



Gender & Trade Issues in Africa

Prepared

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For

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List of Acronyms

1. GLOSSARY OF ABBREVIATIONS & TERMS

ACP	African, Caribbean & Pacific
AU	African Union
AWID	Association for Women's Rights in Development
COMESA	Common Market for East and Southern Africa Cotonou Agreement on development cooperation and trade between the EU and the ACP countries (Africa, Caribbean, Pacific)
FFD	Financing for Development
FTAA	Free Trade Agreement of the Americas
GATS	General Agreement Trade in Services
GENTA	Gender & Trade Network in Africa
GMOs	Genetically modified organisms
IFI	International Financial Institution
IGTN	International Gender & Trade Network
IMF	International Monetary Fund
NAMA	Non-Agriculture Market Access
NEPAD	New Economic Partnership for Africa's Development
PSSD	People's Summit on Sustainable Development
PRSP	Poverty Reduction Strategy Paper (World Bank)
SADC	Southern African Development Community
SACU	Southern African Customs Union
TNC	Trans-national Corporation
WB	World Bank
WSSD	World Summit on Sustainable Development
WTO	World Trade Organisation

Executive Summary

2. Introduction

Since 1995 at the Beijing Conference there has been enhanced interest in research, advocacy and policy dialogue activities towards gender equity, particularly in Developing and Least Developed Countries (LDC's) undergoing economic reform.

Coincidentally, the WTO was established the same year the Beijing Conference on women was held. The imperatives and requirements of trade liberalisation have increasingly reduced the meaning and pursuit of development as well as constricted the policy space for government in addressing their development needs. Most of the policies have been prohibited in WTO disciplines. Rather than ensuring that countries achieve sustainable economic and social development, current trade policies prioritise the interest of global capital and profit maximisation.

In the era of globalisation, free trade is proclaimed the primary engine of economic growth for Africa. Policy makers and economic power brokers, including the World Bank, the International Monetary Fund (IMF), the World Trade Organisation (WTO), leaders of industrialised nations, newly-industrialised countries and Transnational Corporations (TNCs) are insisting the market, not governments, should determine the production and distribution of goods and services.

However, voices of caution such as the UNDP's Human Development Reports, point out consistently, that growth does not guarantee gender equality or the elimination of poverty, particularly among groups that are marginalised in societies because of gender, race, ethnicity, or class. Various studies have revealed that liberalisation policies contribute to deeper or sudden poverty as well as a greater economic insecurity. More critically, there are strong indications that liberalisation has increased inequalities within and among African societies. In many instances, these negative impacts are felt more strongly by women because of existing socio-historical gender-based asymmetries in market-based economies especially in property relations, women's responsibilities in social reproduction, and the social and legal discrimination against women.

A growing body of research confirms that trade policy and agreements are gender blind. Trade is discussed in economic and political terms, but the differential social and economic impact of changing trade patterns on women and men has not been considered relevant.

Trade liberalisation and economic integration operate in different modes and have different impacts within and between countries and between men and women. Some trends are clear.

First, countries and regions are affected differently by trade liberalisation. Countries engaged in extensive trade, such as the USA, Canada, Japan and members of the European Union have gained the most from the global trade policy and agreements.

Second, trade liberalisation affects women and men in different way in different part of the African continent. In some place, global restructuring has reinforced a gender-segregated labour market where women face fewer opportunities that men (Catagay, 2001).[\[i\]](#)

Undemocratic processes

There is no doubt that undemocratic processes continue to drive the WTO agenda. The majority of African countries are left out of the Mini-ministerials that have an exclusive membership and leave Africa out of the decision-making processes. Meanwhile, chairs abuse their prerogative in drafting the text by passing off their documents as implied consensus. These meetings do not take into account the interests of developing countries.

The communiqué of November 8, 2005 from the African Group to Mr. Pascal Lamy the Director General is correcting in recalling that the African Group members have made substantial contributions since Doha. The political mandate of the African Group contained in the Cairo Declaration and its Annex the Cairo Road Map on the Doha Work Program (WT/L/612), should be a starting point for placing the interests of developing countries at the heart of the WTO Work Programme.

Bargaining chips

“Special and differential treatment” and “Mode 4” are the bargaining chips used by developed countries to keep developing countries and least developed countries in the game. These bargaining chips have little or no value as evidenced by the consistent failure of the WTO to deal with implementation issues.

Despite frenzied negotiations to hammer a deal, the much-lauded Doha Development Agenda is turning out to be a charade. Rather than rush an agreement on time that contains no significant and clear responses to the interests of women, men and children in African countries, WTO members should instead be making serious stock-taking of the fate of the WTO.

African countries should insist that negotiations on the political framework are over and what remains are deliberations on technical modalities. Women have long demanded – and now is the time to say: once more – that there is an urgency to go back to the political framework and to produce an alternative agenda for the multilateral trading system in which the social reproductive side of the economic and linkage between economic and social policies are at the core. The icing on the cake, which is the Doha Development Agenda, has melted revealing a stale cake underneath.

New but divisive alignments

African Ministers should take great caution in endorsing some middle-income developing countries that are joining new alliances that are fragmenting the cohesion among African and developing countries. Brazil and India with the U.S., the EU and Australia make up the five Interest Parties (FIPs), which currently in the key negotiating group preparing for the 6th Ministerial in Hong Kong. With its focus on market access, the agreements of the FIPs could come at a cost to many African countries whose primary interest are not necessarily market access. The G-33 for example, has interests in special products and special safeguard measures, agendas which neither the FIPs nor the broader grouping of the G-20 in agriculture are carrying forward in the negotiations.

3. Why gender and trade

The institutional framework of the multilateral trading system has adapted over time to the specific needs and requirements of the over-riding global integration process and the specific values and ideological shifts that accompanies that process. Globalisation and liberalisation are often assumed to be universal and gender, class and race neutral.[\[ii\]](#)

The assumption that policy measures have an identical impact whether negative or positive on men and women (often referred to as ‘gender neutrality’) is a commonly held notion by most economic policy decision-makers. This has carried over into trade policy-making and is deeply embedded in the formulation, negotiation and implementation of trade agreements such at the Uruguay Round/WTO Agreements.

A simple scan of the growing empirical data on gender, trade and investment and its relationship to gender related issues in Africa will reveal that trade liberalisation/trade reform policies (which taken broadly to include measures taken to liberalise imports of goods and services as well as those to promote exports) generate complex and often contradictory effects on women’s access to employment, livelihood and income.[\[iii\]](#)

Trade policies affect women’s employment, access to markets, production, distribution, consumption patterns, cultural values, social relations and the environment all of which engage women on the African continent. The globalisation of markets is placing local sustainability under siege, a critical issue for women, particularly women engaged in subsistence agriculture, local marketing, micro-enterprise and other processes of the informal economy.

The differential results may occur in the same economy at the same time, for different groups or women or different results may occur at different phases of the trade policy reform or liberalisation process in the same country.

It is therefore critical that policy makers and trade negotiators concerned with poverty eradication, social equity and gender equality improve their understanding of the intertwine between trade policy, trade liberalisation and their gender dimension so that they can take the necessary steps to create gender sensitive trade rules as well as develop complementary mechanisms to offset the negative effects and set in place policies,

programmes and projects that will promote improvement in the lives of men and women in society.[\[iv\]](#)

4. Issues in social policy and trade policy

Economic policy, particularly macroeconomic policy, and social policy have often been discussed as separate concerns in public policy. Macroeconomic policy, which includes trade policy, is implemented to pursue economic growth. Social policy on the other hand is implemented in pursuit of social objectives such as poverty eradication, equity and equality. Are these two sets of policy separate from each other? Are they unrelated components within a larger development package?

Social policy and trade policy are inherently linked. Social policy must ask how African women, often among the most vulnerable in society, are protected from poverty, discrimination, and other socially undesirable conditions.

Trade policy, at the macroeconomic level, on the other hand, appears to be uninterested in its effect on the day-to-day lives of women. Yet both sets of policies permeate all manner of women's work – formal work, informal work and reproductive work. Both sets of policies may take away jobs for some, and give new jobs to others.

One household is pushed deeper into poverty, while another prospers. These changes have an impact on the range of women's work roles and benefits. As economies are upset by changes brought on by trade policy, social policy must be responsive. As economies pursue development, social policy must ensure that the larger social goals are never compromised.[\[v\]](#)

Trade policy changes to implement trade liberalisation agreements are increasingly becoming part of a complex and intricately woven web of macro economic reforms involving the re-tuning of export promotion, social, fiscal and labour market policies.

The intersection of these policies impacts gender relations, human development, and poverty dynamics in the economy through a complex set of transmission mechanisms that both filter and re-arrange the axes of power and access to resources between men and women from the macro, meso, micro to the meta levels of the economy.

Gender – the social, institutional, situational and political determined role, location and behaviour of men and women vis- a -vis ownership and control of economic and social resources, decision-making and participation has not been a significant variable in the agenda setting, rule-making, and enforcement of trade policy. This is true among trade negotiators as it is among civil society.

Despite the proliferation of non-trade concerns: food security, public health, rural livelihoods, environmental and labour standards into international trade policy debates, gender has not been integrated as a cross cutting issue wither in the substantive areas of trade agreements nor in the non-trade concern discussions. Furthermore, there is also very

little attempt to link gender equality objectives and gender mainstreaming to trade and export promotion agendas.[\[vi\]](#)

Trade negotiators and trade policy makers have focused exclusively on market access and paid little to no attention to the social and infrastructural needs of different groups in the economy.

In the GATS (General Agreement on Trade in Services), on discussions of service liberalisation for example, critical services such as water, energy and health care are likely to be offered on the liberalisation block without adequate attention to how this will affect access, availability and cost to poor women and men. Since women shoulder primary responsibilities for household and community management this has implications for women's paid and unpaid work and overall time burden as well as their health and morbidity status.

The General Agreement on Trade in Services requires every government to treat services and service providers of all member countries equally. This means that local service providers will be faced with foreign competition, resulting in downward bidding of prices and greater variety of services. As users of services, women will benefit from the entry of efficient and more affordable providers of transportation, communications, Internet, and financial services.

Even though clean water is critical to health outcomes, in Morocco, only 11 percent of the poorest fifth of the population, mostly women has access to safe water, while everybody in the richest fifth does.[\[vii\]](#)

Government policy towards the provision of services ought to cover a range of concerns, as follows: which services will it pay for? Which services will be handled by the private sector? Which services are domestically produced and which will come from foreign providers? What are the advantages and disadvantages of each type of provision?

If the current trend in globalisation is not modified, women will be effected by the continuation of patterns of gender-bias. If, however, gender concerns are integrated into trade policies, the potential exists for improving women's standard of living and quality of life, of transforming 'bad jobs' into 'good jobs', of enhancing local community sustainability, and for opening women's access to resources and decision-making.

Global trends are affecting all arenas of women's lives. Popular Indian campaigner on Trade Related Aspects of Intellectual Property Rights, Vandana Shiva has stated, 'the establishment of the WTO has drawn all domestic issues into the global economy, and all matters related to life- ethics, values, ecology, food, culture, knowledge and democracy – have been brought into the global arena as matters of international trade' (1996, 19). For this reason the perspectives and position of women in the remotest village have come into direct collision with the perspectives and position of women in the remotest village have come into direct collision with the perspective and power of men who control global patriarchal institutions.[\[viii\]](#)

Effective participation in decision-making in the governance of the multilateral trade system requires some level of clarity about objectives and priorities regarding the key issues being negotiated and how they are related to short, medium and long term strategic gender interests. The question raised, is what critical trade policy related questions and issues should policy makers and trade negotiators concerned with women's social and economic advancement be aware of?

5. Substantive content on gender & trade liberalisation

Trade liberalisation is associated with specific gender opportunities, constraints and challenges around access to inputs, markets, skills training, credit, and labour mobility/rigidity and survival strategies. These opportunities, constraints and challenges are apparent in the most visible features of trade liberalisation: increased imports, export promotion and market access provisions.

Imports and gender

It is critical to note that import liberalisation has set in motion as least three dramatic events:

1. budgetary impacts due to the revenue effect of decreased tariffs
2. dumping of cheap import especially agricultural products
3. cheaper goods.

All these events have different gender implications. For example, a decline in government revenue is likely to lead to a shift in the allocation of government expenditure at the disadvantage of the social sector or an increase in other taxes such as VAT (value added taxes). Either way, women who hold primary responsibility for the household sector and are highly dependant on government services will experience the impact more heavily.

Dumping of foreign produced goods on the local markets of African countries have contrary impacts on women. At one level it makes household goods and food cheaper and enable the household budget to stretch further. However, it has been reported to have a negative impact on the domestic agriculture market share of small and emerging producers (mainly dairy and vegetables) who in most African countries are women. Furthermore, it creates a significant long-term risk for national food security where this presently exists particularly when coupled with some Southern African countries like Malawi, which are faced with drought.

Market access and gender

Market access provision and programmes impact costs, access to available and usable marketing information as well as technical assistance. Overall, trade liberalisation and trade reform policy and measures it engenders have also been implicated, to different degrees, in different African nations, with the following:

1. The gender implications of removal of agricultural subsidies results in decrease employment and market share for male and female small farmers.
2. The gender implications of decreased investment in public investment results in for example the de-emphasising of small feeder roads that link rural town—this impacts male and female farmers differently.
3. The gender implications of cheaper food imports results in threats to the livelihood of male and female farmers with a different degree of severity and ability to respond given pre-existing roles and market specialisation.
4. The gender implications of promotion of cash crops alters the gender division of labour and management of household resources – traditionally women may have managed food production, men cash crop production (with women’s labour). In essence women now take on more work and this introduces food and welfare insecurity.
5. The gender implications of privatisation and commercialisation of land natural resources and some services in African countries, results in African women more so than men losing well-established user and ownership rights to land, and women, more so than men, lack information about new laws and programmes, as well as, money to purchase land and access to credit. [\[ix\]](#)

6. Gender issues in Agricultural Trade Liberalisation

The debate on agriculture from a gender perspective is food security, food sovereignty and sustainable livelihood. Food security is intertwined with the loss of domestic agricultural production with impacts for nutrition and caloric intake of rural families. Loss of sustainable livelihood is linked to import penetration and the loss of preference in the international agricultural markets.

Trade liberalisation in agriculture fostered by the Agreement on Agriculture has diminished the capacity of developing countries to protect their domestic agriculture from the deluge of cheap and highly-subsidised agricultural imports from developed countries. This has led to the bankruptcy of local food producers and loss of food security and livelihoods for many smallholder farmers and farm labourers in the South.

The logic of competition and “free trade” enshrined in the WTO’s Agreement on Agriculture (AoA) has been applied to an uneven playing field that pits smallholder agriculture, many of which are women, communal tillers and indigenous communities against transnational agri-business. The inability of smallholder agriculture to compete has worsened the problem of landlessness and food insecurity in many poor developing countries. [\[x\]](#)

A critical and important aspect in examining agricultural liberalisation in developing countries is the gendered nature of agricultural production, processing, and marketing.

Many women farmers are increasingly losing domestic markets to cheap food imports from the North. This puts a downward pressure on farm gate prices and along with the

removal of subsidies (for fertilisers and assistance with irrigation) creates extreme hardship for women farmers as well as women in their roles as providers of family well being. In these cases, women must increase time spent in home food processing since there is inadequate income to purchase foodstuff on the market.

The African Group has appropriately identified the level of flexibility and need for Special and Differential Treatment (SDT) in all three pillars of negotiations such as market access, domestic support, and export competition.

Market access

Currently, developing country negotiators focus their negotiating strategy around gaining access to developed countries markets. To this end they push for reduction of market access barriers such as quotas. But market access is a double-edged sword since in the trade game based on reciprocity there has to be some exchange.

In an ideal world any trade resulting exchange would be even-handed and mutually beneficial to both sides. However, in the real world of the WTO trade policies, African countries usually find that they have accepted commitments to reduce their own market access barriers (mainly reduction of tariffs and elimination of quotas) but in return do not receive significant changes in the market access barriers of the major players. Thus many developing countries economies have been over inundated with agricultural imports from the majors.

From the perspective of African women farmers, market access as the single-minded pursuit of trade negotiations is at best illusory and at worst detrimental to their economic livelihood. Therefore the market access strategy needs to be qualified by careful assessment of the domestic economy, the differential constraints, needs and interests of men and women, small farmers versus large farmers. This may also include the need to develop mechanisms and programmes to support and foster the continued sustainability of women and small farmers, as well as a viable policy on food security.[\[xi\]](#)

All market access formulas should have built-in mechanisms to protect local agriculture and rural livelihoods. Further tariff reduction in African countries especially through the proposed Swiss or non-linear formula, will not address the issues of food security and improve the well-being of local farmers.

7. Critical engagement on gender and Non-Agricultural Market Access (NAMA)

African Ministers have given political direction on the treatment of industrial tariffs in the WTO negotiations. They have stated this in various Ministerial Declarations, the Cairo Declaration and road map. They have expressed that NAMA negotiations should be conducted in a manner that promotes the industrial development of African countries.

A joint submission (TN/MA/W/27) by Ghana, Kenya, Nigeria, Tanzania, Uganda, Zambia and Zimbabwe in February 2003:

The objective of the negotiations on market access for non-agricultural products should, in our view, be to facilitate and enable the development and industrial processes in developing countries.

It is imperative, therefore, that African countries be allowed to manage their own trade regimes so as to counter the threat of what inappropriate liberalisation of industrial and manufacturing markets can potentially undermine development in Africa and increase poverty levels, as well as exposing domestic producers to competition from foreign imports that can create unemployment for millions of women and men in Africa.

As a result of the phasing out of the Multi-Fibre Agreement (MFA), clothing and textiles are now incorporated under the NAMA negotiations along with non-agricultural goods. Including these sectors, dominated by African women, would have a devastating effect on African countries, as this would remove their tariff preferences on top of the losses they already face from the abolition of MFA quotas. The prospect of being brought into even more direct competition with China and India in this way has led a group of African countries to raise this as an urgent issue at the WTO.[\[xii\]](#)

African Ministers should reject the NAMA text, which forms the basis for the current negotiations, and substitute in its place a text which addresses the needs of African countries, not the predatory ambitions, self-interested 'offensive agenda' of world's richest countries and their multinational corporations who are seeking emerging markets in Africa.

NAMA negotiations cover a wide variety of products from natural resources (forest products and gems) to light manufactures (food products, footwear and leather goods) up to industrial goods (electronics and scientific equipment). Current negotiations cover the traditional aspects of tariff reduction, expanding the sectoral coverage of tariff bindings through the determination of a percentage of sectors that will have a binding, and the elimination of tariff escalation peaks. Tariff elimination in some sectors is thought to be ideal and tariff harmonisation is sought for the remaining sectors.

De-industrialisation can be the expected result if these proposals are pushed through. Local African industries will collapse because of their inability to compete with cheap foreign imports. Ultimately this will condemn them to depend on imported industrial products and proliferation of assembly type operations.

Women are heavily involved in many of the sectors covered by NAMA. Many countries have relied on women's work as the basis for competitive advantage. The 'promise' of increased employment through trade liberalisation for African countries, is contradicted by de-industrialisation.

Many African countries have already had such experience as a result of liberalisation under the World Bank and IMF structural adjustment programmes of the 1980s and 1990s.

- Cote d'Ivoire witnessed the virtual collapse of its chemical, textile, shoe and automobile assembly sectors when tariffs were cut by 40% in 1986.
- Following its major trade liberalisation programme in 1993, Kenya's beverages, tobacco, textiles, sugar, leather, cement and glass products have all struggled to survive import competition.
- Ghana's liberalisation of consumer imports saw manufacturing employment plunge from 78,700 in 1987 to 28,000 in 1993, as 'large swathes of the manufacturing sector had been devastated by import competition', according to the African Development Bank.
- Structural adjustment in the 1990s also led to the closure of large numbers of manufacturing firms in Cameroon, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe.[\[xiii\]](#)

Given the underlying gender realities (gender biases and inequalities in access to resources, training, technology and credit) African women are likely to be in the most vulnerable sub sectors of these areas and likely to be unemployed first and for longer periods than men. Women business owners who have less capital than men will be unable to compete with foreign capital and products and will lose their business and possibilities to develop their own capital.

Harmonisation proposals that aim to create uniform tariff structures across different sectors will result in deep tariff reductions by some African countries in comparison to developed countries, contrary to the principle of less than full reciprocity and SDT as mandated in the Doha Ministerial Declaration.

In many African countries tariffs represent a significant proportion of government's revenues. Therefore indiscriminate tariff elimination through the 'zero-for-zero' tariff reduction proposal will contribute to loss of public revenues used for the provision of public services.

WTO members recognise that the proposed non-linear formula will require disproportionately severe tariff reductions in African countries, seeing that they tend to have higher non-agricultural tariffs than developed countries.

African Ministers should not support the non-linear formula for tariff reduction. The non-linear approach is particularly dangerous for economies that do not have a well-established industrial base.

8. Key gender & trade recommendations

Gender Equality

Develop a framework for policy analysis and programmatic design regarding gender and trade for African governments. Therefore a central goal of trade policy should be to achieve the maximum possible gender equitable, social and human development by looking at the manner in which trade measures impact and are impacted by historical and structural reinforced gender rigidities existing in the economy.

Agriculture/AoA

Support for development and food security provision within the AoA framework. But within the context of these provisions special measures must be developed to meet the concerns of women farmers. Attention must also be paid to, and remedies developed to, address the inter-section of the intellectual property regimes and service liberalisation, specifically water and energy on agricultural production and outcome and the gendered nature of such outcomes.

Food products in countries in Africa should be excluded from the disciplines of import control and domestic support. Food security should be seen as a 'right' measure to secure this right should be internationally guaranteed. Food aid cannot be a substitute for food self-sufficiency.

African countries should support proposal on Special Products (SP) and Special Safeguard Mechanism (SSM). These proposals protect domestic agriculture and food security from the adverse impact of trade liberalisation. The identification of SP's should take into account gender biases in agricultural production and food security.

All market access formulas should have built-in mechanisms to protect local agriculture and rural livelihoods. Further tariff reduction in African countries especially through the proposed Swiss or non-linear formula, will not address the issues of food security and improve the well being of local farmers.

From the perspective of African women farmers, market access, as the single-minded pursuit of trade negotiations is at best illusory and at worst detrimental to their economic livelihood. Therefore the market access strategy needs to be qualified by careful assessment of the domestic economy, the differential constraints, needs and interests of men and women, small farmers versus large farmers. This may also include the need to develop mechanisms and programmes to support and foster the continued sustainability of women and small farmers, as well as a viable policy on food security.

African Ministers should call for a new mechanism for the reduction of domestic support without jeopardising appropriate support for small women and men farmers in Africa. The amber, blue and green boxes were developed to accommodate a protective framework for US and EU domestic subsidies. Attempts by the US and EU in the current negotiations to further expand the boxes framework circumvent the WTO's purported agenda of substantially reducing and eliminating trade-distorting domestic support and export subsidies.

Anti-dumping mechanisms in the AoA must be strengthened and strictly enforced to the advantage of developing countries. The use of commercialised food aid, as a dumping method must be stopped without prejudice to emergency humanitarian food aid.

Services/GATS

Social equity is most basic and fundamental for it affects women's ability to function and to command the basics of a decent life.

There should be specific measures to protect access of women to public services and natural resources such as water. Gender and social impact assessments of national trade policy and implementation must be performed prior to making offers for liberalisation in services.

African Ministers should allow for a *priori* exclusion of essential services from the GATS negotiations because universal access to these services, such as water, health and education, are critical for social reproduction and development.

Declare a moratorium on GATS negotiations until a development, social and gender impact assessment is completed (Article 19.3).

African negotiators should exercise full flexibility in determining their requests and offers. African countries should maintain their sovereign right and responsibility to develop domestic regulations to protect public goods, gender equality, environmental sustainability, and financial stability and development goals.

Ambiguities in the GATS, both legal and semantic, must be clarified, especially in the negotiations on rule making on subsidies and safeguard mechanisms.

Labour mobility under Mode 4 should not become a bargaining chip used by developed countries to gain even more concessions for liberalisation from African countries.

NAMA

African Ministers should reject the NAMA text, which forms the basis for the current negotiations, and substitute in its place a text which addresses the needs of African countries, not the predatory ambitions, self-interested 'offensive agenda' of worlds richest countries and their multinational corporations who are seeking emerging markets in Africa.

It is imperative, therefore, that African countries be allowed to manage their own trade regimes so as to counter the threat of what inappropriate liberalisation of industrial and manufacturing markets can potentially undermine development in Africa and increase poverty levels, as well as exposing domestic producers to competition from foreign imports that can create unemployment for millions of women and men in Africa.

African Ministers should not support the non-linear formula for tariff reduction. The non-linear approach is particularly dangerous for economies that do not have a well-established industrial base.

African countries should resist expanding the sectoral coverage of tariff bindings.

Disciplines on non-tariff measures should concentrate on designing an appropriate and effective mechanism for identification, examination and categorization of NTM as well as transparency and clearer rules for its implementation.

The right to development must be protected and ensured. Sovereign policy space must be preserved and protected.

Investment/TRIMS

African governments should develop macro level programmes to assess the transaction costs, imperfect information, gender biases, market inter-linkages, and asymmetric property rights and gender segmentation of markets.

African countries are granted the right to develop and implement gender sensitive and pro development targets and requirements for foreign direct investors; the right to use gender equality and pro poverty eradicating investment screens. Technical assistance for capital upgrading and technological improvement in the small business sector that is also gender aware and gender sensitive to the priorities and concerns of women owned businesses.

Intellectual property rights/TRIPS

Public health/access to medicine including for reproductive health is a key concern from a gender perspective. Access to genetic resources for women and men; transfer of technology for women and men; protection and enhancement of traditional knowledge of women and men are critical for African countries.

African Ministers should uphold the compulsory licensing provision of the TRIPS Agreement (Article 31), which permit countries to authorise the production of patented medicines, without the permission of the patent-holder, for the domestic market. Paragraph 6 should be amended so that the compulsory licensing mechanism is effective, transparent and affordable for all developing countries.

African Ministers should affirm the *Doha Declaration on the TRIPS Agreement and Public Health*, paragraph 4, which grants right to governments to act at the national level to take full advantage of the flexibilities and policy measures allowed in TRIPS, to ensure access to affordable medicines for all and to protect public health.

African Ministers should support an amendment of paragraph 6 of the *Doha Declaration on the TRIPS Agreement and Public Health* to facilitate and make operational mechanisms for the use of compulsory licensing according to the needs of each developing country.

African Ministers should support the substantive review of TRIPS Article 27.3(b)[\[xiv\]](#) The TRIPS Agreement must respect the principles of the Convention on Biological Diversity in regard to the patentability or non-patentability of plant and animal inventions and the protection of plant varieties.

A framework for conducting gender and social impact assessments of patenting applications and changes in patent regime protecting and enhancing the continued viability of traditional knowledge should be designed.

African Ministers should support the integration of a development agenda in all intellectual property matters as outlined in the WIPO Development Agenda presented by developing countries.

African countries should assert the freedom and flexibility to determine and adopt appropriate regimes of *sui generis* systems that provides maximum protection for their farmers, breeders, indigenous knowledge and the right of their local communities to use, save and exchange seeds and biological resources.

Special and differential treatment (SDT) trade-related technical assistance (TRTA)

The current view by developed countries that SDT is a short-term concession to African and developing countries is misguided and fails to acknowledge systemic inequalities among economies. A more equitable global institutional trade framework must provide a context to ensure that women and men in poverty and marginalised groups are able to achieve long-term economic and social development. To ensure this outcome, the current emphasis on trade liberalisation guiding and subsuming development must be transformed. The international community must align trade with human right and economic justice commitments and use these as the measure by which trade policies are ultimately judged.

African Ministers should continue to support decisions that the provision of SDT are made more precise, effective and operational within the current Doha Round. Moreover, unless and until SDT measures are clarified and operationalised, agreements in the other work areas should be delayed.

African Ministers should endorse Paragraph 38 of the Livingstone Declaration adopted by LDC Trade Ministers (2005) which calls for the “Full and faithful implementation of the Guidelines for LDC’s accession to the WTO adopted by the General Council December 2002, to ensure the full application of the SDT provisions that would emerge from the Doha Round of Negotiations to the acceding LDCs...”

African Ministers should continue support the call for increased and adequately financed technical assistance. However, this should demand that African countries, through accountable and transparent governance processes, explicitly take into account, in their technical assistance programmes supply-side reinforcement, gender equitable education

and health services, and societal well-being needs. Adjustment challenges should be concerned not just with market factors but also equally address the right to social protection and development.

African Ministers should endorse Paragraph 25 of the Livingstone Declaration adopted by the LDC Trade Ministers (2005) which calls for “[t]he need to operationalise the objectives of coherence mandate between the WTO and the IFI’s (IMF, World Bank), in line with the rights and flexibilities that LDC’s have obtained under the WTO, since these are aimed at achieving and supporting the LDC development objectives.”

African Ministers should further optimise their rights and flexibilities within the WTO by building alternative policies that rest upon the foundations of gender and socially responsive economic development.

9. Solidarity between African governments, Women and NGO’s

The relative roles, influence and contribution of men and women in national and international economies play an important but often unrecognised role in the setting of trade rules, the kinds of assumptions that these rules are based upon and the consequent diagnosis of development and social issues that follows. It also includes the issue of who decides and who are consulted in the decision-making process surrounding WTO provisions as well as provisions at the national and regional levels.

Other issues in the area of general governance include lack of gender analysis and consultation with women’s groups and community based organisations in determining national priorities for trade negotiations and in the formulation of substantive advocacy position of African governments and NGO’s, especially in the areas of trade policy reviews, dispute settlement and labour standards. In addition, effective and meaningful coordination among sector ministries such as health, education and welfare as well as agriculture are critical to developing an informed gender sensitive approach to trade policy-making. This should involve significant participation of national and regional gender machineries in the trade decision-making process of negotiation frameworks.[\[xv\]](#)

Solidarity links between LDC’s and other African governments could greatly be enhanced through Technical Assistance for capacity building that is grounded in heterodox and progressive economics, which contribute to the expansion of policy options. To achieve this diversity, a wider breadth of actors, including institutions and NGO’s, in order to widen and diversify the scope of approaches in African countries’ trade strategies.

10. Endnotes

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- [ii] Bakker, Isabella, ed. 1996. Rethinking Restructuring: Gender and Change in Canada. Toronto: University Press of Toronto.
- [iii] Women's National Coalition. 1998. Women in the Global Market: Trade Through African Women's Eyes. A Report. June 28 – July 3.
- [iv] Williams, Mariama. 2000. The Multilateral Trading System and Developing Countries. The Caribbean Reference Group and the Association of Caribbean Economists. October 2000.
- [v] 'Social Policy in a Development Context,' Report of the UNRISD International Conference, September 2000
- [vi] Beneria, Lourdes and Amy Lind (1995). Engendering International Trade: Concepts, Policy and Action." UNIFEM, Gender, Science and Development Working Paper Series.
- [vii] Based on World Bank (2002).
- [viii] Shiva, Vandana. 1995. "WTO, Women and the Environment: an Ecological and Gender Analysis of 'Free Trade'. In Women in Development – Trade Aspects on women in the Development Process. Edited by Eva Haxton and Claes Olsson. Sweden.
- [ix] Williams, Mariama, 2001. Briefing Note on Trade Liberalisation Policy and its Gender Impact. Prepared for the Strategic Planning and Evaluation Unit of the Commonwealth Secretariat. bbbbbb
- [x] Sengendo, May C. and Godber Tumushabe, 2002. Market Access Information Provision and Needs for Female and Male Exporters in Uganda's Horticulture and Fisheries Sectors. Draft Research Report, The Gender and Economic Reforms in Africa (GERA) – Phase Two Project. December 2002.
- [xi] United Nations Conference on Trade and Sustainable Development. 1999. Trade Sustainable Development and Gender. New York/Geneva: UN
- [xii] See the September 2004 *Initial Submission on Post-ATC Adjustment-related Issues (G/C/W/496)* from Bangladesh, Dominican Republic, Fiji, Madagascar, Mauritius, Sri Lanka and Uganda, and supported by other developing countries.
- [xiii] Examples collated from UNDP (2003) *Making Global Trade Work for People* (London, Earthscan); Buffie, E (2001) *Trade Policy in Developing Countries* (Cambridge, Cambridge University Press)
- [xiv] TRIPS Article 27.3(b): "Members may also exclude from patentability... (b) Plants and animals other than microorganisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes. However, members shall provide for the protection of plant varieties either by patents or by effective sui generis system or by any combination thereof. The provision of this paragraph shall be reviewed four years after the date of entry into force of the WTO Agreement."

[\[xv\]](#) Williams, Mariama. 2001. Gender and Trade Issues in the Context of Economic Reform, Trade liberalisation and globalisation. Draft Manuscript. Gender & Trade Network