GENDER AND TRADE IN AFRICA: TOWARDS AN AGENDA FOR GENDER EQUITY IN TRADE POLICIES, AGREEMENTS AND OUTCOMES

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1. Introduction

In its effort to strengthen its interventions on gender and trade issues, UN Women in collaboration with the UNECA has commissioned this gender audit of Africa's negotiating positions in trade agreements and examine trade facilitation policies. The report aims to generate a set of recommendations to inform future trade negotiations and trade facilitation. This assignment has three components as stated in the terms of reference. They are:

- A gender audit of Africa's negotiating position in trade agreements (EPAs, WTO, etc.);
- A review of gender and trade facilitation in Africa; and
- The development of a generic template with policy recommendations to address the gender gaps identified in these reviews, and inform future trade negotiations and trade facilitation.

The report is organised as follows: This introduction is followed by a section explaining the concern with gender and trade and another on conceptual and methodological questions, which include the methodology for this gender audit. The context of trade liberalisation in Africa is then set out, followed by two sections discussing WTO agreements and the EPA and AGOA from a gender perspective. Next is an extensive discussion of gender and trade facilitation. The concluding section consists of a summary and recommendations for promoting gender equitable trade in Africa. An action plan for implementing some of the recommendations is then presented. Several appendixes are attached to the report which detail certain pertinent issues, among them, gender equality and human rights instruments ratified by African countries, gender and trade facilitation issues in several African countries and a list of civil society organisations devoted to gender equity in trade in Africa.

2. Why Gender and Trade?

Trade liberalization must deliver gains to the most disadvantaged in society

The concern with gender and trade arises from several considerations. One is that trade liberalisation must deliver gains, not just to countries or segments of their population, but also to their most disadvantaged groups, i.e. trade should both protect and strengthen the capacity of all to make a decent living, and where relevant, reduce poverty and social exclusion. This is why there is contestation about whether trade liberalization can achieve growth which is socially equitable and environmentally sustainable.

[1] This report is authored by Dzodzi Tsikata, University of Ghana

Trade Liberalisation has differential impacts and generates different responses from people

Secondly, economic and social policies are known to have differential impacts and generate different responses from different social groups in society, and trade liberalisation policies are no exception. The information available suggests that there are gender, class, occupational, sectoral, geographical (rural/ urban; regional) differences in the impacts of trade and investment policies within African countries. These arise from pre-existing inequalities which have been exacerbated or extended in new directions by particular policies. This is not a question of simply of some social groups being affected more than others, but that they experience these policies differently and therefore do not respond to them in the same ways. At the global level, this is one of the most telling criticisms of the WTO and the assumptions underpinning its work. While the WTO strives to remove what it calls distortions in trade and create a level playing field, its critics argue that since countries are not on a level playing field in terms of endowments and circumstances, it is actually discriminatory to make them play by the same rules.

Gender considerations are often missing from discussions on the impacts of trade policies.

While much of the discussion of trade liberalisation has implicit and explicit class, sectoral and occupational analysis, gender analysis does not come so easily. There are various reasons for this state of affairs. One is the idea that macro-economic policy objectives (employment generation, growth, price stability) and instruments (monetary and fiscal policies etc) as well as international trade are gender neutral or operate at the level of aggregation that does not make a gender analysis meaningful.. This ignores the fact that what has been aggregated can be disaggregated. Feminist economists have pointed out that hidden in national accounting and macro-economic data, as well as in concepts such as GDP, services, subsidies and investments, are biases about which activities are considered worth tallying and important.

The AU, RECs and African Countries have obligations to promote gender equality in all aspects of economic policy, including trade.

The Protocols establishing custom unions all over Africa do not mention women or gender mainstreaming. However, in keeping with current good practice, SADC and ECOWAS have gender protocols while the EAC has one in draft form. Strategic plans and work plans are also in place to promote gender mainstreaming. The challenge is to translate these agreements and commitments into action (See appendix 1 for some of the specific provisions on gender equity).

There is useful gender analysis of the impacts of trade policies, but information is not always complete.

Moreover, there is useful analysis of gender and trade issues. This analysis suggest that not just impacts, but also the content of trade policies need to be subjected to gender analysis. However, we still do not have sufficient empirical information about the impacts and contents of trade and investment liberalisation, particularly the implications of the WTO agreements. There have been many predictions but much fewer concrete studies. Some findings have also been contradictory. Two issues in this literature are useful in thinking about gender and trader. These are the weight of African specificities and the import of economic liberalisation policies.

Economic Liberalisation and gender

Discussions of gender and trade in Africa need to be situated within the broader debates about the relationship between trade liberalisation and gender. As trade and investment liberalisation was one of the key pillars of the Structural Adjustment programmes in Africa, it has been difficult to disentangle the impacts of SAPs policies from those linked with WTO agreements and from general global trends (Durano, 2008). However, since trade and investment policies are part of a general package of economic liberalisation, it is possible to make general attributions, while observing the caveats. Thus in spite of the dearth of empirical research, there is some basis for assessing the implications of policies and making recommendations.

Williams has pointed to a two-way relationship between trade liberalization and gender. “Trade liberalization can increase or decrease gender inequality, and gender inequality can prevent trade liberalization from achieving the desired results” (Williams, 2004, p. 73). However, some studies have proceeded with the assumption that trade liberalization improves the prospects of women, particularly unskilled female workers (Joekes, 1999; Nordas, 2003). They have pointed to women’s work in export processing zones in Asia and in those agricultural societies in sub-Saharan Africa where the ownership of natural resources is more evenly distributed, and where women play an important role in the distribution and sale of farm produce and fish. While the situation of women within the household might worsen as a household shifts to producing cash crops for exports, many women have benefitted from work outside their households in the new horticultural industries (Joekes, 1999; Nordas, 2003).

This analysis has been challenged by others who have argued that trade liberalisation worsens women’s livelihood prospects, as their losses under trade liberalization policies are not necessarily offset by their gains. Even where they have increased their incomes, this has been offset by high transaction costs and risks, increased workloads and time poverty (UNIFEM, 2006; Sander, 2009). Research on agriculture for example has found that in several African countries, trade liberalization resulted in the closure of local state trading depots and although this affected both men and women, women suffered more because of their lack of mobility. As well, the shift to export crops resulted in land speculation and the loss of common property resources. As women had a higher dependence on common property resources than men, the loss of such land was more detrimental to their livelihoods (Baden, 1998). Trade liberalization also results in the influx of cheap agricultural products which can lower farm gate prices and increase competition with foreign imports. This together with the removal of subsidies in developing countries can either increase incomes from the export sector or decrease incomes because of competition from imports and the high costs of chemicals, fertilizer and other farm inputs. Trade liberalization can thus threaten access to food, shelter and basic services in that women farmers and entrepreneurs can lose their livelihoods and markets as a result of the influx of highly subsidized goods from developed countries (Williams, 2004; Musa, 2006). Economic liberalization policies also account for the proliferation of women in cross border trade in unsustainable jobs as the options for alternative employment contract. In some cases, women's socio-economic disadvantages disable them from taking advantage of the opportunities provided by trade liberalization.

Within the dominant view that trade and investment policies have been detrimental to women as a social group are two different arguments. One is that liberalisation in general and WTO rules in particular are detrimental to gender relations because they ignore the gender inequalities which prevent women from taking advantage of whatever opportunities they may represent. The second argument is that trade liberalisation perpetuates, reinforces and exacerbates existing inequalities or creates new ones. These two arguments have different implications. More and more, analysts have adopted both arguments within their work.

From the foregoing, it is clear that trade liberalization can reduce or increase gender inequalities, women's incomes and their poverty, depending on the overall impacts of trade liberalization on their economies and societies, women's location in the economy, the scale of their activities and the particular activities they are engaged in. Gender differences in the control of resources, the division of labour and decision-making also affect women's ability to benefit from trade liberalization. In countries where trade liberalization has created jobs in export processing zones or in horticultural industries which have largely been filled by women who were before then unemployed, it has been easier to point to benefits.[2] However, in situations where women have largely experienced trade liberalization through agriculture and trading, the picture has been more complicated.

African specificities

There are African specificities in gendered trade and investment liberalization outcomes. It is noteworthy that studies have argued that trade liberalisation has resulted in women's increased participation in the labour force and the feminisation of labour. However, Cagatay (2000) for example has identified three possible processes in the discussion of feminisation- buffer, segmentation and substitution hypotheses. In the buffer hypothesis, women enter the labour force during labour shortages and leave when the situation changes; in the segmentation hypothesis, gender segregation of the labour market means that female employment rises when their sectors increase their share of production. In substitution, over time, women replace men in jobs which were considered male. Clearly, which of these processes is at play is important for how we see the feminization of labour and its implications.

For example, some studies have found that in Africa, (unlike Asia which has the largest absolute number of EPZ jobs), EPZs employ a proportionally small share of the labour force. However, in Mauritius and Tunisia, they provide the bulk of women's jobs in the industrial sector as well as being a major part of all industrial employment. Again, the wages, working conditions and

[2]In any case, the conditions of women workers in horticultural industries have not been completely positive. In Kenya, Uganda and South Africa where horticultural businesses have employed predominantly female labour from both urban and rural areas, the women have had the poorer quality jobs- with poor wages, longer hours of work, poor conditions of service and no social protection, while facing numerous health hazards (Razavi, 2007).

profile of the female employees of African EPZs are different from Asian EPZs. Thus they are likely to have different implications in Africa from what is found in the Asian literature.

The various analyses of gender and trade and investment have different assumptions and objectives. One position is that trade and investment rules are given and that the issue is how to support women to gain the ability to take advantage of the opportunities. This inspires questions and concerns quite different from the position that trade and investment policies can be interrogated for how fair their stated goals and processes are and whether they deliver these goals. They can also be interrogated for who benefit and lose and whose situation is exacerbated by their implementation.

3. Gender and Trade Liberalisation: Some Conceptual and Methodological Issues

A gender audit of Africa's negotiating positions and agreements is complicated by several factors. These include the fact that trade decision making takes place at several levels (national, regional and global); and there are differences in the positions of countries and regions about particular trade issues. As well, gender analysis reveals different approaches to trade policies. These issues are discussed in this section, which also sets out the framework for this gender audit.

Multiple Levels of decision-making complicate analysis

Joekes and Weston (1994) have noted that trade and investment policy is made at three levels- national, regional and international. Therefore analyses of policies, institutions and processes have to focus on all three areas and how they are connected with or affect each other. National trade and investment policy is largely made by the executive arms of government and legislatures play the less fundamental role of ratification and monitoring. This has also meant bureaucratic control of trade and investment policy decision making. It is interesting that this has been rationalised as an attempt to depoliticise trade and investment policy making so that national as opposed to partisan interests can be served. The assumption that the executive and bureaucrats will serve the national interest or that there is one national interest that all are agreed on is of course hotly contested.

Questions have been raised about the transparency of trade decision making processes and who can participate and how they can participate. While there is some consultation with the private sector, there is very little with other interest groups. It has also been noted that most countries lack independent review bodies which can referee the decisions.

With regard to regional trade institutions such as ECOWAS, SADC, COMESA and EEC, activists have been critical of the distance between citizens and decision making bodies. There are suggestions that direct access of citizens to regulatory bodies would improve their participation in decision-making. However, there are challenges to be surmounted in the exercise of citizens' access, and certain social groups face more obstacles than others.

With international trade institutions, the WTO processes have been critiqued for covering increasing areas of domestic policy, thus reducing national policy making spaces. Closed door negotiations have also been criticised for the lack of transparency. The fact that the WTO has direct control over governments but not TNCs is also a subject of concern. Most importantly, it has been argued that the convergence between the World Bank, the IMF and WTO is problematic because of their wide ranging powers and the dangers of cross-conditionalities.

Differences in development status and positions among Countries

African countries do not have one set of positions on any of the agreements being negotiated currently within the WTO. Africa has the majority of least developed countries (LDCs), which have specific interests in trade negotiations, quite different from larger countries such as South Africa and Kenya. This is also the case for the EPA negotiations, where the differences among the countries within various RECs, particularly within SADC and ECOWAS are quite sharp. Furthermore, many of the agreements are under discussion even though there has already been a process of far reaching trade and investment liberalization which has clear gendered impacts that have to be taken into account in any prediction of the likely impacts of these negotiations.

Differences in levels of analysis of gender and trade

Some studies have focused on micro level impacts while others have drawn attention to the importance of three levels of analysis- micro (which focuses on household and intra-household processes), meso (formal and informal institutions such as the state, markets, laws and norms) and macro, which focuses on monetary and fiscal policies such currency devaluation, prices, tariffs and taxation and demonstrate their gender biases and their role in trade liberalisation. This is because of the recognition that the macro-economy and the households and its members cannot be analysed in isolation from the institutions of society. The importance of institutions is illustrated by the role of perceptions (ideologies) in explaining why women get low income, casual or temporary work. Certain perceptions about women’s work persist, which if not addressed, can be reinforced by trade policies. They include following:

- Women’s reproductive and domestic responsibilities are their primary functions
- Their income earning is secondary and supplementary to the male breadwinner’s income
- Their domination of informal small scale trading and enterprise is a matter of choice, convenience and/or lack of capacity
- Nothing but confidence prevents them from addressing their unequal access to productive resources and services. It is they who have failed to take advantage of opportunities in the economy.

The issue of women’s poor participation in decision making positions in trade policy national and international trade policy institutions is also an aspect of institutional bias. Thus the question that should guide analysis is whether trade reform has perpetuated, deepened or eroded existing gender inequalities and whether it has changed gender relations within households, communities and society at large.

Development audits have been used to assess the impacts of these trade liberalization measures. Such audits examine how a measure deals with poverty, and with other development benchmarks or indicators such as employment and social wellbeing. They have also involved indicators on the health of sectors and the economic system and its transformation. The development audits thus examine the role of trade in the achievement of identified development goals, and implies that trade liberalization should be taken up only when it is useful for their achievement. Such audits also suggest that trade liberalization should not be across the board, but should fit into an agenda of development. Therefore, it should be possible for a country to decide that some sectors or products should not be part of tariff negotiations. For example, it can be argued that since agriculture serves several purposes beyond trade, it should not be subject to trade negotiations. A gender audit performs a similar function of assessing the implications of trade policies for gender justice and gender transformation in the economy. The challenge of the gender audit is whether to emphasise the overall trade regime or to focus on particular sectors. As well, there is the question of whether it should focus on the development of sectors beyond the trade regime.

Parameters of the Gender Audit

Our approach in this gender audit is to combine some of the concerns of the development audit with gender justice concerns in order to gain a more holistic view of the impacts of trade policies. The focus is on the following questions:

- What are the areas of negotiation/agreements for the main trade regulation regimes, which sectors of the economy and society are implicated and what is their gender composition and structure?
- What would be the likely impacts of the agreements being negotiated on the livelihood activities and outcomes of men and women as producers and workers in the sector? Are there any gender differences?
- What are the likely impacts on women as consumers- would this differ for men?
- What are the impacts of trade liberalization on the relationship between production and reproduction within household and the economy?
- What are the impacts on policies and programmes on gender inequalities and women's empowerment?
- What kind of steps would improve the chances of gender equitable outcomes?

Additionally, the audit will consider the following indicators which focus on the economic dimensions of gender inequality- opportunities and outcomes (Tran-Nguyen, 2004:3-4; see also United Nations, 2008):

- o Employment opportunities – opportunities to participate in the labour market in all sectors (horizontal distribution of activities) and all occupations (vertical distribution of activities in a profession);

- Returns from labour (wage equality);
- Conditions of work and quality of employment including sustainability and regularity of employment, social protection (health, maternity, unemployment and pension), working time, intensity of work, occupational risks, possibility of career advancement or skill upgrading and social status attached to a job;
- Access to basic services (such as health and education);
- Access to resources (such as land, credit and business services);
- Participation in decision-making;
- Distribution of income inside and outside the household (or poverty levels)

Not all these indicators can be addressed systematically because of the non-availability of information and research data. Gaps in this audit demonstrate the research gaps that need to be filled to support policies which promote gender justice and women's empowerment in trade.

4. Context of Trade Liberalisation in Africa

The Structure of African Economies and Labour Markets.

Sub-Saharan Africa is largely Agrarian, with the exception of South Africa.

Sub-Saharan Africa is largely agrarian in the sense of agriculture's contribution to GDP and the percentage of the population who work in the agrarian sector. In addition, agriculture is expected to contribute to economic development through providing commodities for trade and positive rural livelihood outcomes and food security.

63% of men and 84% women are agricultural workers the world over. In SSA, women contribute 60-80% of labour for food production for household consumption and sale. As well women are the majority of small holder farmers. Both river and sea fishing are predominantly male activities, involving temporary and more permanent migrations of fishermen across the Africa Region. The cross-border character of African artisanal marine fishing industry is facilitated by a continuous regional coastline and the ease of crossing borders at sea. The importance of this industry is underlined by the fact that in coastal countries, fresh, smoked and salted fish represents most of the animal protein consumed by the population and fishing provides employment for a significant segment of the population, consisting of male fishermen working closely with female fish processors and traders, as well as canoe carvers, fuel dealers, mechanics, firewood sellers, food vendors and others involved in various reproductive activities for fishermen e.g. cooking, washing of clothes and cleaning.

In spite of its importance, agriculture has been in stagnation for much of the 90s as a result of liberalization policies including the removal of subsidies and vital support to farmers (Mkandawire and Soludo, 1999). Import liberalisation, the removal of subsidies on agricultural inputs, the neglect of storage, markets, roads and other infrastructural requirements for food production and the dismantling of marketing boards for crops became common across Africa from the 1980s. This removal of state support from agriculture meant that the costs of farming were now beyond the reach of small farmers, most of whom were women. Liberalisation of agriculture was also extended to the fishing industry, which has suffered decline in various countries.

The state of agriculture has been detrimental to many rural livelihoods and has been a factor in the poverty of farmers, especially food crop growers and those who are involved in unpaid labour in agriculture, among whom women are predominant (Whitehead, 2001). In spite of their heavy involvement in agriculture, women receive less than 10% of the credit going to smallholders, and 1% of credit directed towards agriculture in Kenya, Malawi, Sierra Leone, Zambia and Zimbabwe. The majority of small farmers do not have access to formal credit.[3] As well, they faced difficulties with the pricing and marketing of what they managed to produce only 7% of agricultural extension services are directed at women (ATPC, No. 1 2010).

Also, agriculture suffers from a lack of integration with industry, a problem which pre-dated economic liberalisation, but one which has deepened under liberalisation. The industrial sector in many African economies has shrunk since the 1980s. This is a serious problem because it has promoted urbanisation without industrialization and the expansion of the urban informal economy which is dominated by services. The general slowdown of non-agricultural employment under economic liberalization policies has affected women disproportionately.

These problems notwithstanding, agriculture remains important the sense that it is implicated in both rural livelihoods as well as some of the livelihood activities of the urban informal economy, specifically in the food trade and food processing trade, in urban agriculture and in cooked food sales (ATPC, No. 1, 2010).

Box 1: The gender composition of informal work in Africa: Some Statistics

Agriculture

- In 2001, 85% of employment in Tanzania and Rwanda was in the agricultural sector. It accounts for 77% in Uganda (1997) and 94% in Burundi (2004) of total employment. Although employment in agriculture is not growing as fast as that in services, it remains the most significant in East Africa.

- 72% of women who are employed in Uganda work in the agricultural sector. 90% of all rural women work in agriculture compared to 53% of rural men.

- Women are also responsible for 90% of the total food production in Uganda and 50% of cash crop production.

- Only 7% of women owning registered land in Uganda.

[3] In Ghana for example, a Ministry of Food and Agriculture survey found that lack of credit to purchase inputs was the most prevalent constraint to agriculture development. Only 9% of the credit from the formal banking system goes to Agriculture. Farmers therefore have to rely on micro finance programmes whose average loan size is under $300 (Nankani, 2009).

- 10% of cars and 15% of bicycles in Malawi are registered to women. Women own less than 2 per cent of animal drawn carts in both the rural and urban area.

- In Tanzania and Zambia, women in rural areas spend nearly triple the amount of time in transport activities compared with men, and they transport about four times as much in volume.

Informal Trade

- The non agricultural informal sector alone creates employment opportunities for 91.5% of women compared with 70.7% of men in SSA.

- 60-70% of African families are kept on incomes earned from the informal sector, either directly or indirectly.

- In Africa, of those in the informal sector, 60% are women.

- 60% of non-agricultural employment is provided by trade -- the most important source of employment among self-employed women of SSA.

- 80% of the world's 50 million jobs in export processing zones are held by women.

- In Benin, 80-95% of women are involved in informal trade, particularly in the marketing of unprocessed goods.

- 70% of traders between Mozambique and South Africa, and over 65% of traders between Zimbabwe and South Africa are women.

- The average value of informal cross border trade in the SADC Region is $17.6 billion USD per year and is 30 - 40% of intra--SADC Trade.

- 70% of informal cross border traders in southern Africa are women.

- In Southern Africa, more women (60%) than men (40%) are involved in the imports of industrial products.

- Across Africa, there are gender differences in the goods men and women trade in. Men are engaged in higher value items such as watches and radios, while women tend to specialize in textiles (including used clothes, plastics and stationery). Women mostly trade in imports of kerosene and beads, while imports of gasoline fuel are done exclusively by men who also dominate trade in gold and silver jewellery.

- Trade in services (transport, money exchange and warehousing services) is dominated by men, while women are mainly involved in carrying loads on their heads across and within the border markets.

Sources: UN Women, UNIFEM, Shaw, 2010

The non-agricultural informal economy is largely composed of services delivered under informal labour conditions

The non-agricultural informal economy is the second most important employer of women. Presently, the ILO estimates informal employment at between half and three-quarters of the non-agricultural employment in developing countries, with a disproportionate number of such workers being women (ILO 2002). As table 1 below shows, there are also variations between sub-Saharan Africa and other parts of the world in the size and composition of the non-agricultural informal economy.

Table 1: Informal employment in non-agricultural employment, by sex, 1994/2000

Region	*Informal employment as a percentage of non-agricultural employment*	*Women's informal employment as a percentage of women's non-agricultural employment*	*Men's informal employment as percentage of men's non-agricultural employment*
North Africa	48	43	49
Sub-Saharan Africa	72	84	63
Latin America	51	58	48
Asia	65	65	65

Source: ILO (2002).

The informal economy has long been a space in which gender inequalities are visible. The majority of women in urban areas make a living there, mostly in self-employment, with the result that their participation in the informal economy is higher than their share in the total labour force (Sethuraman 1998). In some cases, they also make up the majority of informal traders (Shaw, 2010). Long-term gender segregation of work, discrimination in labour markets, access to credit, training, land and infrastructure, women's lower levels of education due to inequalities in social relations and the heavy burden of reproductive work account for women's greater reliance on informal economy activities (Niger-Thomas Agbaw 2000; Pearson 2003), while their productive activities are often an extension of their unpaid reproductive activities (Gaidzanwa 1996; Pape 2000).

Table 2 below depicts self-employment and wage employment as percentages of non-agricultural employment in several African countries. There are clear differences between Benin, Chad and Guinea, on the one hand, and Kenya and South Africa on the other. In the former, self-employment is much higher than wage employment, while in the latter it is the other way round. For our purposes, self-employment can be taken as a proxy measure for informal employment. With regard to gender differences, more women are in wage employment than men in Kenya, but not in South Africa, while more men than women are in wage employment in the West African countries. On the other hand, more women than men are self-employed in West Africa and in South Africa. These differences, which might also be a function of industrialization and the size of the informal economy in the various countries, have implications for how the various sectors experience trade liberalisation.

Table 2. Wage and self-employment in non-agricultural formal employment, by sex, 1994/2000

Region	*Self-employment as percentage of non agricultural informal employment.*			*Wage employment as percentage of non agricultural informal employment.*		
	Total	*Women*	*Men*	*Total*	*Women*	*Men*
North Africa	62	72	60	38	28	40
Sub-Saharan Africa	70	71	70	30	29	30
Benin	*95*	*98*	*91*	*5*	*2*	*9*
Chad	*93*	*99*	*86*	*7*	*1*	*14*
Guinea	*95*	*98*	*94*	*5*	*2*	*6*
Kenya	*42*	*33*	*56*	*58*	*67*	*44*
South Africa	*25*	*27*	*23*	*75*	*73*	*77*
Latin America	60	58	61	40	42	39
Asia	59	63	55	41	37	45

Source: ILO 2002.

Because trade liberalisation is a critical aspect of the economic liberalisation policies, much of the growth in informal work has been in trade and services, including cross border trade. This has been accompanied by the expansion in the supply of consumer goods- food, clothing, jewellery, electrical appliances, plastic goods, cutlery and crockery and toys, etc- imported into Africa from new and old sources such as China, Dubai, Thailand, Europe and the USA. On the other hand, manufacturing within Africa has been in decline. Sub-Saharan Africa's large service sector includes a) food traders and processors who include foodstuffs and fruit sellers in the market, itinerant wholesalers and retailers, bakers, caterers and cooked food sellers, b) non-food and imported food traders who deal in a range of goods including clothing, cloth, shoes, cooking pots, other non food items and canned and factory processed food and drinks and who are mostly women.

The weaknesses of the productive sectors of African economies are a serious constraint for trade. In addition, macro-economic situation in most African countries creates difficulties. Price fluctuations in goods as a result of inflation, currency fluctuations and changing prices of inputs for goods manufacture are a problem for the profitability of trade (Morris and Saul, 2000).

Women face additional constraints as a result of gender inequalities in the control of factors of production and their reproductive burdens.

Gender inequalities in access to and control of factors of production – land, labour and capital as well as the challenges of combining productive and reproductive activities place additional burdens on women which influence the impacts of policies on their wellbeing. All over the world, and Africa is no exception, women carry the burden of reproductive work and the care economy. In cross border trade, this is very challenging because women have to spend days on the road away from their families. Their multiple responsibilities- for childcare, household maintenance and income generation- have implications for their time, productivity and leisure and also disadvantage them in educational attainment and in employment prospects particularly in formal work.

Impacts of Economic Liberalisation Policies under SAPs.

Africa's experiences of trade liberalisation preceded the establishment of the WTO in 1994. Trade liberalisation under SAPs heralded a period of export led growth preceded by fiscal, monetary and public sector reforms. In addition, primary commodity production was rehabilitated and new primary commodities (non-traditional exports) introduced. There were also measures to deregulate imports to allow in both processed agricultural products and manufactured products.

These policies successfully opened up the markets of many African countries and contributed to decades of consistent GDP growth. However, studies have found that trade liberalisation policies of the 1980s and 1990s worsened Africa's balance of payment problems and resulted in the net transfer of funds from Africa to the North in the form of debt servicing and the repatriation of corporate profits. Also, the liberalisation regime operated in ways that destroyed the local manufacturing base. High interest rates coupled with the flooding of local markets by cheap imports have led to the closure of many local companies. The loss of manufacturing industries has led to the loss of jobs in this sector. Others are now working under more precarious as many countries abandoned trade union rights and labour standards in order to make them more attractive to foreign direct investment.

Foreign direct investment in Africa, particularly in countries such as Ghana, Zambia and Nigeria, has been largely in the extractive sector, mostly mining, which is capital intensive. As a result, the promise of job creation has not been realised and the jobs created have been mostly for men. Where there have been Export Processing Zones such as in Mauritius, Madagascar and Zimbabwe, women have been employed, but under precarious labour conditions including low wages, insecure contracts and the denial of trade union rights.

In rural areas trade liberalisation policies include the removal of subsidies from agricultural inputs, the promotion of export commodities dominated by men and the neglect of food crops. The main beneficiaries of trade reform have been large and middle scale producers. As women tend to be small farmers, they have not benefited much as they have less capacity to take advantage of these new markets and related opportunities.

In the last few years, the collapse of commodity prices particularly cocoa, coffee and lately, gold created crises in many African countries wiping out the export earnings of several of these countries. These events have reduced government revenues as well as incomes of households and their members. Their gender impacts need to be factored into analyses of trade liberalization.

For both rural and urban women, trade liberalisation has had impacts on their informal sector activities and their unpaid reproductive work within households and communities. Reduced government revenue from the reduction of tariffs has been mostly borne by the social services which performed some of the reproductive roles in areas of health care and education. The reduction of revenues because of trade liberalisation and deregulation are an important factor in government failure to implement social development policies and affirmative action policies which include the Beijing Platform for Action.

The Current Structure of Trade in Africa

Much of the formal foreign trade of African countries is with countries outside Africa. Intra-African trade is only about 10% of the trade of African trade. This is partly on account of colonial histories and the similarities of the exports of African countries which are dominated by mineral fuels, mineral oils and agricultural commodities. Only South Africa, Egypt and to some extent Kenya have capacity for exporting processed or manufactured commodities to the rest of Africa. Some analysis suggests that there is the potential to increase intra African trade if the problem of competitiveness, diversification of production and supply are dealt with. After all, African countries have the advantage of proximity, economic size and cultural affinity.

Informal trade links among African countries could augment intra-African trade. However, this would not be reflected in trade statistics. This is in spite of studies finding that informal cross border trade contributes to regional integration through informal networks. Much of informal trade involves women producers and traders at different scales of operation, many of whom have been unable to take advantage of trade liberalisation policies because of their lack of capital and also because trade laws and policies favour large scale trade, which is dominated by men both as independent traders and within the companies (ATPC, February 2010). As intra Africa trade has much greater potential for informal traders than trade outside Africa, there is the need to identify areas of comparative advantage in and beyond agriculture and agro-processing, particularly those that involve women and promote them with incentives.

Trade in East Africa, as in other parts of Africa is mostly in agricultural products. The main commodities of informal cross-border trading are beans, cattle, cotton, hides and skins, kales, oil crops, oranges, maize and salt (Shaw, 2010). This is because most East Africans are involved in agriculture. The second most popular trade activities are in consumables such as sanitary and beauty products, medicines, footwear and textiles (ATPC No. 1, 2010).

5. WTO Agreements and Africa: A gender Analysis

Uruguay Round Agreements and WTO Negotiations

In joining the WTO in 1994 after over a decade of economic liberalisation policies, many African governments were undertaking to deepen the already far reaching reforms under SAPs, but without extracting any new benefits for these sacrifices. In 1999, UNCTAD's Trade and Development Report found that the rapid trade liberalisation of developing countries had contributed to widening their trade deficits because exports did not keep pace with the sharp increases in imports. More importantly, the WTO is not simply a forum for regulating trade. The Marrakech Declaration which established it makes clear that it is to achieve greater coherence in global economic policy making. The legally binding nature of its agreements and the new areas which have become part of its agenda of trade liberalization such as intellectual property rights and services extend its remit beyond trade. Moreover, its efforts to extend its jurisdiction to new areas such as investment, government procurement and labour standards, among others, suggest that it could replace the IMF and World Bank as the most important policy making institution in Africa and the world.

All the WTO agreements if fully implemented have the potential of diluting many existing international conventions to safeguard the environment, development, human rights including women's rights. Secondly, they appear to remove the development imperative from trade for developing countries. Durano, for example has argued that "debt ridden countries find themselves in a bind that participation in trade only serves to pay for foreign loans instead of contributing to development which it supposedly does" (p. 4).

In spite of the formal voting rights that all WTO members have, decision-making in the WTO has been dominated by the US, the EU, Canada and Japan through informal closed door negotiations whose decisions are imposed on the rest of the members of the organization.

WTO Negotiations

To address some of these negative impacts, African countries contributed to securing a development agenda for the WTO's Doha Round of negotiations. The Doha Round was lunched to negotiate a set of agreements to replace the Uruguay round. In recognition of the failure of past trade liberalization agreements to benefit developing countries, developing countries wanted an agreement which would take into the account the interface of trade and development. As well, the existing imbalances in the Uruguay Round and WTO agreements would be addressed (UNECA, undated). Currently, WTO negotiations are taking place in four areas- non-agricultural market access (NAMA), Agreement on Agriculture, Agreement on Trade in Services (GATS) and Trade Facilitation.[4] Each of these will be discussed in turn and a gender analysis of negotiating positions made where there is enough information.

[4] Trade facilitation under the WTO is not the same as trade facilitation in the context of regional trade agreements and cross border trade. Global trade facilitation is more concerned with how streamline import and export procedures so as not to create problems for international trade within the global system, and is not concerned with trade within regions.

However, it is important to set out Africa's concerns in the Doha Round as a whole. Summarily put, African countries aim primarily to improve their market access for both agricultural and non-agricultural exports. They are also concerned a about domestic support programmes or export subsidies, used by developed countries to protect their agriculture, thus distorting trade and hurting producers in poorer countries. A study has estimated G7 agricultural subsidies at $350 billion per year, a figure 25 times the Official Development Assistance (ODA) flows to Africa (Thirriot and Hinkle, 2002). African countries would like agricultural reforms which eliminate such distortions and enable African countries to benefit more fully from their advantages, and increase their share of intra-African and global trade on agricultural commodities.

Furthermore, Africa is interested in strengthening the development aspects of multilateral trade. This involves a broader sense of development which includes market access, suitable rules, capacity building and the protection of policy space and flexibility to ensure that countries have the space to pursue national goals and interests.

In the case of industrial tariffs, the position is to maintain tariff levels which provide space for countries to make and implement industrial policies and diversify economies. Last but not the least, African governments also want to see measures to facilitate trade and the establishment of modalities for financing it (ECA, undated, pp.4-7).

While the WTO does not privilege a rights perspective and regulates relations between states, it is worth noting that the WTO agreement in its preamble mentions the raising of standards of living, ensuring full employment and improved real incomes as aspirations of its activities (North-South Institute, 2010). While the principle of national treatment does not allow a member state to discriminate against imported goods or services in order to promote or protect local goods or services, there is recognition of the fact that the commitments governments make in trade agreements can help or hinder their capacity to meet legal obligations to respect, protect, promote and fulfil human rights and gender equality. This has been the basis of policy advocacy about ensuring that trade agreements do not harm the livelihoods of citizens, violate their labour rights, deepen gender inequalities or threaten poverty reduction and sustainable economic growth (North South Institute, 2010).

There have been some efforts within the WTO to examine the relationship between trade agreements and other rights. One approach is a checklist of requirements used during trade negotiations to assist decision-making. The list includes the existence of review procedures for ensuring human and women's rights compliance; monitoring mechanism to track the impacts of agreements on women and other marginalized groups, evaluation mechanisms to ensure that both men and women's needs are equally addressed in the Aid for Trade initiative and ensuring that trade negotiations have the capacity to address the gender impacts of agreements (North South Institute, 2010).

It has been noted that the GATT/WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) affects women in several ways: as custodians of traditional knowledge (e.g. medicinal, agricultural and cultural), as consumers of public health services and as the most vulnerable segment of the population under threat of HIV/AIDS, and as farmers and custodians of biodiversity (which is critical for food security). The main complaints about TRIPS is that in relation to agriculture, it strengthens the hands of seed companies over farmers in allowing the companies property rights in the production and reproduction of seeds, ignoring the traditional knowledge of farmers which have kept seeds in existence over centuries. Similarly, countries are concerned about the health-related aspects of the TRIPS Agreement because it is fuelling price hikes because of the award of patents to companies. This is a threat to the affordability of drugs in the treatment of HIV/AIDS, and for women's reproductive and general health.

In the sections that follow, agreements and negotiations in agriculture, non-agricultural market access and services will be examined from a gender and development perspective.

Non Agricultural Market Access (NAMA)

Under the Non –Agricultural Market Access agreement (NAMA), the main points of negotiation are market access and the reduction of tariffs. African governments started with common positions. Shaped by their negative experiences of economic liberalization under structural adjustment programmes, they were interested in minimizing their disadvantages while benefiting from access to European markets. However, they were soon fragmented into smaller groups negotiating different concessions and provisions. There are three kinds of African countries in the negotiations. They are:

- the least developed countries, which are typically the African LDCs- 34 countries including Angola, Benin, Mozambique, Togo, Tanzania and Zambia etc.
- the so called paragraph 6 countries- developing countries such as Ghana, Nigeria, Cameroon, Gabon, and Kenya (10 countries).
- Non paragraph 6 countries- developed and not developed – South Africa, Egypt etc.

All these countries had different levels of tariffs for various goods. As well, different percentages of their exports are subject to bound tariffs. Under NAMA, the LDCs would not be required to reduce tariffs, and they would only be encouraged to reduce them. The concession being offered to paragraph 6 countries is that they need not cut tariffs, but should increase tariff binding to 80% and set a ceiling of 30% of the value of the goods. The non-paragraph 6 developing countries such as South Africa are to cut tariffs by a certain formula.

Develop and Gender Effects
The effects of these negotiations have been to prevent Africa from having a common negotiating position. This has also been on account of the different goals being pursued by different countries. South Africa for example is looking to benefit from agricultural exports, something many African countries are not in a position to do. Secondly, LDCs are not exempt from tariff cuts since they are a part of trade agreements with non LDCs. It means that they will have to cut their tariffs to keep the non-LDCs WTO compliant. The effect is that they cannot raise their tariffs above what the non LDCs have committed to. It has also been observed that LDCs are being fixed in the present. Within the context of the WTO, the only way they can enjoy the freedom of not cutting tariffs is to remain LDCs. If not, they would be affected by tariffs

negotiated in this round in the next round of negotiations. Para 6 countries are actually cutting tariffs seriously. On average, their obligations are no different from those of most other countries.

In the past, countries could decide where to make the cuts in order to protect certain industries. The new formula requires tariff harmonization. It requires countries with high tariffs (several are found in Africa) to cut deeper and not select any areas for protection from cuts. It has to be across the board. Those with low tariffs such as the USA do not need to cut as much. Another issue is the fact that countries who make commitments under the WTO will have to take those into regional agreements. Therefore, what South Africa agrees is likely to affect Swaziland and other SACU countries. This applies to all the regional groupings.

If the NAMA agreement comes into effect, price mechanisms will become the only accepted trade policy tool- non price mechanisms such as quota restrictions, domestic content requirements etc have been abolished under the WTO. In any case, Africa had already given up its quotas as a result of liberalisation policies under Adjustment.

A study of NAMA by the UNECA has concluded that the low level of ambition, the poor diversification of African economies and trade-offs being negotiated would erode any potential benefits of the Doha Round. The requirements of a round which supports Africa’s aspirations of strong diversified economies would be as follows:

- The integration of special and differential treatment into any tariff reduction agreement
- Protection for new and import sensitive sectors
- Long transitional periods for agreements
- Deeper tariff cuts and the removal of sensitive products lists by developed countries

If these issues are not tackled, Africa’s markets will be open to major agricultural exporters, with negative consequences for Africa’s own products (ECA, undated, pp. 7-8).

Tariffs are an important source of revenue, often the most predictable from the point of view of the state. Other revenue sources such as income and corporate taxes are more variable. Also, the size of the informal economy presents challenges for tax collection in African countries. Therefore, states are being asked to give up a significant proportion of their tax income. The more developed a country, the less it relies on trade taxes. It is the less developed economies that really need these taxes. Therefore the tariff reductions are certain to have differential impacts on state revenues. The development and gender impacts of reduced revenues are profound. The state’s social provisioning agendas will be affected, and this will have a more profound effect on women and children than on men.

Beyond the revenue loss, tariffs as a policy tool to engineer development would have been taken away from developing countries. This means they cannot be flexible and selective about what industries to support, and this affects their ability to support industries dominated by disadvantaged social groups such as women, as a strategy for promoting gender equality and other developmental goals.

The loss of tariffs means that there are no investment policy tools left for many African countries. This hampers industrialization, and affects every player in the economy, particularly those social groups which need state support (women and the poor). Thus non-industrialized countries are being asked to give up on industrialization completely. This has far reaching consequences for their goals of agrarian transformation and the ability of agriculture to support decent work and positive livelihood outcomes. It is well accepted in policy circles that value addition and agro-processing are critical strategies to reduce poverty particularly among food farmers, a group dominated by women.

An immediate effect of the cuts in tariffs on existing enterprises is that some will be closed down as a result of losing their market share. Studies have shown that small enterprises producing light consumer goods such as paper napkins, cutlery, toothpicks and plastic goods, who operate below the radar, but creating the most jobs, will be the most hurt by NAMA. There will be a new wave of de industrialization which would affect smaller industries, which also often employ unskilled workers such as women.

For NAMA to work in Africa's favour, it needs flexibility in its final formula, stronger special and differential treatment to discriminate between developed and developing countries and policy space for developing countries in their pursuit of industrial development and diversification (ECA, undated, p. 13).

The manufacturing sector is estimated to be the second largest employer of women in developing countries after agriculture (Hayashi and Bauer, 2004:141). A particularly high proportion of women are in paid employment in the clothing and textiles sector, particularly in countries (many in Africa) that are strong exporters. In Botswana and Mauritius, for example, 80 per cent and 67 per cent respectively of the paid workers in the textiles and clothing sector are women (Hayashi and Bauer, 2004:149), while in Cape Verde, Kenya and Malawi, women constitute 88, 60 and 51 per cent, respectively, of the workforce in that industry (Tran-Nguyen, 2004:23). Exports of textiles and clothing account for a significant proportion of the export earnings of the following African countries: Benin (35% of total export earnings), Burkina Faso (47%), Cape Verde (32%), Lesotho (95%), Madagascar (51%), Mali (43%) Mauritius (61%), Swaziland (28%), Chad (75%), and Egypt (30%) (Hayashi and Bauer, 2004, p.148).

The global growth of the clothing and textiles trade is an outcome of two factors: labour costs and the quota system established by the 1974 Multi-Fibre Agreement (MFA). Both have globalized the dispersion of textile and apparel production in ways that affect women's labour directly. The effort to reduce labour costs is behind the relocation of labour-intensive segments of clothing production and distribution to countries with large supplies of low-cost female labour. This was supported by the quota system which restricted imports from large exporters. With the end of the MFA in 2004, the international trade in textiles and clothing apparel are now subject t o WTO disciplines. The post-quota regime is likely to affect jobs. In some situations, impacts on women are likely to be mixed. Employment opportunities will increase, but be offset by even more significant increases in the loss of jobs, particularly low skilled women's work (Hayashi and Bauer, 2004:155). Without the MFA, African countries need policies to retain their clothing and textiles and with it, the jobs. Measures would include upgrading women's workers skills and including them in the introduction of new technologies.

Preferential trade schemes and unrestricted market access by LDCs to developed-country markets have been crucial for building up the garment industry in LDCs. Reducing restrictive rules of origin and administrative procedures would ensure that these industries survive and with them jobs for men as well as women. While preserving jobs is crucial, the quality of jobs is even more critical, particularly at the bottom of the global value chains in the LDCs, where working conditions are less than ideal. This is an issue which requires attention and vigilance.

In conclusion, to quote an UNECA report, "special and differential treatment both in terms of depth of the tariff cut and the phasing in period will help African countries to provide appropriate protection to local production. This will create some policy space for African countries to deepen the development of their agricultural sector. A second but obviously more mundane reason, but which can easily be downplayed, is that special and differential treatment will give to African countries better market access to developed countries markets" (ECA, undated, p. 10).

Agreement on Agriculture (AoA)

The WTO Agreement on Agriculture which came into effect in 1995, brought agriculture into the multilateral trading system, marking a significant departure from GATT, which had not included agriculture. The agreement had three main categories of commitment- market access, domestic support and export competition. Signatories had to abolish quantitative restrictions and non tariff barriers and replace them with tariffs which were to be reduced by 36% for developed countries over six years (1995-2000) and by 24% over ten years for developing countries. LDCs were not required to reduce tariffs but had to commit not to raise them. Countries were also expected to reduce trade distorting subsidies. Again, LDCs did not have to make reductions but needed to commit to not raising the level of support beyond minimum levels. Direct export subsidies were also to be reduced by both developed and developing countries. In effect, both developed and developing countries were expected to liberalise agriculture, albeit at a lower rate and over a longer time period for developing countries (Khor, undated). Secondly, it has been shown that there are imbalances in the agreement in practice. Developed countries have raised their domestic subsidies substantially, and continued with their export subsidies and providing protection for farmers in times of increased imports and poor domestic prices (Khor, undated).[5]

There are a number of criticisms of the AoA from the point of view of developing countries.

- Domestic support is considered the most unfair aspect of the agreement. Developed countries which had used subsidies extensively were allowed to continue these up to 80% after 6 years while developing countries which had very few subsidies, were now

[5] Trade distorting subsidies are essentially those that affect the price of goods and allow the producer to sell at a price that gives them an advantage. Some subsidies are not considered trade distorting, and they are therefore legal under the WTO. These include research and poverty reduction measures.

prohibited from instituting them beyond the minimal level of 10% of total agricultural value. Furthermore, the reduction in reducible subsidies to 80% was accompanied by a significant rise in the level of exempted subsidies. These subsidies are exempt because they are not considered trade distorting. The result has been an increase in domestic subsidies rather than a reduction in developed countries. Although some subsidies are classified as non-trade distorting, in effect all subsidies distort trade in enabling farmers to sell at lower rates than they would have done without them (Khor, undated).

- Only four exemptions from subsidies are allowed developing countries. These include input subsidy for poor farmers, land improvement subsidy, diversion of land from production of illicit crops and provision of food subsidy to the poor. On the other hand, subsidies exempted from reduction and used mostly by developed countries are immune from challenges within the WTO.

- The special safeguard provision is also problematic. It allows countries using non tariff measures to convert them to tariffs. Those who did were given the benefit of special safeguards to protect farmers from rises in imports above certain levels or prices falling below certain levels. Countries which did not convert to tariffs (mostly developing countries) did not have this privilege.

- The assumption that the AoA would control the high levels of protection in developed countries and thereby deliver substantial market access to developing countries who have a comparative advantage in agriculture has not happened. Tariffs on sugar, peanuts, beef, wheat, butter and eggs have remained very high in the EU, USA, Canada and Japan.

- The AoA assumes that production and trade in agriculture should be commercial. This assumption is not compatible with the reality that much of agriculture in developing countries and Africa, is not commercial, but is done for subsistence and/or food security, and on a scale which does not allow competition with transnational corporations engaged in the agricultural trade. Small scale agriculture, particularly of food crops is dominated by women, while men dominate commercial farming. In the long term this unequal competition can cause unemployment, rural poverty and the contraction of rural economies in developing countries (Khor, undated).

Current Negotiations on Agriculture

Currently, there are new negotiations on agriculture are taking place with a recognition of the need to reduce trade distortions in world agriculture markets. In the negotiations on the agreement on agriculture, there is the fragmentation of African countries and their negotiating positions. There are about six different groups in Africa, including LDCs, Ceiling binding countries, Small and vulnerable economies and Preference dependent countries who have preference erosion. The negotiations are around three elements:

- Tariff cuts
- Domestic subsidies
- Export subsidies

Subsidies
In these negotiations, African countries are demanding that export and domestic subsidies be removed by developed countries, who are declining to remove them. The G-20 is proposing higher reductions in domestic support. Under WTO rules, trade distorting subsidies are banned. Countries which have them are being encouraged to eliminate them, and no countries can introduce new subsidies. There are different categories of trade distorting subsidies which are being negotiated. Some are in transition- blue box subsidies- which countries are encouraged to remove; amber box subsidies, which are to be removed immediately, but need time to remove, and the green box subsidies, which are the non trade distorting subsidies.

Civil society organisations have been critical of the categorisation of subsidies:

- The categorization of subsidies is artificial in that it serves to allow countries to shift subsidies from one box to the next and keep them without change. For example, if a subsidy on inputs is amber, you can pay the same amount towards school fees for the producer, and it becomes a green subsidy. Thus once a subsidy is decoupled from production and cost of production, it can remain. It has been argued therefore that the European social security system is trade distorting because it affects other people around the world, particularly those from poorer countries. The approach to this is a trade audit of development (Tetteh Hormeku Ajei, TWN Africa, personal communication).

- The main beneficiaries of subsidies are not poor farmers. They are rich farmers in Europe.

- While European countries have agreed to eliminate export subsidies by 2013, but have made it a pre-condition for further negotiations in the new round. In the meantime, Europe has moved many of its subsidies from production to income support, and the green box has become fuller. The USA is engaged in similar practice, for example, reporting its cotton subsidies as green box subsidies when they should be amber box. They are also demanding that a blue box be created for their subsidies. These responses allow countries to be seen to be cutting subsidies to comply with WTO conditions without changing in fundamental ways their support for producers. African countries on the other hand have few subsidies to cut because of over thirty years of compliance with SAPs conditionalities. Within the context of WTO negotiations, African governments need to begin to study closely how subsidies migrate and emulate this to support their farmers.

Tariff Cuts
The second issue being negotiated is the demand that African countries cut tariffs on agricultural products. The USA for example is proposing a percentage cut in the highest tariffs in Agriculture. On this question of tariffs, South Africa, Argentina and Brazil are also interested in the cutting of tariffs, but are particularly concerned about European tariffs. As with NAMA negotiations, LDCs are not required to cut tariffs. For developing countries, the ceiling binding and homogeneously low binding tariff countries such as Ghana and Cameroon are being asked to cut tariffs. Developed countries have been selective about cutting tariffs. African countries on the other hand, have selected one level of tariff cutting- 99% for all tariffs.

Development and Gender Impacts

Taken together with the impacts of the subsidies being paid to European and American producers, tariff reductions will decimate Africa's agro-industrial base, with the resultant loss of food security, jobs and incomes. They also disable small farmers from getting together to increase production for the local and export markets. It is important that African countries demand that as tariffs are a defence mechanism against subsidies, the reduction of both should go hand in hand.

The African tariffs instrument is too blunt, and does not have safeguards. The EU for example has a special safeguard clause. In the old days, when agriculture was not part of international trade regime, they asked for a mechanism to protect them from import surges. They had quantitative restrictions or quotas. As Africa did not have any quantitative restrictions, it could not benefit from the safeguard clause. Developed countries thus have a variable system plus special safeguards. African countries want a special safeguard mechanism, but developed countries have refused so under negotiation.

There is also the issue of preference erosion. African countries are arguing that effect of trade negotiations is preference erosion. ACP countries are divided on this issue. A deal on preference erosion is being negotiated. While small and vulnerable countries are exempted from tariff cuts, some have conceded tariff cuts and are now asking for special treatment.

Under the negotiations on agriculture, the Group of 33, which was formed during the Cancun negotiations and which includes Kenya, negotiated two proposals- the special safeguard and special products mechanisms.

- Under the special products provisions, if any product falls in the category of rural livelihoods; income generation, food security, poverty reduction, they should not be part of the tariff cutting.

- Under the special safeguard mechanism

While there was agreement on these issues, they are not being implemented because the Doha round is not complete. As well, they are not automatically available to all developing countries.

Recommendations

- The issue of subsidies and tariffs needs to be considered in the light of the reality of African countries as agricultural countries with very little irrigation and operating from a very low technological base. This should inform how we deal with questions of trade liberalization and cutting of tariffs.

- African countries need to demand special and differential treatment in terms of both the depth of tariff cuts and the time period for cutting tariffs. Special and differential treatment (S&D) for developing countries in agriculture is needed to create the policy space to support smallholders and subsistence farmers. Measures that could be useful for this purpose include special product provisions and a special safeguard measure for developing countries.

- The lowering of tariffs can reduce the costs of imported goods, thereby benefiting women as consumers.

- In order benefit fully from the opportunities offered by trade agreements, women's capacity for mobility between sectors needs to be improved.

Other Issues- Gendered Labour Conditions in Agriculture

Labour Standards of wage workers
An important issue in the consideration of gender and trade issues is the impacts of trade liberalization on labour rights of workers, particularly women. Women are of interest on account of extensive labour market segmentation and attendant wage and conditions of work inequalities. This issue affects agricultural and industrial production for trade and the delivery of services including trade itself. Africa's export horticulture sector, where fresh fruits, vegetables and cut flowers are grown for largely for European markets illustrates the labour issues in trade liberalization. Many persons engaged directly or indirectly in trade are wage workers, operating within an ever expanding informal economy under precarious labour conditions, and many of them are women. Horticultural work is no different and is characterised by high levels of non-permanent work (temporary, seasonal, casual, migrant and contract) and female employment, with women often concentrated in the most labour-intensive and insecure forms of work and experience long working hours and hazardous conditions.

There are no WTO disciplines for labour conditions. In 1996, the WTO Ministerial in Singapore determined that labour standards were to remain the remit of the ILO. There is no ongoing work or negotiations on labour standards within the WTO. However, the WTO is working with the ILO to research labour standards under the banner of "coherence" in global economic policy-making. Some questions have been raised inside and outside the WTO about labour issues. One of these is analytical, and pertains to whether countries with lower standards for labour rights gain an unfair advantage with their exports, which can force all countries to lower their standards. Related to this is the issue of whether countries should only trade with those that have similar labour standards. Also discussed is whether WTO rules should explicitly allow governments to take trade action as a means of putting pressure on other countries to comply with labour standards and whether the WTO is the proper place to discuss, set and enforce labour rules, including ILO Conventions.

All these questions have an underlying issue, i.e. whether trade actions could be used to impose labour standards, or whether they are a cover for protectionism. Similar questions are asked about other standards such as sanitary and phytosanitary measures and technical barriers to trade. Questions have been asked about the relationship between the International Labour Organization's standards and the WTO agreements - and whether or how the ILO's standards can be applied in a way that is consistent with WTO rules.

Box 3: Gender and Work Conditions in the Horticulture Industry

The growth rates of horticulture commodities have been striking in several African countries, including Kenya, South Africa, Uganda, Zambia and Zimbabwe. In Kenya, horticulture is the fastest-growing sector of the economy, generating over US$270 million and accounting for 22% of all agricultural exports in 2000. This performance is largely attributable to cut flowers, which surpassed coffee as the nation's second largest source of foreign exchange in agriculture, bringing in US $118 million in the year 2000. In South Africa total fruit exports accounted for 30% of all agricultural export trade in 1999, when the total value of deciduous exports alone stood at US $700 million. In Zambia horticultural products have led to the growth in agricultural exports over the past decade. In the latter part of the 1990s year on year growth of horticultural agricultural exports exceeded 40% on average and amounted to $63 million in 1999.

South Africa has approximately 2,000 fruit farms, most of which are commercial farms producing for export via an export agent. Kenya has a large number of flower farms, approximately 500, but over 60 per cent of total exports are supplied by two dozen large scale flower operations which export directly. Zambia has far fewer producers, with only 22 flower and 3 vegetable farms of commercial scale; these export directly and are supplemented by around 300 small-scale vegetable out-growers. Aall three countries rely heavily on European markets for their exports. In 1998-99, for example, most horticultural exports went to the European Union - 66% of all South African fruit, 94% of Kenyan flowers, and 100% of Zambian vegetables and flowers. Producers in each country are therefore deeply affected by any changes in the European market, including the recent trend towards ethical trade.

South African deciduous fruit employs an estimated 283,000 workers; in the Kenyan cut flower industry employment is estimated to be 40-70,000; and in Zambian flowers and vegetables, estimated employment is 10,000. The pattern of employment varies by sector and country, with women comprising between 35 and 75 per cent of employment in each sector/country. Women are concentrated in the segments of the production process that hold the most significance for the quality of the final product, such as picking, packing and value-added processing activities. Women are more likely to be located in temporary, seasonal or casual employment than permanent, with the exception of flowers where there is a higher concentration of permanent work.

There are some differences in the gendered employment context of the three countries, but despite this the underlying gender environment is similar. In Kenya casual and temporary workers are legally required to be promoted to permanent status after eight months, but they are often found returning year after year on a renewed temporary contract. In Zambia any worker continuously employed for more than six months is entitled to a permanent contract; however many workers are employed for this maximum and then 'rested' before being re-hired later in the year. In South Africa many women living on-farm work in the season as an implicit condition of their male partners' permanent employment. In all three countries gender discrimination in employment is embedded in social norms that consider women more compliant and better suited for certain types of horticultural work (such as picking and packing), coupled with perceptions that women's income is supplementary, rather than central, to household well being.

There is some variation across countries and products in the codes of practice covering employment in African horticulture. Moreover, some codes such as EUREPGAP have minimal social provision, while others such as the ETI Base Code are focused solely on employment While producers found codes to be useful management tools, and there has been some improvement in areas of health and safety, and other areas, major concerns over worker conditions – particularly for women – still persist. Interviews with workers found that few were aware of the existence of the codes, with even fewer aware that they pertained to workers' rights, and only a minority of workers had a signed written contract. Despite many codes of conduct cautioning against the use of "rolling contracts" many employers continue to use them as means of avoiding the additional costs associated with permanent employment.

The vulnerability of such non-permanent employment also lead to links with other unethical conditions, such as the obligation to work overtime (often excessively so) as a condition of employment, miscalculated wages, or dismissal or lack of contract extension due to pregnancy. The latter form of gender discrimination contravenes most codes, and yet appears to be common practice. In the area of sick pay, medical care and childcare, women are further disadvantaged as these are typically not covered by codes. Non-permanent employees were also found to be more prone to verbal and occasional physical abuse, dismissal without just cause, wages being docked as a disciplinary measure, corruption and favouritism. Fear of non-renewal of their contracts prevented complaints, and with women being under represented in both trade unions and workers committees, avenues for addressing these fears are limited or non-existent.

In the case of Kenya, in spite of positive steps taken by producers in the wake of the ethical trade advocacy by NGOs and movements such as the Ethical Trade Initiative, problems persist for female flower workers through both a lack of comprehensive social chapters within the codes that address the gendered nature of employment inequalities in the industry, and the lack of proper implementation of those relevant codes that do exist. One encouraging way forward that developed in 2002 was the spearheading of a campaign by local civil society organisations in response to continuing poor working conditions on Kenyan flower farms, spawning a series of articles in the Kenyan press. These activities generated concern about the reputation of the industry in overseas markets, and were responsible for bringing together a range of stakeholders to engage in dialogue on the labour practices. A Steering Committee – the Horticultural Ethical Business Initiative (HEBI) – was formed to guide social accountability in the horticulture sector, composed of members from government, NGOs and trade associations/employers. In 2003 HEBI was registered as a legal entity and developed a multi stakeholder approach. Further initiatives along these lines are needed to transform what has been to date a largely gender-neutral approach into one that incorporates the gendered needs of employees in Kenyan horticulture.

-Source: Smith, S. et al, (2004) Ethical Trade in African Horticulture: gender, rights and participation, IDS Working Paper 223.

These questions have not been resolved satisfactorily. Apart from the joint ILO and WTO initiatives, companies and producers have been engaged in setting and protecting labour standards within the framework of codes of conduct. A plethora of codes have been introduced in the sector by European supermarkets, importers, exporters, trade associations and various international institutions. However, not much has changed because the codes have not targeted informal workers and have only partially paid attention to gender issues. And yet, casual workers and women form a significant proportion of the horticulture workforce (UN, 2008).

Gender and Smallholder Agriculture

Trade liberalization policies have largely privileges agricultural exports over food crops and medium and large-scale farmers over small scale farmers. These beneficiary sectors have few women farmers and employees. Women smallholders are often unable to take up new export opportunities because of their challenges with accessing resources such as land, labour, technologies and credit. Furthermore, the expansion of export agriculture can threaten small holder production, and with it food security. Women in export-oriented agriculture face several challenges related to the small scale of their operations. They are often unable to comply with SPS and environmental standards.

An issue raised in the literature is the risk of women's successful income generation projects, particularly those developed and modernized, being taken over by men (UN, 2008). In order for men not to take over an activity which becomes lucrative and export-worthy, more proactive, affirmative-action types of policies are needed. Also, women who enter sectors traditionally dominated by men should be supported. As has been noted, "while trade liberalization can have potentially damaging effects on women's subsistence farming and on food security, women should in no way be considered passive victims of policies, but rather as agents who can be supported and assisted in their efforts to adapt to changes in the agricultural sector" (UN, 2008, p. 18).

General Agreement on Trade in Services (GATS)

The negotiations architecture of the agreement on services is quite different from those of the other WTO agreements. Hitherto, services had not been part of international trade negotiations, which had been focused solely on goods. Under the WTO, services have entered the global trade arena. These negotiations take a demand and offer approach. You only liberalise what you want to liberalise, and demand liberalization from others. So for example, the US has asked Ghana to liberalise retail industries.

The offer and acceptance system is useful in that it constitutes a way in which developing countries can liberalise services at their own pace. However, this approach is under threat. The EU wants to abolish the positive approach and make services liberalization more akin to the other liberalization systems.

Different African countries have received requests, which are quite similar. For example, several are being asked to embark on mining sector liberalization. The distinction between goods and services is tricky. Products that were seen as goods are now being negotiated as services. For example, banana is a service i.e. the right to distribute banana. Similarly, banking and mining are negotiated under services. Thus the scope of services liberalization negotiations are quite wide, and involve - catering, retail and financial services.

The service sector's importance cannot be over-emphasised. The sector which includes transportation, communication, health and education and plays a coordinating and networking role in production processes (Durano, 2006). Services are arguably one of the most important areas for women, and fundamental changes in the sector can constitute a threat to their livelihoods, whether as employees or as self employed persons delivering services such as sewing, hairdressing or trading, if it results in the entry of large foreign firms.

The retail trade takes foreign exchange out of the economy, which it does not bring it back. If retail trade is liberalized, it has the effect of taking out the accumulated resources of a country, the worst form of expropriation of value created by labour. This makes it generally problematic to liberalise services, in particular the retail and servicing aspects of services. There are four kinds of services under negotiation. These are:

Mode1- cross-border delivery of services
Mode 2- consumption abroad e.g. tourism
Mode 3- Commercial presence- foreign investment; telecom etc has a labour component;
Mode 4- labour abroad.

All these modes of services have implications. For example, under mode 4, developed countries want to restrict labour migration to skilled labour, while African countries want labour migration across the board. Beyond this difference, the negotiations do not cover the losses African countries have suffered through the migration of skilled personnel, particularly in the care sectors, what has been referred to as the brain and care drain. While the majority of migrants are men, women increasingly are a significant proportion of international migrants. The nursing and domestic work sectors are two areas of female migration which have implications for the care and welfare of families in Africa.

There are also some cross cutting issues being negotiated. One of these is the domestic regulation of services. In general, it is difficult to determine what an African position is in these negotiations. The only common positions among African countries are that a) services liberalization must be gradual and beneficial, b) LDCs should not be asked to liberalise further and c) the architecture should not be changed.

There are several challenges with services liberalisation. The following are examples of such challenges:

- Governments confuse the need to liberalise with the need to improve services in health, education and water.

- The range of services on offer has different characteristics. Some are linked with welfare- water, education and health; others are linked with economic infrastructure- banking financial services, roads; while others are the site of livelihood activities e.g. distribution retail and catering. Those which are linked with welfare and livelihood activities are particularly sensitive and their liberalization has been contested. There is already experience on the ground which points to the fact that liberalization does not necessarily deliver improved services and improved wellbeing.

There needs to be thorough assessments about how to improve services and secure long term investment. In such a discussion, the role of foreign investment can be clarified on a case by case basis. The approach represented by the GATS negotiations is likely to result in serious welfare deficits and the loss of livelihoods, particularly of women. This is because the GATS would have implications for the availability of clean water, energy and sanitation as well as the human resources necessary to provide care. As the household's water, energy and sanitation needs are the responsibility of women, they have to deal directly with the lack of availability of affordable services. The increased exportation of health personnel has implications for the availability of quality care in general and maternal care in particular. As maternal mortality is an issue in many African countries, this is an issue of serious concern. Even more importantly, women's responsibility for the care of the sick will increase thus affecting their workloads and their time use. Some of these are already occurring as a result of the pre-GATS services liberalisation under SAPs.

It has been argued that the services sector is "even more important than commodities for the promotion of women's participation in the MTS" (UN, 2008). This is because women's participation in the service sector is significant and expanding in many developing countries. For example, in Kenya, women account for as much as 56 per cent of the workforce in this sector, according to World Bank estimates. They are involved in a wide variety of services, including hospitality, health and education and social services, both in the public and private sector.

Increased foreign participation in domestic services can result in difficulties, especially for small women-owned services. Even though services account for about 62 per cent of global economic activities and most of the GDP of developing countries, few countries have incorporated them into their economic development plans. As well, except tourism, services are not included in national export strategies. Even where they are included, the plans and strategies are not gender sensitive.

The liberalization of trade in services affects women as entrepreneurs, workers and consumers. As consumers, women can benefit from trade liberalisation if it results in lower prices, more choices, better quality service and the availability of specialty services. This can expand incomes and therefore opportunities for girls and women in terms of education, access to health care and employment. However, privatization of essential services can also result in a rise in the cost of services. Women compensate for this and the loss of income by producing services themselves, reducing their own consumption of services in order to reduce family expenses, and by depriving themselves or their daughters of educational or health services and to spend time earning money instead.

Under GATS, governments have the right to replace private sector provision with public sector provision, or to devise public private partnerships to fulfil certain developmental goals which can include gender equality in services provision. Even more urgently, a balance between the needs of women as consumers of services and those of women as entrepreneurs or workers in the services sector is needed.

The following are among the policy recommendations made to assist developing countries to protect their interests within services liberalisation.

- Special provisions and funding to promote local and women- owned service providers, including:
    - Ensuring that development aid for essential services (i.e., water, health and education) is not contingent upon the adoption of a particular economic model, such as privatization.
    - Affirmative-action and quota-type recommendations in order to increase the participation of women entrepreneurs in trade:
    - Ensuring that gender-sensitive employment and equitable pay legislation is in place, and applicable to national and foreign service suppliers.
    - Providing developing-country governments with model national development plans that include a priority focus on service industries, particularly women-owned service firms; and appropriate initiatives for increasing the visibility of women service exporters.
    - Reviewing domestic legislation to ensure that all incentives provided to manufacturers apply equally to service firms, and that tax regimes are equitable for services.
- Ensuring the human development aspect of the service sector and of women's business in general through the provision of support for capacity-building, education, access to resources crucial to the sector (such as IT), networking and the promotion of a positive self-image for women in business.

6. Other Agreements: The Economic Partnership Agreements (EPA) and Africa Growth and Opportunities Act (AGOA).

The Economic Partnership Agreements (EPAs), which aim to establish a free trade areas between various Regional Economic Communities (RECs) within the African Caribbean and Pacific (ACP) and the European Union (EU), are important both because of their ambitions and long term implications for Africa's goal of regional integration, but also because the EU remains Africa's largest single market for non oil exports, taking as much as 51% of such trade in 2008, compared with 8% for the United States. The proposed EPAs are designed to govern the reciprocal liberalization of trade in goods, services, foreign direct investment and trade related regulations between the EU and ACP countries. Their stated aims and objectives are to improve

ACP countries access to EU markets, negotiate trade in services, strengthen regional integration and enhance cooperation in trade related areas such as competition and investments. The EPAs were designed to ensure WTO compliance of EU ACP trade agreements. (World Bank, 2008; CRES, 2011).

In November –December 2007, the EU and 18 out of 46 eligible African countries initialled interim EPAs which covered the reciprocal liberalization of trade in merchandise. These interim EPAs which have established bilateral free trade arrangements for trade in goods were to replace the Continuo trade agreements which expired in 2008. Since then, a few more have initialled interim agreements. A study has pointed out that ten (10) of Africa's fourteen (14) non-LDCs and eight (8) out of Africa's thirty three (33) LDCs signed interim agreements. In terms of a sub-regional breakdown, 15 of the 23 Eastern and Southern African countries and 3 out of 24 countries in Western and Central Africa signed (World Bank, 2008).

Under the interim EPAs, the EU has granted immediate tariff and quota free access to its market for 100% imports from signatories, with short transition periods for rice and sugar. Also granted are more liberal rules of origin for clothing exports. Although the interim EPA provide for negotiations towards full EPAs in a period between 12 and 18 months, progress towards full EPAs has been slow and contested. Also, the terms of the interim EPAs are not being enjoyed by African countries because challenges with their competitiveness and supply constraints.

There are two contrasting views about how African countries should approach their disadvantages under the EPA. The World Bank for example argues that the structure of production in Africa's LDCs and low income economies is that the exclusion of 20% of imports from liberalisation would leave high tariffs in place for most domestically produced products in most countries, thus being rather slow and selective. Thus the Bank recommends unilateral reduction in tariffs on imports for all countries including the main domestic import competing sectors in order to lower the prices of imported goods and increase competition in African markets. Furthermore, the report recommends that as improved market access alone would not be enough to substantially increase the growth and diversification of exports under the EPAs, it is important to deal with the limited supply capacity and competitiveness challenges (World Bank 2008, p. viii). Weaknesses identified included a problematic business and investment climate, poor infrastructure, governance, institutional capacities, the macro-economic environment and a difficult regulatory environment, all of which increase the cost of doing business, lower productivity and competitiveness in Africa The study also recommends the formulation of reform programmes to help countries benefit from development assistance in addressing adjustment costs of liberalization (World Bank, 2008, pp. x).

On the other hand, studies more critical of the EPA have argued that even if countries gain from a greater guarantee of access to EU markets, the removal of duties on goods from EU countries would have a significant impact on public revenue, competition between local production and European imports, purchasing power and poverty (CRES, 2011). This is because of the weaknesses of the manufacturing and agro-processing sectors of many of their economies. Only a further liberalization of the EU's rules of origin would address challenges of market access and allow African countries increased benefits from the tariff free quota free market access they have been given. On this basis, it is being suggested that more country level and REC level studies are needed to give full consideration to the gains and losses from the interim EPAs and from the EPA. Some West Africa civil society organizations are recommending the liberalisation of no more than 65% of imports into the sub-region.

The interim EPAs cover agricultural commodities and manufactures. The EPAs would include the liberalization of services. From a gender perspectives, the EPAs if signed would affect agricultural production, agro-processing, manufacturing and services. As consumers, both women and men would experience some benefits in cheaper imports, but also the loss of certain locally produced foods. Women's responsibility for purchasing and preparing food for the family puts them on the frontline of the consumer experience. As workers, all the sectors they dominate- food cultivation, processing and distribution are likely to suffer damaging competition from imported goods. The loss of public revenue will affect social programmes to improve development indicators and gender equity.

What would improve gender equitable outcomes? In the first place, the lists of sensitive products from various African countries, which are excluded from liberalization, need review and amendment. How many women's crops, processed goods and manufactures are on these lists, compared with those dominated by men' products. Secondly, it has been found that the liberalization of trade in certain goods has increased poverty levels. Trade in such goods and services should not be liberalized. Each eligible country and REC in Africa needs to work out what its ceilings will be and demand them in negotiations.

African Growth and Opportunities Act (AGOA)

"If AGOA is to meaningfully contribute to improving the human conditions relating to trade, greater emphasis on skills development, decent working conditions and enhancing the gender equality dimension are necessary" (Paez, 2010, p. 17).

The African Growth Opportunities Act (AGOA), signed into law in May 2000 has been the framework for US trade with sub-Saharan Africa for a decade. The law, which is part of the US Trade and Development Act of 2000, provides for preferential treatment of exports from Africa in the areas of duties and quotas. The law has been substantially amended a number of times and is now in effect until 2015 (Paez et al, 2010). AGOA is not simply a free trade act, but is also an instrument of US foreign policy and its relations with Africa. To be eligible, countries have to make progress towards instituting market based reforms and rule based free trade, rule of law, legal pluralism, elimination of barriers to US trade and investment and economic policies aimed at improvements in education, health and poverty levels. They also need to have a system for tackling corruption and promoting internationally recognised human and workers rights, and must not be involved in undermining US national security or foreign policy interests or act of terrorism. Countries also have to fulfil economic development criteria, e.g. a threshold of US 1,500 per capita (Paez, 2011).
AGOA has a number of important features:

a) Duty free and quota free access to a selected number of exports, and this is additional to the access given to these exports under the Generalised System of Preferences (GSP).

b) Countries have to be eligible to benefit from AGOA and their eligibility is reviewed annually. Each country is eligible for AGOA treatment in identified areas of trade competitiveness. The US can unilaterally revoke benefits based on the eligibility criteria. As at now, 38 SSA countries are eligible under AGOA, and 27 have eligibility for textile and apparel benefits, which are considered the primary sector for trade benefits. Madagascar, Guinea and Niger have recently had their AGOA preferences withdrawn.
c) Textiles and apparels are considered by the US as the area which has the potential to promote Africa's export competitiveness and also generate greater employment.
d) The act provides for technical assistance for firm to firm business relationships; support to African states to enable them institute market based economic reforms, and strengthen their participation in WTO negotiations, with special emphasis on services liberalisation, which is less liberalised in developing countries.
e) AGOA promotes more US investments in African countries.

AGOA has also instituted a trade capacity building mechanism, the $200 million African Global Competitiveness initiative to support African countries to realise the opportunities under AGOA. Apart from supporting exports of goods such as textiles and apparel, specialty food and cut flowers, there are efforts to address sanitary and phyto-sanitary issues in areas of food and safety, plant and animal health and the protection of intellectual property rights. The Overseas Private Investment Corporation (OPIC) also works with AGOA to support investment funds targeting Africa.

Benefits to Sub-Saharan Africa of AGOA

AGOA has been assessed in terms of its key objectives from the point of view of African economies- increased exports, export diversification and increased FDI flows. These assessments have suggested that although there was a five-fold increase in US imports from Africa between 2001 and 2005 ($5 billion to 25 billion, imports have fluctuated since then and have drastically reduced in some years as a result of the expiration of the multi-fibre agreement and the global financial crisis to 21.2 billion in 2007; 12.7 billion in 2009). Some trade intensification has occurred in coffee, tea, spices and knit apparel, which make up 15% of AGOA exports. However, export diversification has not taken place (energy continues to be the most important import at 90% valued at $30 billion). Textiles and apparel account for 2.7%, while minerals, while mining accounts 1.2% of US imports.

Increases in FDI have not been particularly significant (Paez, 2010). Even more importantly, only a few countries (Kenya, Lesotho, Madagascar, Mauritius and South Africa) have enjoyed clear benefits, with Ghana, Ethiopia, Malawi, Tanzania, Uganda and Cape Verde registering fewer benefits. Even those countries which have enjoyed these benefits have seen some decline in textile imports, although these remain higher than the pre-AGOA figures.

Even more importantly, countries such as Kenya who are major beneficiaries have come from a low pre AGOA base, with new firms which are not national firms setting up operations largely in EPZs with limited linkages to the local economy, vulnerable to AGOA rules of origin and not improving employment in any significant way. As noted by Paez et all, “although AGOA has met one of its objectives of increased exports, it appears that it has not succeeded in meeting its primary goal of lasting export diversification as the much lauded textile and apparel sector accounts for less than 3% of US imports currently. Sustainable long term economic growth and development entails structural transformation of the economy, which persists as an intractable sub-Saharan Africa challenge” (2010, p. 6).

There are estimates that AGOA created 300,000 jobs between 2000 and 2009. Lesotho for example enjoyed a 36% increase in employment in the first two years of AGOA certification, as most of the jobs were in the textiles, clothing and footwear industries which are labour intensive and considered female workers friendly, it has been suggested that women made significant gains in employment and were empowered by the enjoyment of a regular income. A closer look at these industries shows that there is extensive gender segmentation and often women are in the poorer paying and repetitive jobs. Even more importantly, there are concerns about their lack of integration in the local economy and their security in a post-AGOA dispensation (Paez, 2010, p. 17).

From the point of view of African countries, trade between the United States and Africa continues to be low and dominated by oil and oil related products. Improving the utilisation of AGOA by beneficiary countries has been raised as serious problem, along with export diversification and the lack of coverage of potential exports which interest African countries such as agriculture, textiles, manufacturing and tourism. As well, sanitary and phyto sanitary standard have proved to be complicated and onerous, and are impeding the realisation of AGOA goals by African countries.

While studies have mentioned that there are gender dimensions to AGOA, they have generally not analysed systematically the gender differentials in the benefits o f AGOA. Part of this has to do with the difficulties of gender disaggregation of benefits. Some of the discussions of GOA assume that the increase in the imports of African textiles and apparel is certain to benefit women (Paez, 2010). It is important to go beyond the headlines to look more closely at the various sectors and their sexual division of labour. In this gender analysis of AGOA, we focus on three issues- which sectors have benefitted the most from AGOA, and their gender profile; which sectors have the potential to promote gender equitable benefits, and what measures are needed to ensure the realisation of more benefits for women under AGOA.

Oil and energy have been identified as the chief beneficiary sectors. Also, studies have found benefits such as Lesotho becoming leading exporter of apparel to the US, Kenya has imported fresh cut roses, sporting fishing supplies, nuts, plastic products, jewellery, and essential oils while Ghana has exported chocolate, jewellery, baskets and preserved pineapples. The gender composition of these industries shows that while women are dominant participants in the cut flowers and baskets industry, men dominate almost all of these industries, as both workers and owners of capital. In the cut flower industry for example, analysts have pointed to decent work deficits with women workers earning poor wages and experiencing employment insecurity and exposure to harmful chemicals (Razavi; Tsikata, 2010). Pineapple production is dominated by male farmers, while some of the products are produced in factories owned by transnational corporations.

To ensure that the benefits of AGOA are fairly distributed between men and women, the following recommendations need serious consideration:

- Products dominated by women in agriculture and artisanal production have to feature on the list of exports to be promoted. In much of Africa, this includes shea, processed specialty foods, baskets, apparel and other crafts.

- The scale of production required for AGOA exports puts them beyond the reach of many local farmers and artisans. This is an area which requires attention. Women could be encouraged to form cooperatives which enable them to participate on the scale required.

- In agriculture, extension support, land, labour, technology and capital constraints of women need to be addressed.

- The division between women and men's crops need bridging and women encouraged to produce male crops in their own right.

- The capacity building and support facilities under AGOA as well as the ones instituted by African governments have to target women for capacity building, capital and other forms of support including sanitary and phyto-sanitary issues particularly because of women's involvement in the food business.

Box 5- Gender and Trade Expansion: The Case of the Apparel Industry in Madagascar

The apparel industry is female labour intensive, with a considerable gender wage gap and relatively low wages, low capital requirements and thus high relocation possibilities, low skill and technology requirements, quick response to market trends and among the traditional LDCs' export industries. Driven by a substantial comparative advantage, exports of these labour-intensive goods originating from developing countries have grown exponentially in the last decade. These exports could soon grow even more quickly in the LDCs in SSA because of the continuous relocation of the firms seeking the most suitable locations, declining transportation costs, improved economic and political conditions, and trading preferences given to LDCs by arrangements such as AGOA and Cotonou, and the elimination of MFA.

There are questions, however, as to how the benefits from this expansion in the apparel industry are distributed, what the associated welfare effects for the different members of the households are, whether there could have been even higher benefits in the absence of gender disparities. Additional questions are whether and to what extent this export-led growth helps close the gender gap in the labour market and the gender wage gap and whether the export boom is sustainable, given the expected elimination of preferential market access (from AGOA, MFA, Cotonou Convention, and the take-over of WTO rules)

Cash income and higher wages attract women out of unpaid family work, informal activities, and unemployment when women are given an opportunity to enter the formal labour force and improve their economic independence. Furthermore, additional benefits previously unknown to many workers, such as healthcare and paid leave, are increasingly provided to workers in this export oriented and foreign influenced sector. Thus, employment that appears as exploiting low paid workers may be envied and eagerly sought by an increasing number of individuals in LDCs.

The case of the apparel industry in Madagascar, with labour costs about half of those in India and China and about one quarter of those in neighbouring Mauritius, is a good example of the gendered impacts of employment expansion. It has recently grown substantially as a result of local entrepreneurial initiative and, most importantly, as a result of the relocation of apparel industries to Madagascar from neighbouring Mauritius because of large wage differentials between the two countries. The mobilization of the female labour force has been a key element in the industry's expansion and in the process of the country's economic development. The apparel industry in Madagascar gives employment to the poor. About 39% of households for which one or more members were employed in this sector reported expenditure below the poverty line in 1999, with 25 % of them having a man and 44% having a woman employed there. Most of the workers are young, with female workers being younger than their male counterparts. These workers, however, are better educated than the national average, with men having significantly higher education then women. Close to 80% of male workers have permanent salaried positions while the corresponding figure for women is about 57%. In addition, 17% of women have temporary jobs, as compared with 3% of men. The median wage for men is about $47 while that for women is $28, with this gender wage differential decreasing with the advance of educational level. Further estimates by Nicita and Razzaz, however, indicate that the wage discrimination faced by women in the apparel sector is similar to that in other sectors, there is a 25% premium for male workers across the economy as a whole, and that women experience a much lower wage growth than men.

Thus female workers benefit substantially less than male workers, due primarily to different skills, employment position, and general labour market discrimination. The gender wage gap in the apparel industry is substantial, as male workers receive a 30% wage premium compared to equally qualified female workers. On the average, jobs held by men have a pay cheque 50% larger than those held by women.

Apparel jobs that require less skilled workforce, most of which are held by women, are unlikely to experience any significant increase in real wages. And upward pressure on unskilled wages is unlikely to occur as long as there is a large reserve of unskilled labour force and a continued high turnover in jobs. Nevertheless, this industry offers opportunity for women to enter the labour market, to obtain a certain level of economic independence.

Source: Julia Clones, 2003

7. Trade facilitation

What is Trade Facilitation and why is it a gender Issue?

Trade facilitation has been defined as "the simplification and harmonization of international trade procedures covering the activities, practices, and formalities involved in collecting, presenting, communicating and processing data required for the movement of goods in international trade (ATPC no. 15, 2010). It has also been defined as pertaining to "activities and practices relating to the movement, release and clearance of goods that cross national borders" (WTO, 2002). Thus the central concerns of trade facilitation include "transport and transit issues, import and export procedures including customs and cross border problems, information and communication technology, payments, insurance and other financial requirements and international trade standards" (UNECA, 2004, p. 1; see also WTO, 2000; Williams, 2004). Trade facilitation is increasingly an important issue in trade because it concerns transaction costs, which if addressed, would benefit governments, traders and the economies of the various countries, RECs and Africa as a whole. According to the UNECA, the losses incurred by business and governments through poor trade facilitation outweigh the costs of tariffs (UNECA, 2004; ATPC no 15, 2010). Trade facilitation is one of four new issues introduced by the Doha Development Agenda under the WTO, along with competition policy, government procurement, and investment (Williams, 2004).[6]

Trade facilitation concerns all those involved in trade of any kind- whether as practitioners, suppliers of trade goods, providers of services which support trade. These different players have common but also different issues of concern with the facilitation of trade. What might concern regulators at the border might concern traders as well, but in some cases, they may have different concerns. For example, both regulators and traders would have an interest in simplifying the rules of trade in order that their implementation is easier. However, traders would be interested in paying less duty and taxes while regulators might be interested in collecting more revenue, particularly if they earn bonuses on these. Or traders might be interested in the corruption of regulators while regulators would be more interested in tax evasion by traders.

Even among traders, small scale traders might have some trade facilitation concerns which are different from those of large scale traders; or food traders might have concerns which traders in non-perishable goods do not have. For this reason, it is important to be clear about whose issues are considered priority in any discussion of trade facilitation.

Gender is a consideration in trade facilitation because men and women dominate different aspects of trade and as traders, suppliers of trade goods, regulators or providers of services for traders. For this reason, they have common as well as specific challenges with trade. There are some trade facilitation issues which affect both men and women but to different degrees and in different ways; and others which affect only women or only men.

[6] These four issues are known as the Singapore Issues.

Box 6: Statistics on Informal Cross Border Trade (ICBT)

- In Africa, 60% of those who operate in the informal sector are women.
- The non agricultural informal sector creates employment opportunities for 91.5% of women compared with 70.7% of men.
- Informal cross broader trade on average provides between 20% and 75% of total employment in most countries except South Africa where it is estimated at 12%.
- 60-70% of African families are kept on incomes earned from the informal sector, either directly or indirectly.
- In Benin, 80-95% of women are involved in informal trade, particularly in the marketing of unprocessed goods.
- In West Africa, four to five million women are involved in collecting, processing and marketing of shea nuts and butter, bringing in 80% of their income.
- 90% of credit needs of informal economy are funded from own sources and informal credit sources.

(Sources: UNECA and ATPC Report).

The major problems of trade facilitation which affect both men and women, but in different ways are the inadequate transport and communication infrastructure, both within and between countries, excessive customs and related payments, the failure to observe regional trade agreements intended to eliminate tariff and non tariff barriers, poor financial services, particularly bank transfers, credit and currency exchange transactions and the lack of a developed and relevant system of insurance; francophone-anglophone-lusophone and arabophone differences in banking regulations, trade taxation policies, the lack of progress in operationalising trade liberalization schemes and the lack of adequate market information for certain goods. Gender specific constraints include the lack of business skills and poor security resulting in sexual assaults and other forms of violence and poor reproductive support (Morris and Saul, 2000). All these challenges make trade time consuming, high risk and with high transaction costs (Randriamaro and Budlender, 2008).

Considering gender specificities involves both expanding the scope of traditional trade facilitation issues as well as looking at the traditional trade facilitation issues from a gender perspective. The traditional issues include regulation and taxation, infrastructure, transport, banking and finance, credit, market information and skills and capacities. In addition, there are issues concerning the support for production activities (policies, technologies, land tenure and credit) and support for reproduction (policies, technologies and facilities) and protection from gender based violence, which traditionally are not addressed under trade facilitation, but which are relevant to a gender sensitive approach to this issue.

What is the situation with trade facilitation, particularly as it affects women cross border traders?

The challenges with trade facilitation occur at multiple levels- individual, enterprise, governmental/ institutional and contextual. For example, while much of Africa faces similar problems of trade facilitation, there are regional and even country specificities. For example, Africa has the highest transport costs compared with other regions. However, landlocked countries face special transportation constraints and higher costs than others. Eastern and Southern Africa have higher freight costs than other regions in Africa. Base line studies conducted by UN Women[7] in Cameroon, Liberia, Tanzania, Swaziland and Zimbabwe show that few people were engaged in informal cross border trade (ICBT) because they liked it. For many, it was the lack of other employment and income generation options.

Box 7-Some of the Key Issues of Trade Facilitation which need to be addressed

- Policy and Institutional Problems
- Financing and Credit
- Quality of products and services
- Support for productive sectors
- Availability of information and goods
- Lack of access to public goods and services
- Support for reproductive activities

The challenges to ICBT identified by traders were similar for many countries. For example, the baseline studies found that in Swaziland, problems included delays at border posts (55%), competition from Asian and other products (31%), competition from other traders supplying goods to the same markets (30%) and loss of goods and money to thieves (26%). Women traders complained more about delays and theft than did the men. As well, women reported cases of sexual harassment by immigration, customs and police officials. Male traders spoke more about fights (Swaziland, 2008). The Zimbabwe study's findings were quite similar- delays at border posts; competition from supplying the same markets, theft, competition from Asian products and harassment by immigration and customs, with women traders more affected by sexual harassment and rape. Types of violence which affected both men and women included imprisonment, loss of goods, beatings, being forced to pay bribes and fights (Zimbabwe, 2008; see also Cameroon, Liberia, Tanzania, Swaziland). The studies also highlighted the lack of information on regional trade agreements and protocols, weak trade related services, lack of trust

[7] Then UNIFEM

among traders Tanzania) and the high cost of doing business and low literacy (Liberia) administrative and institutional constraints, different units of measurements for commodities leading to conflicts with customers; lack of established distribution channels and inadequate market regulation mechanisms, all of which were affecting supply and demand and prices (Cameroon). These issues are discussed in some detail below.

Policy and Institutional Problems

Free movement challenges

All the Regional Economic Communities in Africa have agreements to facilitate free movement and trade.[8] However, studies have found that movement, particularly in pursuit of trade is highly problematic because the treaties and protocols on free movement are honoured more in the breach. Ibeanu for example, argues that "the story of what West African citizens go through at the hands of border security officials is the same- harassment, extortion, brutality, threats of deportation, and traumatic delays in moving goods across the border highways, many of them mounted by unauthorized officials" (Ibeanu, 2007, p. 6). His study found that on the Nigerian side of the Nigeria-Benin border, while there were a total of twenty five (25) security checkpoints within a ten kilometre radius, only five (5)- Customs, Immigration, Joint Nigeria-Benin Anti Crime Border Patrol, National Drug Law Enforcement Agency and Veterinary Quarantine Service- were legitimate. The extra checkpoints had been created by border personnel for extortion. In Cameroon, forty-seven (47) roadblocks were counted on the 500km road between Douala and Bertoua (ATPC No.15, 2010).The multiplicity of border institutions is confirmed by the cross border studies in other African regions (Randriamaro and Budlender, 2008). As in the Ibeanu study, institutions had a negative rather than positive impact on traders, who cited the payment of bribes and the loss of goods. Some traders even considered these to be routine costs of cross border trade to be factored into arrangements.

In the EAC, informal cross border women traders often did not use the formal processes for their transactions. Part of the reason may have been that many of them did not know about the Customs Union Protocol and its potential benefits to them. There was distrust of the EAC Protocol and fears that it would result in increased taxes, which would whittle away profits. Some were even apprehensive that the opening up of intra-regional trade would attract many more people to cross border trading and make the competition keener and bring uncertainties and require new strategies from the ones they had already mastered for dealing with the existing trading system (ATPC No.1, 2010; UNIFEM, 2008).

Many women in cross-border trade relied on smugglers or intermediaries to get their goods across borders *in spite of the existence of the EAC customs union.* Such reliance on illegal methods can have serious consequences for women's safety, as they can be fined, imprisoned

[8] In ECOWAS for example, there are several such instruments. They include the Treaty and Revised Treaty, Protocol A/P.1/5/79 on the Free Movement of Persons, Residence and Establishment; Protocol A/P.5/5/82 on Inter-States Road Transit of Good; Convention A/P2/5/82 on Inter-State Road Transportation between ECOWAS Member States; Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the Implementation of the Protocol on Free movement of Persons, the Right of Residence and Establishment and Supplementary Convention A/SP.1/5/90 on a Community Guarantee Mechanism for Inter-State Road Transit of Goods (Ibeanu, 2007).

or otherwise coerced by both smugglers and border officials (Shaw, 2010)

Insecurity, Corruption and Extortionate Expenditures

There are very high levels of insecurity related to both person and goods in cross-border trading.. The main sources of insecurity are corrupt law enforcement agencies and a range of middle-men and fixers. In one study, one in two respondents had experienced some form of harassment during their current trip (Ibeanu, 2007). The Nigeria-Benin border is considered particularly problematic in this regard, and has defied solution in spite of joint border patrols at the behest of their presidents. Poor security is particularly gender specific in its ramifications. Women are vulnerable to requests for transactional sex from officials and are sexually harassed and or assaulted by range of actors, including officials and private citizens. As well, they are more likely to have their goods stolen or lose their entire stock of perishable goods. This creates both physical and financial insecurity, increases risk and the cost of goods to consumers (Ibeanu, 2007; Morris and Saul, 2000). The UNIFEM study of Liberia also reports that 37% of respondents had said they had experienced gender based violence. Of this figure, 15% had been raped or forced to have sex in exchange for favours (Randriamaro and Budlender, 2008).

Similar problems have been enumerated in a study of cross border trade in East Africa. Traders mentioned uncooperative security officials, arbitrary arrests and detention, which could be settled only on the payment of bribes and other unofficial payments. As well, they mentioned prejudices and discriminatory practices against various nationalities in the EAC (UNIFEM, 2008; ATPC No. 1, February 2010). Studies have found that “an average customs transaction in Africa involves 20-30 different parties, 40 documents, 200 data elements), 30 of which are repeated at least 30 times) and the re-keying of 60-70% of all data at least once” (ATPC No. 15, 2010, p. 3). The sheer volume of paper work is compounded by the fact that documentation requirements are not properly defined or conveyed to traders, thus increasing errors in filling forms and further delays. In situations where border posts and customs are separated physically, this becomes really challenging.

The insecurity of traders is compounded by the fact that they often do not have valid travel documents and do not always have the correct information about their tax liabilities. In Ibeanu’s study, 60% of respondents either did not know if the goods could be legally carried across the border or knew they were not allowable (2007).

Respondents expressed frustration with the cumbersome processes of acquiring official documents. Efficiency in customs administration[9] is a key to reducing trade costs. Delays in customs are another problem. African customs on average have delays of 12 days compared with 7 days in Latin America, less than six days in Central and East Asia, and over four days in Central and Eastern Europe. Delays raise trade costs as firms can lose contracts, pay additional costs for storage and in some cases lose perishable goods. Small scale traders are particularly

[9] The Customs Agencies’ duties include setting and collecting tariff duties, verifying that importers of goods have complied with regulations, and preventing the importation of prohibited goods.

hampered by these delays, with food traders especially running the risk of losing their goods outright. .

The situation at the borders fuels the ability of extort money from travellers. Not surprisingly, extortion by law enforcement officials was the single most mentioned problem by respondents. In one study, more women than men reported that their businesses had been adversely affected (46.5% as opposed to 33.8%) (Ibeanu, 2007). In the UNIFEM study of cross border trade in Liberia, 74% of respondents complained about high duties at numerous crossing points at the borders as representing a dent in their profit margins. In Sierra Leone cross border traders at Kondu and Jendema were said to be avoiding crossings to Liberian markets at Foya and Bo-Waterside to avoid the duties. Similar conditions were reported in Benin, Senegal and Mali where border payments were between $1.50 and $7.00 (Randriamaro and Budlender, 2008).

It has been observed that given that these additional expenses- bribes, penalties, administrative and judicial appeals- are not calibrated in relation to the volume and value of goods being transported, smaller traders suffer much more of a mark up in the costs of their goods thus making them less competitive than their counterparts elsewhere (ATPC no. 7, 2010). On the other hand, studies have found that traders who carry small quantities of goods often bypass these checkpoints. On their part, customs officials practise “border tolerance”, by allowing the informal crossing of small quantities of goods such as kerosene, gasoline and agricultural produce. This, according to one study, is as important a factor in the way cross border trade is organized as the official regulations (Morris and Saul, 2000, p. 18).

As there are no institutions monitoring the activities of law enforcement agencies, longstanding complaints about extortion are not receiving consistent attention. This has resulted in cynicism about the value of trade protocols. The UNIFEM East African study found that women informal traders were apprehensive that the EAC protocol, if implemented would not benefit them as it would be sabotaged by customs officers. As they noted, “any system that appears to make it difficult for customs immigration and security officials to receive bribes is bound to fail because the officials would not allow it to operate smoothly” (ATPC no. 1, February 2010). Another example of this lack of faith in institutions was the contradictory recommendation emanating from the respondents of the East African study about the free flow of goods. While many wanted greater integration and the free flow of goods, some traders wanted the separation of markets to remain so they could continue to reap the benefits from differences in economic policies among EAC states and their ability to by-pass official customs institutions and regulations.
All the problems, many traders were successful in crossing borders and had devised various strategies to enable them cross borders with their goods.

Lack of harmonisation of laws of countries and multiple institutions
Even more troubling, national laws of immigration are not harmonised with the trade protocols of the RECs. A study of ECOWAS for example found that while immigration policies are the mandate of different ministries, departments and agencies in various West African countries. As well, different institutions are in charge of different elements of migration in any one country.[10]

[10] In Ghana for example, migration is the business of the Ministries of Interior, Local Government, Trade and Foreign Affairs.

Poor coordination can result in contradictory policies and measures and contraventions of trade protocols (Agyei and Clottey, 2007). The privileging of trade policies over migration policies is another problem. While trade has been liberalized extensively and resources have been poured into trade policy reform, migration has remained an area of numerous restrictions and policy neglect (Agyei and Clottey, 2007). Customs regulations are also not homogeneous across the West Africa Region (Morris and Saul, 2000). The situation described for West Africa is quite similar to that found in East and Southern Africa.

The existence of ECOWAS and WAEMU presents some opportunities, but also challenges of parallel structures and overlapping mandates in a context of limited resources. It also presents complications in terms of the agreements entered into by countries in the Region (ECOWAS, 2008). There are differences in the extent of trade policy reforms. WAEMU as a whole has undertaken more trade liberalisation reforms than ECOWAS. While non-WAEMU ECOWAS countries such as Ghana have also liberalised trade and simplified their tariff structures cutting them down to WAEMU levels, Nigeria, the largest economy in the region has not done so. This is because it considers the low tariff levels of WAEMU to be harmful to West Africa's agriculture and manufacturing (ECOWAS-WAEMU, 2006, p. 13). The existence of SACU, SADC and COMESA are likely to present similar opportunities and challenges.

Trade in Africa is complicated by the different currency and pricing regimes. The use of different currencies within the RECs raises some challenges for managing exchange rates. The existence of multiple currencies increases currency conversion and related costs. Only UEMOA and CEMAC are monetary unions using the CFA. The South African ran also circulates freely in the Common Monetary Area of Southern Africa, embracing Namibia, Swaziland and Lesotho. Countries of the East Africa Community and non UEMOA members of ECOWAS have floating exchange rates, but with non-convertible currencies. The multiplicity of countries and exchange rates, as well as the non convertibility of currencies is a huge challenge, one exacerbated by inefficient payment mechanisms, insurance and customs requirements.

However, some have referred to this as a resource, arguing that the differences between the Naira Zone and the CFA zone in currency and prices make trade attractive between Nigeria and neighbouring francophone countries (Chalfin, 2001; Randriamaro and Budlender, 2008). Traders respond to complicated exchange rate fluctuations by bartering arrangements. An example is the bartering of salt for horticultural products such as potatoes and onions between cross-border traders of Niger and Burkina Faso (Marphatia, 2000). It is important to study more critically the impact of a unified currency on West Africa trade (Ibeanu, 2007). After all, countries trade successfully with others with different currencies. The establishment of currency clearing mechanisms is considered a good solution in situations of multiple currencies.

Differences in Language and Trading Culture Barriers

Many RECS have to work in multiple official languages. West Africa and Central Africa have three languages English, French and Portuguese and English, French and Spanish, respectively. Southern Africa has English and Portuguese while East Africa has English and Swahili. North Africa is one region with a common language, Arabic. With the high illiteracy rates in Africa and the fact that traders even if educated are likely to be proficient in no more than one official language, the multiplicity of official languages is a constraint in cross border trade. It is not however insurmountable if the profile and use of West African cross border languages is enhanced. This way, language would not pose challenges for persons who are illiterate and traders can take advantage of the existence of major ethnic groups on both sides of the border between several countries who share bonds of language, culture, kinship and informal social security (ECOWAS-WAEMU, 2006).[11]

Differences in trading cultures across borders also result in uncertainties in the conduct of trade. These differences relate to the measurement of goods, their presentation and packaging. As the study on Cameroon found, differences in measurement of goods were a source of tension and mistrusts among traders and buyers (Cameroon, 2008). Shea butter is an example of a produce which is processed and packaged in different ways in the various markets in the sub-Region. While it allows buyers to identify the butter by origin, the lack of standardization hampers the sale of shea butter.

This issue raises the wider question of the quality of goods being traded within Africa and between Africa and the world. Many of the commodities are raw or semi-processed, particularly the agro-industrial products. Small scale cross border trade in foodstuffs is largely free of customs duty within the RECs. The obstacles to exports mainly concern issues of quality standards. Quality standards are becoming stricter, particularly in European markets and especially in relation to perishable goods such as fruits, vegetables and proteins; handicrafts and traditional cash crops such as coffee, cotton, and cocoa. These issues of standard also concern subsistence crops sold in the region such as plantain, cowpea, cassava and livestock products (ECOWAS-WAEMU, 2006; Plunkett and Stryker, 2003).

Trading is greatly aided by goods meeting minimum standards and technical regulation. This is not the case with goods from Africa, particularly those produced by small farmers and artisans. The costs of meeting trade standards can be prohibitive, particularly when standards are different for different markets. Standardisation of these requirements and support with costs is an urgent issue for many producers (ATPC no. 7, 2010).

Infrastructure: Transportation, Information and Communication

Transportation

Transportation is a serious constraint in cross border trade, although there have been gradual improvements over the years. Transportation takes up 20% or more of a product's cost. Transportation infrastructure and services are in a poor state and poorly integrated, particularly when compared with the rest of the world.

[11] Examples include Bambara, Senoufu and Malinke speakers in Northern Cote d'Ivoire with Burkina and Mali; Hausa in South East Niger and Northern Nigeria and Ewe in Ghana and Togo.

Road Transport

Road transport is the major means of travel, accounting for 80-90% of all freight and passenger movements (ATPC no. 14, 2010). It consists of public and privately owned vehicles of different shapes and sizes- lorries, cars, motors bikes, bicycles, push carts and animal drawn carts. In Ibeanu's study in some border areas of West Africa (2007), 72% of respondents travelled by commercial road vehicles. Around 20% of travellers, though, mentioned motor cycle or bicycle, while 6% travelled on foot. These simpler forms of transport enabled trader to by-pass border crossings to avoid delays. The study also found that 70% of the users of regional public transport (which includes rail transportation) were women (Ibeanu, 2007). Another study found that there were gender differences in the patterns of transport use. In Liberia for example, women used only cars and lorries and trucks while men also used motor-bikes and wheelbarrows (Randriamaro and Budlender, 2008).

Road transportation is quite poor as a result of bad roads and old and poorly maintained vehicles, many of which are second hand imports from Europe. Only 22.7% of Africa's road network is paved (ATPC, No. 14, 2010). While significant efforts have been made to develop an extensive road network in Africa, there are serious challenges related to the quality of roads beyond the major arteries. In the ECOWAS Region for example, roads of variable quality are used to transport farm produce and processed food items to markets within and across borders. Many of these roads do not have all season surfaces and their poor state makes travel time consuming and insecure. Studies are needed to analyse the pathways of certain important items of trade for both men and women to reveal the gaps in the road networks in Africa which need attention.

The road situation is compounded by problems with vehicles and management of road transport services. Specific problems include the lack of sufficient vehicles on the roads, the high prices of vehicles, lack of information about demand, transportation cartels, poor operating practices, lack of maintenance of vehicles and driver carelessness and error (ATPC no. 14, 2010).

The situation with roads and vehicles results in frequent delays, missing market days and perished goods. Bus trips across borders often take several days. The low quality of transport in Africa eats into the profits of traders. Also, road safety is a serious problem. Many women ride with their goods on large open top trucks, leaving themselves open to the risks of accidents. Often, they travel long distances at nights on roads which are vulnerable to armed robbery and are also in such poor condition as to make them unsafe.

Rail Travel

Rail travel's importance in Africa is on account of its potential competitiveness for moving bulk cargo long distances over land. However, railways in Africa carry only 1% of global railway passengers and 2% of goods. Africa's railway networks are poorly interconnected, and this makes the use of rail expensive. The rail network is estimated at 89,380km, with a density of

2.97km per 1,000 sq km. Three different railway gauges are used in Africa, raising questions of physical integration of rail (ATPC no. 14, 2010; UNECA, 2004). As well, the quality of existing rail services is poor. For example, the train from Bamako in Mali to Dakar in Senegal, which used to take a day now takes double this.

Port facilities

90% of world trade passes through ports, the figure for Africa's international trade ranging between 92 and 97%. A study reported by the ATPC shows that port capacity limitations and institutional bottlenecks are a constraint on port trade. Average port productivity in Africa is 30% of the international norm and this is compounded by poor management and badly maintained equipment. As a result of these problems, freight charges within Africa and between Africa and the rest of the world are much higher than for other destinations (ATPC, No. 14, 2010).

Air travel

Air travel is increasingly becoming important to world trade and is second only to road transport in Africa, taking 5% of all African trade. It is mostly used for trade between Africa and other regions. Women traders, particularly from the West Africa region are using air transport in their trade in consumer goods from Thailand, Dubai and more recently, China. Problems of transportation are compounded by poor infrastructure at the borders, in a situation where travellers sometimes spend days on the border. Some traders deal with the transportation problems by getting their transporters to purchase goods for them. Many transporters also include freight forwarding in their services. This provides traders with intermediaries in their dealings with the many officials operating on the trade route.

The problems of transportation have implications for the domestic responsibilities of women. Studies have raised the issue of the poor care for children and domestic violence and conflicts arising from tensions caused by men's reactions to women's absences. Within conjugal unions, male permission and continued support are critical for the success of cross-border and other types of long distance trade. Women also rely on other family members and employees for support in trading and childcare. A study of traders on the Bamako-Dakar railway found that the most important traders were divorced, widowed elderly women and former wives of railway employees. This was attributed to autonomy of older women and the reproductive responsibilities of younger women (Marphatia et al, 2000).

Some of the limitations placed on women's movements which affect their cross border trade are anchored in religion and other social sanctions. Women cross border traders are sometimes accused of prostitution, extra-marital sexual transactions and other illegal practices (Marphatia et al, 2000). In some situations where traders were successful, men had withdrawn financial support for their families (Randriamaro and Budlender, 2008).

While both men and women suffer from poor transportation, women's greater involvement in the sale of perishable goods, and the fact that they predominate among retailers who do not have their own vehicles, means that they experience more acutely than men the problems of transportation (Morris and Saul, 2000). There are gender differences in the impacts of the design and development of physical infrastructure such as roads and ports. It is important to assess the capacities of different kinds of roads to support the survival and expansion of the livelihood activities of women and small producers in enabling them to gain direct access to markets and avoid middle men and the less lucrative farm gate prices.

Other Infrastructure- telecommunications, ICTs and energy

Telecommunications services are poor and expensive in many African countries in spite of the improvements in the last decade. While many more are using mobile telephones, the coverage is still quite low, particularly in rural Africa. Africa has the lowest internet diffusion in the world and this is reflected in the lack of ICT facilities at ports. The infrastructure and regulatory capabilities for e-commerce, which could drastically reduce the transportation costs of many traders, remains low and inadequate in much of Africa. Few traders in Africa are aware of e-commerce and have the possibility to use it for their work. Particularly for women traders, to cut down on travel would assist women's ability to execute their reproductive responsibilities and balance this with work.

Other kinds of infrastructure needed to promote trade are energy and water and sanitation (ATPC no. 14, 2010). Energy is a critical resource in agro processing and artisanal production. For women producers, energy sources are mainly firewood and charcoal which are increasingly scarce and expensive, and also damaging to the respiratory health of women in the long term. The diffusion of electricity, gas and other more convenient energy sources has been hampered by their costs and availability. Energy saving technologies are urgently needed for both productive and reproductive activities. As many small businesses are located in residential areas, it is critical for city planners to appreciate this in their plans for the distribution of energy.

Access to adequate water affects women and men's production in many ways. Rain fed agriculture is still the norm although some farmers are engaged in irrigation of different levels of sophistication in Africa. Food processing and artisanal manufacturing have water requirements which mostly women have to fulfil. Procuring and purifying water both for production and reproduction in order to free women and children from the time consuming and expensive task of procuring water is a necessary aspect of gender sensitive trade facilitation agenda.

Access to Capital and Financial Services

Access to capital and financial services are critical to successful trading in Africa, and are particularly crucial for small scale traders. There are several weaknesses with respect to these services. The coverage of commercial banking services across Africa, particularly in the cross border areas in Africa is very poor. Most banks only operate in urban areas and serve a clientele quite different from micro-enterprise operators. Other problems include inefficient and cumbersome payment and credit arrangement, costly insurance and customs security fees and weak payment systems (ATPC, no. 14, 2010). The lack of effective and standardised inter-bank payment systems means that traders have to travel with large sums of money. Apart from the risks involved in transporting money across borders, it limits the scale of their operations and the flow of goods and services.

There are three types of organizations mobilizing savings and facilitating access to credit of poor people in Africa. These are micro finance institutions (private), financial branches of post and telecommunications (public and semi public) and Regional public banks. However, much of the credit available to cross border traders is informal and based on networks of trust, organized among the different categories of traders- wholesalers, wholesaler-retailers and retailers. 35% of informal cross border traders studied in Swaziland received their initial capital from kinship and friendship networks, 20% from their primary employment, 16% from informal savings institutions, 14% from own savings and the rest from remittances of migrants and other businesses (Swaziland, UNWOMEN, 2008).

It is the informal credit systems which mitigate the impacts on trade of poor financial services across Africa. Informal credit arrangements rely on mutual trust which enables both wholesalers and retailers to offer credit to buyers and barter arrangements which allow the circulation of goods without financial services. This kind of credit arrangement, also known as "consignment credit", is provided by suppliers in the form merchandise, which buyers then pay off over days and weeks as the goods are sold. Some traders prefer this kind of arrangement, because it is not considered to be debt. Similar financing arrangements involve wholesalers entering into business partnerships with other women in various towns who provide them with room and board and act as their sales agents, storing their goods and collecting their outstanding debts in return for a commission (Morris and Saul, 2000).

These credit relations are by no means always smooth and carry risks of default and capital shortages, with the result that not all traders are willing to extend credit. Informal credit also has the disadvantage of high interest rates in some cases. The lack of credit constrains traders from scaling up their operations and dealing in high capital goods (Darkwah, 2007; Morris and Saul, 2000; Swaziland, 2008).

While motor vehicle insurance is much better developed across Africa, insurance firms do not have the depth to offer services to protect the goods and person of women in small scale enterprises. The lack of insurance is very serious. It means that risks of theft, confiscation of goods and the perishing of foodstuffs cannot be mitigated. Given the small size of capital many women operate with, one such episode could mean the demise of their business.

Lack of Information

Traders need two kinds of information. These are market information and information on regulations. The lack of both kinds of information constitutes a significant constraint in the development of African markets. A study of West African traders found that women traders had no official objective information and had to rely on their friends and fellow traders for market information across borders. Information about supply sources are part of a mix of cooperation, information sharing, competition and secrecy among traders. It complicates relations among traders in a very competitive environment with too many operators and too many goods. It also leads to saturated markets, the unproductive circulation of goods across borders and adverse impact on commodity producers, particularly food farmers (Morris and Saul, 2000).

For example, the informal cross border trade in tomatoes between Ghana and Burkina Faso has had an adverse effect on the livelihoods of Ghanaian farmers. The tomatoes, which are considered of superior quality and also competitive in price, when brought in from Burkina Faso create a glut, leaving farmers in Ghana with no outlets for their products. In the same vein, second hand clothing, cloth from China and other cheap consumer goods circulating and criss-crossing the West Africa Region have had adverse impacts on efforts to promote the processing and manufacturing of food and goods in the various countries. This is an area which requires further analysis and the institution of policies to ensure that cross border trade can complement rather than threaten local efforts at value added production.

Women’s mode of entry into trading means that they have to acquire skills for their work informally. The majority therefore do not have formal business management skills. This hampers their ability to acquire and use knowledge about pricing and the demand and supply of the goods they trade in. As in the case of market information, traders also rely on educated family members and others around the market places for correspondence and other transactions with formal institutions. Traders are by no means uniformly illiterate, and there are women with tertiary education in the markets. However, their level of education often corresponds with the scale on which they operate, and the majority of women traders are hampered in reading and understanding regional agreements, market information and money transactions (Morris and Saul, 2000).

In East Africa, the study found that many of the suggestions traders made for legal and policy reforms to improve their conditions of trade were already part of the EAC Protocol. For example, demands included lower and more equitable tariffs and the creation of awareness of transport networks and infrastructural improvements. Similarly, Ibeanu (2007) found that 80% his West African respondents did not know there were official transit registers and log books, only 9% had filled such registers and 9.8% travelled with an interstate travel booklet. There were also low levels of knowledge among both travellers and law enforcement officials about the provisions of ECOWAS protocols, particularly in relation to the documentation of persons, goods and vehicles.

Studies of cross border trade suggest that women are more likely to work collectively to address their problems than men. In addition to groups, there are informal networks of friendship, kinship and faith which provide initial start up capital and continuing support. Individual traders also give each other financial, moral and emotional support. These different networks of support notwithstanding, traders have cited the lack of trust among themselves as a constraint (Randriamaro and Budlender, 2008).

The more established and prosperous women traders are typically more involved in national associations and networks than in regional initiatives which tend to be dominated by men in formal trade. Recent efforts to establish networking relationships among the chambers of commerce of West Africa are likely to increase the influence of such chambers on trade policy. Small traders on the other hand do not have similar institutions to enhance their influence trade and production policies.

There are strong recommendations for gender sensitivity in trade facilitation in the literature. As Shaw has noted, "Gender-sensitive trade facilitation and regional integration can do much to help small-volume traders -- many of whom are women – to access regional markets by promoting information on rights and obligations, safety and accountability at borders and in customs and by sensitizing officials" (Shaw, 2010, p.4). Such sensitivity demands that programmes on trade information are designed to keep in mind women's low literacy and the languages they speak.

Box 8-Women's Cross-Border Trade in North Eastern Ghana, South Eastern Burkina and North Western Togo

The tri-juncture of North Eastern Ghana, South Eastern Burkina Faso and North Western Togo is an area of very high mobility of persons and goods, but also high levels of state surveillance involving police, army, border guards and customs agents. Women's cross border trade in this area involves three main commodities- cloth (imported from Europe and China or produced nationally), beans (grown locally) and shea butter (produced locally). Shea grows in eighteen countries in a 5,000 kilometre expanse of guinea and sahel savannah woodland. Shea countries in West Africa include Benin, Burkina Faso, Cote d'Ivoire, Guinea, Mali, Niger, Nigeria, Senegal, Ghana and Togo. The major shea countries are also among the poorest in the world (Elias and Carney, 2007). Burkina Faso has the highest concentration of shea nut, covering about ¼ of its total land mass, and is West Africa's largest exporter, with its annual output estimated at 850,000 tonnes, with only 50,000 tonnes harvested a year (Harsch, 2001).

The shea-nut trade's importance lies in the fact that it is primarily an activity of often poor women across the Sahel. They pick shea nuts wild, process it into butter and then trade it locally and across borders. One estimate is that between 300,000 and 400,000 women in Burkina alone are involved in the production and trade of nuts (Harsch, 2001). According to one estimate, about 4-5 million women in West Africa are involved in collecting, processing and marketing shea nuts and butter, which provides about 80% of their incomes (Elias and Carney, 2007).

While the West African market consumes most of the butter which is used mainly as edible oil, body and hair pomade, medicinal cream, and in the artisanal and industrial manufacture of soap, tanning and tobacco curing in the region, the nuts are also exported to Europe for use in the chocolate and cosmetic industries. Shea butter is a niche commodity which had begun life as a product made for subsistence. After years of selling surplus, production for the market became a primary goal by the 1930s. This increased the frequency and scale of butter manufacture across the economy. In some countries in the sub-region, the state intervened with marketing boards to set prices and provide markets for the crop. In the 1950s, shea nuts became an established commodity of international trade in Europe for the confectionary industry. However, shea butter was largely sold in local and cross border markets in the West Africa region (Chalfin, 2004; Harsch, 2001).

The trade operates as follows: Ghanaian traders often take quantities of dawa dawa (locust bean) from the Bawku District to the beans market in Bitou in Burkina. Traders from Burkina and Togo in turn frequently would come to markets in Ghana to purchase and sell locally produced goods including beans. These movements of goods support local food security.

The women involved in the trade at the border zones operate on different scales. There are a few wholesalers who purchase cloth from Sinkanse market in Northern Togo in large quantities for distribution to retailers in markets in North-Eastern Ghana. Others purchase cloth in smaller quantities to retail themselves. A third group, mainly shea butter traders, also buy cloth for barter or outright sale for agricultural commodities in rural markets. The cloth they sell has an impact on locally produced cloth and cloth from other sources inside Ghana and Burkina, because it crosses border without the necessary duties being paid.

The main challenges of the shea butter trade are in how time consuming the processing process is and the fact that it requires the input of many; the challenge of preserving the trees as shea is not successfully cultivated and often, there is poor tree productivity, changing land tenure systems which increasingly are constraining women's access to shea trees; the quality of the butter and women's lack of access to market information and credit to purchase labour saving devices and promote the crop. As well, shea butter preparation requires large quantities of firewood and water. Although it is often processed during the dry season when women's workloads are reduced by not having to farm, it creates challenges of water shortages thus increasing the distances they have to travel to procure water.

Trade liberalisation policies resulted in the scale back of the operations of market boards and the disorganisation of marketing of shea products. Government and donor projects in Burkina Faso such as the project national karite were launched in 1995 to improve women's productivity and the marketing of shea. In several other countries, projects targeting women have aimed to improve producer prices and link them up with European cosmetic and chocolate producers. Shea exports have grown in Burkina, with nuts averaging 15,000 tons between 1994 and 2004, and butter averaging 630 tons between 1997 and 2001. Ghana's exports of nuts have grown from 15,000 to 32,000 tons between 1995 and 1997, representing growth form two million to seven million dollars in foreign exchange revenue (Elias and Carney, 2007).

Much of the shea is consumed within households or sold within the West Africa Region. The shea exported outside West Africa is mostly nuts and therefore the added value of processing is lost to the producers. The global market is dominated by three corporations which also specialise in the sale of cocoa butter substitutes and prefer to do their own processing. This has contributed to the very low export prices of shea, and even the small cosmetic firms which buy directly from West African sources still benefit from the low prices fixed by the larger firms. Shea based products return to the West Africa region as cheap chocolates and cosmetics (Chalfin, 2004).

Earnings from shea are very low. It is estimated that a rural Burkinabe woman could earn around $106 from the 560-650 kg of nuts they collect in a typical year. However, this amount is rarely realised because most of the nuts, 60-90%, are kept for household consumption and also because what is sold is often put on the market during the time of low seasonal prices. A more realistic estimate is between $23 and $27. This is quite low, and although it makes a contribution to equally low farm incomes, does not provide producers with the incentive to increase production to levels which make a real difference to poverty levels.

Labour saving technologies and more efficient extractive processes would improve the productivity of shea processors. In Burkina, women's cooperatives have mechanised mills to grind shea nuts and also equipment to help in nut crushing, heating and kneading. These devices though useful increase the capital and recurrent costs of processing and have in some cases left cooperatives indebted. While fair trade shea projects are assisting women in Burkina, Ghana and other West African countries not only to market their products, but to standardize processing and to utilise labour saving devices, women's specialised knowledge of processing methods is being lost and this opens the door for the control of the industry to pass from producers to those with capital.

Women 's access to trees depends on the maintenance of communal principles in the land tenure system which are fast eroding and strengthening the position of male household heads in relation to other household members. Young men are also entering the business of collecting nuts, which they sell without processing to traders. Their practices such as not selecting high quality nuts and not processing the nuts to avoid germination is affecting nut and butter quality and could drive down prices further. Male entry into the shea trade could replicate similar cases such as their entry into the oil palm trade in which they came to control both the crop and the labour of women for their profits.

A stronger West African market in shea could also have ramifications on the export of shea butter to Europe and other markets. Currently, the main market for shea is the EU and Japan who import 20,000 tons at an estimated $3.3. million. Now chocolate producers can use up to 5% shea butter in their products, and with its growing use by the cosmetics industry, the market for shea can be expanded.

(Source: ARIA IV, 2010; Chalfin, 2001; Chalfin, 2004; Harsch, 2001; Elias and Carney, 2007; Plunkett and Stryker, 2002).

7. Messages and Recommendations

In lieu of conclusions, a number of messages from the report will be highlighted.

1. WICBT issues are not the sum of gender and trade matters. Women small holders, farm labourers in family farms, employees in horticultural enterprises and export processing zones, women artisans and service providers are all implicated in the gender inequalities in trade. As well, women as consumers of goods and services and as citizens benefiting from social welfare policies have a stake in gender equitable trade policies.
2. While each trade agreement under negotiation is important and agreements impose legal responsibilities on signatories, it is the sum of all these agreements and the implications of over three decades of economic liberalisation policies which provide the framework for analysing the gender implications of trade policies.
3. Developing countries have to learn from developed countries in their use of subsidies. African countries need to generate their own lists of non trade distorting subsidies which address needs emanating from farmers and other producers. At the same time, African countries need to become alert to the abuse of subsidy categories.
4. With regard to tariff reforms, RECs have to protect LDCs and smaller countries in being circumspect about the concessions they make and struggle for the recognition of economic liberalisation under adjustment in tariff negotiations. African countries should become more vigorous in demanding protection for agricultural and industrial commodities which are important for women and other disadvantaged groups.
5. African countries need to recognise the contradictions in interests among different segments of the population. Those who benefit from the broken systems would not want them to be fixed.
6. Trade facilitation is not just about the support of traders. It includes support for production and reproductive activities.
7. Trade associations are gendered institutions. Support should be given to those established and run by women to enable them participate in policy processes usually closed to them. Gender advocacy organisations involved in trade issues also need support to strengthen their programmes.
8. Trade negotiations have to integrate gender perspective from the start in order to ensure gender sensitive outcomes.
9. The support for reproductive activities is crucial for promoting gender equitable trade. It is implicated in all trade negotiations, particularly those that concern women as producers.
10. The lack of a systematic gender and trade research agenda is hampering the gender analysis trade negotiations and agreements.

Box 9- Some Gender and Trade Initiatives

Commonwealth Secretariat Gender and Trade Export Promotion

CIDA Gender Equality and Trade Related Capacity Building

International Gender and Trade Network (IGTN)

Gender and Trade in Africa (GENTA)

Gender and Economic Reforms in Africa (GERA)

UNCTAD as Gender and Trade focal point of UN Inter Agency Group

USAID Regional Interventions to Improve Cross-Border Trade and food Security in West Africa

Recommendations

The following recommendations, which are contained in several gender and trade studies remain relevant and are set up in no particular order of priority. They need to be seen as interlocking measures which will reinforce each other and facilitate the establishment of a gender equitable trade regime.

General

- Strengthening of the productive sectors of African economies in order to attain food security, create decent work which is equitably distributed between rural and urban centres, across regions, among different social groups, particularly between men and women.

- Beyond liberalization policies, countries need to identify and promote product and trade diversification which suits their conditions.

- Labour market segmentation which disadvantages women should be overcome and a key to this is in promoting gender equity in access to higher education, the recognition of the importance of reproductive activities and the institution of measures to support such activities and a campaign to change perceptions which promote gender segmentation.

WTO and other Agreements

- The use of the subsidy regime to provide urgent and consistent action to strengthen and reform of agriculture, giving priority to investments in food crop and cash crop sectors where women are predominant, through measures such as land tenure reforms which strengthen women's land interests and their control of resources such as shea and *dawa dawa* trees, the provision of credit, inputs, extension support as well as the reform of labour relations within agriculture.

- Committing resources to provide gender and trade technical expertise to negotiations and building the capacity of trade negotiators to ensure the engendering all multi-lateral, regional and national trade policies and treaties.

- Committing resources to primary research about the gender impacts of particular trade agreements in order that policy discussions can take the likely gender impacts into account.

Trade Facilitation

- Investments in strengthening trade facilitation, paying particular attention to transportation, road and rail services, the reform of cross border institutions, market information services and the regional trade agreements, taking care to address the gendered needs of men and women traders in order to promote gender equality in trade outcomes.

- Improvements in the coverage, relevance and quality of financial and insurance services. Financial sector reforms should ensure that small producers and traders, particularly women, can access credit from formal institutions with a larger resource base in order that loans can improve their productivity and scale of operations significantly.

- The expansion of insurance services and the development of instruments to cover perishable goods.

- Investments in processing technologies which are gender sensitive and ensure that women do not lose control of crops and products in which they have comparative advantage.

- Investments in support for women's reproductive activities through the provision of day-care, labour saving devices, the expansion of a market in reproductive services and the encouragement of the reform of the unequal gender division of reproductive and care work.

- The institution of measures directed as building women's capacities in trade such as a) building their literacy and numeracy as well as their capacity, skills and understanding of business management and trade policy and procedures; and b) providing market and customs regulatory information through trade information centres and the mass media, particularly radio and circulating information about prices for different commodities in different markets in Africa.

- Building trust in formal cross border institutions among traders. This would reduce the incidence of illegal trading activities which are costly because of their unpredictability and because they keep the contributions of cross border traders off the books and unrecognised, thus prone to policy neglect. Addressing corruption is an important aspect of building trust.

- Strategic Identification and modification of products and targeting marketing to enhance competitiveness of women's businesses in domestic and global markets.

- Supporting institutional building and the advocacy efforts of associations of women in trade and agriculture; as well as the work of civil society organizations working in the area of gender and trade. Capacity building of women's trade networks. Training should move organisations from welfare orientation to issues of trade facilitation and the Customs Protocols on trade and on the gender protocols and related undertakings and commitments of governments.

- Harmonisation of national laws with those of the customs union, particularly for use in border areas.
- Mutual learning on gender and trade issues among RECs.

WORK PLAN FOR PROMOTING GENDER EQUITY IN TRADE

The following pillars have been used to develop the Action plan. Activities have been grouped into programme clusters The programme clusters are as follows:

Action cluster 1 – Strengthening of the productive sectors of African economies to promote gender equity in trade

Action cluster 2 – Increased public and private investments in support of women's reproductive activities

Action cluster 3- Strengthened trade facilitation to promote gender equality in trade outcomes.

Action cluster 4- The existence of primary research and predictive analysis on the gender impacts of particular trade agreements

Action cluster 5- Institutionalised gender equity approach to all multi-lateral, regional and national trade policies and treaties.

For each action cluster, the main goal, activities and preliminary indicators for tracking the achievement of objectives and outcomes have all been defined. The time frames for implementation are indicated as short term (0-5 years), medium term (5-10 years) and long term (>10 years)

Action Cluster 1

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
Strengthening of the productive sectors of African economies to promote gender equity in trade	Investments in neglected female dominated agricultural commodities and food sectors (shea, maize, roots, vegetables) Increase support for value added production in these sectors focusing on women's enterprises Provide incentives for reducing gender segmentation in the agricultural, manufacturing and service sectors Establish Capacity building programmes for women farmers and agro-processing and small manufacturing enterprises	ST/MT/LT	• Increased production in female productive sectors dominated by women in agriculture and manufacturing • Increased trade in those sectors • Incentive programmes in place • Capacity building programme in place and implemented • Evidence of technological innovation and uptake • Policies revised (sectoral and labour laws)	National governments RECS

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
	Invest in new technologies to improve both production and reproductive activities Revision of national, sub-regional and regional agricultural and industrial policies to form the basis for support programmes Reform of informal labour relations to ensure general improvements, but also the reduction of gender discrimination in rewards.			

Action Cluster 2

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
Significantly increased public and private investments in support of women's reproductive activities	• Produce policy on care • Invest in the provision of day-care and labour saving devices • Encourage private investment in reproductive services • Establish a campaign to secure the reform of the unequal gender division of reproductive and care work.		•	

Action Cluster 3

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
• Strengthened trade facilitation to promote gender equality in trade outcomes.	• Investments in transportation, road and rail services, paying particular attention to feeder roads. • Provide incentives for the establishment of women friendly transport businesses • Reform of cross border institutions to promote gender sensitivity in institutional cultures; • Establish modalities for providing small traders with adequate market information services • Building women's capacities in trade such as- literacy and numeracy; understanding of business management and trade policy and	ST/MT	• Increased investments in infrastructure, particularly that which helps bring products out of remote rural areas. • Improved transportation which targets women traders • Engendered border institutions • Programmes in place to support women traders with market information and information about trade agreements and their opportunities and challenges.	

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
	procedures • Providing market and customs regulatory information through trade information centres and the mass media, particularly radio and circulating information vans about prices for different commodities in different markets in Africa. • Build small traders' understanding of regional trade agreements and the available opportunities.			
	• Reform of financial services to provide credit and convenient services to small scale traders across borders • Reform of regional trade agreements to protect women traders from gender specific challenges		• Financial service reforms • Reformed regional trade agreements • Stronger trader associations and civil society organisations	

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
	• Improve security of cross border trade and protect women traders from abuse • Support the organisational efforts of trader • Support civil society organisations advocating on behalf of women traders.			

Action Cluster 4

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
The existence of primary research and predictive analysis on the gender impacts of particular trade agreements	• Establishment of regional and sub-regional research network for comparative studies on gender and trade • Establishment of national, sub-regional and regional research funds. • Agreement on a research agenda for countries, RECs, ECA and AU • Design of research and assessment methodologies • Capacity building of researchers • Multi-year research activities • Research Dissemination to policy makers, CSOs and affected groups • Publication of research	ST/MT/LT	Active research networks Documents on design and methodology Agreement on research agenda Workshops Publications	University based and independent think tanks Governments RECs, ECA, AU Research Funding Foundations

Action Cluster 5

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
• Institutionalised gender equity approach to all multi-lateral, regional and national trade policies and treaties.	• Gender analysis of all agreements linked with country level research • Wide dissemination and discussion of analysis • Capacity building of trade negotiators in gender analysis • Inclusion of gender and trade experts on country trade negotiating teams • Capacity building for gender advocates in trade on technicalities of trade negotiations and gender analysis technicalities • Support for networks and organisations involved in gender and trade advocacy • Establishment of modalities for ensuring integration of a gender perspective in all	ST/MT/LT	• Numbers of agreements and negotiating positions analysed • Number and scope of dissemination activities • Capacity building events for trade negotiators and gender and trade experts and advocates. • Gender experts included in trade negotiations • Increased gender and trade advocacy • Stronger networks and institutions in gender and trade advocacy • Protocol for gender integration in positions of African and Africa linked negotiating groups	Governments ECA, AU RECS Civil Society organisations Trade negotiating groupings

EXPECTED ACCOMPLISHMENT	ACTIVITIES	TIME FRAME	MONITORING INDICATORS	RESPONSIBLE BODIES AND MAIN ACTORS
	positions of G33 and African groups on trade negotiations			

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Appendix 1

Gender Equity and Equality Commitments

Africa:

Key **African Union (AU) and ECA actions** on gender issues include:

The **Protocol on the Rights of Women in Africa** in 2003, a supplementary protocol to the African Charter on Human and People's Rights.

The **Solemn Declaration on Gender Equality in Africa (SDGEA).** Through the Solemn Declaration, African heads of State and Government committed themselves in 2004 to report annually on progress towards the goal of gender equality.

The **African Plan of Action to Accelerate the Implementation of the Dakar and Beijing Platforms for Action for the Advancement of Women** (1999) was formulated within the framework of the mid-decade review of the implementation of the Dakar and Beijing Platforms for Action, which was conducted through the Sixth Africa Regional Conference on Women, held in 1999 at the Economic Commission for Africa in Addis Ababa, Ethiopia.

- The African Union (AU) Gender Policy. Encapsulates Decisions and Declarations of Assembly of the Heads of State and Government and other global commitments on gender and women's empowerment. The Gender Policy is accompanied by a comprehensive ten-year Action Plan, which will guide the implementation of AU commitments and complement ongoing implementation of these commitments at the national level and regional level.

- ECA's African Women's Progress Scorecard (AWPS) measures policy performance regarding women's advancement and empowerment and tracks government progress in ratifying, implementing and monitoring relevant conventions and documents on gender equality and women's rights including CEDAW, the Women's Protocol of the African Charter on Human and People's Rights, the BPFA and ICPD.

Other relevant sectoral AU commitments include:

Ouagadougou Declaration on Employment and Poverty Alleviation and its Plan of Action and
Follow-up Mechanism (2004);
Migration Policy Framework for Africa (2006);

Sub regional commitments:

The **SADC Gender and Development Protocol (August 2008)**. The Protocol elevates the commitments made in the 1997 SADC Gender and Development Declaration into concrete, time-bound and legally binding actions that accelerate efforts to achieve gender equality.

Article 17- Economic Empowerment

1. States Parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefit and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.

2. States Parties shall, by 2015, review their national trade and entrepreneurship policies, to make them gender responsive.

3. States Parties shall, by 2015, and with regard to the affirmative action provisions in Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

(Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe) (signed 17th August 2008)

The **ECOWAS Gender Policy** development process was initiated in 2000 and the gender policy document was finalised in 2003. The establishment of the following institutions were approved at the January 2003 Summit in Dakar - a Gender Technical Commission, a Gender Division within the Executive Secretariat, and the transformation of ECOWAS Gender Development Centre -- providing the necessary structures and frameworks for gender mainstreaming. Furthermore, the meeting of the Council of Ministers held in July 2004 strengthened the gender programme, by adopting the Gender policy document, the administrative structure of the ECOWAS Gender Development Centre, a Strategic Plan framework and guidelines on the structures and mechanisms of the Gender Management Systems (GMS) for ECOWAS. The result of these processes has placed ECOWAS on solid footing for the effective mainstreaming of gender issues in the region.

(ECOWAS countries- Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, The Gambia, Ghana. Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo)

Key Actions on Gender proposed by EAC regional experts and the Council of Ministers in EAC Strategic Plan for Gender, Youth, Children, Social Protection and Community Development (2011-2015)

a) Provide an enabling Policy and Legislative framework for Gender equality and equity

b) Facilitate gender mainstreaming in National development processes in Partner states for gender equality and women empowerment

c) Facilitate increased budgetary allocation to National Machinery in Partner States and strengthen national capacities in gender mainstreaming

d) To facilitate collection and utilization of sex/gender desegregated data in Partner States
e) To provide enabling mechanisms to address gender based violence in all situations.

One Purpose (Immediate Objective of strategic plan)

To establish an enabling policy and legal framework in EAC member states – aimed at mainstream Gender in macroeconomic sector policy, programs and Budgeting;

Draft Gender Protocol under discussion.

(EAC COUNTRIES: Kenya, Tanzania, Uganda, Rwanda and Burundi)

International Community:

At the international level, a number of commitments on promoting gender equality and the empowerment of women have been made, including:

The 1979. **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which** commits member States to undertake a series of measures to end discrimination against women in all forms. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice.

- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 This covenant sates that international donor states should ensure that policies and decisions of multilateral organizations including the WTO, IMF and the World Bank conform to the covenant. There are potential conflicts between the rights to adequate standard of living, food highest standards of health with agreements such as the Agreement on Agriculture, Trade Related Aspects of Intellectual Property Rights (TRIPS) and the General agreement on Trade in Services.

- ILO Conventions- 1998 Declaration on Fundamental Principles and Rights at Work- promotes core labour standards and eliminates gender discrimination in employment and occupation. While bilateral agreements often include commitments to observe core labour standards, the standards do not specify gender specific workplace concerns such as sexual harassment, employment vulnerability of women from trade agreements.

- Convention on the rights of domestic workers- this new convention is to protect domestic workers, both migrants and those remaining in their communities.

Millennium Development Goal 3 on Promoting Gender Equality and the Empowerment of Women calls for the elimination of gender disparity in primary and secondary schools, in addition to tracking progress in the proportion of women in wage employment in the non- agricultural sector and the proportion of seats held by women in national parliaments.

The Beijing Platform for Action (BPFA), agreed at the 1995 UN Fourth World Conference on Women, is a commitment to promote an active, visible policy of gender mainstreaming in all government policies and programmes Gender mainstreaming is advocated in each of the Platform's 12 critical areas of concern[1], including all those that support the efforts and needs of women in poverty and the economic empowerment of women.

The **2005 World Summit** outlined specific measures to promote gender equality and eliminate pervasive gender discrimination. The Summit re-emphasised priority areas including, *inter alia*, women's right to own and inherit property, secure tenure of property and housing, and equal access to productive assets and resources, such as land.

Most **major multilateral and bilateral agencies** have pledged support for gender equality and empowerment including in successive **G8 Summits** from Kananaskis in 2002 onwards.

Sources: ECOWAS Website
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Appendix 2: List of Organisations of Women Traders

1. Ghana Association of Women Entrepreneurs (GAWE)
2. Uganda Women Entrepreneurs Association Ltd (UWEAL)
3. Kenya Association of Women Business Owners (KAWBO)
4. African Business Women’s Network (ABWN)
5. Business Women’s Association of South Africa
6. African Federation of Women Entrepreneurs (AFWE)
7. Federation of Associations of Women Entrepreneurs in Tanzania (FAWETA)
8. Women in Management and Business – Nigeria
9. Federation of Women Entrepreneurs Associations – (Kenya)
10. South African Association of Women Entrepreneurs
11. Association des Femmes Chefs D'Entreprises Du Tchad (AFCCET)
12. Réseau Des Femmes Chefs D’Entreprises Du Gabon (REFEG)
13. Groupement Des Femmes D'Affaires De La Guinée (GFAG)
14. Association Des Femmes Chefs D’Entreprises De Côte D’Ivoire (AGRÔ)
15. Zimbabwe Cross Border Traders Association
16. Cameroun Business Women’s Network (CBWN)
17. African Women Agribusiness Network – Tanzania
18. African Women's International Association
19. Association des Femmes D’Affaires De Burkina Faso
20. Association des Femmes D’Affaires Congolaises (AFAC) – DRC
21. Association des Femmes D’Affaires Et Chefs D’Entreprises Du Benin
22. Association Koom Pour L'Auto Promotion des Femmes du Burkina Faso
23. Burundi Women Entrepreneurs Association – Burundi
24. Business and Entrepreneurship Support Tanzania (BEST)
25. Congolese Association Of Women Entrepreneurs (CASWE) - Congo – Brazzaville
26. Egyptian Business Women Association (EBWA) – Egypt

Appendix 3: Some ICBT Country specificities

Country	Exports	Imports	Gender differences	Trade issues
Cameroon	Agricultural products- tubers, fruits, vegetables, gnetum, condiments, cereals, fish and meat (Gabon, Equatorial Guinea, Chad and Nigeria)	Clothing and textiles, beer and liquor, jewellery and cosmetics, electronic products, spare parts, sugar, salt utensils, soap and oil.	▪ Women dominate agricultural products (42% vs. 32%) while males dominate mining and forestry products. However, men who trade in agricultural products have an advantage because they are often selling their own produce; non renewable forest products such as eru, which women trade in are becoming scarce. ▪ Men dominate the service sector while women and men trade equally in	▪ Factors promoting ICBT coexistence of different monetary regimes; differences in purchasing power between oil rich countries and non oil countries; complementarity of agricultural products; ▪ Existence of different units of measurements for commodities resulting in quarrels with customers, lack of established distribution channels and inadequate market regulation mechanisms. ▪ High cost of doing business ▪ 36% of women and 46% of men use corrupt practices to address the problem of numerous border crossings.

			industrial goods. ▪ There is not much of a difference between men and women in how they use income from their sales. ▪ 39% women and 18% men had children involved in their trading activities.	
Liberia	Cassava, fufu, palm oil and beans (Sierra Leone and Guinea)	Farina, peanuts, pepper, butter balls, okro, dried fish, meat rice, fufu and palm oil. Second hand clothes, footwear, cotton cloth, stationery, radios. Gasoline, kerosene, minerals and forest products; jewellery and beads.	▪ Women are more engaged in the sale and production of agricultural products than men ▪ Women are more involved in importing industrial products than men (60% to 40%). ▪ More men engaged in gasoline, minerals and forest products, gold and silver jewellery while women sell kerosene and beads. ▪ Men	▪ Guinea ban on food exports ▪ Volumes traded small. ▪ High cost of doing business because of poor roads, inadequate transport, multiple crossing points and levies. This represents about 37% of transaction costs. ▪ Trading beneficial for food security as most of the goods are food items

			dominate services-transportation-wheelbarrows, cars and motorbikes, money exchange, warehousing services, while women carry loads on their heads across and within borders. ▪ Women's trade more profitable ▪ Men and women's expenditures from their trading activities remarkably similar. ▪ Women more likely to take a collective approach to problems e.g. dispute resolution structures, joint transportation of goods to reduce the costs of transportation. ▪ 41% of women as opposed to 28% of men joined or	

			formed a group to deal with problems. ▪ 52.8% women and 31% of men surveyed used children for ICBT. ▪ More women (35%) than men (26) spend more than 11 hours a day on trading activities.	
Tanzania	Coffee, tea, sisal	69% industrial goods	▪ Men more likely to trade in agricultural goods- coffee, tea, sisal etc (38% men and 21% women) ▪ Women more likely to trade in industrial goods than men. ▪ More men reinvested their income in business (52%) than women (26%). More men had built a house from their income (40%) than women	▪ Volume of goods traded is small for both men and women. ▪ ICBT contributes to government revenue in a minor way through border taxation. ▪ Lack of trust among traders, leading to fear of forming trade groups or being able to access group credit facilities. ▪ All traders experience various forms of violence ▪ Lack of information about existing tariff, customs regulation regulations and needed documentation ▪ Exploitation by intermediaries

			(23%) ▪ Women face sexual abuse including rape. ▪ 38% women and 19% men were members of a group. Women more likely than men to act collectively. ▪ Women spending more time on ICTB than women.	
Swaziland	South Africa and Mozambique Handicrafts Clothing Cosmetics	Bedding and curtains Clothing Cosmetics Food	▪ A higher proportion of females than males trade in rural areas ▪ Men earn more than women as they trade more in high value products ▪ A greater proportion of men spend their earnings on rent while more women pay school fees. ▪ Men reinvest more and have more savings and investments	• Prohibition of extended trade-leather goods from Mozambique to SA • Barter trade in clothing, handicrafts and food • Access to capital • Profits are lower than in Zimbabwe

			due to their greater earning abilities. ▪ A greater proportion of women than men use their earnings to pay for the sick and orphans.	
Zimbabwe	South Africa, Mozambique and Botswana Special groceries and cleaning gadgets; clothing and linen Crafts Agricultural products	Standard manufactured groceries Furniture and equipment Clothing and linen Building materials and car accessories Services Domestic work Hair dressing Building Care work.	▪ A higher proportion of females trade in urban areas than men (93% and 87%). ▪ Men earn a higher income than women. ▪ Women are more likely to use their income for child education, health care services or household items while men buy personal effects and pay rent. ▪ Both men and women used their income to reinvest in business, buy food and pay school fees. ▪ Violence disproportionately	• Goods traded change over time in response to market forces, expansion and diversification of businesses, harsh environment and unreliable supplies. • Extended trade involving diamonds and gold, electric gadget and cell-phones, clothing/bedding/footwear, groceries and alcohol. • Some traders use delivery agents and middle men and women. • Unfair application of rules of origin resulting in the poor paying duty while large corporations are exempt. • Lack of clear policies and regulations for small scale traders • Xenophobia

			affects female traders. ▪ Social ambiguity towards women traders; spousal tensions	