 There are also several other ministries and government departments that deal with certain aspects of trade policy making and implementation.

The fact that the NTP has no deliberate effort to support women therefore leaves their untapped potential impeded by the lack of necessary capacities. It must be emphasised that the full impact of the National Trade Policy cannot be realised without the optimum participation of women. There is therefore need for institutional support for the economic empowerment of women entrepreneurs. A policy mandate would drive such effort.

A possible causal factor for the lack of inclusiveness of gender issues in the NTP lies with flaws in the consultation process prior to policy development. The Ministry of Trade Industry and Cooperatives (MTIC) has the primary responsibility for trade policy making and it is also responsible for coordination, resource mobilization, monitoring, evaluation and implementation of the approved trade policy measures. The study confirmed that the Ministry of Gender was not active in the trade policy making processes. It is possible that MTIC did not consider it a key stakeholder in the process. The Ministry of Gender in fact has no expert working on trade issues resident within the Ministry and thus has no specific programs focusing on issues of trade, gender and women's empowerment.

The National Trade Policy document established the Inter Institutional Trade Committee (IITC) as the framework for stakeholders' consultation and engagement on trade policy processes.³⁴ The IITC is the centre of consultative arrangements on all trade policy issues in Uganda. Membership to IITC and its various sub-committees is by invitation. The IITC presents an opportunity for the Ministry of Gender and women's organisations to influence various trade negotiations and policies. However as indicated, participation in the IITC must be requested. So far, gender issues have not been discussed in the IITC although they are an important part of trade negotiations and trade policy. The result is that women's entrepreneurial needs remain unfulfilled.

An opportunity to engender the Uganda National Trade Policy is presented through the ongoing review that is being undertaken by the Trade Capacity Enhancement Project (TRACE II) of the Ministry of Trade, Industry and Cooperatives. The Ministry of Gender, donors and organisations furthering the interests of women can utilise this opportunity to bring on board the concerns and needs of women entrepreneurs including WICBTs. A key informant indicated;

“ *Mainstreaming gender into the NTP is a critical step as it will make the Trade Policy more effective and will lead to greater delivery of socio-economic gains.* – Francis Koluo, Principal Commercial Officer, MTIC

A review of literature and analysis of primary and secondary data also revealed another challenging angle to the integration of gender concerns into trade policies. The country lacks sex disaggregated data which in turn obscures the contribution of women entrepreneurs to the economy especially through cross border trade. The need to bolster their performance in the sector is therefore overlooked. The dearth of rigorous, systematic and comprehensive research on women entrepreneurs also leaves WICBTs unrecognised in policy formulations. For example, no studies have been carried out to measure the outcomes or impacts of trade policies on women entrepreneurs which would have helped in better understanding the specific challenges and opportunities that women face from market liberalization. This would enable the design and implementation of complementary policies aimed at maximizing opportunities for women.

34 The IITC is a creature of the National Trade Policy. Prior to the Policy, consultations were done on an adhoc basis.

Some informants felt that Partner States should put in place a monitoring mechanism that captures the performance and ongoing experiences of small-scale women cross-border traders at official border crossings including a record of goods passing through unofficial border points to guide proper planning.

The National Export Strategy has commendably set the stage for gender inclusion in the development of Uganda's export trade sector. The NES was engendered with a view to fully accommodate both genders so that it is a catalyst for greater and better social and economic development. The lead agency was the Uganda Export Promotion Board (UEPB), which led consultations with a range of national stakeholders. Strategies and programs were designed to support the realisation of women's potential in the focus sectors (coffee, dairy, commercial crafts). Sectors with a high female concentration were identified and targeted for support. Commercial crafts were for example singled out as an export priority because of the large number of rural women who engage in it and whose livelihood is pegged on their sales. Women play a big role in the design of these products with exports translating into huge gains for them.

UEPB conducted several capacity building activities for women entrepreneurs in export management, business counselling, financial management, and business mentoring. These activities were locked into the overall objectives of the NES which include;

Unlocking the potential of Ugandan women and increasing their contribution in export trade so as to contribute to the overall economic and social transformation of Uganda;

- i. Creating gender sensitive export support policies;
- ii. Improving and strengthening the capacity of export support institutions to provide relevant, targeted services to women engaged in the export sector.

The NES is by all means a significant milestone in empowering gender through trade and export development. It is a profound feat for women, including WICBTs. The NES is currently undergoing review, presenting yet another opportunity to further build on its achievements.

In the area of product development and diversification, the Uganda Industrial Research Institute supports male and female entrepreneurs in areas of Research and Development and quality management. It also helps to source appropriate technologies and viable industrial production processes. Women who embrace the facilities are able to move up the value chain and gain confidence in business.

Successful business women have also been used as role models in several business development programmes. The Ugandan Women Entrepreneurs Association Limited (UWEAL) annually awards the best Female Entrepreneur of the Year. This encourages female business owners and helps defy stereotypes around women engaging in business. Other Partner States have similar initiatives in different forms and by different institutions.

On the credit front, several private owned Women MFIs exist alongside many others that support SMEs in general. These *interalia* include the Uganda Women Finance and Credit Trust, Faulu and FINCA. Microfinance however does not address the needs of women seeking to grow their businesses beyond the micro level. It was revealed that Government plans to roll out a Women Enterprise Fund³⁵ to help ease access to financial services for women. Already, government

35 New Vision 8, March 2015. Disclosed by the President during the national Women's Day celebrations on March 8th.

established a similar fund for youths and youth groups are currently borrowing money for wealth creation ventures.

The National Cooperatives Policy (2011) focuses on strengthening the organisation and capacity of Savings and Credit Cooperative Societies (SACCOS), an important source of credit for women especially in rural areas. Cooperatives play a major role in financial resource mobilization, agro-processing and marketing of agricultural produce and contribute in significant ways to eradicating poverty, improving food security, providing employment and mainstreaming gender. They therefore offer enormous potential for delivering growth by providing opportunities and empowering vulnerable groups like women to participate in the development process. The Policy however is silent on interventions necessary for women entrepreneurs to grow their businesses.

Regarding access to information and markets, key informants revealed that government is in the process of tackling some of these challenges through the creation of organised border markets. Access to information, markets, credit and entrepreneurial skilling are some of the challenges expected to be addressed.

Through the Ministry of Trade, Industry and Cooperatives, government procured land in the border towns of Busia, Amuru and Elego and is in advanced stages of setting up the border markets to facilitate trade and promote exports. Architectural designs have already been obtained. The border markets are expected to provide essential facilities such as storage space, transport, financial and regulatory services (e.g. standards), as well as information desks. It is expected that produce from industrial parks will be channeled to these border markets. While government shall provide infrastructure such as electricity, roads and water, through a Public – Private Partnership (PPP), further development would be taken over by interested firms in the private sector such as logistics firms and banks that are expected to set up presence. The role of government would then remain regulatory. Again, through PPP, Women Associations are expected to partner with government to provide specialised information and strategies to promote women related trade initiatives. Other Partner States such as Rwanda and Tanzania have started a similar venture. Cross border markets are expected to play a big role in reducing the gap between formal and informal imports and exports.

Through the National Association of Cross Border Traders, a creature of the Export Promotion Board of the Ministry of Trade, Industry and Cooperatives, Cross Border Traders Associations (CBTAs) have been formed in Busia, Malaba, Katuna, Mpondwe and Elegu. The selected border posts are of strategic importance to the EAC region. Majority of the members are women dealing in specialised merchandise. ICBTs are given training on import and export procedures, customs management, book keeping, trade laws and regulations on a rolling basis. The Ministry has set up border offices for continuous monitoring and provision of trade related information. Each of the borders has a trained officer to run the office. The office is managed through the District Commercial Officers of the respective districts. Information desks and information hubs have also been set up at strategic locations at border points.

The above initiatives i.e. on cross border markets, CBTAs and information hubs are being undertaken by government institutions, regional institutions such as the Common Market for Eastern and Southern Africa (COMESA), the donor community such as TMEA and civil society organisations such as EASSI.(See EASSI information hubs). Most of them cut across all the Partner States.

Feedback and Recommendations from the Uganda Validation Meeting

- The Ministry of trade is in the process of creating border markets at different border points in Uganda. An in-depth analysis on whether and how women will benefit from these markets needs to be done. Strategies need to be put in place to ensure that women have unrestricted access to the upcoming border markets.
- Target the implementation strategies and engender them. It is at the implementation level where budgets are made and therefore it is the implementation strategy that should be targeted when advocating for policy change.
- Deliberate efforts need to be made by the Ministry of Trade, Industries and Cooperatives (MTIC) to construct an inventory of sex disaggregated data on cross border trade and its contribution to the economy.
- Government officials in the customs, immigrations and other related departments need to be educated on the gender dimensions of cross border trade as a way of mitigating gender biased non-tariff barriers.
- Women representatives in parliament need to table issues of women cross border traders from an informed point of view so as to ensure their integration in trade policies.
- Ministry of Trade Industry and Cooperatives (MTIC) and Ministry of East African Community Affairs (MEACA) need to engender their budgets and monitor their implementation.

2.1 Rwanda

Rwanda has made impressive strides in furthering the status of girls and women. The 2014 Global Gender Gap Index ranks Rwanda at 7th place in the world, out of over 200 countries analysed.³⁶³⁷ The country has to a large extent integrated gender considerations in its government programmes and laws, as well as plans and strategies that form the country's development framework. A review of literature and analysis of primary and secondary data notes that the Rwanda government has since the early 2000s facilitated the integration of gender into its socio economic development processes.

The 2003 Constitution (as amended) integrates the principles of gender equality and defines a legal framework to promote women's empowerment. It guarantees equal rights and duties for men and women; any discrimination based on gender attracts a legal sanction. The Constitution also provides a quota of at least 30% for women's representation in all decision-making levels of the State. The country's National Gender Policy (2010) recognises gender as a cross-cutting issue that must be mainstreamed into all trade and investment programs. Perhaps the first most significant ground breaking legal reform in relation to gender equality came in 1999 with the

36 The Global Gender Gap Report is developed by the World Economic Forum (WEF). It benchmarks national gender gaps in four fundamental categories: economic participation and opportunity, educational attainment, political empowerment, and health and survival. The rankings are designed to create greater awareness of the challenges posed by gender gaps and the opportunities created by reducing them.

37 Burundi falls in 17th place, Kenya 36th, Tanzania 47th and Uganda 88th.

Law on Matrimonial Regimes, Donations, Successions and Liberalities³⁸ that stipulates equality between men and women in property and inheritance rights. The limitations for women in land ownership which is a particular deterrent to entrepreneurship are by this law presumably addressed. Similarly, Article 4 of the country's Land Law³⁹ provides for equal rights to land ownership, going further to prohibit all forms of discrimination such as those based on sex in relation to access to and enjoyment of land rights.

Gender considerations have been included in the design of both medium- and long-term national development frameworks and key instruments such as Vision 2020, the National Trade Policy, National Export Strategy (NES) and the Long-term Investment Framework. The overriding theme is the importance of women's engagement in the market and investment sectors as an essential factor to accelerate growth. In addition, the Rwanda Industrial Policy (2010), the National Cross-Border Trade Strategy (2012-2017), as well as the Small and Medium Enterprise (SME) Policy (2010), all seek to tap the potential of the large number of women entrepreneurs to spur economic growth.

The National Trade Policy, the document that provides guidance on the country's trade direction has laid down several mechanisms for inclusive growth. Under Objective two, government commits to support entrepreneurs to take advantage of opportunities in regional and international trade. Special attention is paid to women entrepreneurs as well as rural based exporters.

The NTP provides key interventions to be implemented in addressing gender imbalances. These include;

- i. Integration of gender issues in trade policy formulation and implementation;
- ii. Increased awareness among women of emerging trade opportunities at national, regional and international levels ;
- iii. Identifying sectors where the female work force is significant and designing measures that enhance production and trade opportunities in such sectors including through the removal and elimination of barriers to export;
- iv. Increasing access for women to training in entrepreneurial skills, including women entrepreneurs in rural areas.

Similarly, the National Export Strategy aims to mainstream gender through strategic actions that include;

- i. Reducing obstacles for women to access financing (e.g. titles to land, etc.);
- ii. Supporting institutions and women organisations to access and use Information Communication and Technology (ICT) for export market information purposes;
- iii. Establishing a Gender Export Award to create incentives for private sector;
- iv. Conducting Gender baseline surveys for selected Export Clusters and sharing them with stakeholders (targeting rural areas).

³⁸ Law No. 22/1999

³⁹ Law No. 43/2013 of 16/06/2013. All forms of discrimination, such as those based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited.

To respond to its commitments under the NTP and NES, institutional structures were set up accompanied by a commitment to gender based budgeting. An engendered national budget allows Rwanda to reorient public expenditure and revenues towards the needs and interests of both men and women.

The Ministry of Trade and Industry is working with the Private Sector Federation in a Public – Private Partnership to meet some of the needs and concerns of women entrepreneurs. This is done through the Chamber of Women Entrepreneurs (CWE). The CWE is part of a network of institutions set up under the Private Sector Federation (PSF) that replaced the former Chamber of Commerce and Industry. The PSF identified entrepreneurial skills as a persistent challenge among many women entrepreneurs, requiring immediate attention. In a needs assessment conducted by the PSF in 2009, one hundred women business owners across Rwanda were asked the kind of entrepreneurial assistance they required to leverage their entrepreneurial potential. 84 % stated they needed entrepreneurial training sessions, 70% thought business development centers were needed and 62% stated they required a mentor.⁴⁰

Through the CWE, the focal point for women in the private sector, support structures have been developed to enable women become more competitive in national, regional and international markets. The CWE provides entrepreneurship training and facilitates access to finance hence reinforcing the capacity and competence of women in business. It also works to help women develop business partnerships by enabling networking and matchmaking opportunities. This is a mentorship avenue for women. CWE also promotes awareness-raising in ICT and supports the establishment of telecentres in rural areas.

Tele centers are geared towards bridging the gender gap in ICT by empowering disadvantaged and underserved communities of women with ICT access, knowledge and skills and expanding their opportunities for better economic lives.

The Private Sector Federation has established Business Development Support centres (BDS) in all of Rwanda's 30 districts. These offices are prime locations for housing women's business centers, a representative of the women's chamber of commerce, or some other visible women's business-focused support. The centres provide business support services to micro and small scale businesses such as coaching in accounting, book-keeping, taxation procedures and other entrepreneurship skills.

The Rwanda Revenue Authority also offers several taxpayer education and outreach programs designed to encourage informally organized firms (most usually women owned) to formally register their businesses. The Authority conducts seminars, has mobile BDS services in a traveling bus, and undertakes block-by block business registration efforts in Kigali. However such efforts are not necessarily engendered.

40 PSF Needs Assessment report, April 2009

The Ministry of Trade and Industry runs a number of entrepreneurship development initiatives to enhance the capacity of women and youth in entrepreneurship and to facilitate them to acquire financial services such as loans. These include the *Hanga Umurimo*⁴¹ (Create a job), Proximity Business Advisory Scheme (PROBAS) and *Kuremera*⁴² programs. All the programmes aim at nurturing an entrepreneurial culture and encourage business innovations countrywide.

Government also runs a pro - poor credit program, the *Ubudehe*⁴³ that aims at reducing abject poverty in Rwanda. It is supported by *Ubudehe* Credit Scheme which gives the poor access to credit through community credit guarantees and management. This enables the poor, the majority of whom are women without collateral to obtain credit and start small-scale income-generating projects. Microfinance Opportunities under Rwanda's Gender Equitable Local Development, among others, are providing critical support to women's access and utilization of business advisory and financial services. Women's organizations have also supported the development of micro-finance projects, such as the Cooperatives Savings and Credit arm of *Duterimbere*⁴⁴ and the women's branch of the Community Bank (*Banque Populaire du Rwanda*).

Access to financial services by women has also been enabled through programmes such as the government Women Guarantee Fund. The Fund was set up in 2006 to facilitate women entrepreneurs and women-owned SMEs without collateral to obtain credit from commercial banks and micro-finance institutions at affordable terms. It is managed by the Business Development Fund (BDF) in the Development Bank of Rwanda. Women or their associations are required to submit a business project to a bank which performs its credit analysis to determine the commercial viability of the project and the integrity of the applicant.

A BDF credit guarantee is a commitment by BDF to reimburse part of the loan in case of default. BDF credit guarantees are established for fixed asset/ investment finance (e.g., cottage industries, livestock, refrigerators, and sewing machines) and working capital finance. The credit guarantee schemes are key instruments to increase access to debt financing for women enterprises.

While government efforts to increase women financing under the BDF scheme are commendable, a certain degree of sophistication on the part of applicants is required to access the funds i.e. the ability to articulate a sound business plan and to raise additional collateral. The most critical segment of society (rural and illiterate women) are therefore unable to benefit. It is important that government's initiatives continue in this area. However, special lines of credit tailored for the needs of especially disadvantaged women should be made available.

SACCOS have also been an indispensable source of credit for women entrepreneurs. They provide business services and capacity-building in business management for women and the youth. This is provided by different institutions such as the Business Development Fund (BDF) and the Business Incubation Centers (BIC) which have been established countrywide.

41 *Hanga Umurimo* started in 2011 with a purpose of nurturing an entrepreneurial culture among Rwandans, encouraging off farm job creation and advancement of entrepreneurship mindset and business innovations countrywide

42 *Kuremera* program started in 2012 and is built on Rwanda's traditional practice of providing startup capital to prospective entrepreneurs.

43 See *Ubudehe* Program- www.minaloc.gov.rw

44 *Duterimbere* is a non-profit organization created in 1987 by 29 women in Rwanda led by the spirit of promoting equitable socio-economic development. It provides credit to women without material guarantee but with consistent and reliable projects.

According to the World Bank Doing Business index 2015, Rwanda is ranked 3rd easiest economy to do business in Sub-Saharan Africa. It generally takes less than six hours to register a business, making it easy for WICBTs to transition from informal to formal trade with proper guidance. Challenges however remain in relation to trading across borders. The World Bank 2014 Trading Across Borders ranking places Rwanda at 164th position.⁴⁵ Improving these indicators will translate into faster and less costly business for all the Partner States and will reduce the time spent by women in conducting cross border trade.

Rwanda has taken steps to address these challenges and is currently implementing its National Cross - Border Strategy (2012 - 2017) that aims to support the country's exports to neighbouring countries. The Strategy seeks to strengthen market linkages between producers, traders and markets; and to provide targeted financial and export support to business players in the formal and informal sectors. The strategy establishes trade (formal and informal) with Rwanda's neighbours as a central component of its export base. It is well aligned with the country's NES and NTP that articulate the need to form stronger links between export development and socio-economic growth.

In a bid to tackle some of the persistent challenges to Cross Border Trade (CBT), Rwanda engaged at a bilateral level with Uganda and Burundi. A Memorandum of Understanding was signed between Rwanda and Uganda with the intention of enhancing CBT through trade facilitation. The areas of cooperation were highlighted to include:

- I. Establishing Trade Information desks at common border posts;
- II. Embracing and upgrading ICT at the borders;
- III. Promoting and operationlising cross border trade Committees;
- IV. Improving infrastructure and security at the borders on both sides;
- V. Providing storage and value addition facilities to cross-border traders;
- VI. Expediting Integrated Border Management systems;
- VII. Developing joint regular capacity building programmes to upgrade the skills of border agencies and border trade committees so as to enhance quality and efficiency of operations at the borders;
- VIII. Promotion of transparency by encouraging different institutions to publish procedures and statutory charges in order to improve service delivery and performance standards;
- IX. Adopting and implementing trade facilitation measures as provided for in the EAC, COMESA and WTO initiatives;
- X. Promoting trade dispute resolution mechanisms between cross border traders from both sides.

The above are remarkable initiatives with potential to enhance trade among CBTs including WICBTs, but require the seriousness of Partner States to implement them through adequate resource commitments.

Rwanda has made several policy gains as highlighted by the foregoing discussion. A number of

⁴⁵ Burundi ranks 169th, Kenya 153, Tanzania 137 and Uganda 161.

attempts are made in its trade policies to include gender specific programmes. What needs to be done is to ensure that the ideals enshrined in the policies achieve logical fruition. This requires an implementation focus as well a concrete and comprehensive strategy to achieve the goals stipulated in the various trade policy instruments. For example, none of the empowerment measures examined had any direct reference to any trade policy documentation, impeding proper and strategic planning for women and men in business.

Additionally, despite the tremendous policy reforms, Rwandan women, and in particular the rural women still remain relatively disadvantaged in terms of access to key trade tools/resources. Whereas Rwandan women have gained significant rights and have solidified their position in society, a lot remains to be done to consolidate the gains. Government's strong commitment to gender equality has not totally eliminated traditional patriarchal attitudes which continue to dominate especially in rural areas. This inhibits the effective participation of rural women in trade. An effective policy platform is needed to address these persistent gaps and barriers if women are to be enabled to fully participate in the economic growth of the country.

On the whole, Rwanda has made extra ordinary reform achievements towards not only economic but also social and political transformations for women. This is largely due to the strong power of special groups such as women over the public policy making process and the fact that there are many women at the helm of decision making. Rwanda is on the road to building one of the most equitable societies in the world.

Feedback and Recommendations from the Validation Meeting.

Identified gaps

- Though Rwanda conducts thematic reports where reports are provided from all the different sectors covering trade, health, education etc. on how they have mainstreamed gender, the reporting systems are not streamlined for example the period to hand in reports is not specific and there is no specific ministry to report to.
- A lot of time is spent at border points clearing goods especially when there is no electricity and the data capturing system is down. Long queues emerge as a result which causes delays.
- Travelling to other EAC countries for small scale cross border women traders with children is still costly since they need either passports or laissez passer. The national ID does not cover the children. Relatedly, Mother's with young children are not allowed to cross some border points with the children meaning they either have to leave the children behind or not trade at all.
- There is still lack of skills and knowledge on how to compile WCBT data and on how to use technology.
- Majority of the traders only speak one language (Kinyarwanda) which limits trade especially cross border trade. Interpretation of key documents also becomes difficult.

Recommendations made:

- Rwanda Revenue Authority should find an alternative to ensure that clearing of goods continues even when power fails. They need to explore having power backups which would remove the Delays at border points just like the Kanyaru border.
- The Ministry of trade needs to establish day care centers at minimum costs to the women traders and work with local governments to provide free of charge travel documents for children of women residing at near borders.
- There is need to train officers on how to capture data to help in gender mainstreaming. Officers also need to be trained in gender sensitive planning and reporting. This information should be submitted to MINICOM especially the CBT unit who should ensure that the information is shared and referred to in programming.
- Border working hours should be adjusted to 24 hours at all borders in order to stimulate cross border trade.
- The Ministry of East African Cooperative Affairs should ensure that small scale traders are involved in the National monitoring committee on elimination of non-tariff barriers at EAC level
- Ministry of trade should set up Trade Information Desk at all border points to provide trade information such as market demand and supply, the exchange rates, commonly traded goods and tax tariffs etc. Borders should also have bill boards displaying key cross border trade information.
- The different stakeholders engaged in capacity building of women cross border traders should take the initiative to reach out to women and help them to register in cooperatives and access other services. They should also put in place a system to make sure the women associations access their support from all over the country not just the ones in the capital.

2.2 Tanzania

The United Republic of Tanzania has for several years been working towards achieving gender equality and economic empowerment for women. The Constitution prohibits discrimination on the basis of gender, through a special amendment passed in 2000.⁴⁶ The country has through the National Women and Gender Policy (2000) and the National Strategy on Gender and Development (NSGD) 2005 laid down gender mainstreaming approaches toward building the foundation for promoting gender equality and equity.

Parliament has enacted a number of laws that support women's economic and social wellbeing⁴⁷, notably the Sexual Offences (Special Provisions) Act (SOSPA) 1998, the 1999 Land Acts (the Land

46 13th amendment 2000, Act No.3/2000. The Constitutional Review would see women gain the right to inherit land and property. Article 23 provides for women's rights to own land and property.

47 The legal system generally provides formal protection against discriminatory customary laws.

Law Act of 1999⁴⁸ and the Village Land Act of 1999)⁴⁹, and the Law of Marriage Act.⁵⁰ The two Land Acts enable equal access and equitable control of land, including the right to inheritance. Specifically, the Village Land Act invalidates customary laws that discriminate against women and recognises a wife's rights to land on the death of her spouse or on divorce. Since 2002, Land Tribunals are required to constitute at least 43 percent women. Gender responsive budgeting processes are also being institutionalized in all ministries as well as regional and local authorities.

National policy frameworks such as the Strategy for Growth and Reduction of Poverty also known as MKUKUTA⁵¹ II and MKUZA⁵² II in Tanzania Mainland and Zanzibar respectively have identified gender equality and women's empowerment among the major development issues that require multi-sectoral approaches. MKUKUTA provides the operational framework for achieving Tanzania's Development Vision 2025.

Vision 2025 is the long-term vision framework for all socio-economic and political relations in the country. It recognises gender equality and women empowerment as one of its underlying principles and objectives. The document emphasises:

*".....by 2025, racial and gender imbalances will have been addressed such that economic activities will not be identifiable by gender or race...All social relations and processes that manifest and breed inequality in all aspects of society - i.e. law, politics, employment, education and culture will have been reformed."*⁵³

The National Trade Policy 2003 also has a special focus on gender. It emphasises the importance of inclusion of disadvantaged social groups into the mainstream of economic activity by facilitating their effective participation in domestic and foreign trade. It further states that women are the focus of the gender factor in the Policy in view of their unique role as a productive force that is severely constrained by limitations in accessibility to key production assets including capital, education and skills. The policy emphasises the need for inclusion of women in trade development processes through more unrestricted access to productive assets particularly titled land, infrastructure, finance, education and skills.

The Policy realises that measures to increase gender equality, apart from their social and distributional implications have considerable potential in inducing growth acceleration. Consequently, it pledges expedition of initiatives to ensure access to better extension services in agriculture for the rural population and in particular women. However, The Tanzania NES which provides the scheme for competitiveness and development of the country's export sector is not engendered.

To enable women's economic empowerment, the Ministry of Industry and Trade established special initiatives to reach out to women. The Small Industries Development Organization

48 The 1999 Land Act was amended in 2004, to makes the land economically valuable and allows it to be mortgaged to access financial resources for investment.

49 The Acts established that women should be treated equally with men in terms of rights to acquire, hold, use and deal with land.

50 Law of Marriage Act Cap 29 (1971)

51 *Mpango wa Kukuza Uchumi na Kuondoa Umasikini Tanzania* (Strategy for Growth and Reduction of Poverty in Tanzania).

52 *Mpango wa Kuondoa Umasikini Zanzibar* (Strategy for Elimination of Poverty in Zanzibar).

53 Vision 2025, Page 3.

(SIDO), the government arm for the promotion of small-scale industries has been working to empower women entrepreneurs through training and access to credit. In 2004, SIDO, in partnership with the United Nations Industrial Development Organization (UNIDO) established the Women Entrepreneurship Development Programme (WED) in order to promote women's development and gender equality within the food processing industry. The scheme operates in all 21 regions of Tanzania, reaching even rural women entrepreneurs. Training courses combine entrepreneurship and technical skills. Government also established a Women's Development Fund in 1994 to help women entrepreneurs at the grassroots level access financing. However, both the Women's Development Fund and SIDO are constrained; they are resource constrained and have not been able to meet the demands of female-owned businesses that require larger loans.

The National Microfinance Policy (2000) recognizes that access to financial services should be made available to both men and women and that in order to ensure gender equity, it is necessary to make special efforts to incorporate features that make the services accessible to all. Tanzanian women have generally been able to benefit from microfinance services from institutions such as FINCA, PRIDE, SELF, and the Gatsby Trust. Women have also benefited from the Tanzania Social Action Fund, while the Tanzania Women's Bank (government established) provides training and credit that complements other micro financing and entrepreneurship programmes.

Organisations such as the Women Entrepreneurship Development Trust Fund (WEDTF) empower women through microcredit and business training. Opportunities have also been provided for entrepreneurial skills training and in simple technology such as food processing and textiles. Other organisations such as the Cherie Blair Foundation for Women, ExxonMobil Foundation and the Tanzania Gatsby Trust (TGT) are delivering innovative packages of support designed to strengthen women-owned businesses. Some of these are however not coordinated with mainstream government programmes.

The Study found that the country's sound gender policies and poverty reduction strategies are yet to translate to meaningful results. Weak implementation, limited financial commitments and inefficiencies in the application of gender mainstreaming have led to widening gaps between policy implementation on gender equality and the realisation of implementation outcomes. Indeed, like other EAC Partner States, the lack of entrepreneurial and management skills, limited access to information on market opportunities and sources of competitive technology are all factors that have substantially limited the productive capacity and competitiveness of women in Tanzania, restricting their entrepreneurial development and participation in cross border trade.

Therefore, despite the milestones achieved regarding governments' efforts towards 'engendering' the NTP and other trade policy instruments, significant gaps remain between policy implementation and outcomes on gender equality. Most initiatives are more on paper and lack implementation. Deliberate entrepreneurial education and training focusing on the opportunities provided by these policies is lacking and women traders are not aware of them.

Feedback from the validation workshop

- Although the Government of Tanzania has adequately mainstreamed gender within its trade policies, there is need to allocate adequate budgets for implementation to enable women to trade across the region smoothly without hindrances.
- The Ministry of East African Affairs, and other state departments and agencies need to take the initiative to ensure that women traders have access to trade information and markets within the East African Common Market and beyond.
- The Ministry of East African Affairs in partnership with revenue authorities need to produce information packs detailing products which qualify for the simplified certificate of origin to avoid confusion amongst the traders who are not sure of which products qualify.
- The Integration officers and the Gender help desks officers at the border points need to popularize their existence and services at the borders since majority of the WCBTs are not aware of their existence.
- Tanzania Bureau of standards and Tanzania food and drug Authority need to make a deliberate effort to train WCBTs on proper packaging and required Tanzania/EAC standards to ease certification of the WCBT products.
- Tanzania Bureau of Standards needs to consider reducing the Bar code fees. Currently the fee is almost 80,000/=tsh (about 40\$)per item per annum which is very expensive for WCBTS
- The Ministry of trade need to build the capacity of WCBTs to enable them formulate production and marketing groups for exploring the acquisition of markets; they need to be encouraged to trade as groups and not individuals.

2.3 Kenya

The 2010 Constitution of Kenya gives very positive treatment to gender in an attempt to strike at the barriers that Kenyan women have faced over time. Several articles⁵⁴ stand out to rectify the imbalances by providing the same opportunities for men and women. It is a culmination of incremental steps taken by government to level the political, social and economic terrain for both men and women. Article 27 (3) unequivocally states;

'Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.'

54 Article 27 (3) states that the state shall take legislative and other measures including affirmative action programmes and policies to redress any disadvantage suffered by individuals or groups because of past discrimination. Article 81 (b) states that not more than 2/3 of members of elective public bodies shall be of the same gender and Article 177 (b) and 197 emphasise that gender principles must apply in County Assemblies and the County Executive Committee.

The National Policy on Gender and Development also purposes to attain equal treatment for men and women in the economic, political, social and cultural spheres of life.

The National Development Vision, 2030 endeavours to uplift the socio - economic status of women through a series of targeted programmes. An example of this is the Uwezo Fund, a flagship programme of Vision 2030 that aims at enabling women, youth and persons with disabilities to access finances to promote businesses and enterprises at the constituency level, thereby enhancing economic growth. The Uwezo Fund is an avenue for incubating enterprises, catalyzing innovation, promoting industry, creating employment, and growing the economy with the inclusive participation of women. The fund however is in its maiden stages and therefore its impact cannot be accurately measured yet.

Government has put in place several other policies and measures in a bid to ensure financial inclusion and equity in economic opportunities for women and men. In 2007, it established the Women Enterprise Fund⁵⁵ to promote gender equality and women economic empowerment. The objective of the fund is to provide affordable and accessible credit for women enterprise development, capacity building, promotion of local and international marketing and the promotion of linkages of micro, small and medium enterprises owned by women. Loans made by the fund reach the target beneficiaries through partner financial intermediaries or directly through the Constituency Women Enterprise Scheme.

Access to credit for most women however is still through the traditional SACCOs and informal service providers such as Rotating Savings and Credit Associations (ROSCAs) and 'merry-go-rounds'. ROSCAs are rooted in the traditional mutual guarantee system, serving as a source of credit for millions of low-income people. Women constitute the bulk of their membership. These sources however cannot finance business growth beyond a certain stage. MFIs such as Kenya Women Finance Trust, Faulu are providing critical support to women's access and utilization of business advisory and financial services.

Government is also implementing a 30% rule on public procurement preference for women, youth and persons with disabilities. This also presents women entrepreneurs with access to several opportunities but requires them to be aggressive enough, innovative and build capacities to secure these opportunities.⁵⁶

Kenya does not have a National Trade Policy; policy direction on trade is provided through a multiplicity of measures that include legal regimes, tariff regimes, export strategies, regulatory frameworks, and sectoral policies, aimed at ensuring a stable macro-economic environment. A draft was prepared in 2009 but it was never validated. Key informants indicated that the Ministry of East African Affairs, Commerce and Tourism (MEACT) has revived the process to redraft the policy with the support of a consultant hired by Trademark East Africa. At the same time, a national Regional Integration Policy is being prepared by MEACT. Both these ongoing processes present an opportunity to influence the gender outlook of the policies. The country's National Export Strategy is also undergoing review by the Export Promotion Council, yet another opportunity to integrate gender dimensions into its design and implementation.

55 Established in August 2007 through a Gazette notice.

56 The 30 % Access to Government Procurement Opportunities (AGPO) initiative is a 2013 President Uhuru Kenyatta initiative that directs that 30% of contracts be given to the youth, women and persons with disabilities without competition from established firms.

Sensitisation activities are routinely carried out by the Ministry of Foreign Affairs and International Trade with support from the Kenya Technical Fund. This effort is mainly drawn from the Ministry work plan and does not necessarily implement a policy measure or strategy. These are usually conducted in counties with export potential to educate the business community on opportunities arising from the bilateral, regional and multilateral Agreements that Kenya has signed. The programme also builds the capacity of the participants through training on export and import procedures and market surveillance. However, these programmes are omnibus and neither target women generally nor WICBTs specifically even though some of them are conducted in border counties/communities.

Similarly, the Kenya National Chamber of Commerce and Industry (KNCCI) provide entrepreneurial and business development services to the business community. The Chamber has a countrywide outreach with 47 County Chambers. Unfortunately, these are not tailored to the specific needs of women. This is an excellent set up as women in rural areas could benefit from a range of services brought closer to the rural areas. KNCCI should consider expanding its activities to cover women entrepreneurs, including WICBTs. Relatedly, the Federation of Kenya Employers also addresses the common barriers that women face in business by offering women training on business skills, financial services and connects them with peers or mentors.

As seen a lot of work has gone into empowering women entrepreneurs. However, most of the ongoing initiatives are scattered and not guided by a policy direction or strategic plan hence lack an implementation focus. A lot therefore remains to be done to mainstream gender in the economy. Indeed, women entrepreneurship represents a vast untapped source of innovation, job creation and economic growth in East Africa's biggest economy.

Feedback from the validation workshop

- The Ministry of East African Affairs, Commerce and tourism (MEAACT)-currently Ministry of Industrialization, Investment and trade, needs to urgently develop a National Trade Policy (NTP) with a deliberate effort to integrate gender through a consultative process.
- MEAACT needs to identify the gender gaps within the existing trade policy instruments which are scattered in a mix of measures that include legal regimes, tariff regimes, export strategies, regulatory frameworks, sectoral policies, institutional frameworks, agreements and treaties to better inform the NTP being developed.
- Government officials in the customs, immigrations and other related departments need to be educated on the gender dimensions of cross border trade as a way of mitigating gender biased non-tariff barriers. There is also a need for specific targets to be set for the gender desk officers in the different ministries to mainstream gender and gender indicators at the ministries. The officers should also produce periodic reports on gender mainstreaming.
- The Ministry of East African Affairs, Commerce and Tourism and other state departments and agencies need to take the initiative to ensure that traders have access to markets and information on trade.

- The MEAACT needs to popularize existing opportunities provided by the customs union and common market protocols.
- The former Ministry of devolution currently the Ministry of public service, Youth and Gender needs to simplify and sensitize the public on the process of acquiring government funds such as the women enterprise fund, the UWEZO fund etc since the bureaucratic nature of accessing the fund make many women shy away of it.
- MEAACT needs to take an initiative to inform all traders of existing systems for monitoring and reporting non-tariff barriers. The Ministry should also act on reported non-tariff barriers and not just compile them.
- Deliberate efforts need to be made by the MEAACT to construct an inventory of sex disaggregated data on cross border trade and its contribution to the economy.
- Ministries and state departments need to do more capacity building of their citizens to ensure they are aware of existing opportunities that they can take advantage of. This includes trainings on international commercial terms (INCOTERMS) to safe guard them from fraudsters who take advantage of their ignorance to defraud them. The traders also need to learn about international payment systems.

2.4 Burundi

The Constitution of the Republic of Burundi, 2005, acknowledges equality between men and women. It considers the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) an integral part of it and derogation amounts to violation of the Constitution. Vision 2025, a key national development document and the strategic plan for its implementation, i.e., the Strategic Framework to Fight Poverty (*Cadre Stratégique de Lutte contre la Pauvreté (CSLP)*) also have a gender dimension and consider it a cross-cutting issue. Vision 2025 recognises the central role of women in socio-economic development among the eight basic principles for growth and poverty reduction within the CSLP. The CSLP considers gender a key element in the formulation of objectives and activities related to the strategic pillars. The National Gender Policy (2011-2025) and its Action Plan are also very important national tools that underscore the importance of gender mainstreaming in all national policies and programs. The Policy advocates for the provision of substantive gender sensitive budgetary support.

The Constitution has an affirmative action measure of including 30% of women in government institutions, a positive step in respect to women's participation in decision making.

Like Kenya, Burundi does not have a National Trade Policy. Policy guidance on trade can be gathered from measures that ensure a stable macro-economic environment such as those already mentioned in the foregoing discussion. Some of these measures have been highlighted in the *Mise a Jour De La Politique Commerciale Nationale* (The diagnostic Study of the Elements of Burundi's Trade Policy).

Government effort in mainstreaming gender through its trade policies and regulatory instruments has been extremely meagre even though the country is fairly ranked by the Global Gender Gap Index, an index that measures gender disparity and examines the gap between

men and women in four fundamental categories (sub-indexes): Economic Participation and Opportunity, Educational Attainment, Health and Survival and Political Empowerment. Burundi ranks 17th out of 200 countries analysed. Resource constraints and political volatility (a long history of instability including a foiled coup attempt in May 2015) have slowed down progress on a number of development issues.

The current institutional framework for women enterprise development is inadequate. There are few, if any, women-specific government programmes to help women start up and expand a business. While gender mainstreaming in the country's trade policy instruments is a necessary and feasible strategy, it should be supported by the provision of women-specific programmes that contain, among other elements, general business start-up concepts and skills (i.e. an introduction to business), personal development skills, financial literacy, and mentor support. These are currently mostly provided by non – state actors.

Like women in other Partner States, Burundi women face the challenge of violence and harassment at border points including difficulties in communication as it is the only francophone country in the community. A Key informant in this study alluded to the need for the EAC to develop a charter with Partner States outlining WICBTs rights and obligations as a step towards dealing with challenges such as corruption, rape and violence at border crossings.

One way of tackling WICBTs challenges is for the EAC to jointly develop a charter with Partner States outlining the rights and obligations of cross border traders. –

Athanase Nsabumwami, Ministry of Trade, Industry, Posts and Tourism - Burundi

An attempt to tackle women's needs, concerns and interests has been through the Association of Women in Business (*Association Des Femmes Entrepreneurs Du Burundi (AFAB)*), a member of the Federal Chamber of Commerce and Industry. AFAB has taken several initiatives to facilitate the competitiveness of women entrepreneurs including WICBTs. These include training on business registration, export development, identification of market opportunities and customs documentation. Despite these efforts, a gender-based skills gap persists among women especially because only a handful of women are reached. Women cross border traders would benefit from training focused on product quality, meeting quality production standards, opportunity identification, development of market and export potential, professional business management practices, trade fair participation, and leadership/negotiation skills. All these are components of training needs that are unfilled by Burundi's current trade policy measures.

The United Nations Development Fund for Women (UN WOMEN) has made a number of interventions in steering and stimulating women's entrepreneurship activities. These have focused on strengthening women association networks to improve productivity and diversification of women and enhance their technical, organisational and managerial skills. This is intended to enable them develop new profit generating activities and to use networking to get information on markets opportunities. These interventions have greatly contributed to the progress that has so far been made. UN WOMEN also works to improve access to productive resources such as loans for women living in rural and suburban areas in order to contribute to the creation of a conducive environment for women's access to resources.

Literature obtained however shows that the country is still challenged with implementation of the formulated policies and legislative reforms into concrete outcomes. This poses serious

impediments to the promotion of gender equality and the advancement of women in the country. Gender issues need to be firmly addressed in the trade policy measures with a conscious effort to tackle all the barriers to women's entrepreneurial growth in development programmes at the macro level.

The interventions highlighted above are modest. There is need for government intervention for more steady and incremental support. Burundi can learn from good practices and lessons in the EAC region itself such as from Uganda and Rwanda and elsewhere to build on its current efforts to develop gender responsive policies and programmes for the economic empowerment of women.

N.B: Due to the continued conflict in Burundi, the study was not validated in Burundi.

2.5 The EAC

At regional level, the EAC Treaty commits to mainstreaming gender in all its endeavours by enhancing the role of women in cultural, social, political, economic and technological development.⁵⁷ Under Chapter 22 and more specifically Article 121 and 122, the role of women in contributing towards the process of socio-economic transformation and sustainable growth is recognised.⁵⁸ To this end, Chapter 22 specifically seeks to:

- i. Promote the empowerment, integration and participation of women at all levels of socio-economic development especially decision making;
- ii. Abolish legislation and customs that are discriminatory against women;
- iii. Create or adopt technologies which will ensure the stability of employment and professional progress for women workers;
- iv. Promote the role of women in socio economic development;
- v. Take such other measures to eliminate prejudices against women and promote equality of genders in every respect;
- vi. Increase participation of women in business at the policy formulation and implementation levels.

Little however has been done to include the role of women in the regional economic integration process and there are still large gaps in the implementation of Articles 121 and 122. An attempt to operationalise Article 121 and 122 has been through the establishment of the East African Women in Business Platform (EAWiBP). The East African Business Council (EABC), with the support from TradeMark East Africa initiated the EAWiBP with a view of putting in place mechanisms to address challenges faced by women-owned businesses within the region. The Platform catalyses the participation of women in the EAC integration process. It aims to improve the economic contribution of women in business and increase the progression of women-owned enterprises from informal to formal status. This platform is a good step forward; however, so far it is not wide reaching and is still in infant stages.

The EAC is in the process of developing a common Regional Trade Policy for the Partner States

⁵⁷ Article 5 (3) (e)

⁵⁸ Chapter 22, Article 121 and 122

to complement existing trade policy instruments such as the CUP and CMP. As evidenced by the coming into force of the CUP and CMP, the integration process has been geared towards trade liberalization and market opening with the assumption that free trade, combined with the relaxation of tariff and non-tariff barriers would lead to higher levels of growth and productivity and would expand employment opportunities for men and women, giving them similar chances of benefiting from macro economic policies.

While on the whole trade liberalisation offers tremendous economic benefits, the fact that it could disrupt sectors and markets where women are active has been overlooked. Trade liberalisation comes with an additional onus for technological upgradation to match increased competition, which is particularly challenging for women enterprises. High transaction costs associated with deficiencies in soft and hard infrastructure,⁵⁹ coupled with cumbersome regulatory requirements ranging from obtaining multiple certificates and permits, to complicated clearance formalities required by border control agencies present serious obstacles to women and more especially WICBTs who often find difficulties navigating these regulations.

Women entrepreneurs have largely been unable to surmount the obstacles they face in cross border trade. Access to finance remains a major impediment, despite Chapter 25 of the EAC Treaty urging Partner States to collaborate with national chambers of commerce to establish lending institutions to primarily cater for the private sector, especially the SMEs who encounter difficulties obtaining credit from commercial banks. Access to credit for majority of women is through SACCOs and ROSCAs which do not adequately finance their growth needs. There is a compelling need to invest in the financial inclusion of Women-Owned Businesses, by for example establishing a Regional Financial Facility at the East African Development Bank (EADB) that will extend affordable credit and other financial services such as guarantees to women-owned businesses. This can be coupled with gender sensitivity training targeting commercial banks.

Efforts towards reducing some of the barriers to cross border trade has come from non-governmental organisations such as EASSI, often working with supporting donor institutions such as TMEA. EASSI spearheaded the formation of a Regional Association of Informal Women Cross Border Traders under its Gender and Trade project. Country level traders associations were initially formed, leading to the formation of the regional platform. It has also established resource centers equipped with computers, photocopiers, mobile internet and skilled staff that act as hubs for trade and market information as well as a meeting and resting place for WICBTs.

The Preamble and Objectives of the EAC Customs Union Protocol mandate the EAC to mainstream gender in its programmes. This provides the basis for enhancing the participation of women in cross border trade. Despite this, the Protocol is not gender responsive to the participation of women. WICBT have not been well catered for to enable them take advantage of opportunities under the Customs Union. In general, existing laws tend to recognize the masculinised large scale sector. The non-transparency and complexity of administrative procedures compound this problem, undermining trade in the region.

A few of the provisions of the Customs Union however can be used to create an enabling environment for ICBTs and WICBT in particular for more effective cross border trade. The

59 Soft infrastructure includes border and transport efficiency measures, the regulatory environment etc. While hard infrastructure includes the physical infrastructure such as ports, airports, roads, and rail infrastructure.

Protocol envisages the elimination of both tariff and non-tariff barriers, customs duties and other charges of equivalent nature,⁶⁰ trade liberalization coupled with diversification,⁶¹ trade facilitation through reduction in the volume of documentation, the adoption of common standards of trade documentation and procedures⁶², and recognition of the National Treatment principle of non-discrimination.⁶³ Put together, these provisions can be read to generically facilitate trade especially for WICBTs.

Despite the provisions above, intra-EAC trade is generally hindered by persistent Non-Tariff Barriers (NTBs) which equally affect the efficiency and competitiveness of EAC entrepreneurs. NTBs are laws, regulations, administrative and technical requirements other than tariffs imposed by a Partner State, whose effect is to impede trade. NTBs can also take the form of corruption and the imposition of additional trade requirements.

The EAC Treaty outlaws the imposition of NTBs to intra- EAC trade. Article 13 of the Customs Union Protocol obligates Partner States to eliminate NTBs amongst themselves. Each Partner State agreed to remove with immediate effect all the existing NTBs to the importation into their respective territories of goods originating in the other Partner States, and thereafter, not to impose any new non-tariff barriers.

The Protocol obligates Partner States to formulate a mechanism for identifying and monitoring the removal of non-tariff barriers. An EAC NTB Monitoring Committee was established comprising the National Monitoring Committees (NMCs) of each of the five EAC Partner States. NTBs however still plague the EAC, going against the spirit of integration. A Draft EAC NTBs Bill has been forwarded to the East African Legislative Assembly for enactment into law. This will be a significant milestone in redressing NTBs in the region as it will collapse some of the barriers faced by women and men in cross border trade.

Relatedly, EAC Partner States have established Joint border committees (JBCs) that have played a big part in reducing waiting times and other uncertainties that lead to delays and corruption at border posts. JBCs facilitate efficient border operations by promoting collaboration between government agencies and private sector operators to better identify and resolve impediments to the efficient movement of goods. In this way, JBCs enable more efficient border operations and faster flow of goods, saving time for both men and women.

The EAC is also implementing a One Stop Border Post (OSBP) project with support from TMEA. An OSBP is a one stop form of border crossing point jointly managed by neighbouring countries and where activities are streamlined to maximise efficiency. The OSBP revolves around converting a two stop border crossing point into a one stop border post while ensuring that the regulations of the countries that share borders are complied with. It is expected to improve intra-EAC trade by reducing bottlenecks and avoiding duplication of clearance procedures at borders for people

60 Articles 2 and 10

61 Article 3

62 Article 6 and 7

63 Article 15. National Treatment is an international trade concept that requires giving others the same treatment as one's own nationals.

and goods. Together with the SCO, the OSBP will go a long way in reducing the time spent by women and men at border points hence improving business efficiency.

2.5.1 Opportunities for Quick Wins

The EAC Simplified Certificate of Origin regime

In an attempt to simplify ICBT business, the EAC introduced the Simplified Certificate of Origin (SCO), akin to the COMESA Simplified Trade Regime (STR). The SCO is a trade facilitation document which is used for clearance of goods that have been grown/produced from the EAC Partner States and whose value is US\$2,000 and below. It requires the use of a simplified declaration form made available at the customs offices at the border stations, in place of the previously cumbersome Single Entry Document. It aims to simplify trading procedures hitherto regarded cumbersome and restrictive. It is a remarkable effort to bring ICBT within the formal trading system and to extend the benefits of the Customs Union to small traders. Although it is not specifically designed for women, it can be used to leverage women's performance in cross border trade.

Women are expected to benefit greatly as the small quantities of products they trade in are the target of this trade arrangement. Research findings show that majority of ICBTs deal in small quantities of goods with agricultural products amounting to 42%, textiles 21% and consumables 18.5%.⁶⁴ Most of their consignments are of the value of US\$2,000 and below.

Since the regional integration process aims to boost trade between Partner States, a Rules of Origins criteria is applied to this trade regime, requiring that goods must be originating within the EAC. Rules of origin are modalities used to determine the nationality of a product (originating status/ 'birth certificate'). In most cases, it requires that the product is locally produced within the EAC or must have undergone substantial transformation within the EAC. Fortunately, as indicated above, majority of WICBTs deal in products that can easily meet the Rules of Origin criteria and can therefore reap immense benefits from the trade regime. This study therefore flags the SCO as a trade arrangement that has to be popularised for quick wins for WICBTs.

Some of the benefits of using the SCO require special mention. Absolutely no import duty is charged on EAC originating products,⁶⁵ it saves money that would have been used in trying to beat formal systems (e.g. by using unofficial ('panya') routes). It also saves time as a result of simplified customs clearance process that women can now easily navigate. The form is available at the customs border station at no cost. This is particularly significant for women who have multiple socio – economic roles.

However, the SCO and the Automated System for Customs Data (ASYCUDA) forms both of which are used at border points for customs clearance need to be amended to have a gender field to enable disaggregation of data that can be used to aid proper planning for WICBTs needs

⁶⁴ Ibid

⁶⁵ A common list of products is used to determine qualifying products.

and interests. Boosted efforts are also required to engage the ministries responsible for trade not only to mainstream gender concerns in their policies and work plans but also to equip themselves with skills in gender analysis.

Good Practice Examples

Partner States can borrow the approach taken by Uganda and Rwanda in engendering some of their trade policy instruments even though more is still required to be done. They can also borrow from successful working models in Canada and Malaysia where the former has been able to successfully position its women entrepreneurs to benefit from the Multilateral Trading System (MTS) and the latter has provided the spring board for women entrepreneurs to become sustainable exporters.

In Malaysia for example, the Malaysia External Trade Development Corporation (MATRADE), the national trade promotion agency has enabled many women entrepreneurs to carve new frontiers in global markets. In 2005, it developed the Women Exporters Development Programme that targets women entrepreneurs seeking to expand beyond Malaysia's borders. It works to improve their understanding and knowledge of regional and international markets.⁶⁶ It has a network of 42 offices worldwide that support women to network with buyers and partners abroad to secure export opportunities, and provides advisory and mentoring services.⁶⁷ The program supports women to participate in international trade promotion events and offers skills development opportunities and international marketing support, focusing on access to markets, financing, and leadership. These are areas identified to be keeping Malaysian women entrepreneurs from reaping the full benefits of international business.

66 *Ibid*

67 *Ibid*

PART III: CONCLUSION AND RECOMMENDATIONS

3.0 Conclusion

The trade policies, strategies and regulatory frameworks of the EAC and its Partner States are observed to have articulated key gender concerns. All the Partner States have a document that acknowledges and provides for the equal participation of women and men in social and economic development. At implementation level however, a review of documentation demonstrates that there is a gap between policy development and implementation. There are limited road maps, resource commitments and implementation efforts towards achieving the same. In fact, there are no budgetary allocations to implement the policy aspirations. All the countries nonetheless are implementing a program that positively impacts on women. A common thread among most of the intervention measures however is that they are not properly institutionalised and empowerment efforts are scattered across several implementation agencies. Most of them lack a direct link to a stipulated policy measure.

Prevailing literature on the subject holds firmly that WICBTs continue to face disproportionate bias in accessing resources that are key for their effective participation in cross border trade. Gender mainstreaming into trade policies has been given varied considerations in the different Partner States. While trade policy can only be effective when complemented by adequate trade facilitating infrastructure and appropriate human skills, women in all the Partner States still have limited access to credit, education, requisite information about economic opportunities and lack the technical and managerial skills needed to effectively pursue cross border business and gain from opportunities created by regional and international trade arrangements.

It is clear that inadequate effort has gone into understanding the ICBT sector, documenting its trends and contributions and making policies and procedures that include them. Documenting the financial contributions of ICBTs in general and disaggregating the same by sex would go a long way in changing negative perceptions over ICBTs and WICBTs in particular and would boost the GDP of Partner States and the region as a whole. Much less effort is evident in making women traders part of the process of developing the sector. There is inattention to developing specific strategies and actions to address the root causes of discrimination against women, even when serious constraints are recognised.

Additionally, no Partner State has conducted a systematic analysis of how its trade policies have impacted on women hence may not know whether some of their trade policies are responsible for a specific negative gendered impact. It is certainly a step forward that all the Partner States have theoretically mainstreamed gender in some of their trade policies. What is on ground however indicates a lack of linkage between the programmes and what the policies articulate. Indeed, despite the emphasis on gender mainstreaming, Partner States do not seem to have the theoretical tools to embark on such an endeavour.

Major constraints also still lie in traditional norms and culture. The main thrust is to embark on gender sensitisation to influence attitude change in society. The report proposes the following recommendations aimed at redressing the prevailing inequalities.

3.1 Recommendations

Women entrepreneurs need to be equipped, tooled and empowered in order to succeed in regional and international trade. Trade policies provide the foundation for mainstreaming women's needs and enhancing their participation in cross border/export trade. Much more important is the need to engender the implementation strategies so that budgetary allocations take into account the unique needs, concerns and interests of women entrepreneurs. Hence, implementation Plans/ Strategies need to be targeted when advocating for policy change.

General Recommendations

The issues tackled in the proceeding discussion are gaps found in the trade policies that affect men and women differently. Women tend to be worse off on account of illiteracy, structural stereotypes and their family obligations. While the list is not exhaustive, there is a compelling need for more support in these areas so as to boost the performance of women in business and consequently cross-border trade. Trade Policy may not deal with the issues with specificity and exactness, but an accompanying implementation strategy should ordinarily tackle these concerns.

- I. Entrepreneurial Education and Training
- II. Access to Finance
- III. Access to Information
- IV. Access to Markets
- V. Trade facilitation/Infrastructure

3.1.1 Entrepreneurial Education and Training

Access to entrepreneurial education and training is a persistent challenge faced by women entrepreneurs to a greater degree than their male counterparts.⁶⁸ Most of the trade policies have no deliberate effort to support the entrepreneurial skilling of women. The need is recognised on paper without a clear implementation focus. This leaves the business potential of women hindered by the lack of requisite capacities. In Uganda for instance, UEPB runs a programme on export coaching that seeks to ensure gender sensitive capacity development for export trainers. This programme is mainly offered in urban settings, leaving out the rural women. In Tanzania where the trade policy instruments have highlighted the critical importance of such training, it has also mainly concentrated on urban areas. As a result, most women continue to do business without skills on better business management, export specific skills and business expansion.

68 Uganda's National Development Plan 2015 – 2020 (NDP II) for example indicates that only 55% of the total labour force have primary school education and 16.1% percent have no formal education while 3.1% have received post-secondary specialized skills. Beyond that, the Plan recognises that there is a mismatch between the skills acquired in school and those required in the market place.

WICBTs generally need to be targeted with strategic information that will ensure that they are dealing in quality products. We ought to concentrate more on product development and focus on small but important steps that will ensure that women develop and grow economically. Value addition is therefore an important skilling component that would attract more wealth for women entrepreneurs. For example, the careful selection of 'grade A' mangoes for export would be a 'value addition' that would earn as much income as incremental processing steps for juice making.

In view of the above, trade policies and regulatory instruments should be strengthened to have a special focus on growth initiatives for women entrepreneurs. Implementation strategies should emphasise technical skills upgrading, record-keeping, access to markets, export management training, as well as taxation and regulatory requirements aimed at eliminating tax phobia among women. Skilling up would address the general skills deficit and lead to increased sales volumes, extension of women businesses into new frontiers in regional markets and improvements in quality. This in turn will enable women to participate in more dynamic sectors such as industry and information technology and would enable better integration into global value chains. Policy strategies must therefore develop concrete projects at community level (rural women would be targeted), and empower women entrepreneurs' associations through capacity building and access to markets.

3.1.2 Access to Finance

Access to finance is another obstacle to the growth and expansion of women's enterprises. Prohibitive interest rates coupled with short periods of repayment and the lack of collateral are major impediments to women's business financing. Studies have found that women mostly use personal finances⁶⁹ to run their enterprises compared to men who have greater access to credit. This limits them to very small scale enterprises with limited capacity for growth. Collateral requirements technically knock them out as they rarely have the collateral that banks require such as title needs.

Access to credit for most women is still through the traditional SACCOs and informal 'merry go rounds' also known as Rotating Savings and Credit Associations (ROSCAs) which are popular for their flexible repayment terms. These however cannot finance reasonable business growth. Microfinance funding opportunities through the Kenya Women Finance Trust, the Tanzania Women's Bank, the Uganda Women Finance and Credit Trust; and Rwanda's Community Bank provide critical support to women's access and utilization of business advisory and financial services. There is however need to widen collateral instruments for access to financing and also increase trade finance outreach especially the geographical spread of credit institutions. Multiple credit lines/sources of funds need to be opened to support women entrepreneurial growth. A Regional Financial Facility from the East African Development Bank would go a long way in serving the financial interests of women growing beyond small localised businesses. There is also need to provide simplified training and information on sources and uses of credit.

Trade policies at the EAC and Partner States level should be reviewed to provide gender responsive solutions to women's financial predicament.

69 The East African Community Customs Union, (2006); Women and Cross-Border Trade in East Africa: Opportunities and Challenges for Small Scale Women Traders, Friedrich Ebert Stiftung.

3.1.3 Access to Business Information

Women generally face more difficulties than men in obtaining trade related information. Information flow is mostly asymmetrical, as women have less access to ICT, the commonest modern means of information flow. Specific support is needed to help women entrepreneurs achieve growth through comprehensive, accessible and readily available business information.

Commendably, Business Information Centers (BICs) exist in some locations within the different Partner States. They provide information on how to start a business, register it, obtain a trade licence, prepare a business plan, forecast sales and do basic marketing. They also provide guidance on policies and regulations, including information on the different types of taxes, and some even provide lists of women-friendly MFIs, BDS providers and training organisations. However, most of them inadvertently target urban and peri – urban women entrepreneurs who have the means to access them, locking out the larger part of rural women and WICBTs. In addition, access to some of their information is dependent on technology, which many women lack. Telecentres that are expected to be information hubs in the rural areas of the Partner States are not getting the results they had hoped for, as a result of high illiteracy levels especially among women.

At EAC and Partner States' level therefore, there is need for a clear strategy for improving the delivery of information to women to enable better access to new and expanding markets. This should include strategies that help women obtain relevant and up-to-date market information, and developing assessment tools that help to identify and address the barriers women face in accessing new and expanding markets. There is also need to counter information asymmetries by providing, through trade policy implementation strategies, points of reference for access to trade information for women entrepreneurs across the countries, including considering developing mobile phone software that alerts women and men of business opportunities when they open up.

3.1.4 Access to Markets

Access to markets is yet another major growth constraint felt by many women entrepreneurs. Women generally have insufficient linkages and opportunities for export promotion. Knowledge gaps exist on how to find suitable markets for their products and how to expand products to new markets. Many lack access to networking opportunities that would expose them to potential markets. Providing information on how women can effectively access markets and enabling them to successfully enter into new markets is critical to fostering inclusive economic growth. Additionally, it is imperative that market diversification is encouraged so that women entrepreneurs have opportunities to expand beyond what is considered their business domain (i.e., handicrafts, textiles, and agriculture). With the exception of the Rwanda Trade Policy and the Uganda NES that have highlighted these areas as critical, such intervention measures are generally lacking in all the other trade policy instruments reviewed. Even with Rwanda and Uganda, policy stipulations have not been followed by a focused implementation plan. There is need to reinforce these areas during the policy review processes.

The current initiative in Kenya by the Ministry of Foreign Affairs and International Trade in which counties and districts with export potential are provided with information on existing markets

resulting from Agreements Kenya has signed at multilateral, regional and bilateral levels, even though lacking a gender dimension is a practice that could inspire other Partner States. Some Partner States are in the process of establishing cross border markets. Government must strategically position women to ensure that they do not have restricted access and ownership.

3.1.5 Trade Facilitation/Infrastructure

Gendered constraints are more intensified for women exporters than men when it comes to trade facilitation, logistics, and transport. Women typically face higher levels of corruption and violence at border posts and find it hard to navigate complex customs procedures compared to their male counterparts.⁷⁰ Administrative formalities in areas such as health, agriculture and immigration are often perceived as costly, complex and time consuming. A 2010 World Bank Report found that women traders find regulatory burdens to be one of the most significant barriers to trade, especially when sanitary regulations were involved.⁷¹ Storage facilities, accommodation and sanitation are missing requirements at border posts that could promote the ease of doing cross border trade for women.

It is the responsibility of Partner States to foster a business enabling environment for women in which barriers to trade are minimized or ideally removed. This includes simplifying customs and trade logistics and encouraging investment in trade related infrastructure. The lack of storage, accommodation and sanitation facilities can for example be overcome through a Public – Private Partnership.

Partner States may also consider relaxing regulatory burdens to encourage a shift from informal to formal trade. Women may benefit from the simplification and harmonization of international trade procedures that make trade less complex such as customs/ licensing procedures and transport formalities. Customs officials should be trained to address barriers women face, including harassment by customs officials.

3.1.6 Specific Recommendations

3.1.6.1 To the EAC;

Rebuild confidence in formal cross border trading structures

As a result of the hardships faced by women in conducting crossborder trade, women have little confidence in the value of formal structures. This forces them to remain in the informal sector. Unfortunately, informal trade imposes unpredictable costs and it also prevents them from securing recognition from formal government structures which leaves their contribution unrecorded.

The EAC needs to do the following;

- i. Commit adequate resources to gender equality and put in place clear implementation road maps;

70 Supra note 3

71 Women's Economic Opportunities in the Formal Private Sector in Latin America and the Caribbean: A Focus on Entrepreneurship. Washington, DC: World Bank 2010.

- ii. Provide better information about the Customs Union Protocol (Customs issues) and Common Market Protocol (immigration and the free movement of people and capital between States), by means of clear and simple documents in national languages targeting the women traders of member States. Such documents must explain the significance of the Protocols and show how it can help small traders enhance their exports across borders. In particular, popularise the SCO.
- iii. Train Customs Officials on policies and practices that encourage the inclusion of women.

Establish Regional Financial Facility

There is need to invest in the financial inclusion of women owned businesses specifically by establishing a Regional Financial Facility at the East African Development Bank that can extend credit and other financial services such as guarantees to women owned businesses.

Recommendations from the validation meetings in the four partner states

- The EAC partner states need to harmonize laws and policies on the various areas of cooperation for effective and sustainable regional integration. Special mention was given to harmonization and acceptability of standards.
- The EAC partner states need to fast track the monetary union to safe guard traders against currency fluctuations.

3.1.6.2 To Partner States;

Mainstream Gender in Policies and Work Plans

Ministries responsible for trade should mainstream gender concerns in their policies and work plans and also develop a coordinated implementation focus. Most programmes and initiatives were found to be scattered in different institutions, some of which were private organisations with no direct linkage or coordination with ministries responsible for trade. Where policies stipulated the need for an intervention measure, there was usually no accompanying implementation programme. None of the Partner States had carried out a gender – trade policy analysis to determine the impact of existing policies on women, although the Rwanda Trade Policy alludes to this need. In order to more effectively address the identified factors for the existing wide gaps between policy implementation and outcomes on gender equality, this study recommends that Partner States develop an Action /Strategic Plan with a set of actions for immediate and long term implementation frameworks.

There is also need to enhance the understanding of policy makers of the intricate relationship between gender and trade to enable them reach better informed decisions. This may require building or strengthening the capacity of Ministry of trade officials in gender analysis, a starting point for effective gender mainstreaming. This is assumed to be the reason why some of the

policies have gender affirmations but without adequate implementation. It underpins the need to review and audit trade policies, plans and programmes for result oriented gender equity responsiveness.

The EAC Secretariat and Kenya are for the first time developing their Regional Trade Policy and National Trade Policy respectively, while other Partner States' trade policies are due for review. This is an opportune time to make them more gender responsive. An addendum to the policies not currently under review that speaks to gender equality may also be a necessary course of action.

Provide budgetary allocations for women economic empowerment

Partner States need to implement the different policies on women economic development through budgetary allocations at national and local/community levels for the advancement of both technical and business skills.

Identify Sectors with high female presence

Engendering of the trade policies should be done by identifying the sectors where female employment is high. This will help devise appropriate schemes with 'positive' gender discrimination which will address the issues in the right perspective. There should be a strong lobby for a gender audit of the trade policies to identify latent gaps and hence make them more gender responsive. This can be done at two levels:

- i. At sectoral level – Where there is a very strong presence of female employment or women workforce; such a scheme will help in expanding employment opportunities and grow the sector as a whole;
- ii. At entrepreneurial level – Schemes will see women climb up the value chain in overall economic activity.

The facilities should be more favourable than the general facilities to be able to give a gender dimension to the policy.

Support WICBTs Hubs

Partner States should support existing and new Cross Border Trade Associations that serve as hubs for trade related support needs. Such hubs have the potential to address some of the challenges identified in the foregoing discussion such as lack of information and training, poor access to technology and they can also serve as tele centers. Membership to these hubs can facilitate networking, speaking to the government with one voice and mobilizing resources, including loans and financial services. Hub staff can facilitate trade by helping traders to complete border processes. When equipped, the hubs can also distribute technical support guidelines and manuals that outline the steps and procedures needed to trade formally at border points. With efficient hubs, WICBTs would benefit from a reduction in export time and costs and increased levels of compliance with cross-border procedures.

Build data banks for gender disaggregated data

There is limited availability of gender disaggregated data which is critical to designing strategies for addressing the barriers to women's economic advancement. Disaggregated data supports interventions that advance the status of women as evidence would be used to guide the process of mainstreaming gender into trade policies.

In addition, disaggregated data would enable Partner States to isolate women's economic contributions in informal trade and enable government to build support structures to enhance their export performance. It would also enable advocacy groups and trade policy analysts to put on table credible and objective positions based on well researched studies. It would also help Partner States to lay appropriate strategies for the improved participation of women in cross border trade. Such data if available would be critical for mainstreaming gender into the draft processes of the EAC Regional Trade Policy, the Kenya National Trade Policy and the Uganda National Trade Policy review that are currently ongoing. At regional level, Customs SCO and ASYCUDA forms can be used for this purpose. Institutions involved with key services such as licensing, company registration, etc. should also be encouraged to introduce gender classification and reporting.

It was the view of some informants that the EAC should put in place a monitoring mechanism that captures the performance and ongoing experiences of small-scale women cross-border traders at official border crossings. Reports of goods passing through unofficial border points should also be captured.

Profile Women Role Models

A Strategic Framework should be developed at EAC and Partner States level to encourage the strengthening of programmes that recognise and promote successful businesswomen as role models for others. Business award programmes and competitions have so far been useful strategies in all the Partner States although they tend to take place in urban centers and usually focus on urban women achievers. To be effective, such programmes should target women in diverse social groups and especially highlight the experience of women at the grassroots. These should include women with disabilities, women living in rural areas and young women. At EAC level, the EAWiBP would be an important platform.

Enhance Women participation in trade fora

There is need to ensure effective participation of women in decision making so as to influence policy reform and stimulate change in areas where women are most affected such as lending practices. Women need to be systematically involved in the diagnosis of gender - trade issues as well as policy formulation so that their voices that are from trade policy and trade negotiations would also be heard. Gender quotas for women in government institutions in Rwanda, Burundi and Kenya are a positive step in respect to women's participation in decision making (such quotas should however never be considered as the ultimate ceiling). The fact that the Ministers of Trade in Uganda and Kenya are women is a leadership aspect that should be exercised to deliver key trade related gender goals. Women's organisations should be involved in trade policy formulation and where necessary, at the implementation stage.

3.1.6.1 To CSO's;

Lobby for gender mainstreaming in Kenya, Uganda and EAC Trade Policies

Uganda is in the process of reviewing its NTP and NES while Kenya has also engaged a consultant to develop its first NTP and is also reviewing its NES. At regional level, a common Trade Policy is being developed for the Partner States. These processes present an early opportunity for advocacy groups to lobby for the mainstreaming of gender in the respective policies and strategies. Ministries of gender and other Non-Government Organisations active in this area can also make key contributions to this process.

Design Gender Mainstreaming Road Map

Design a road map for mainstreaming gender and women's rights into the drafting process of the EAC, Kenya, and Uganda National Trade Policies and export strategies, including identification of women empowerment specific interventions in the policy implementation strategies. This can be used as the advocacy lobby tool.

Pursue Public Interest Litigation

CSO's should consider novel methods for back stopping women's rights in trade related initiatives, especially where there is a gap between policy assertions and actual implementation. This would take the form of public interest litigation, an advocacy tool that is enshrined in all the Partner States' constitutions. All Partner States have constitutional provisions for equal rights for men and women and are all signatory to CEDAW, while some others have made the Convention an integral part of their constitutions. Ideally, public interest litigation permits any person to institute a complaint to court claiming that a fundamental constitutional right has either been infringed or threatened in relation to him or her or any other class of persons (in this case women). This would indeed be a novel method of influencing decisions and a means of publicizing women's issues.

Lobby for WCBTs Charter

CSO's passionate about dismantling or lessening the obstacles faced by women and WICBTs in particular should advocate for the development of a WICBTs charter outlining WICBTs rights and obligations. This process should preferably be spear headed by the EAC Secretariat although the idea can be initiated by any advocacy group.

EASSI and likeminded organisations should also keep up the momentum for pursuing a common EAC Gender Policy that addresses inter-alia issues of women and economic empowerment through participation in intra - regional trade.

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