

Table of Contents

- I. Introduction
- II. Opportunities and potential challenges for women in the AfCFTA
- III. Provisions in the AfCFTA Agreement of particular relevance for women
- IV. Gender mainstreaming in AfCFTA National Strategies
- V. Operationalising the approach to gender mainstreaming in AfCFTA National Strategies
- VI. Gender mainstreaming in AfCFTA institutional arrangements
- VII. Priority considerations for gender-equitable outcomes in AfCFTA implementation
- VIII. Conclusion

Advancing gender-equitable outcomes in African Continental Free Trade Area (AfCFTA) implementation

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I. Introduction

In the context of the historic Agreement Establishing the African Continental Free Trade Area (AfCFTA), the African Trade Policy Centre (ATPC) of the United Nations Economic Commission for Africa (ECA), together with the African Union Commission (AUC), is supporting African countries to develop National Strategies to implement the AfCFTA Agreement. Central to this process is gender mainstreaming, the primary objective of which is to design gender-responsive AfCFTA policies and complementary measures that ensure equal opportunities for women and men in AfCFTA implementation. Women across the continent are disproportionately affected by deeply rooted gender inequalities and a number of structural barriers to economic empowerment. At the same time, women are transformative agents of economic and social change in African economies. While the AfCFTA offers a major opportunity for women and other marginalised groups, gains will not be automatic. The AfCFTA Agreement is a continental Agreement, but implementation will take place at the national level. This distinction is particularly important when juxtaposed against the backdrop of the devastating COVID-19 pandemic that is entrenching gender differences, with consequent implications for the ability of women to leverage new economic empowerment outcomes. This White Paper presents ECA's approach to advancing gender-equitable outcomes in AfCFTA implementation, specifically through gender mainstreaming in AfCFTA National Strategies, based on best practice gathered by experts on gender and on trade. Evidence on the linkages between gender and the AfCFTA, identified through the process of gender mainstreaming in AfCFTA National Strategies can help to advance national-driven approaches to support women or men, who are in a particularly disadvantageous position, to access higher-skilled jobs, upgrade into higher productivity activities and leverage new opportunities created through the AfCFTA.

The Paperⁱ begins by highlighting opportunities and potential risks for women, who tend to be disproportionately affected by trade barriers and persistent gender inequalities in priority economic sectors and in different economic roles. It then examines provisions in the AfCFTA Agreement that are of particular relevance for women and demonstrates how key provisions can be leveraged to promote gender-equitable outcomes in AfCFTA implementation. The Paper introduces three strategic entry points for operationalizing gender mainstreaming in AfCFTA National Strategies, together with a practical four-step approach for implementing gender analysis, as a fundamental for gender mainstreaming. It draws attention to priority considerations for gender-equitable outcomes in AfCFTA implementation and raises two overarching policy conclusions in the conclusion.

This White Paper on *Advancing gender-equitable outcomes in AfCFTA implementation* was prepared by Nadira Bayat: Gender and Trade Expert at the African Trade Policy Centre (ATPC) of the United Nations Economic Commission for Africa (ECA). The author would like to thank Nadia Hasham, ATPC Trade Policy Expert for her insightful comments and contribution to developing the approach to gender mainstreaming. This Paper has benefitted from valuable input and substantive comments from Caroline Dommen, Sustainable Development Law, Policy and Practice Expert and Lily Sommer, ATPC Trade Policy Expert.

This Paper seeks to assist African governments and policymakers – as the primary target audience – in their design of gender-responsive AfCFTA policies, complementary measures and programme interventions to support women’s full and equal participation in the AfCFTA. Helping Governments to think through the process for the design and implementation of gender-responsive policy actions, towards the realisation of gender-equitable outcomes in AfCFTA implementation, requires a coherent and strategic approach. The approach that has been identified to achieve this objective is through gender mainstreaming in National Strategies to implement the AfCFTA Agreement. It has been applied to specific components and elements, in accordance with the ECA framework for the design of an AfCFTA National Strategy.ⁱⁱ Gender mainstreaming in a country’s AfCFTA National Strategy does not preclude other gender impact assessmentsⁱⁱⁱ of the AfCFTA or a gender-based analysis of AfCFTA and related trade policies. Indeed, separate and ongoing comprehensive national, regional and continental assessments are encouraged as a means of delivering on a better understanding of the potential impact of the AfCFTA as well as on what is required to drive transformative change, in particular for women at risk of being left behind.

II. Opportunities and potential challenges for women in the AfCFTA

A single market created under the Agreement Establishing the African Continental Free Trade Area (AfCFTA),^{iv} that connects 1.3 billion people across 55 countries with a gross domestic product (GDP) of \$2.5 trillion, is expected to bring considerable benefits to Africa (AU-ECA, 2018). The AfCFTA opens up trade and business opportunities through increased access to larger continental export markets for manufactured products, while offering African Union (AU) Member States the opportunity to develop regional value chains and focus on competitive advantage. As a powerful enabler of Africa’s digital transformation, the AfCFTA offers opportunities, including for e-commerce as a driver of intra-African trade. Through the creation of better jobs, including in agriculture, manufacturing and services – as sectors expected to gain new trade opportunities through the AfCFTA (ECA et al., 2019) – the AfCFTA can boost women’s financial and economic empowerment goals in the 2020-2030 new Decade of Women’s Financial and Economic Inclusion. At the same time, contributing to gender equality outcomes in African economies accelerates inclusive socio-economic growth and progress towards AU Agenda 2063: The Africa We Want and the Sustainable Development Goals (SDGs). Notwithstanding the promise, AfCFTA implementation holds potential challenges, including for women who are disproportionately represented among the more vulnerable groups in Africa. Women play multiple roles in the economies of African countries as wage workers, producers, entrepreneurs (women-owned business/formal and informal), small-scale and informal cross-border traders, consumers (and users of public services), and tax payers.^v While they make a significant contribution to trade in their various roles, pervasive gender differences and inequalities place women at a considerable disadvantage.

It is clear that trade is not gender-neutral, but is in fact inextricably linked to gender through its impact on women’s empowerment and well-being and the impact of gender inequality on a country’s trade performance and competitiveness (UNCTAD, 2014). United Nations Conference on Trade and Development (UNCTAD) policy research demonstrates the two-way relationship between trade and gender. It explores the three main channels of interaction between both, highlighting how trade affects women in their multiple roles as workers and producers, consumers, and tax payers entitled to public services.^{vi} An examination of trade liberalisation through a gender lens indicates differential outcomes for women and for men (Randriamaro, Gender and Trade Overview Report). Trade liberalisation leads to a change in the relative prices of goods and services, which in turn induces a change in the production structure. Export-oriented sectors tend to expand while import-competing sectors tend to shrink, with the result that women may gain or lose under trade policy as workers and producers depending on their presence in those expanding and contracting sectors. While women as consumers may gain through cheap imports women may lose as producers if their products are unable to compete with foreign products. Women can also lose as consumers if the loss in tariff revenue adversely affects spending on public services, while women as taxpayers may gain or lose depending on the kind of taxes introduced by governments to make up for the losses in tariff revenue (UNCTAD, 2019). The question of whether changes to trade contribute to gender equality or exacerbate inequalities depends to a large extent on

prevailing gender inequalities in access to and control over: (a) resources and opportunities (conditions that enable individuals to earn a livelihood, including through access to economic assets such as land, access to income and employment and by exercising their decision-making power); (b) capabilities (achievement of basic human abilities, including education and health); and (c) security (vulnerability to violence and conflict). These dimensions have direct implications for women's participation in the economy, and specifically in trade and export competitiveness.^{vii}

The AfCFTA Agreement is anchored in trade liberalisation, and seeks to achieve continental-wide economic integration, including through tariff liberalisation. AfCFTA implementation will produce outcomes that are likely to differ across countries as well as at the sectoral level. Adjustments should be expected as part of the process. While several mechanisms^{viii} in the AfCFTA Agreement will help ease short-run adjustment shocks, adjustment costs could be significant for certain vulnerable groups, including displaced workers, women and informal traders, and Member States that are particularly reliant on tariffs from intra-African imports as a source of government revenue (ECA-FES Geneva Office-OHCHR. 2017). It will be important to consider the bi-directional trade and gender relationship, and how women's multiple roles in the economy will be affected differently in the context of AfCFTA market liberalisation. At the same time, it will be necessary to undertake a comprehensive assessment of the various dimensions of gender inequalities, and particularly the implications of these inequalities for women workers, producers, entrepreneurs (women-owned business/formal and informal), small-scale and informal cross-border traders.^{ix}

Advancing gender equitable outcomes in AfCFTA implementation requires an understanding of the differential impact that the AfCFTA could have on women, taking into account their various economic roles as well as other factors such as level of education, race, income etc. The section below provides a brief overview of key considerations that focus on opportunities and challenges for women in agriculture, manufacturing, and services, as well as for women business owners and women engaging in small-scale and informal cross-border trade.

Key considerations for women in agriculture, manufacturing, and services

Agriculture is the backbone of the African economy, with African women representing about 50 percent of the labour force.^x In stimulating demand for intra-African food imports and in providing women producers and entrepreneurs with expanded access to regional food markets, the AfCFTA can support a predominantly women-led sector. Boosting intra-African trade contributes to diversifying the exports of African countries, towards higher value-added products. Intra-African exports of agriculture and food products are forecast by ECA to increase by 20-35 per cent (or \$10-17 billion). Gains are expected to be pronounced for exports in meat products, milk and dairy products, sugar, beverages and tobacco, vegetables/fruit/nuts and paddy and processed rice (ATPC-ECA, 2018). Smallholder farmers - many of whom are women - could benefit from opportunities to integrate their activities into regional agricultural value chains and high-value agricultural commodities and agri-food products for export markets within Africa. Likewise, the growth of the agro-manufacturing sector, offers opportunities for small-scale agricultural producers to could provide inputs for agro-manufacturing^{xi} if they have the necessary resources and are adequately connected to value chains.^{xii}

While presenting significant opportunities for women, agricultural sector liberalisation is accompanied by potential challenges. Women are typically - though not exclusively - engaged in subsistence farming, whereas men tend to focus their activities on export-oriented commercial/cash crop production. Agricultural production in some African countries may be displaced by imports from others and new trading patterns in the AfCFTA, including increased competition from stronger producing countries. Women are vulnerable to imports as small-scale scale agricultural producers and smallholders farmers (AfDB, 2015b). By increasing the production of export crops while increasing cheap food imports that compete with and reduce the domestic price of agricultural produce, intra-African trade liberalization under the AfCFTA could have disproportionately negative implications for women in agriculture. Moreover, the potential exposure of small-scale African agro-manufacturing to sudden competitive

pressures may put them out of business with consequent job losses. Even where jobs are maintained, real agricultural wages may decline in some countries because of the rise in imports over exports (ECA-FES Geneva Office – OHCHR, 2017).

Closely associated to this is the pervasive gender gap in the agricultural sector that results in lower agricultural productivity for women. Comprising nearly half of the labour force in Africa’s agricultural sector, women farmers remain, for the most part, locked out of land ownership and tenure security, access to finance, agricultural information and productive farm inputs, support from extension services, access to markets and technology, with consequent implications for the productivity and competitiveness of these farmers in the AfCFTA (FAO-AUC, 2018). Infrastructure constraints, including limited access to reliable road connectivity, transport, storage, processing, and preservation has consequent implications for women farmers’ post-harvest losses (ECA-FES Geneva Office-OHCHR, 2017). Equally, African women farmers are not always able to leverage digital technologies such as smartphone apps that deliver climate forecasts or other novel technologies and systems, because they may not own a cell phone or have the finances to purchase air-time (Mujawamariya, 2020). There are a number of key challenges that constrain women’s participation in regional agricultural value chain development. A United Nations Development Programme (UNDP) Report entitled *Advancing Regional Agro-food Value Chains in Africa* draws attention to persistent gender stereotypes that keep vulnerable women in lower paid, less skilled and more insecure work within the value chain (UNDP, 2017).

In spurring industrialization, the AfCFTA is expected to increase local production for intra-African exports, which currently represents only 17 percent as a percentage of total African exports (Songwe, 2019). Africa’s industrial exports are forecast to benefit most from the AfCFTA, helping to promote long-standing industrialization goals of African countries. Modelling by ECA expects the AfCFTA to increase intra-African exports of industrial products by 25-30 per cent (or \$36-43 billion) in 2040, relative to the baseline without the AfCFTA in place. Increases are anticipated to be largest in intra-regional trade in manufacturing, specifically in wearing apparel, textiles, vehicles and transport equipment, wood and paper, leather, electronics and metals (ATPC-ECA, 2018). Women represent about 38 percent of the manufacturing workforce in Africa (Yong, 2017). Trade liberalisation usually results in an increase in labour intensive exports from developing nations (Elbeshbishi, 2018).^{xiii} The expansion of more labour-intensive manufactured goods, is expected to provide new opportunities for female employment in traditionally female-dominated sectors, such as textiles and wearing apparel as well as in more high-productive sectors, including electronics, vehicles and transport equipment (Luke, 2020). Freer intra-African trade contributes to closing the gender wage gap. The World Bank study (2020) on the economic and distributional effects of the AfCFTA estimates that wages would grow slightly faster for women than for men as output expands in key female labour-intensive industries. This study concludes that by 2035, wages for women would increase 10.5 percent with respect to the baseline, compared with 9.9 percent for men (World Bank, 2020).

While trade liberalisation has been linked to greater employment opportunities for female workers in labour intensive industries, it has had the opposite effect and led to increased unemployment in many African countries. This, according to Randriamaro (2008), may be attributed to the contraction of some sub-sectors and the expansion of others which may require different skills and/or fewer workers. Trade-related gains for a large female workforce have been attributed to export processing zones (EPZs); however, evidence to support such claims is mixed at best (Gender and Development Network, 2017). Avsar and Linoci (2017) point out that the creation of EPZs in some African countries has brought new opportunities for women in manufacturing, but kept the majority confined to low-paid and unskilled jobs. Similarly, findings by Randriamaro (2008) suggest that increased formal employment opportunities for women in EPZs in Madagascar as well as in sectors, including non-traditional agriculture such as cut flowers in Kenya, clothing, textiles and services, have been linked to persistent occupational segregation by sex, both vertical and horizontal. The impact of trade liberalisation on women’s employment and the gender wage gap^{xiv} will need to be considered in the context of the AfCFTA. Although the production networks of global value chains have enabled some countries to develop competitive export-oriented industries; this has often been through the use of a predominantly cheap female labour surplus (UN Inter-Agency Network on Women and Gender Equality, 2004).

Women workers have become a source of competitive advantage for exporting firms that pursued a cost-cutting strategy through exploiting occupational segregation and the gender wage gap as a tool to drive competitiveness in exports.^{xv} Moreover, technological upgrading that often accompanies trade liberalisation places a premium on skills (Elbeshbishi, 2018), with consequent implications for women. Gender inequalities of previous decades continue to have an impact on women's employment opportunities in manufacturing today. Women tend to lack job specific technical skills due to limited access to vocational and technical training programmes. Existing inequalities keep women confined to the lower-skilled levels of value chains and poorly paid ends of the spectrum within agro-processing, textiles and apparel, and leather (Ministry of Industry and UNDP Ethiopia, 2018), while persistent gender-stereotyping, cultural norms and assumptions often prevent female workers from accessing higher-skilled jobs deemed suitable for men only (UNIDO, 2019).

Women across the continent are increasingly employed in services, both in the public and private sector. Although many of the jobs created are informal in nature, i.e. not covered by labour law or social protection, with low remuneration and productivity, women's participation in the services sector is expanding (ILO, 2017). Women are increasingly entering business and other professional services sectors. The World Bank's 2020 study on the AfCFTA points out that across Africa, economic activities that tend to employ the highest numbers of women are in recreational and other services^{xvi}, insurance, real estate, trade, and financial services, while women tend to be employed the least in construction, mining, and road and rail transport services. Liberalization of trade in services through the AfCFTA could bring formal, skill-intensive jobs for highly-skilled women. Yet on average, women tend to be less educated and skilled than men (ILO Employment Policy Department, 2017). Accordingly, inequalities in education could keep female workers trapped in lower-skilled and lower-value services, including in the female-dominated, lower-paid sub-sectors of tourism, retail, restaurants and hospitality.

Key considerations for women-led businesses and exporters

AfCFTA implementation has the potential to create new trading and entrepreneurship opportunities for women-owned businesses in the informal and formal sector. It is worth noting that women make up approximately 58 percent of Africa's self-employed populations; the majority of women-owned enterprises, however, are micro or small and operate in the informal sector^{xvii} (AfDB, 2015a &, 2018). While micro, small and medium-sized enterprises (MSMEs) play a crucial role in Africa's economy, African MSMEs are characterized by low productivity, limited access to financial resources and a negligible role in regional and global value chains and the trading system. The Secretary-General of the AfCFTA Secretariat observes that the vulnerability of MSMEs and start-ups stems from a lack of market space to grow beyond borders, compete and thrive. Yet, these businesses remain a key source of income for many poorer households. If developed into more productive enterprises, microenterprises could be a driver of inclusive growth (Mene, 2020 & AfDB, 2015a). Women-owned businesses can benefit from increased access to continental markets and increased exports, especially of value-added products. Reduced tariffs facilitate access to cheaper raw materials and semi-finished goods, while opening the borders will increase the scope for smaller women-owned businesses to supply inputs to larger export-oriented industries.

Likewise, priority sectors identified for the development of sustainable regional value chains, provides sourcing, production and distribution opportunities for women-led businesses. With the potential to create backward and forward linkages in support of AfCFTA implementation, public procurement could also serve as a useful entry point to the AfCFTA for women entrepreneurs (UN Women, 2019). The diversified nature of intra-African trade holds considerable promise. The agricultural sector, for example, provides key inputs into food processing industries. An expanding regional network of large supermarket chains that are being created in response to increased urbanisation serves as a conduit through which women-owned businesses can supply a growing demand for processed foodstuff. (Das Nair, 2020). Inherent in the AfCFTA are opportunities to promote Africa's digital transformation, including through e-commerce as a driver of intra-African trade. In helping women to overcome some of the traditional gender trade barriers, including access to trade financing, trade costs associated with

physical distance, entry into foreign markets and male-dominated distribution networks, e-commerce creates new employment and entrepreneurial opportunities for women-led businesses (Information Economy Report, 2015 & UNCTAD, 2017). The design of an AfCFTA Protocol on E-commerce that was announced to commence immediately after the conclusion of Phase II negotiations,^{xviii} holds considerable opportunities for African countries to leverage the developmental potential of e-commerce.

Notwithstanding opportunities for growth in an integrated continental market are related risks – particularly for micro-entrepreneurs – through exposure to increased competition. The availability of cheaper imports through AfCFTA implementation could affect the sale of locally produced goods by micro-entrepreneurs, eroding income and livelihoods and shrinking their markets. UNCTAD (2009) points out that women entrepreneurs are crowded in local trading activities that do not offer much potential for expansion and growth when trade is liberalised. Because women-owned enterprises are less likely to have acquired the necessary technical and legal expertise and the ability to market their products effectively, formal and accumulation-oriented enterprises are more likely to take advantage of export markets. Not referring specifically to women, Akeyewale lists increased competitive pressure, choking of local small and medium-sized enterprises (SMEs), adverse working conditions and job losses, environmental depletion and theft of intellectual property, as some of the losses that could accompany AfCFTA implementation (Akeyewale, 2018). A range of gender-related trade barriers pose a distinct risk to small businesses—particularly women-led businesses participating in formal and informal cross-border trade. Non-tariff barriers^{xix} including customs, trade and immigration procedures, quality inspection, transport-related requirements and road blocks, are particularly obstructive for SMEs, informal cross-border and women traders (ECA et al., 2019). Among the many market access requirements limiting the ability of women-led SMEs to export are costs of complying with complex ‘at the border’ issues, that include completion of sanitary and phytosanitary certificates, certificates of origin, trade permits, export certificates, and other trade documentation to expedite the movement of goods across borders. Limited access to information on these and other trade-related issues, such as tariffs, rules of origin, customs procedures and import/export requirements remain a challenge, especially for small businesses.

Other barriers that tend to disproportionately affect the growth and production competitiveness of women-led businesses in Africa include: legal discrimination, finance and assets, education and skills gaps, social norms, risk of gender-based violence, confidence and risk preferences, access to networks and information, household allocation of productive resources and time constraints and care (World Bank, 2019). Access to financial products and services, according to the United Nations Economic Commission for Africa’s (ECA) *Women’s Entrepreneurship Report: Education and Finance for Successful Entrepreneurship in Africa*, is critical for supporting women’s entrepreneurship as a strong driver of economic growth and development (ECA, 2021). According to the African Development Bank (AfDB), an estimated \$42 billion financing gap exists for African women across business value chains, including \$15.6 billion in agriculture alone (AfDB, 2019). Regional competition through the AfCFTA will bring increased opportunities for businesses, but it also requires growth and the need for technology upgrades. This may pose difficulties for women-run enterprises who face distinct challenges related to access to marketing networks, credit and technical knowledge (UNCTAD, 2009).

Key considerations for women engaging in small-scale and informal cross-border trade

Afreximbank’s African Trade Report 2020 points out that although informal cross-border trade (ICBT) is not explicitly reflected in the AfCFTA Agreement, the AfCFTA has the potential to generate significant benefits for these traders. This is important because women tend to dominate informal cross-border trade: women traders constitute approximately 70 percent of informal cross-border traders in the Southern African Development Community (SADC) region and account for nearly 60 percent of traders in West and Central Africa. While handling a significant volume of trade, (ECA et al., 2020a & Afreximbank-ECA, 2020)^{xx} female informal cross-border traders confront a number of gender-distinct trade barriers. An ECA-Afreximbank pilot ICBT data collection exercise along the Abidjan-Lagos corridor identified limited knowledge of trade regulations and procedures, sexual harassment,

corruption and extortion, limited access to finance and poorly maintained border infrastructure, as particularly acute cross-border trade challenges confronting women traders (ECA et al., 2020a). These and other barriers impact on the ability of these traders to formalise their business activities and leverage the full potential of cross-border trade, with its multiplier effects on job creation, poverty reduction and economic growth. As noted above, non-tariff barriers are particularly obstructive for informal cross-border and women traders. Women small-scale traders have been strongly impacted by the rise of non-tariff barriers triggered by the COVID-19 pandemic. Findings from a survey undertaken by the Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI) found that many of the non-tariff barriers arising from COVID-19 response strategies by East African Community (EAC) Member States were “new in form, and unprecedented”.^{xxi}

The AfCFTA Agreement is anchored in trade facilitation. Songwe (2019) observes that trade facilitation is key to reducing non-tariff trade costs, and is important for ensuring inclusive benefits since landlocked countries and small, informal, and female traders are usually more burdened by inadequate trade facilitation. Trade facilitation reforms—such as automation, streamlining of procedures, and process-oriented improvements at the border—can make trade less expensive and faster (World Bank, 2019). Trade facilitation measures^{xxii} could address gender-differentiated barriers that limit the export competitiveness for women-owned businesses in the formal and informal sector, while addressing border infrastructure needs and reducing high transaction costs and delays, particularly for small-scale and informal cross-border traders. The AfCFTA also promotes the implementation of simplified trade regimes, as an innovative trade facilitation instrument that could serve as a catalyst for small-scale cross border trade. Common Market for Eastern and Southern Africa (COMESA) and East Africa Community (EAC), for example, have adopted simplified trade regimes as part of trade facilitation.^{xxiii} Research^{xxiv} shows that a continental Simplified Trade Regime can support the participation of small-scale traders in new export opportunities created through the AfCFTA.

The COVID-19 pandemic has illustrated the importance of digital technologies and the benefits of connectivity for all. Afreximbank- ECA’s African Trade Report 2020 on Informal Cross-Border Trade in Africa in the context of the AfCFTA, suggests that the growth of mobile technology has increased exponentially, including by informal traders. While access to the internet on mobile phones has grown quickly, it remains unequal.^{xxv} The widening gender digital divide reduces the prospects for women of starting new businesses, selling products or services to new markets and finding well-paid, high-value jobs (ITC, 2020). Women face various challenges to access and use mobile technology, including barriers related to access, affordability, safety and security, knowledge and skills, and the availability of relevant content, products and services. These barriers can be compounded by social norms and disparities between men and women in terms of education and income, which often contribute to women experiencing these barriers more acutely than men (Mobile Gender Gap Report, 2020). Digital skills and awareness of the benefits offered by mobile technology is another key consideration. The majority of female traders interviewed for UNCTAD’s recent research on female informal cross-border traders in Malawi, Tanzania, and Zambia (Zarrilli & Lopez, 2020), were found to have mobile phones. The next step, according to Mariana Lopez^{xxvi} should be to empower traders to use these devices for business purposes, such as making digital payments or applying for digital credit.

To ensure that opportunities afforded through the AfCFTA are enjoyed and shared equally by both women and men; an analysis of the gender-distinct challenges and inequalities that confront women wage workers, producers, entrepreneurs (women-owned business/formal and informal), small-scale and informal cross-border traders, will be required. As part of this process, it will be necessary to understand how key provisions in the AfCFTA Agreement could be leveraged to drive equal economic empowerment opportunities for women in the AfCFTA. These and other considerations are discussed in the section below.

III. Provisions in the AfCFTA Agreement of particular relevance for women

While the AfCFTA Agreement does not go as far as some of the Regional Economic Community (REC) instruments in respect of gender-related provisions,^{xxvii} gender equality considerations are recognised in the Agreement. Demonstrating the intent of the drafters, the Preamble contains an explicit reference to the importance of gender equality for the development of international trade and economic cooperation, while Article 3 (e) emphasizes the need to promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation of the State Parties, as one of the general objectives of the AfCFTA. Women are expressly recognised in Article 27 (2) (d) of the AfCFTA Protocol on Trade in Services, whereby State Parties agree, where possible, to mobilise resources, in collaboration with development partners, and implement measures, to “improv[e] the export capacity of both formal and informal service suppliers, with particular attention to micro, small and medium-sized operators and women and youth service suppliers”.

In addition to the above, there are a number of provisions in the AfCFTA Agreement and accompanying Annexes to the Agreement, although not gender-specific, that are of particular relevance and will benefit women in their roles as wage workers, producers, entrepreneurs (formal and informal) and small-scale and informal cross-border traders. While not targeted at women directly, these provisions provide a basis for the design of gender-responsive AfCFTA policies, complementary measures and programmes that address the unique discriminatory barriers that could inhibit the ability of women to equally share the benefits and opportunities under the AfCFTA Agreement.

Provisions in **Annex 2 on Rules of Origin of the Protocol on Trade in Goods**, for example, permit access to cheaper raw materials and intermediate inputs. Thus, women participating in value chains would be able to produce goods and services with significant African content in terms of raw materials and value addition in line with the preferential trade regime of the AfCFTA (UN Women, 2019). **Customs Co-operation and Mutual Administrative Assistance**,^{xxviii} **Trade Facilitation**^{xxix} and **Transit**^{xxx} Annexes simplify and harmonize customs and border procedures. This would benefit women entrepreneurs, small-scale and informal cross-border traders who are disproportionately affected by trade documentation requirements, such as obtaining certificates of origin as well as cumbersome import, export or transit procedures.

The **AfCFTA Non-tariff Barriers Reporting, Monitoring and Elimination Mechanism**^{xxxi} established under Annex 5 of the Protocol on Trade in Goods allows traders to submit trade barrier complaints on the newly created trade.barriers.africa platform. This mechanism has considerable potential to advance gender equality and women’s economic empowerment objectives for traders, who tend to confront particularly acute non-tariff barrier-related challenges. Likewise, **Technical Barriers to Trade**;^{xxxii} **Sanitary and Phytosanitary**^{xxxiii} provisions that cover harmonisation of standards, licensing and certification of service suppliers across the continent address market access challenges; making it easier for women entrepreneurs, small-scale traders and smallholder farmers to meet export standards and satisfy regulatory requirements for an integrated continental market. In terms of **Technical Assistance, Capacity Building**^{xxxiv} and **Training** provisions in Article 27 (2) of the AfCFTA Protocol on Trade in Services, State Parties, agree, where possible, to mobilise resources, in collaboration with development partners, and implement measures, to improve the export capacity of micro, small and medium-sized operators, women and youth service suppliers. These provisions could be leveraged to develop targeted AfCFTA export capacity building programmes to support women in growing their businesses and expanding into new continental markets. Leveraging these provisions will also help to address knowledge gaps amongst small-scale traders on rules, standards and customs procedures for trading under the AfCFTA, while building the capacity and expertise of women through financial, business, digital and other targeted training.

The question of what goods and services will be fully, phased or excluded from liberalisation by an AfCFTA State Party is the critical factor within the negotiations. Beyond the actual provisions in the AfCFTA Agreement, it is important to acknowledge **sensitive products and exclusion list provisions** that allow African countries to select a specified number of tariff lines to be temporarily excluded from

tariff liberalization, enabling them to protect specific products and sensitive sectors that are critical for food security,^{xxxv} employ a high number of women and are considered essential for women's livelihoods and well-being.^{xxxvi}

Notwithstanding the inclusion of gender-specific provisions in the AfCFTA Agreement, these provisions lack precision, specifically in respect of further detail on translating endorsements into action. While referring to the need to promote and attain gender equality, the AfCFTA Agreement does not require AfCFTA State Parties to adopt legislative or other measures^{xxxvii} to ensure that women benefit equally from AfCFTA market liberalisation. The nature and extent of implementation remains at the discretion of AfCFTA State Parties. Thus, advancing gender equitable outcomes in AfCFTA implementation will require a gender-sensitive interpretation of the AfCFTA Agreement, with emphasis on how provisions of particular relevance for women could be leveraged to drive women's economic empowerment outcomes. This will also require a truly inclusive (whole of government and whole of society) approach. AfCFTA National Strategies, road maps and/or other action plans to implement the AfCFTA Agreement have been identified as a means through which to ensure a coherent approach to translating the transformative promise of the AfCFTA Agreement into concrete socio-economic benefits, while preparing for potential risks.

Promoting gender-equitable outcomes may be best achieved by operationalizing an approach to gender mainstreaming in AfCFTA National Strategies or other AfCFTA action plans. The section below illustrates how effectively linking gender priorities in AfCFTA implementation and as part of post-COVID 19 recovery efforts accelerates progress towards gender equality and inclusive socio-economic development in the AfCFTA.

IV. Gender mainstreaming in AfCFTA National Strategies

Defining an approach gender mainstreaming

The AfCFTA Agreement was negotiated at the continental level, but implementation of the Agreement will be at the national level. Notwithstanding its potential, gains will not be automatic. To ensure that intra-African trade liberalization is gender-sensitive, particularly in creating equal opportunities for African women, there needs to be a deliberate effort to mainstream gender in National Strategies to implement the AfCFTA Agreement. In other words, the concerns and experiences of women and men must be made an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally and inequality is not perpetuated. The ultimate goal should be to achieve gender equality.^{xxxviii} It should be noted that there is no one-size-fits-all to mainstreaming gender in AfCFTA National Strategies. As the impacts of the AfCFTA on women and men, are likely to be different for each country, the approach adopted should be context-driven. However, it will be necessary in all cases to understand how women contribute to and participate in trade, sectors and industries with high female labour participation and what factors limit women from benefitting equally from trade.

While gender mainstreaming (or integration) requires that due consideration is also given to the perspectives of men and others, focus will be placed on making sure that women's perspectives are reflected in a country's AfCFTA National Strategy. This is because empirical work and analysis^{xxxix} most often shows that one sex – usually women – are disproportionately affected by multiple forms of discrimination and economic barriers. The point of departure of gender mainstreaming is a recognition that women and men have different priorities, interests and needs and face inherently different constraints that may be reinforced *inter alia* by race, caste, age or ethnicity. The approach draws on para. 165 (k) of the Beijing Declaration and Platform for Action, that urges Governments to “seek to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women's new and traditional economic activities”.^{xl} Gender mainstreaming goes hand in hand with the promotion and protection of the rights of women and girls in Africa. African States are party to a number of regional and universal human rights instruments that promote and protect

women's human rights and call for the elimination of discrimination against women.^{xli} The AU Strategy for Gender Equality and Women's Empowerment^{xlii} and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) advocate for the inclusion of women in Africa's development agenda. Likewise, these instruments recognise that gender equality is a fundamental human right and an integral part of regional integration, economic growth and social development.^{xliii}

Since 2019, ECA has supported African countries to develop AfCFTA National Strategies. A framework for the design of an AfCFTA National Strategy, comprising defined components has been identified by ECA.^{xliv} Gender equality and climate change are reflected as cross-cutting issues in the framework. Ensuring the incorporation of gender-specific perspectives throughout the Strategy requires integrating a gender dimension across all AfCFTA National Strategy key components, that include:

- Macroeconomic framework, production and trade
- AfCFTA situational analysis
- AfCFTA-related risks and mitigation actions
- Identification and prioritization of production and trade opportunities
- Constraints to overcome and strategic actions required

Gender mainstreaming should also extend to the **Monitoring and Evaluation framework**; and **Communication and Visibility Plan** – as strategic components that anchor a country's AfCFTA National Strategy.

In the main, gender mainstreaming considers export opportunities for priority sectors and markets^{xlv} for goods and services provided by women. It also seeks to highlight non-traditional products and subsectors with high export growth and employment creation potential. Mainstreaming seeks to locate equal opportunities for women in the development of regional value chains,^{xlvi} while promoting a better understanding of the terms of involvement for women in various segments of the value chain.^{xlvii} Particular attention should be paid to examining potential AfCFTA-related implementation risks for women in various roles; recognising that these risks are likely to be exacerbated as a result of persistent gender inequalities in resources and opportunities; capabilities and security. Gender mainstreaming supports a more considered approach to the implications of tariff reductions on more vulnerable groups, where women are over-represented, while promoting a better understanding of specific products and sectors that should be protected, either as sensitive or excluded. Women-owned businesses and women entrepreneurs tend to be disproportionately affected by trade barriers when engaging in regional and global markets. With its strong focus on identifying non-tariff barriers and other gender-specific constraints that undermine the competitiveness of these businesses in production and trade, gender mainstreaming can help to identify targeted national policies and complementary measures that improve women's access to new opportunities and removes barriers to their participation in the AfCFTA – a process that contributes to the mitigation of existing gender inequalities. In addition to informing existing market access needs in certain sectors, mainstreaming could shape a gender-responsive trade facilitation agenda that acts as a catalyst for trade, particularly for small-scale women traders. Equally, the identification of technical education, specialised skills development and other targeted training for women to access higher-skilled jobs, upgrade into higher-productivity activities and take advantage of new opportunities in the AfCFTA, follows from the gender mainstreaming process.

It is important to note that mainstreaming gender in a country's AfCFTA National Strategy will be dependent to a large extent on the commitment of AfCFTA State Parties to advance gender-equitable outcomes in AfCFTA implementation. Implemented effectively, gender mainstreaming in AfCFTA National Strategies reinforces key labour policies as well as national, regional and international commitments to gender equality and women's economic empowerment. A just and inclusive AfCFTA cannot be achieved without respect for core labour standards, which are considered binding^{xlviii} on all States. ILO Recommendation 202^{xlix} on the enjoyment of a basic level of social protection and Recommendation 204^l on the transition from the informal to the formal economy, are of particular relevance for women in the AfCFTA.

Designed as an intrinsic component of a country's AfCFTA National Strategy, gender mainstreaming is but a first step towards a more extensive understanding of the opportunities afforded by the AfCFTA for women in domestic and regional economies, as well as of the differential gender-related impact and potential adverse effects of AfCFTA market liberalisation. It is by no means the only step. Mainstreaming does not preclude other gender impact assessments of the AfCFTA or gender-based analysis of AfCFTA and related trade policies. Indeed, separate gender-specific assessments are encouraged as a means of advancing a better understanding of the potential impact of the AfCFTA on women, in particular those at risk of being left behind. Section V sets out the proposed approach to operationalising gender mainstreaming in AfCFTA National Strategies.

V. Operationalising the approach to gender mainstreaming in AfCFTA National Strategies

The proposed approach to operationalise gender mainstreaming in AfCFTA National Strategies is through the implementation of three steps. These include:

- i. Application of gender analysis to AfCFTA National Strategy key components
- ii. Design of a gender-sensitive Monitoring and Evaluation framework
- iii. Design of a Communication and Visibility plan

A. Application of gender analysis to AfCFTA National Strategy key components

As the gender effects of the AfCFTA are country specific, the impact of intra-African trade liberalization will not be the same in all African countries. Robust gender analysis can help to evaluate the gender differentiated impact of the AfCFTA, as well to monitor and mitigate risk and unintended consequences for women, and other marginalised groups. Gender analysis can also identify the underlying institutional barriers, gender gaps and social norms which perpetuate gender inequality. Finally, gender analysis can draw attention to specific interventions required to increase access to economic opportunities, assets, resources and decision-making for women and other marginalised groups (Shaw&Jobes, 2019). Gender analysis is a critical starting point for gender mainstreaming. It must be applied at the earliest possible stage of the mainstreaming process. Applied effectively, gender analysis will help to reach evidence-informed solutions. The four proposed steps for implementing gender analysis include:

Step 1: Develop gender analysis entry points and guiding questions

Gender analysis entry points and gender analysis guiding questions should be developed and applied to each of the following key components^{li} of a country's AfCFTA National Strategy:

- Macroeconomic framework, production and trade
- AfCFTA situational analysis
- AfCFTA-related risks and mitigation actions
- Identification and prioritization of production and trade opportunities
- Constraints to overcome and strategic actions required

Step 2: Collect and analyse sex-disaggregated and gender-disaggregated data

Solid gender analysis depends on the availability of reliable and relevant data and statistics on gender and trade. For the design of an AfCFTA National Strategy, it will be vital to understand promising export markets, the prioritization of sectors and products for value addition, trade and the development of regional value chains. Gender and trade data is instrumental for gaining a better understanding of the gendered dimension of these and a host of issues related to the proposed components for an AfCFTA National Strategy. Moreover, gender and trade data can help to identify economic changes the AfCFTA

can bring about, as well as underlying conditions that result in prevailing gender inequalities. It can also point to structural barriers in the economy, and specifically the nature of barriers that women face in trading across borders as well as in relation to industrialization, including for smaller businesses in the informal sector.

Gender-disaggregated data collected by the RECs, including through small-scale trade facilitation initiatives and simplified trade regimes could provide a useful starting point, but it will not be enough. Given the limited data on gender and trade in African countries, a more specific gender diagnostic will require using data from a variety of sources and a combination of quantitative and qualitative methods. The capture of both qualitative and quantitative data is essential to generate evidence-based information needed to advance action and to inform gender-responsive AfCFTA policy-making.

Quantitative data sources include *inter alia*:

- Labour force surveys
- Population censuses
- Household surveys
- Federation of Employer Surveys
- Impact evaluation surveys
- Enterprise surveys
- Development plans and research studies, including Annual Economic Reports of Ministries of Commerce, Finance, Economic Development

Qualitative data methods include *inter alia*:

- Gender-inclusive stakeholder consultations and surveys^{lii}
- Focus group discussions and community and social mappings

Gender-inclusive stakeholder consultations as a fundamental for data collection

Gender-inclusive stakeholder consultations must be central to data collection efforts.^{liii} Gender mainstreaming requires an inclusive process that brings together Government Ministries responsible for national policy areas that will impact on women's ability to participate in the AfCFTA, with various key actors. Engagements with Ministries of Commerce and Trade, Gender, Customs, Finance, Agriculture, Labour, Education, Small Business/SMEs; and stakeholders from women's rights organisations, women activists, business associations of women entrepreneurs, agricultural cooperatives, women producer organisations, academia, social partners (including trade unions), informal cross-border trader/small-trader associations and cooperatives, and wider civil society organisations, should be prioritised. Women's business associations, in particular, can help to distil barriers confronting women entrepreneurs that export and to better support women-owned businesses and exporters, while informal cross-border trader associations and cooperatives can identify the challenges for women small-scale and informal cross-border traders.

Deliberate efforts must be made to ensure women's equal participation and representation in various stakeholder consultations. Emphasis should be placed on including women from marginalised groups, who make a substantial contribution to trade but are traditionally excluded from the formulation of national trade policy and its implementation. In the context of AfCFTA, ensuring women's sustained involvement in all AfCFTA consultations can be an important tool for incorporating gender perspectives, highlighting potential distributional effects and identifying transformative paths for gender-responsive outcomes in AfCFTA implementation.

The outcome of comprehensive, gender-inclusive stakeholder consultations, together with the results of a gender analysis of sex-disaggregated data to explain differences and determine the effect of activities on gender relations, is gender-disaggregated data. Gender-disaggregated data informs a gender assessment.

Step 3: Arrive at a gender assessment

The gender assessment helps to identify economic empowerment opportunities for women in priority markets for goods and services, as well as in subsectors and products with high export growth potential. It points to opportunities for regional value chain development while promoting a better understanding of how women and men are involved in particular value chains. The assessment draws attention to the priority needs and potential vulnerabilities of stakeholder groups directly affected by AfCFTA market liberalization. In addition, it highlights gender inequalities as well as gender-distinct barriers that prevent women from working in certain occupations and sectors. The gender assessment also identifies gender-intensified constraints that women experience in relation to trading opportunities, including in the AfCFTA and points to targeted policies and other actions that are required to increase the capacity of women to gain equally from the AfCFTA.

Step 4: Identify empowerment interventions that promote equality of opportunities for women and men in the AfCFTA

There will be a number of context-specific economic empowerment interventions, informed by relevant gender and trade-related information and statistics, that emerge at the conclusion of the gender assessment. These actions should seek to remove gender-based trade obstacles and inequalities in order to support women or men, who are in a particularly disadvantageous position, to access higher-skilled jobs, upgrade into higher-productivity activities and leverage new opportunities created through the AfCFTA. All targeted interventions should be reflected in an AfCFTA Implementation Action Plan. This Plan forms a central component of a country's AfCFTA National Strategy. It contains a set of core pillars with a list of strategic objectives, as well as key activities, detailed actions, focal points, timelines and resources to guide AfCFTA implementation, with a particular focus on increasing a country's trade performance in intra-African trade for goods and services.

Partnerships, as part of the wider AfCFTA ecosystem, can be particularly useful in supporting the implementation of complementary interventions that seek to advance gender-equitable outcomes in AfCFTA implementation.

B. Gender-sensitive Monitoring and Evaluation framework

In order to evaluate whether the AfCFTA is promoting inclusive and sustainable development, and gender equality as a precondition for achieving this objective, gender should be mainstreamed in the Monitoring and Evaluation framework. A gender-sensitive Monitoring and Evaluation framework will inform a better understanding of the gender, inclusion and AfCFTA linkages, while helping to track the evolution of gender inequalities, before and after AfCFTA implementation. As part of this process, it will be necessary to strengthen the capacity of countries to collect and compile gender-focused trade statistics and sex-disaggregated data to support evidence-informed AfCFTA policies. Tools and indicators required to assess the implementation of a country's AfCFTA National Strategy should be identified.^{liv} All indicators should include accurate gender-disaggregated data to measure the overall impact of the AfCFTA Agreement on women and men, as well as to allow for a gender analysis of specific interventions. Further consideration should be given to the establishment of a specialized Gender and Trade Committee to process empirical evidence on the gender impact of the AfCFTA. Policy insights generated from this process can gradually improve the gender-responsiveness of AfCFTA and related trade policy. Various forms of development cooperation, including through human rights channels and aid-for-trade programmes can help to identify methods and procedures for collecting sex-disaggregated data, while development partners can showcase best practice, including on monitoring and evaluation methodologies.

C. Communication and Visibility Plan

A country's AfCFTA National Strategy should include a communication, advocacy and outreach mechanism, that helps translate a continental-level agreement to its country context and increases the sense of AfCFTA ownership among all stakeholders. All stakeholders, including Member States and policymakers, private sector, civil society and the general public should understand the new trade and economic opportunities afforded by the AfCFTA. In addition to sharing information and promoting public awareness of the AfCFTA's potential benefits, a Communication and Visibility Plan should highlight the outcomes and impact of AfCFTA implementation. A number of communication activities and a range of tools can be used to achieve this objective, including video and audio materials, workshops, a dedicated website and publications as well as AfCFTA sensitisation events. Gender mainstreaming in an AfCFTA National Strategy Communications and Visibility Plan, should target marginalized groups in general, and women's rights organisations, women's business associations/networks, as well as national and/or cross-border trader associations, farmers and producers, in particular, in all AfCFTA outreach engagements. Opportunities should be created to share updates and experiences specifically related to the gender dimension of the AfCFTA. Further consideration should be given to the designation of male and female AfCFTA champions, to drive the messaging on empowering women's equal participation in the AfCFTA.

VI. Gender mainstreaming in AfCFTA institutional arrangements

Central to AfCFTA policy-making process are institutional arrangements to support national-level implementation and monitoring efforts. Pursuant to a decision adopted at the thirty-first Ordinary Session of the Assembly of the Union in July 2018 in Nouakchott, Mauritania, an AfCFTA National Committee is tasked with the responsibility of overall implementation of the AfCFTA Agreement, which includes coordinating and implementing the AfCFTA Action Plan and Monitoring and Evaluation framework. Included among the AfCFTA National Implementation Committee's scope and functions^{lv} is the adaptation of provisions in the AfCFTA Agreement to the national context – this includes the designation of non-tariff barriers and rules of origin focal points. The Committee also plays the role of coordinator between other national entities, the regional economic community to which the country belongs, and the AfCFTA Secretariat. The Ministry of Trade is tasked with leading the AfCFTA National Implementation Committee, but responsibility goes beyond one line Ministry to include various policy communities as well as the private sector and civil society. In this way, the AfCFTA National Implementation Committee promotes policy coherence and an integrated approach to AfCFTA implementation. Ensuring gender-equitable outcomes in AfCFTA implementation requires mainstreaming gender in all AfCFTA national coordinating structures and decision-making processes. To this end, deliberate efforts should be made to include representation from the Gender Ministry as well as from women's business associations, grass-roots organisations (community groups), cross-border trader/small-trader associations and cooperatives, in the AfCFTA National Implementation Committees, as well as Trade Facilitation Committees and other national decision-making forums.

Ensuring the equal representation of these and other key actors in all AfCFTA institutional arrangements, will ensure that the real needs and concerns reported by their constituents, are raised and addressed. Inclusive institutional arrangements further strengthens gender-responsive AfCFTA policymaking processes. Section VII below highlights priority considerations for gender-equitable outcomes in AfCFTA implementation that can be best achieved through a truly inclusive (whole of government and whole of society) approach.

VII. Priority considerations for gender-equitable outcomes in AfCFTA implementation

Implementation of the Agreement Establishing the AfCFTA is taking place at the national level. Thus, advancing gender-equitable outcomes in AfCFTA implementation will require a comprehensive understanding of in-country channels and interactions between gender and the AfCFTA. As part of identifying context-specific policy interventions and the most relevant focus for gender-responsive programmes, it will be necessary to analyse both opportunities for and potential barriers to inclusive gains. In agriculture, for example, progression from subsistence to more market-oriented and inclusive

production systems in the AfCFTA, could improve food security through local sourcing and regional value addition. Opportunities for integrating small-scale producers and exporters in high-value regional agricultural value chains, that include agro-food value chains, should be identified. Likewise, opportunities should be sought for women's participation in the production of high-value agricultural commodities and agri-food products that have been selected for development and expansion through regional value chains, as well as for continental export markets. Niche sectors in agriculture, together with other empowerment opportunities including in higher-return crops and crops with forward linkages to value-added sectors, could further enhance women's employment. Because women's presence within agricultural production is characterised by informality, poor value chain positioning, and deeply unequal levels of resource access, most notably land ownership (Kelleher, 2021), delivering on sustainable agricultural trade depends on a number of corrective actions. Ultimately, the ability of women to effectively leverage new opportunities created through the AfCFTA in agriculture, will be dependent on deliberate efforts to address the pervasive gender gap; this includes addressing patterns of gender discrimination and stereotypes that keep vulnerable women in low paid and less skilled work in certain nodes of the agricultural value chain. The AfCFTA offers the opportunity to address gender disparities in agricultural productivity. To this end, agricultural trade capacity building needs, technical knowledge and other measures that help close the gender productivity gap in the agricultural sector, must be identified. This includes providing targeted support for female farmers to harness digital technologies for agriculture. It will also be important to address poor market infrastructure, including better transport and storage facilities that will ensure fresh and perishable produce reaches the market safely.

Liberalisation under the AfCFTA is expected to boost manufacturing, with the promise of new formal employment, especially for women. Opportunities exist for promoting wage employment in traditional manufacturing sectors where women are heavily employed, that offer enhanced value addition and export-generating opportunities, including in the textiles, apparel and cotton subsectors; as well as in non-traditional export sectors that emerge as high growth drivers with the potential for employment generation. Labour intensive creative industries such as fashion, film and food also hold significant potential. Driving Africa's industrialization under the AfCFTA offers State Parties an opportunity to put in place a holistic approach to industrial policy that promotes inclusive and sustainable industrial development. This would entail examining the gender-specific effects of export-oriented industrialization, particularly in terms of how women participate in various levels of value chains and in labour-intensive sectors and jobs. The shift in African countries' patterns of production to higher value-added goods and services in the AfCFTA, should be accompanied by investments in human capital, and policies that address gender discrimination in employment and promote education, skills development, vocational and on-the-job training. Enhancing women's access to continuing skills development and specialised training expands the choice for female workers, enabling their participation in higher and technical-skilled sectors and occupations. Advancing gender-equitable outcomes in AfCFTA implementation means that women's cheap labour can no longer be used as a source of competitive advantage. Macroeconomic policies that promote a growth strategy that lies in part on gender wage gaps and gender-based occupational segregation to boost competitiveness, is unsustainable in the long-term (UN Women, 2017) and has no place in an inclusive and just AfCFTA.

Through progressive liberalization of services, African service suppliers will have access to the markets of any other AfCFTA State Party on terms as favourable as domestic service suppliers, subject to the conditions and qualifications agreed and specified in a State Party's schedule of specific commitments. Liberalization of services trade has the potential to generate productive employment and income. It will not, however, automatically lead to improved outcomes for women whose employment is primarily concentrated in the lower value and lower paid services sectors. AfCFTA State Parties have commenced with preparing offers of sector commitments for the liberalization of trade in services in the following five priority sectors: financial, transport, communications, business/professional and tourism. Advancing gender-equitable outcomes in AfCFTA implementation requires AfCFTA State Parties to incorporate gender perspectives when negotiating their schedules of specific commitments and locking in sector-specific commitments for trade in services. ECA's Stakeholder Consultation Guide (2020c) on *Negotiations for the liberalization of services under the Agreement Establishing the African*

Continental Free Trade Area,^{lvi} sets out relevant questions to support the design of a gender-sensitive strategy specific to the services sector. This strategy can help to identify gender-responsive measures for women to harness new opportunities arising from the liberalization of services sectors.

The smaller size of women-led businesses and their lower productivity is often the result of specific barriers to entry, entrepreneurship and growth. Lack of access to credit and finance constitutes a major barrier to women entrepreneurs across the continent growing their businesses. While access to trade finance is a critical lever for empowering women-led businesses to grasp new export, business and regional value chain opportunities created through the AfCFTA; this alone is not enough. Support must extend beyond access to trade finance to include policy interventions that facilitate the transition of small and micro enterprises in the informal sector, in particular, to an integrated continental market. Ensuring increased access to information on the compliance requirements of how to export and access new markets in the AfCFTA responds to one of the main factors limiting women's ability to participate in export activities. As one of the AfCFTA operational instruments, the African Trade Observatory (ATO) provides updated and reliable data to inform business and policy decisions.^{lvii} In addition, training programmes with a specific focus on increasing the participation of African businesses, particularly women-led SMEs in the AfCFTA, have been recently launched.^{lviii} These and related interventions should be considered alongside other context-specific programmes to build the low trading capacity of women-led business. Clearly defined business management programmes, that include business development, leadership, mentorship, and networking components, for example, would strengthen women's entrepreneurial capacities and help them expand into continental markets. Gender-responsive public procurement could provide another entry point into the AfCFTA. Further consideration should be given to lessons learned and best practices^{lix} of other Governments in the design of policies that integrate women-owned businesses in public procurement supply chains.

As reflected in Section II above on opportunities and potential challenges for women in the AfCFTA, businesses that are run by women often face more severe impediments than their male counterparts when participating in cross-border trade. Advancing gender-equitable outcomes in AfCFTA implementation requires a gender-responsive trade facilitation agenda that responds to and addresses gender-distinctive barriers. Trade facilitation reforms that reduce trade and transaction costs to import and export with simplified and clear trade procedures and regulations, could enhance the export competitiveness of women-led businesses. The adoption of AfCFTA-specific digital trade facilitation measures such as single windows, electronic certificates of origin and automated processing of trade declarations can help to address various border management challenges that disproportionately impact female traders. Small-scale women traders, in particular, can benefit from cashless cross-border payments, mobile banking systems and other digital solutions that limit the risk of physical contact, harassment, bribery, corruption and confiscation of goods at the border (ECA, 2020b). In addition, reducing cash-based transaction risks for small-scale and informal cross-border traders through mobile phone money extends financial services to the unbanked and underbanked, enhancing women's financial inclusion and economic independence. A centralised payment and settlement infrastructure for intra-African trade and commerce payments through the Pan-African Payments and Settlement System (PAPSS), can further reduce some of the security risks confronting female informal traders.^{lx}

Digitalisation reduces the costs of participating in trade, while opening up new opportunities for women's equal participation. However, the vast benefits, that also include e-commerce will not accrue automatically, and will be dependent on the ability of African countries to adapt to the digital economy. In particular, countries must invest in gender-inclusive infrastructure that is critical to bridging the expansive digital gender divide. An AfCFTA Protocol on E-Commerce provides an opportunity for African countries to develop harmonized regulatory approaches to issues such as data governance, electronic transactions and e-commerce trade facilitation.^{lxi} An E-Commerce Protocol also provides the opportunity for African countries to address the issue of poor digital literacy and a lack of digital skills as one of the main drivers of the gender digital divide, and as a particular constraint to women's participation in e-commerce.^{lxii} Moreover, women must understand how to exploit the potential of new technological applications, including for business purposes such as making digital payments or applying for digital credit. The COVID-19 crisis presents an opportunity to accelerate the adoption of digital

solutions that can help small-scale traders survive, thrive and drive greater trade and regional integration. To do so, policies, programmes and interventions need to leverage digital technologies by explicitly integrating women's needs, circumstances and challenges in relation to the use mobile technology. Failure to respond in a gender-sensitive manner, risks entrenching existing disparities.^{lxiii}

A gender-responsive trade facilitation agenda requires customized support for women participating in informal cross-border trade. Measures that encompass improved security lighting and gender-sensitive border infrastructure, such as cross-border storage, health, lodging and sanitation facilities can increase the active participation of women traders, in particular, in small-scale cross-border trade. Small-scale trade facilitation initiatives that have been implemented at the REC level with particular relevance for women's economic empowerment in informal cross-border trade, should be identified and scaled-up in the context of the AfCFTA. COMESA, for example, is currently implementing a number of small-scale trade facilitation initiatives at 20 borders.^{lxiv} Simplified trade regimes are of significance in the AfCFTA, particularly for women informal cross-border traders. Trade facilitation measures, including the harmonisation of regional simplified trade regimes, would support the participation of small-scale traders in more formal trading arrangements created through the AfCFTA. It is worth noting in this regard, the observation from the Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI) on the considerable potential of simplified trade regimes to benefit small-scale women traders if these regimes are implemented in partnership with women and if they adopt women's economic empowerment and gender equality as an explicit objective. According to EASSI, the list of products must include commodities commonly traded by women cross-border traders, given that a simplified trade regime is only as effective as the list of products it contains. Empowering women as part of this process would further entail increasing the de minimis threshold level to an amount that would make it worthwhile for traders to engage in trade under this duty-free amount (EASSI, 2020). As part of a gender-responsive trade facilitation agenda, provision should be made for gender-sensitive capacity building and training for customs officers and border officials at ports of entry and exit.

The AfCFTA Non-tariff Barriers Reporting, Monitoring and Elimination Mechanism has significant potential for empowering women traders who tend to confront particularly acute non-tariff barrier-related challenges. Raising the profile and driving public awareness of this mechanism as a tool to report and resolve trade barriers can help overcome information challenges that women often confront and provide the required advocacy for enhancing the effectiveness of this critical tool. Including representation from informal cross-border trader/small-trader associations and cooperatives in non-tariff barrier monitoring committees, will further increase the empowerment potential of this tool, particularly for women small-scale traders.

Ecosystems of support between corporate firms and smaller women-led businesses should be encouraged in the context of the AfCFTA. Larger businesses could support smaller women-led businesses to reach regional markets through the creation of sourcing, production and distribution opportunities, as well as by becoming certified suppliers of corporate supply chains. To advance knowledge sharing, linkages should be created between large commercial agro-manufacturing firms and smaller women-led MSMEs, as well as with firms along sustainable agricultural value chains. This would help women move to higher value-added activities, both as suppliers and through sourcing inputs. Women's business associations – especially regional associations – play a key role in providing good practices and demonstrating what has worked, taking into consideration country contexts.

VIII. Conclusion

This Paper has two overarching policy conclusions. Firstly, increased intra-African trade alone will not do much to advance gender-equitable outcomes in AfCFTA implementation. The extent to which women can participate equally in AfCFTA opportunities, including through increased access to new continental export markets, regional value chains and digital trade/e-commerce, as well as in agriculture, manufacturing and services, depends on effective national policies and complementary measures that go beyond trade policies.^{lxv} Policies should be context-specific and will differ from

African country to country; indeed there is no one-size-fits-all solution. In all cases it will be necessary to recognise the multiple roles that women play in the economy, including as workers, producers, entrepreneurs (women-owned business/formal and informal), small-scale and informal cross-border traders, consumers (and users of public services), and tax payers. Particular attention must be paid to an assessment of how groups of women, men and their businesses may be differently impacted by AfCFTA market liberalisation and related structural changes – the potential winners and losers.

As demonstrated in this Paper, women have often been adversely affected by trade liberalisation due to various dimensions of gender inequalities in women's access to productive resources and opportunities, including access to land as well as capabilities and security. Accordingly, targeted national policies and complementary measures that improve women's access to new opportunities and removes barriers to their participation in the AfCFTA, should be designed – a process that contributes to the mitigation of existing gender inequalities. Promoting women's access to technical education and specialised skills development, financial resources and digital technologies, will address some, but not all trade barriers that tend to disproportionately affect women. As part of required changes to the broader enabling environment, countries must address legal and socio-cultural barriers that prevent women from working in certain manufacturing, agricultural or services sectors or running their own business. At the same time, significant data gaps exist on female labour force participation in key sectors, and on the overall contribution that women make to trade in African economies, in their multiple roles. Dedicated efforts will therefore need to be made to fill the gender and trade data and statistics gap that is critical for more informed policymaking in the AfCFTA.

A second policy conclusion is that advancing gender-equitable outcomes in AfCFTA implementation should be a central goal in and of itself. The overwhelming majority of AfCFTA State Parties have committed to promoting women's economic empowerment through regional legal frameworks that address women's participation in trade and business activities. Indeed, there is strong acknowledgement among the RECs of the key role that women play in African economies and the link between women's full participation for sustainable growth and economic development. Achieving the goal of gender-equitable outcomes in the context of the AfCFTA will require building upon policies and interventions that have addressed trade and gender at the REC level, to strengthen the growth and development process. It will also require all efforts to be aligned with the AU Strategy for Gender Equality and Women's Empowerment, as well as the Maputo Protocol and other African and global human rights instruments.

The African regional integration and cooperation agenda has now moved to a deeper level, through the establishment of the AfCFTA. At the same, this bold initiative creates opportunities for women's economic empowerment and gender equality that lies at the heart of human rights and human development. Designing context-specific gender-responsive policies, complementary measures and programmes around economic empowerment outcomes that emerge from the process of gender mainstreaming in AfCFTA National Strategies, provides a powerful instrument to drive gender-inclusive intra-African trade. This is an imperative for more inclusive, resilient and just African economies post COVID-19.

End Notes

ⁱThis Paper consolidates and provides a high-level overview of the set of issues contained in the training materials developed for the course on A Guide to Gender Mainstreaming in AfCFTA National Strategies. It also serves as an abridged version of the Step-by-step Guide to Gender Mainstreaming in AfCFTA National Strategies that is guiding the approach to gender mainstreaming in AfCFTA National Strategies. This Paper does not aim to provide a detailed structural analysis of what the implications of the AfCFTA could be for African women. Publications that explore this aspect in more detail include the United Nations Economic Commission for Africa (ECA)-Friedrich-Ebert Stiftung (FES) Geneva Office, and Office of the United Nations High Commissioner for Human Rights (OHCHR). 2017. *The Continental Free Trade Area (CFTA) in Africa—A Human Rights Perspective*, <https://www.uneca.org/publications/continental-free-trade-area-cfta-africa-%E2%80%93-human-rights-perspective>. Also see Kelleher, F. 2021. *The African Continental Free Trade Area (AfCFTA) and Women: A Pan African Feminist Analysis*, <https://femnet.org/wp-content/uploads/2021/04/AfCFTA-Paper-Policy-Brief-English-2.pdf>.

ⁱⁱFor a more detailed explanation of identified components and elements, see: ECA et al., 2019. *Assessing Regional Integration in Africa IX*, <https://www.uneca.org/archive/publications/assessing-regional-integration-africa-aria-ix>. The process of gender mainstreaming is discussed in more detail in Section V on operationalising the approach to gender mainstreaming in AfCFTA National Strategies.

ⁱⁱⁱThe United Nations Conference on Trade and Development (UNCTAD) toolbox, for example, provides a methodology that can be used to assess the gender-related impacts of a trade agreement or trade reform in countries. See: <https://unctad.org/webflyer/unctad-trade-and-gender-tool-box>.

^{iv}The AfCFTA Agreement and other AfCFTA legal texts are available at: <https://afcfta.au.int/en/afcfta-legal-texts>.

^vWhile recognising the multiple roles that women play in the economy, the focus for the purposes of this Paper will be on women as workers, producers, entrepreneurs (women-owned business/formal and informal), small-scale and informal cross-border traders.

^{vi}For a comprehensive examination of the two-way trade and gender relationship, as well as the three main channels of interaction between trade and gender, see: UNCTAD. 2014. Trade and Gender - Unfolding the links, Virtual Institute Teaching Material on Trade and Gender (Volume 1), https://unctad.org/en/PublicationsLibrary/gds2014d1_en.pdf.

^{vii}For further analysis on the consequences of gender inequalities in the three dimensions of access to and control over resources and opportunities, capabilities and security for the ability of women to earn a livelihood and expand their economic activities, see: UNCTAD. Gender-based inequalities and trade performance, <https://vi.unctad.org/tag/docs/vol1/vol1m3.pdf>

^{viii}Trade is liberalized gradually—90 per cent of tariff lines will be fully liberalized over a 10-year period for Least Developed Countries (LDCs) and over a 5-year period for non-LDCs. For an additional 7 per cent of goods, tariff cuts will be phased over 10 years for non-LDCs and 13 years for LDCs. A final 3 per cent of ‘excluded’ products will retain their tariffs to allow flexibilities for State Parties with particular sensitivities but will be subject to a review every five years. The so-called ‘G6’ group of countries (Ethiopia, Madagascar, Malawi, Sudan, Zambia and Zimbabwe) are allowed extra flexibility. These countries can reduce tariffs on 90 per cent of goods over a longer period of 15 years. See: ATPC-ECA and the Department of Trade and Industry (DTI) of the African Union Commission (AUC). 2020. African Continental Free Trade Area: Updated Questions and Answers, 2020. Also see the explanation on exclusion list and safeguard provisions which permit limiting imports in times of crisis or against sudden import surges, highlighted in Section III below on provisions in the AfCFTA Agreement of particular relevance for women.

^{ix}It will also be important to consider in the context of the AfCFTA how women’s unpaid care work, that Kelleher points out is often three to four times that of men – will be impacted because of dislocations that result from AfCFTA market liberalization. See: Kelleher, F. 2021. *The African Continental Free Trade Area (AfCFTA) and Women: A Pan African Feminist Analysis*, <https://femnet.org/wp-content/uploads/2021/04/AfCFTA-Paper-Policy-Brief-English-2.pdf>.

^xSee: African Union Commission (AUC) and Food and Agriculture Organization of the United Nations (FAO) *Regional Office for Africa (RAF) Framework for Boosting Intra-African Trade in Agricultural Commodities and Services*. 2021, noting that in 2018, 52 percent of women were employed in agriculture compared with 48 percent for men. By subregion, women employment in agriculture is lower than men only in Southern and Western Africa.

^{xi}Refers to the processing of raw materials and intermediate agricultural, forestry and fishery products.

^{xii}The 2006 AU Summit on Food Security in Africa identified the following strategic commodities to achieve economies of vertical integration and scale in African agriculture: rice, legumes, maize, cotton, palm oil, beef, dairy, poultry and fishery products, cassava, sorghum and millet. For a more detailed explanation of strategic commodities that have been identified by the Regional Economic Communities (RECs) to support the development of regional value chains, see AUC and FAO Regional Office for Africa (RAF) *Framework for Boosting Intra-African Trade in Agricultural Commodities and Services*

^{xiii}Also see in this regard, Elbeshbishi (2018) who points out that while women in Africa are the majority of the poor and low-skilled workers, little is known about the impact of trade liberalisation on them. This may be attributed partly to the lack of gender-disaggregated data in trade statistics, and partly because of a lack of gender awareness in economic analysis.

^{xiv}For a more detailed explanation on the impact of trade liberalisation on women’s employment and the gender wage gap, see: Elbeshbishi. *Trade liberalisation and women’s employment in Africa: Towards a level playing field*, https://osisa.org/wp-content/uploads/2019/04/BUWA-Issue9_DIGITAL_web.pdf. Also see: UNCTAD. *Trade and Gender Volume 1 Unfolding the links*, https://unctad.org/system/files/official-document/gds2014d1_en.pdf for a more comprehensive overview of women as “sources of competitive advantage”.

^{xvi}For a full description of the sectors, see the World Bank study (2020) on the economic and distributional effects of the AfCFTA.

^{xvii}Informal employment is a greater source of employment for women than for men – in sub-Saharan Africa, except Southern Africa– more than 90 per cent of women are in informal employment compared to 86.4 per cent of men. Northern Africa shows an inverse situation with slightly more men (68.5 per cent) than women (62.2 per cent) in informal employment. See: International Labour Organization (ILO). 2018. *Women and men in the informal economy: a statistical picture*, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf.

^{xviii}See in this regard, decision by the African Union Summit on 5 February 2020.

^{xix}Non-Tariff Barriers (NTBs) refer to restrictions that result from prohibitions, conditions, or specific market requirements that make importation or exportation of products difficult and/or costly. Non-tariff barriers also include unjustified and/or improper application of Non-Tariff Measures (NTMs) such as sanitary and phytosanitary (SPS) measures and other technical barriers to Trade (TBT). NTBs arise from different measures taken by governments and authorities in the form of government laws, regulations, policies, conditions, restrictions or specific requirements, and private sector business practices, or prohibitions that protect the domestic industries from foreign competition. For a comprehensive list of non-tariff barriers, see: *Non-Tariff Barriers Reporting, Monitoring and Eliminating Mechanism*, https://www.tradebarriers.org/ntb/non_tariff_barriers

^{xx}ECA notes that cross-border trade is a major dimension of African economic and social landscapes: some approximations that exist suggest that informal cross-border trade contributes between 20-75 percent of total intra-regional trade depending on the country. See in this regard, ECA et al., 2020. *A snapshot of cross-border trade along the Abidjan-Lagos Corridor*, <https://repository.uneca.org/bitstream/handle/10855/43680/b1198191x.pdf?sequence=1&isAllowed=y>. According to the Afreximbank-ECA *African Trade Report 2020: Informal Cross-Border Trade in Africa in the Context of the AfCFTA*, informal cross-border trade in Western and Eastern Africa constitutes as much as 42 percent and 80 percent, respectively, of total trade between some countries, https://mcusercontent.com/82a1c769b4c9e47f2566f4d40/files/1c26fbd7-50f2-4034-8cf3-402cca5f6c6d/AFX_AFRICA_TRADE_REPORT_2020_.pdf.

^{xxi}New and emerging NTBs arising from COVID-19 imposed measures, were identified as: closure of borders to movement of persons; banning of border crossings by bicycles, motorcycles, private passenger vehicles and wheel carts; restricting crossing to only cargo trucks; requirement for mandatory testing of all people crossing and 14 day quarantine for those crossing or returning; border delays caused by the mandatory COVID screening at the borders; ban on meetings and gatherings; extortion, bribery and confiscation of goods by security agents; closure of non-essential businesses; ban on public and private inland transport in some states; and night curfews. See: Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI). 2020. *COVID-19: The Escalation of NTBs in the EAC and the Impact on Women Traders*, <https://eassi.org/wp-content/uploads/2020/11/THE-ESCALATION-OF-NTBs-IN-THE-EAC-AND-THE-IMPACT-ON-WOMEN-TRADERS-DURING-COVID-19-PANDEMIC.pdf>.

^{xxii}According to the 2020 World Bank study on the AfCFTA, of the \$450 billion in income gains from AfCFTA, \$292 billion would come from stronger trade facilitation—including measures to reduce red tape and simplify customs procedures. The study further highlights that these gains will require major efforts by countries to reduce the burden on businesses and traders to cross borders, quickly, safely, and with minimal interference by officials.

^{xxiii}In 2007, Common Market for Eastern and Southern Africa (COMESA) and the EAC launched simplified trade regimes for certain types of commodities. Small-scale traders benefit from a simplified customs document and a simplified certificate of origin, under which goods originating from member countries and whose value does not exceed US\$1,000 (COMESA) or US\$2,000 (EAC) per consignment qualify automatically for duty-free entry in the respective markets. See in this regard, Fundira, T. 2018. *A Look at the Simplified Trade Regimes in East and Southern Africa*, <https://ictsd.iisd.org/bridges-news/bridges-africa/news/a-look-at-the-simplified-trade-regimes-in-east-and-southern-africa>.

^{xxiv}See in this regard, the *CFTA in Africa-A Human Rights Perspective* study, noting that a continental Simplified Trade Regime would allow small informal traders to better take advantage of the AfCFTA through providing them with simplified customs documents, a common list of goods that qualify for duty free status, and assistance in completing customs procedures. The study further recommends a more extensive list of goods covered under a Continental Simplified Trade Regime, to include manufactured goods. Reducing the costs of licenses and certificates would provide further support, while strengthening communication and information on AfCFTA policy and customs requirements and procedures would help ensure that informal traders are adequately informed and not taken advantage of.

^{xxv}See in this regard, the *Mobile Gender Gap Report 2020* highlighting a 37 percent gender gap in mobile internet use in Africa (excluding North Africa), <https://www.gsma.com/r/gender-gap/>.

^{xxvi}Interview with Mariana Lopez, Senior Advocacy Manager, Mobile for Development, GSMA on 21 April 2021.

^{xxvii}See in this instance, Article 5 (3)(e) of the East Africa Community (EAC) Treaty (1999) that provides for the ‘mainstreaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic and technological development’. Also see dedicated chapters in the EAC Treaty and Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA) (2009). Chapter 22 of the EAC Treaty (1999), entitled ‘Enhancing the Role of Women in Socio-Economic Development,’ contains two provisions relating to the ‘role of women in socio-economic development’ (Article 121) and the ‘role of women in business’ (Article 122). Similar to Chapter 22 of the EAC Treaty, Chapter 24 of the COMESA Treaty (2009), entitled ‘Women in Development and Business’ contains two provisions on the ‘Role of Women in Development’ (Article 154) and the ‘Role of Women in Business’ (Article 155). Similarly, Article 63 of the Treaty of the Economic Community of West African States (ECOWAS) Treaty (1975 and revised in 1993) contains an article dedicated to ‘Women and Development’.

^{xxviii}Annex 3 of the Protocol on Trade in Goods.

^{xxix}Annex 4 of the Protocol on Trade in Goods.

^{xxx}Annex 8 of the Protocol on Trade in Goods.

^{xxxi}For a detailed explanation on how to use the AfCFTA Non-tariff Barriers Reporting, Monitoring and Elimination Mechanism, see: *System Manual for Public Users*, https://tradebarriers.africa/files/eng/public_user_manual.pdf.

^{xxxii}Annex 6 of the Protocol on Trade in Goods.

^{xxxiii}Annex 7 of the Protocol on Trade in Goods.

^{xxxiv}The White Paper on Women in Trade Facilitation lists export and import procedures, drafting of export development plans, logistics management, developing international marketing strategies and conducting export market research, among capacity building for women. See: *White Paper on Women in Trade Facilitation*, Economic Commission for Europe, ECE/Trade/C/CEFACT/2018/10.

^{xxxv}See in this regard, *African Continental Free Trade Area: Towards the finalization of modalities on goods, toolkit*, developed by ECA that contains simple and easily implementable options to determine the criteria chosen for identification of sensitive and excluded products, https://knowledge.uneca.org/ATPC/sites/default/files/PDFpublications/afcfta-towards_the_finalization_of_modalities_on_goods_rev1.pdf. It is also worth noting recommendations from the *CFTA in Africa-A Human Rights* study that African countries identify and seek the necessary reductions and increases for each agricultural tariff line relative to each product's significance to the right to food, and with particular attention to its importance for women. One reference for determining the relevant tariff lines or exclusion lists, according to the study, could be the list of strategic agricultural commodities that African countries were called on to promote and protect at the 2006 Abuja Food Security Summit. Another option would be to draw from the experience of African Union Member States who, as members of the G33 in the World Trade Organization (WTO), put forward a WTO proposal on special products that could be shielded from liberalisation commitments.

^{xxxvi}Noting that the Ethiopian Government, for example, has identified textiles and apparel as a priority industry, Kelleher suggests that internal liberalisation within the continent could provide the justification for tariff lines to be protected, either as sensitive or even excluded to build that base. Recognising that Lesotho that has already experienced losses in women's livelihoods within the textile industry due to the removal of preferential treatment to exporting countries in 2005, Kelleher further highlights the need to protect this sector in order to avoid further devastation. See: Kelleher, F. 2021. *The African Continental Free Trade Area (AfCFTA) and Women: A Pan African Feminist Analysis*, <https://femnet.org/wp-content/uploads/2021/04/AfCFTA-Paper-Policy-Brief-English-2.pdf>.

^{xxxvii}Other REC instruments, including *inter alia* the ECOWAS Treaty as well as the EAC, and the COMESA Treaty have more explicit provisions, that require Member States to take all measures necessary, including through appropriate legislative measures, to promote the economic empowerment of women. Likewise, Article 17 on Economic Empowerment enshrined in the Southern African Development Community (SADC) Protocol on Gender and Development requires State parties *inter alia* to adopt policies and enact laws which ensure equal access, benefit and opportunities for women and men in trade and entrepreneurship; review their national trade and entrepreneurship policies, to make them gender responsive; introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes (including through affirmative action provisions). For a more comprehensive overview of the opportunities and challenges for building on activities conducted by the RECs to address trade and gender concerns on the basis of provisions set out in REC instruments, see Makhan D. 2021. *Gender-responsive implementation of the Agreement Establishing the African Continental Free Trade Area Defining the role of the regional economic communities* (ATPC-ECA Report forthcoming).

^{xxxviii}Definition of gender mainstreaming, as set out in United Nations Economic and Social Council Resolution 1997/2: Agreed Conclusions, ECOSOC, 1997.

^{xxxix}See in this regard, BUWA! a journal published by the Women's Rights programme of the Open Society Initiative for Southern Africa (OSISA), highlighting various forms of discrimination and structural barriers confronting women's work in Africa, https://osisa.org/wp-content/uploads/2019/04/BUWA-Issue9_DIGITAL_web.pdf.

^{xl}Beijing Declaration and Platform for Action. Adopted at the 16th plenary meeting, on 15 September 1995.

^{xli}Article 2 of the African Charter on Human and Peoples' Rights prohibits discrimination on any grounds, including sex, in the enjoyment of the rights and freedoms guaranteed by the Charter, while Article 18 specifically mentions the obligation of African States to "ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions." The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) provides, *inter alia*, that State Parties shall take all appropriate measures to promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women. The *CFTA in Africa-A Human Rights Perspective* study points out that the Maputo Protocol contains almost identical provisions as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which all African countries except two have ratified.

^{xlii}AU. *AU Strategy for Gender Equality & Women's Empowerment 2018-2028*, https://au.int/sites/default/files/documents/36195-doc-52569_au_strategy_eng_high.pdf.

^{xliii}See comments by AU in *AfCFTA promises to unlock the potential for African women to move from micro to macro businesses*, <https://au.int/en/articles/afcfta-promises-unlock-potential-african-women-move-micro-macro-businesses>.

^{xliiv}For a full description of the proposed components and elements for the design of a country's AfCFTA National Strategy framework, see: ECA et al., 2019. *Assessing Regional Integration in Africa IX*, <https://www.uneca.org/archive/publications/assessing-regional-integration-africa-aria-ix>.

^{xli v}Undertaken on the basis of statistical analysis, including market analysis and stakeholder consultations.

^{xli vi}Further opportunities to promote inclusivity in the agricultural sector is set out in the Framework for Boosting Intra-African Trade in Agricultural Commodities and Services, that is intended to guide the RECs and Member States in developing agricultural trade policies, strategies and plans to take advantage of the market opportunities offered by the AfCFTA. For a more detailed explanation, see AUC and FAO Regional Office for Africa (RAF) *Framework for Boosting Intra-African Trade in Agricultural Commodities and Services*.

^{xli vii}In the absence of a more targeted export potential methodology, that it may only be possible - for the purposes of the AfCFTA National Strategy - to highlight potential market opportunities, sectors and products for value addition trade, and

regional value chain development. A focused market entry strategy or gender-responsive sector analysis for individual markets that incorporates a dedicated export potential and value chain methodology can assist in identifying new export opportunities for value-added diversification. Likewise, it may not be possible for the purposes of the AfCFTA National Study to undertake a sectoral gender value chain analysis to determine with accuracy where women and men are located in various segments of the value chain. This may be one intervention identified in the AfCFTA Implementation Plan, discussed below.

^{xlviii}See in this regard, the *International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work*, adopted in 1998, which makes it clear that the following categories of rights are universal - that they apply to all people in all States - regardless of the level of economic development. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation. Available at: <https://www.ilo.org/declaration/lang--en/index.htm>. Also see, Article 15 of the African Charter guarantees that every individual shall have “the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.” The corresponding provisions at the global level are Articles 6–9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The *CFTA in Africa-A Human Rights Perspective* study points out that the right to work should not be understood as an absolute and unconditional right to obtain employment. Rather, the State has the obligation to facilitate employment through the creation of an environment conducive to the full employment of individuals within society under conditions that ensure the realisation of the dignity of the individual.

^{xlix}ILO. *Social Protection Floors Recommendation, 2012* (No. 202). Also see commentary from ILO on the relevance of R202 in times of the COVID-19 crisis, noting that social protection protects and empowers people, increases resilience, while at the same time it contributes to boosting economic demand and accelerating recovery. It plays a crucial role in furthering social cohesion and inclusion, equality and social justice, as well as sustainable social and economic development, https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_743403.pdf.

^lILO. *Transition from the Informal to the Formal Economy Recommendation, 2015* (No. 204), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO::P12100_ILO_CODE:R204.

^{li}See ECA et al., 2019. *Assessing Regional Integration in Africa IX* for a full description of the proposed components and elements for the design of a country’s AfCFTA National Strategy framework.

^{lii}Special surveys are particularly useful for understanding gender-distinct challenges confronting women-led businesses.

^{liii}As part of overall support for gender mainstreaming in AfCFTA National Strategies, ECA convenes dialogue forums with women’s business associations. The overall objective of these forums is to promote a better understanding of the AfCFTA Agreement, and to support women entrepreneurs’ engagement in AfCFTA national policy processes.

^{liv}Illustrative indicators and sources of information for various areas, including for monitoring the rights of women informal cross-border traders and monitoring the right to work, are set out in the *CFTA in Africa-A Human Rights Perspective* study. Additional tools and indicators to help assess the implementation AfCFTA may be found in ECA’s Country Business Index as well as the African Union Commission-International Trade Centre African Trade Observatory.

^{lv}The full scope and functions of the AfCFTA National Implementation Committee is set out in the *Guidelines for developing national strategies to implement the African Continental Free Trade Area*.

^{lvi}Questions include the following: What proportion of women are working in the five priority services sectors? Are their jobs of an informal or formal nature? Countries are encouraged to analyse and organize their responses to the questionnaire as follows: (a) what are the opportunities for women traders/producers/employers/workers to export services in the continental market? (b) what are the barriers to production/distribution/firm ownership/exports for women engaging in the formal and informal employment? (c) what are the comparative and competitive advantages of women in the five priority services sectors? (d) what policy instruments can be used to remove barriers and enable greater participation of women in services sectors? e). To what extent are they presently being applied? See: ECA. 2020. *Negotiations for the liberalization of services under the Agreement Establishing the African Continental Free Trade Area: Stakeholder Consultation Guide*, <https://repository.uneca.org/bitstream/handle/10855/43935/b11990260.pdf?sequence=1&isAllowed=y>.

^{lvii}In particular, the African Trade Observatory will allow African countries to compare trade and market access information across countries, products, or markets. It will also facilitate access to trade and market access-related information for a country/product/market combination. See: *About the African Trade Observatory*, <https://ato.africa/en/about>.

^{lviii}See in this regard, the *eTradeHubs portal*, an International Chamber of Commerce, UPS, Trade Law Centre (tralac) and West Blue Consulting initiative, that provides timely information as well as trade management tools relating to the trade supply chains (export, transit and import) in the AfCFTA. See: <https://etradehubs.com>.

Also see African Import-Export Bank (Afreximbank) and International Trade Centre (ITC) training programme on *How to Export within the AfCFTA*, <https://www.afreximbank.com/afreximbank-enters-partnership-with-international-trade-centre-to-prepare-african-businesses-to-grow-through-trade/>.

^{lix}For a more detailed discussion on Government best practice for gender-sensitive public procurement, see ITC. 2020. *Delivering on the Buenos Aires Declaration on Trade and Women’s Economic Empowerment*. Available at: https://www.wto.org/english/tratop_e/womenandtrade_e/tig_rpt_dec20_e.pdf.

^{lx}Developed in collaboration with the African Export-Import Bank, Afreximbank, PAPSS will facilitate payments through a simple, low-cost and risk-controlled payment clearing and settlement system, while helping to formalise some of the informal cross-border trade. See: AU. *The Pan-African Payments and Settlement System (PAPSS)*, <https://afcfta.au.int/en/pan-african-payments-and-settlement-system-papss>.

^{lxi}ECA. 2021. *Covid-19 Impact on E-Commerce: Africa*, <https://repository.uneca.org/bitstream/handle/10855/43939/b11990296.pdf?sequence=1&isAllowed=y>.

^{lxii}Bayat, N. 2019. *Harnessing e-commerce in Africa for Women’s Human Rights. Digital Trade in Africa: Implications for Inclusion and Human Rights*. ECA-Office of the High Commissioner for Human Rights and Friedrich-Ebert-Stiftung. Available at: https://www.uneca.org/sites/default/files/PublicationFiles/dthr_en_full_rev3.pdf. For now, the majority of

initiatives tailored to address women's needs are led by international organizations. See the *Covid-19 Impact on E-Commerce: Africa* study, noting that in Ethiopia, the International Telecommunications Union and the Enhanced Integrated Framework have partnered to develop a programme that aims to build and enhance digital skills and capacity for Ethiopian women. There is also the Women's Entrepreneurs Finance Initiative, which is a collaborative initiative between the European Bank for Reconstruction and Development (EBRD), the Inter-American Development Bank, Islamic Development Bank and the World Bank Group. The EBRD will use its share of the grant to focus on Egypt and Morocco amongst other countries, while the Islamic Development Bank will focus on Guinea, Niger, Senegal, and Sierra Leone. The World Bank Group will focus on Burkina Faso, Mali, and Mauritania, amongst other countries.

^{lxiii}Interview with Mariana Lopez, Senior Advocacy Manager, Mobile for Development, GSMA on 21 April 2021.

^{lxiv}Amongst the small scale trade facilitation initiatives implemented by COMESA are: (a). capacity building for women small scale cross border traders and boarder officials, other service providers; (b). awareness raising on the opportunities under the small-scale trade facilitation programme; (c). trade information desks at boarders to support women in completing forms; and to disseminate information to women and collection and documentation of data on women cross border traders; (d). development of gender training manuals and guidelines on small scale trade; (e). research on the free movement of the people measures; (f). collection and documentation of gender disaggregated data on small scale trade to ensure availability of data to inform policy and programmes; (g). border infrastructure development including border markets, storage, childcare facilities among others; (h). promotion of women's participation in the cross-border trade associations and networks. Presentation by Ms Beatrice Simwapenga Hamusonde, Director Gender and Social Affairs, COMESA at the UN Women convened multi-stakeholder dialogue on 8 February 2021.

^{lxv}For a more comprehensive overview of the role of trade policy and the promotion of trade tools that are advantageous for women exporters, including measures that support the exports of SMEs, see: OECD. 2021. *Trade and gender: A Framework of analysis*, *OECD Trade Policy Papers*, <https://www.oecd-ilibrary.org/docserver/6db59d80-en.pdf?expires=1619089850&id=id&accname=guest&checksum=4D9B2C43ADA2574DB614101773F8B8C7>.

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