



**A whole agreement approach to
gender mainstreaming in the AfCFTA:
Forging a new path in post-COVID
response and recovery**

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About the AfCFTA

- Agreement Establishing the African Continental Free Trade Area (AfCFTA) as the continent's most ambitious integration initiative

Implementation of the AfCFTA Agreement through phases of negotiations:

Phase I: negotiated Protocols on Trade in Goods, Trade in Services, Rules and Procedures on the Settlement of Disputes

Phase II: negotiations on Protocols to the AfCFTA Agreement on Intellectual Property Rights, Competition Policy, Investment, Digital Trade and Women and Youth in Trade

- Continental agreement, but implementation and gains at country level
- Addressing the gendered impact of COVID-19 through an inclusive approach that promotes equality of opportunities for women in AfCFTA implementation



2. Gender equality considerations in AfCFTA Agreement

Preamble: contains explicit reference to the importance of gender equality for the development of international trade and economic cooperation

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.

Article 27 (2) (d) of the AfCFTA Protocol on Trade in Services on improving the export capacity of formal and informal service suppliers, with particular attention to “women” service suppliers



Towards a whole agreement approach to gender mainstreaming in AfCFTA

- Operationalize gender equality considerations in the AfCFTA Agreement, accelerating progress towards inclusive outcomes in AfCFTA implementation
- Requires mainstreaming gender across all protocols and their associated annexes and appendices and achieved through:
 - Integrating a gender dimension in Phase I implementation of the AfCFTA Agreement on Trade in Goods and Trade in Services
 - Integrating a gender dimension in negotiations and drafting of Phase II Protocols to the AfCFTA Agreement on Intellectual Property Rights, Competition Policy, Investment and Digital Trade
 - Advancing a holistic approach to AfCFTA Protocol on Women and Youth in Trade



AfCFTA Opportunities for Women

- Women are disproportionately employed in sectors expected to gain new trade opportunities: agriculture, manufacturing (textile and wearing apparel) — and services (tourism and business), or through SMEs — formal and informal
- Gains for women small-scale farmers/producers and exporters including in deeper regional agricultural value chains
- Export-oriented industrialisation and the development of labour-intensive manufacturing goods
- Decent jobs through liberalization of services trade
- New trade and entrepreneurship opportunities for women-owned businesses in the formal and informal sector
- AfCFTA as a powerful catalyst for Africa's digital transformation, including through digital trade and e-commerce
- Opportunities for institutionalising a gender-responsive approach to the design of an AfCFTA simplified trade regime, that goes hand-in-hand with women's economic empowerment



But what of the challenges?

- AfCFTA market liberalization could pose additional risks, including through the potential disruption of markets in which women operate
- Gains for women will not be automatic; overall process will see winners and losers
- Implications for female farmers who depend on subsistence farming and small-scale women-owned businesses and micro-entrepreneurs
- Implications of export-oriented manufacturing and an expanding services sector on women workers
- Women remain disproportionately affected by various trade barriers and persistent gender inequalities in key sectors and in different economic roles – implications for their ability to seize new opportunities created through AfCFTA



Integrating a gender dimension in Phase I implementation of the AfCFTA Agreement on Trade in Goods and Trade in Services

Integrating a gender dimension in Phase I implementation of the AfCFTA Agreement on Trade in Goods and Trade in Services

- Opportunities for more and better jobs for women in sectors affected most by trade in goods, including agriculture and manufacturing, as well as trade in services
- Informed understanding of gender-distinct barriers and structural inequalities that restrict the ability of women to trade
- Implementing gender-responsive AfCFTA policy reforms and complementary measures that empower women to leverage new trade and entrepreneurship opportunities in the AfCFTA



AfCFTA policy reforms and complementary measures as part of COVID-19 response and recovery

- Create an enabling legal, regulatory, and institutional environment
- Close the gender gap in access to finance, ICT and digital technologies
- Strengthen education, skills development, training and reskilling
- Design and implement a gender-responsive trade facilitation agenda, that includes gender-responsive AfCFTA Simplified Trade Regime
- Build the export and trading capacity of women-led businesses
- Empower women in regional value chains
- Prioritize a targeted gender-responsive procurement strategy
- Prioritize women's needs and interests in sector commitments for liberalizing trade in services in five priority sectors



Integrating a gender dimension in negotiations and drafting of AfCFTA Phase II Protocols

- Phase II issues on intellectual property rights, competition policy, investment, and digital trade do not exist in isolation but interact with gender
- A whole agreement approach to gender mainstreaming in the AfCFTA requires integrating a gender dimension in negotiations and the drafting of AfCFTA Phase II Protocols
- This would:
 - Inform the design of explicit gender-related and inclusive provisions
 - Impact the formulation of gender-sensitive domestic policies that create new opportunities and remove barriers to women's economic empowerment in AfCFTA implementation



Gender dimension of AfCFTA Phase II Protocols

- Intellectual property rights
- Competition policy
- Investment
- Digital trade

Key considerations for integrating gender-related provisions in AfCFTA Phase II Protocols

Protocol on Intellectual Property Rights

- Recognition of women's contribution to traditional knowledge and local innovation
- Capacity building and training on intellectual property protections
- Intellectual property rights information centers and access points
- Sharing methods for the collection of sex-disaggregated data on challenges confronting women in accessing intellectual property rights (Ncube, 2020: *Intellectual Property and AfCFTA*)

Protocol on Competition Policy

- Capacity building for women-led businesses on how to challenge anticompetitive conduct through competition authorities and other formal systems
- Promoting public-private partnerships that support the participation of local and regional women suppliers in value chains.
- Cooperation on investigations and timely prosecutions of cases where there are clear negative effects of anticompetitive conduct, such as in cartel activity (Das Nair, 2020: *Competition, regional integration, and women-owned businesses in the context of AfCFTA*)



Protocol on Investment

- Cooperation-based provisions that promote technology transfer and linkages, especially with women-led micro, small and medium-sized enterprises
- Cooperation-based provisions on advancing corporate social responsibility and business practices that promote gender equality
- Provision that prohibit gender-based discrimination against investors

Protocol on Digital Trade

- Areas of cooperation to close the gender digital divide, interventions that make it safe to report online abuse and threats preventing women from accessing and using the internet
- Sharing of approaches to support women-owned businesses increase their exports through digital trade and e-commerce platforms



Protocol on Women and Youth in Trade

- Decision of the Thirteenth Extraordinary Session on the AfCFTA to make AfCFTA more inclusive, including through interventions that support young Africans, women, and SMEs
- Importance of a holistic approach and integration of effective enablers for empowering women
- Addressing shortcomings generally associated with existing trade agreements:
 - Binding commitments
 - Clearly defined resource mobilization plan
 - Clear accountability and monitoring mechanisms
 - Gender-inclusive stakeholder consultations — especially at grassroots level
 - Identifying areas for empowering women in formal and informal employment and in multiple economic roles, as opposed to an exclusive focus on women as entrepreneurs



Key take-aways

- Disproportionate impact of COVID-19 pandemic on women continues to dominate in 2022
- Considerable opportunities for empowering women and for women-owned businesses, amid widening gender inequalities stemming from the COVID-19 crisis
- AfCFTA Agreement must be designed and implemented in the most inclusive way possible
- A whole agreement approach to mainstreaming gender across all AfCFTA protocols and their associated annexes and appendices that form an integral part of the AfCFTA Agreement, supports the realization of inclusive AfCFTA implementation
- Prioritisation of gender-responsive AfCFTA policy reforms and complementary measures that create new and equal opportunities for women to benefit from the AfCFTA
- A whole agreement approach requires a comprehensive and integrated approach that involves multiple areas, sectors and stakeholders