



Mainstreaming Gender in the SADC Regional Trade Policy and Tripartite Free Trade Area Policy Framework

Southern Africa Trust

Contents

Acronyms	3
Executive Summary	4
1. Overview	8
2. Main Issues	10
3. Conclusion and Recommendation	21

Acronyms

CBT	Cross Border Traders
COMESA	Common Market for the East and Southern Africa
EAC	East African Community
FTA	Free Trade Area
GMAP	Gender Mainstreaming Action Plan
GDP	Gross Domestic Product
ICBT	Informal Cross Border Traders
RAS	Regional Advocacy Strategy
REC	Regional Economic Communities
RISDP	Regional Indicative Strategic Plan
STP	SADC Protocol on Trade
SADC	Southern African Development Community
STR	Simplified Trade Regime
TFTA	Tripartite Free Trade Area
UNECA	United Nations Economic Commission for Africa
VAT	Value Added Tax
WBTFIF	Women in Business Trade Fair and Investment Forum

Executive Summary

Trade integration is one aspect of regional economic integration and one of the areas of agreed cooperation among the Member States of the Southern African Development Community (SADC). The SADC Member States agreed to adopt policies that aim at the progressive elimination of obstacles to the free movement of capital and labour, goods and services and the free movement of people in the region generally.

The Protocol on the free movement of persons was concluded but remains to be ratified by member States before it comes into operation to enable implementation at national level. The implementation of this Protocol would create an enabling environment for cross border trade in the SADC region. In the area of trade, States undertook to liberalise trade in the region by removing both tariff and non-tariff barriers to trade. The aim of trade integration is the creation of a wider market for the better economic performance of the countries involved in intra-regional trade. The ultimate goal is sustainable development and enhancement of the welfare of the people in the region who are the key beneficiaries of trade integration.

With the right policies in place, and effective implementation of obligations by States, regional integration could be one of the tools that contribute to the expansion of markets for regional products. It is envisaged that by integrating, countries are able to expand production and capitalise on economies of scale, which would ultimately lead to efficiency in production, lowering the costs of traded goods. In the long run, it also results in employment creation.

The SADC Protocol on Trade (Trade Protocol) takes cognisance of the fact that trade in goods and services and the enhancement of cross border investment are major areas of cooperation among the Member States and provides for the liberalisation of trade in goods and services. Member States are to facilitate intra-regional trade by ensuring the provision of enabling environments for traders to conduct their business activities in the region. The enabling environment is to be achieved through the removal of both tariff and non-tariff barriers. Strides have been made since the establishment of SADC in 1992 and it is currently a Free Trade Area (FTA) in which it is expected that goods originating from the region are to be exempt from import and export tariffs. The customs Union is yet to be launched due to inadequate implementation of regional integration obligations by member States.

Objectives

The paper analyses the challenges currently faced by women in Informal Cross Border Traders (ICBTs) in SADC with the objective of proposing recommendations to be considered in the Tripartite Free Trade Area (TFTA) regime. Through desk top research of available literature and data on the topic, the paper analysed the SADC Agenda as provided in the SADC Treaty and detailed in the Protocol on Trade. The current trade regime as laid down by the SADC Trade Protocol, operationalized by the Regional Indicative Strategic Plan (RIDSP) and other trade and related instruments with the aim of finding the extent to which these legal instruments and programs mainstream gender issues.

The Status Quo

From trade patterns in the region, the actual progress of economic and social integration of southern Africa is being influenced by what is happening in Informal Cross Border Trade (ICBT). In most SADC countries, ICBT represents an important aspect of the regional economy and accounts for about 40 percent of intra-SADC trade. ICBT largely consists of those goods exchanged across borders either by bypassing the official customs checks and recording points, or passing through these customs points while deliberately undervalued or unrecorded.

There is a general negative perception of ICBT which means that in practice, it is viewed more as a threat to economic development needing control rather than a genuine economic activity that contributes positively to economic development. 70% of informal cross border traders in SADC are women, and the value of their trade is estimated to be above US\$ 7 billion. Poor and illiterate women have resorted to engaging in informal cross border trade as a source of employment and generation of income to cater for basic household needs and expenses. The revenue generated is used to support themselves and their family. Women traders are majorly involved in agricultural commodity trade, dealing in food commodities such as rice and maize including household groceries.

The SADC Protocol on Trade which regulates trade in goods is gender neutral and does not contain provisions on informal cross border trade. It prohibits discrimination based on gender in the implementation of its objectives.

As a way of addressing challenges that are gender specific, SADC concluded the SADC Protocol on Gender and development in 2008 to empower women and ensure gender mainstreaming through affirmative action in SADC policies and programs. These actions include ensuring equal participation by women and men in policy formulation and implementation of economic policies, enactment of gender responsive legislation that ensures equal opportunities for men and women in trade; address emerging issues in gender; and strengthen monitoring and evaluation of implementation of the Gender Protocol at national level. States are to review their trade and entrepreneurship policies to make them gender responsive and implement the objectives of the Protocol by 2015. The Protocol only recently came into force in November 2011 with the ratification of South Africa.

A Gender Unit was established in the SADC Secretariat to spear head the gender mainstreaming process in SADC. The Unit has conducted capacity building in gender analysis and trained national officials and stakeholders involved in trade integration. However, a gap still remains with regard to having in place a follow up mechanism to measure the impact of these trainings at national and regional level.

In 2011, the Gender Unit approved the SADC Advocacy Strategy on Informal Cross Border Trade which provides for policy and legislative action in order to create a conducive environment for women in informal cross border trade.

Regardless of these regional initiatives, there still exists a common negative perception of ICBTs which include women, at national level. As a result of this, even though most SADC Member States have national Gender Policies, these policies do not address issues that affect women in ICBT. Some countries like Mozambique have made efforts to recognise the informal economy, and South Africa has conducted trainings for informal entrepreneurs.

However, the challenges faced by women in ICBT still remain unresolved to a large extent due to the lack of their incorporation in the current legal regime regulating trade in SADC at both national and regional level. The current gaps in the national and regional policies and legislation in addressing challenges faced by women in ICBT has prompted civil society to advocate for these challenges to be addressed. The role played by civil society organisations as drivers of policy change and advocates for the recognition of rights of marginalised groups like women at both national and regional level has influenced policy change in the region.

The efforts of these organisations can only be truly be effective when the policies developed as a result of their efforts become enforceable in the form of legislation at both national and regional level.

Member States, albeit the slow progress of trade integration, which has not gone according to the plan laid down in the RIDSP, are still desirous of deepening integration. The impetus for deeper integration was confirmed by the member States of Regional Economic Communities (RECs) of the Common Market for the East and Southern Africa (COMESA), East African Community (EAC) and SADC when they agreed in October 2008 to establish grand FTA termed the Tripartite Free Trade Area (TFTA) among them. The TFTA will cover 26 countries that are member states of the three RECs. The TFTA is expected to expand the market for traders in both goods and services and therefore widening the scope of which informal cross order traders can conduct their trade.

There is a proposed Agreement in place with thirteen annexures detailing obligations of Member States and regulation of various agreed areas of cooperation including trade. The proposed texts of these legal instruments in their current form do not explicitly recognise the role of ICBTs and therefore do not contain provisions for modes of addressing challenges in this sector. Furthermore, the proposed TFTA Agreement is gender neutral and makes provision for cooperation in all sectors of economic and social activity in the TFTA.

Negotiations on the TFTA are still underway with the goal of conclusion in 2014. The TFTA through the expanded market presents a good opportunity for women in ICBT to trade in other countries where they cannot presently trade due to the existence of trade barriers like the requirement for visas to enable them to cross borders. With one more year before the expected conclusion of negotiations, this presents an opportune time for advocacy for inclusion of the recognition of the role of informal cross border trade especially women in the TFTA trade agenda.

Findings

There are about 60 per cent of female headed households in the SADC region. In addition to this, women constitute about 70 per cent of ICBT in the SADC region and thus play a significant role in the development of the region. However, the important roles that these women play in national economies are not formally recognised because of the negative perception that authorities especially those at border posts, have of ICBTs. This negative perception contributes to the challenges met by women in ICBT in the process of making their living through trade activities.

Some of the challenges that women face include ignorance of trade procedures and regulations, redundant and complex documents, unavailable information on product markets, lack of access to credit, high transaction costs in the nature of transport, and demand for bribes by customs officials, harassment by officers, poor security levels during transit between countries, hygiene, safety and sanitation, ignorance of their rights as traders.

The main root causes of the challenges met by ICBTs relate to the under implementation or lack of implementation of trade integration obligations and lack of effective monitoring by regional institutions to ensure that Treaty obligations are implemented. Another salient feature of these challenges is the lack of effective gender mainstreaming in the implementation of the regional trade agenda.

SADC has made efforts to address gender issues and should be applauded for taking an initiative to mainstream gender into its programs through the conclusion of the SADC Protocol on Gender and development in 2008 which recognises the vital role played by women in the development of the region and proposes affirmative action to be taken at national and regional level to empower them and make them active participants in SADC programs. Now that the Protocol is in force, its provisions can be used as a legal basis for addressing the challenges faced by women in ICBT.

The SADC Protocol on Gender calls for affirmative action to be taken by member States to ensure that women are empowered to participate on an equal footing with men through their inclusion in policy and decision making positions. However, the presence of women in positions of power does not automatically imply that the issues that affect women in informal cross border trade will be addressed. There is a need to bring forward the relevant information to the attention of policy makers.

With regard to institutional gender mainstreaming at regional level, the SADC Gender Unit was established to ensure gender mainstreaming in SADC institutions and programs. The Gender Unit has trained customs and trade officials in member States and equipped them with gender analysis skills. However, the monitoring and evaluation mechanism aspect of the Unit which is to follow up on the impact of the training conducted and whether member States are implementing their obligations with regard to gender issues remains weak.

SADC developed a gender barometer as a research tool to measure the extent of implementation of gender mainstreaming in SADC programs. The SADC 2012 Gender Barometer indicates that there has been an increase in the participation of women in decision making positions in the formal sector. The proportion of women in decision making positions has increased from 18 per cent in 2009 to 24 per cent in 2011. Some countries have recorded a negative growth of women participation in decision making positions; however, no country in the region has less than 10 per cent women in decision making positions. These women leaders can be a conduit for addressing challenges faced by women in the informal cross border trade through the formulation of policies and implementation of programs that will address challenges faced by women in this sector. In addition to empowering women in the formal sector empowering and building women leaders in the ICBT sector will guarantee the integration of women traders' priorities in policies that will be formulated as a result of lobbying initiatives for policy formulation in this sector.

At national level, many SADC countries have national gender policies but these do not specifically target women in cross border trade. There are no gender responsive policies in place for women to access credit, land, capital, technology, and other business services.

Recommendations

The plight of women in informal cross border trade can only be addressed after formal recognition of the contribution that these women make to national economies. This recognition is to be followed by a change in the negative perceptions that national authorities have of ICBTs who are usually perceived as smugglers because of the misconduct of some traders in the sector like undervaluation of goods for taxation purposes. A change in perception would lead to development of policies and programs that aim at addressing challenges of women in ICBT among other things.

At national level, the following actions should be undertaken:

- recognition of the important role played by women in informal cross border trade and their contribution to economic activity at national level;
- capacity building in gender analysis of authorities involved in implementing national trade agendas;
- formulation of national informal cross border trade policies which will address challenges facing women in this sector;
- creation of enabling environments that will facilitate intra-regional trade in SADC through improvement of road networks, establishment of CBT market infrastructure;

- reduction of taxes in accordance with the country tariff phase downs submitted by member States;
- provision of information of the structure of the regional market and available market opportunities;
- simplification of customs documentation and dissemination of information to stakeholders in trade;
- enhancing levels of security at border posts; and
- curbing corruption of customs officials through the intervention of national anticorruption agencies.

At the regional level, the SADC Gender Unit should develop a monitoring and evaluation mechanism which includes traders, governments and civil society organisations to look into matters of gender mainstreaming in member states. SADC can learn some lessons from other RECs like COMESA and EAC, on how gender and informal trade has been mainstreamed in their trade programs.

The member States that are in the process of negotiating the TFTA should mainstream gender in the final TFTA Agreement or come up with an action plan with set targets, time lines and monitoring and evaluating mechanisms for mainstreaming gender and addressing challenges in the informal trade sector.

Women in ICBT have a vital role to play in advocating for their recognition and in seeking to have the challenges that they face in this sector addressed at both national and regional level.

It should be noted that the impact that this advocacy has on the regional trade agenda is limited to lobbying for policy change. At the end of the day, member States in SADC and the proposed TFTA are the ones who will negotiate Agreements and formulate policies that will empower women engaged in informal cross border trade.

1. Overview

ICBT refers to registered or unregistered business activities undertaken across the borders based mainly on popular economy. It is not usually mandatory to submit annual tax returns and therefore the real magnitude of this type of trade cannot be definitely ascertained. ICBT is usually conducted by small-scale quasi-professional traders including women, who use various means to move small quantities of goods across national borders.

ICBT is sometimes defined in a negative light to mean trade involving legitimately produced goods and services which escape government regulatory framework thereby avoiding tax and regulatory burdens and eventually evading payment of duties and other charges. ICBTs fall into three categories – informal traders operating outside the formal economy, formal registered firms fully evading official cross border crossing posts, and formal firms partially evading trade related regulation and duties by resorting to illegal practices such as under invoicing. The fact that customs officials perceive ICBTs as law breakers who do not adhere to government requirements, casts ICBTs in bad light. However, it should be noted that this negative definition and perception of ICBT held by officials is not a true reflection of what happens on the ground. ICBTs are not “smugglers”; they also pay charges like surtax and Value Added Tax (VAT). A survey conducted in Zimbabwe shows that 78% of women CBTs paid the required import duties. The main issue is that they are not usually formally registered businesses.

ICBT constitutes about 43 per cent of official GDP in Africa and about 40 per cent of intra-regional trade in SADC. It is estimated that about 70 – 75 per cent of this trade is conducted by women.

The paper focuses on women because of the important role that society ascribes to them. In general, the woman in southern Africa is recognised as the caretaker of the family while men are usually regarded as breadwinners. The current trends show that there are more female headed households in the twenty first century than there were in the 1970's. Therefore more women are increasingly attaining the status of breadwinners for their families. The increase in the number of female headed households has been due to the result of loss of spouses to the HIV/AIDs pandemic, male migration, adolescent pregnancies where young girls are left to raise their children after being impregnated.

In southern Africa, there is a significant increase in the proportion of female headed urban households due to the declining dependency on long term contract labour migrant earnings. Female headed households in rural areas have been more disadvantaged than urban households in terms of access to land, livestock, credit facilities, health care and extension services. However, in urban areas, female headed households are facing similar challenges due to the rising unemployment rates in the region as the job market is becoming more competitive.

Female headed households are the most vulnerable to food insecurity. Poverty, gender and food security are interrelated. Policies targeting poverty alleviation ought to address the inequalities in power, incomes, and asset bases in order to be effective. Therefore the root causes of the challenges faced by women in ICBT should be identified in order for effective policies to be formulated by the requisite stakeholders.

1.1 The role and impact of women in informal cross border trade

In an effort to redress their plight, women engage in trade at both national and cross border level the majority of which constitutes informal trade. This is as a result of rising unemployment and the demand for more formally educated people in the formal employment sector.

In sub Saharan Africa, ICBT features prominently among women's efforts towards self-employment. It usually forms their sole source of earnings and economic empowerment. Of the 40 per cent of ICBT that takes place in southern Africa, about 70% of it is conducted by women. Furthermore, ICBT constitutes 60% of non-agricultural self-employment and contributes 30-40% of intra SADC trade.

An analysis of the types of merchandise traded informally across the borders reveals that the goods are generally categorised as: (i) non-processed goods; (ii) manufactured goods; and (iii) re-exported goods. Table 1 below shows, the respective regions, types of goods traded and the value range of the goods traded. From this table, we note that Southern Africa mainly trades handicrafts, food and non-foodstuff, while in Eastern Africa; Livestock also features in the tradable goods. Furthermore, the table below reveals that the goods are quite diverse which emphasises the importance and economic significance of this sector.

Table 1: ICBT product portfolio

Regions	Non-Processed Goods	Manufactured Goods	Re-Exports	Estimate Value of Goods
Eastern Africa	Food and non-foodstuff; Livestock	Low quality manufactured and processed goods	Low quality goods from Asia, contrabands, counterfeits and substandard goods	US\$50-US\$1,000
West Africa	Food and non-foodstuff; Livestock.			
Central Africa	Minerals; Jewellery; Forest products; Food and non-food stuff			
Southern Africa	Handicrafts; Food and non-foodstuff.			

Source: Adapted from Afrika and Ajumbo (2012)

Women traders play an important role as they contribute to poverty reduction, employment and wealth creation in Africa. The revenue from their trading is usually the main source of income for their families. They use their income to buy food, and other household items, pay for fees for their children, and health care for their families, and some of their earnings are used to contribute to clubs as a form of reinvesting their earnings. Women CBTs cushion the effects of financial and food crisis in African countries through the utilisation of their revenue towards mitigating the plight of food and income insecurity. Women CBTs therefore make an important contribution to economic growth and government revenues.

2. Main Issues

This part highlights the opportunities that the SADC FTA and the TFTA presents for CBT and the challenges that are faced by women in ICBT.

Despite the vital role that women CBTs play in enhancing the welfare of their families and society at large, and proportion of economic activity that they hold at national level, they are often side-lined and face many challenges as they strive to support their families. Some of the challenges are general to ICBTs and some are specific to women in ICBT.

National authorities sometimes have a negative attitude towards ICBT in general because some traders are sometimes involved in bypassing border posts, concealment of goods, under-reporting, false classification, under-invoicing, some traders also try to avoid administrative formalities in areas such as health, agriculture, security and immigration, which are perceived as costly, complex and time consuming. Most women traders are not very daring and strive to comply with formal requirements however, this does not rule out the fact that a proportion of women CBTs breach the law.

There is a general perception that ICBT deprives authorities of much needed statistics, as well as revenues. It has also been argued that ICBTs have an unfair competitive advantage over formal businesses as the former do not fulfil their regulatory obligations or pay taxes like income taxes and other fees which affects the state's ability to provide public goods such as roads and investments in capacity-building for small businesses.

These negative perceptions that stakeholders have of ICBTs are an indication of the need to address the situation with the current aspiration by member States to deepen integration through the formation of the TFTA.

Despite the many challenges hampering the progression of regional integration in the formal sector, intra-regional trade is slowly on the rise in the informal sector. This then calls for a need to address the main challenges faced in this sector because of the critical role that ICBT plays in regional integration so that they can take full advantage of the opportunities in the SADC FTA and the TFTA. The opportunities in the FTA can fully be realized when the challenges are addressed.

2.1 Opportunities in the SADC FTA and TFTA

The FTAs present the following opportunities for women in ICBT-

2.1.1 Wider markets for goods

The SADC FTA comprises fourteen countries which present a wider market for goods than that available in national borders. The removal of tariff and non-tariff barriers means it is less costly to conduct intra-regional trade.

The membership by some SADC member States in the COMESA Customs Union and the Southern African Customs Union provides an environment for enhanced intra-regional trade because it allows for more free movement of goods because only one Common External Tariff is applicable to goods imported from outside the Customs Union region.

2.1.2 Duty free and quota free access of goods to regional markets

The FTA makes it easier to move goods within the FTA because there are no tariffs or quotas imposed on goods originating from SADC.

2.1.3 Exposure of women CBTs to new markets and ideas

The movement of traders across borders exposes them to new ideas of producing the products that they trade in and ways of improving modes of conducting businesses through what they learn from other foreign markets.

The interaction with other CBTs gives them an opportunity to learn about the nature of other markets to which they have not yet been exposed to.

2.1.4 Opportunity to network with CBT Associations

Some women CBTs are members of CBT associations in their countries. When they travel, they meet other women CBTs who belong to other CBT associations in their countries and have an opportunity to learn how other CBTs are organised and how they interact with their governments.

There is also an opportunity for networking at regional level as evidenced by the establishment of the Southern African Cross Borders Association SACBTA which currently has representation from four countries but has plans of expanding membership across the region. Regional networking creates a common platform through which challenges met by women in this sector can be identified and addresses in a collective manner. Furthermore, these associations can be used as conduits for channelling these challenges to relevant government officials responsible for policy formulation.

2.1.5 ICT Development

The advancement of information communication technology provides an opportunity to get information about markets and conduct intraregional trade without physical movement of persons. For example customers can make orders for goods from another country which a CBT will make arrangements for delivery. This helps in cutting travel expenses. Women traders merely have to contact their customers to get orders and they will deliver the goods to the respective countries where they are needed.

There is no requirement for users to have high literacy levels in order to use smartphones which enable access to information on markets that is readily available on the internet. Furthermore, mobile phone network service providers have interlinked their networks and it is possible to use a mobile phone across borders without having to purchase new sim cards.

2.1.6 Improved infrastructure

One of the aspects of trade facilitation is the improvement of infrastructure. The improvement in infrastructure that has happened in the SADC region over the years provides an opportunity to enhance cross border trade. Some of this infrastructure includes roads, market stalls, and border sites like the Chirundu one stop border post which reduces the time for clearing goods and contributes to reduction of costs incurred in cross border trade. The reduction of time spent in other countries because of clearing goods means women CBTs incur less expenses they would have incurred in terms of accommodation costs.

Despite the opportunities that are present in the FTA, they are not fully utilized because of some key challenges.

2.2 Challenges faced by women in informal cross border trade in SADC

The following are some of the main challenges that are faced by traders especially women who, as previously stated, constitute a large proportion of ICBTs –

2.2.1 High tax rates

This is a general challenge met by ICBTs. People are driven to informal trade because of high tax rates. This is a result of the slow implementation of trade liberalisation obligations under the SADC trade regime. Some SADC countries are implementing their tariff phase downs under the FTA, but there are still some taxes that are prohibitive for small scale traders like women ICBTs.

Connected to this challenge is reimbursement of VAT which is not working in other countries and therefore prejudicing traders. The system for the collection of VAT was changed in most countries and is no longer collectible from border posts. Traders are told to process VAT claims in their countries and get reimbursement from the airport in the country of export. This challenge impacts on the revenue collected by women who already have limited resources. They have to incur extra costs to reclaim VAT which in the end outweighs the benefits of having the VAT reimbursed.

2.2.2 Undue charges at border posts

Women suffer from undue taxation at border stops. Corruption of officials still ranks high in border posts. There have been complaints that some customs officials ask for bribes in order for imports to be cleared at the border for sale at the domestic level. This is a culture that has slowly been entrenched

in the informal sector and traders budget for paying customs officials at the borders in order to quicken the clearing transaction. The demand for bribes contributes to the high transaction costs of conducting cross border trade. The level of this corruption is not well documented due to the fact as is the case with most corruption cases, there is usually no paper trail. It is therefore hard to investigate these cases like is usually the case in most corruption cases.

2.2.3 Low security levels at border posts

The lack of physical security when crossing borders acts as a barrier to realising the full benefits of trade in the region. Low security levels act as a restraining factor in the progress of women in economic activity due to the fact that some women will hesitate to engage in cross border trade because they are not guaranteed of safe transition between countries. This then reduces the markets of their goods because they are limited to national borders which may have congested markets in areas where the same products are produced and sold.

Related to this challenge is the inadequacy of storage facilities for goods at border posts.

Sometimes borders are congested with travellers who have to disembark from vehicles that transport them to cross borders and this congestion contributes to delays in clearing of goods traded across borders. The lack of storage facilities is problematic especially where perishable goods like most agricultural products like maize, beans, or even clothes than can be damaged by rain are being transported across borders and have to be offloaded for the sake of customs inspection. Furthermore, there is no infrastructure to act as shelter at border posts where traders have to spend a night while waiting for clearance of goods. Women sleep in open areas which increases the chances of their being attacked and their goods being stolen

2.2.4 Hygiene and sanitation

There is no proper infrastructure in border posts to support privacy, safety and hygiene for women traders.

2.2.5 Sexual harassment

Women are more susceptible to sexual harassment at border posts than men. Women sometimes engage in transactional sex with agents who may facilitate their movement like truck and/or taxi drivers, immigration and customs officials, police and security forces), and there are even reports of sexual harassment and rape (FHI, 2004; IOM, 2005c). In such instances, female traders are often powerless to negotiate safe sex, and become vulnerable to contracting HIV. This poses a high risk to their health as a result of the high rate of HIV/AIDs infection rate in the region.

2.2.6 Limited access to credit facilities

Due to the informal nature of their business, most ICBTs do not have access to credit facilities and financial services provided by financial institutions. Most women traders are poor and are unable to provide sufficient collateral to obtain loans from financial institutions like banks. Women traders are more disadvantaged than men traders with regards to accessing credit. Most married women do not have property in their name, it is usually held in the name of their husbands and they cannot use such property to access loans. For example in Swaziland, married women are at a disadvantage because they are regarded to be married in community of property and do not have access to credit facilities in their own right.

In order to generate capital, women usually rely on informal ways of raising money for example women form rotating credit and saving groups which they take turns getting money contributed by the group on a rotational basis. Sometimes women get donations from their relatives to kick start businesses. However, this form of raising funds does not always guarantee that they will have easy access to these funds. Women in rotating credit savings groups have to wait for their turn to get access to funds and the bigger the group is, the longer the wait. Furthermore, donations from relatives are not always guaranteed to come through when they are solicited.

2.2.7 Poor transport services

Due to poor road networks in Africa, transporting goods across borders remains very costly and a challenge to ICBT. The average cost of transport accounts for about 40 per cent of total costs of a business transaction in SADC. Women in ICBT have to stretch their limited resources to cover the high transportation costs and this has an effect on the amount of goods they can transport. They have to factor in the cost of transport and in the end, the profit gained from trading their goods is reduced.

2.2.8 Ignorance of trade rules and regulations

Many ICBTs including women are ignorant about trade rules and regulations and rely on customs officials to inform them about the requirements to be fulfilled in trade transactions. The majority of ICBT and Business Associations leaders and women traders have not seen the SADC Trade Protocol document and some are not aware of its existence. The ignorance of the trade law by traders has led to opportunistic behaviour by some customs officials who take advantage of this ignorance of trade law to overcharge import duty or make import clearing procedures more complex. This challenge is usually faced by new cross border traders who venture out into the trade arena without all the requisite knowledge.

These traders are therefore not aware of their rights with regards trade regulations and procedures. What exacerbates this is the fact that most documents are not readily available at border posts thus making it difficult for the traders to know their rights with regards to clearance of goods. Furthermore, there are no information desks at most border posts and where they exist, their visibility is compromised and they end up being beneficial to traders who know of their existence and not to all women CBTs.

2.2.8 Complex customs documents

Some customs documents are usually redundant, repetitive and complex, and women traders have difficulties understanding them. These documents may either be too technical or legalistic, or due to their low literacy levels, women traders have difficulties in filling these documents and they usually bribe customs officials in order to clear their goods as a quick solution to this problem.

2.2.9 Lack of recognition of women ICBT contribution to the economic development

The informal sector contributes a lot to economic activity but it is not formally recognised and the challenges of women in ICBT who are more vulnerable than men CBTs are not prioritised.

Ignoring the role played by women CBTs at national level means SADC member States overlook the significant proportion of their trade which contributes to economic activity and development at national level. It may not be big in terms of overall GDP, but the number of participants is high and this means their economic activity contributes to addressing unemployment issues.

2.2.11 Lack of Policy Framework targeting ICBTs

Despite the prevalence of ICBT in the SADC region, there is no Member State that has a policy which specifically targets uplifting ICBTs and the challenges faced by women in this sector remain unaddressed. This is as a result of the negative perception that Authorities have of ICBTs who are regarded as law breakers due to the fact that some traders are sometimes involved in tax evasion. This problem is related to some flaws in the regulatory and monitoring system at national levels.

2.2.12 Lack of information on product markets

There is no readily available information for women traders on market opportunities in other SADC States and the possibility of creating linkages to output markets in the region. Most women take risks in exploring opportunities that are available in markets across borders and rely on information about available markets from other traders which may not always be accurate. This is sometimes a hindrance to widening the diversity of goods traded in the region because traders deal in the same products most often times. It then follows that the increase in supply of similar products leads to reduction in price thereby the traders do not yield substantial profits. With regard to exporters of agricultural produce, availability of market information would help women traders in making informed decisions regarding the type of products to export which are not common in the markets to which they export their products.

2.2.13 Weak ICBT institutions addressing ICBT issues

Institutions related to women CBTs remain weak. These institutions can be used to address challenges faced by women. Where some of these institutions exist, they are not able to effectively address the identified challenges because of insufficient representation of women CBTs in senior positions, who are best placed to give a true picture of what is reflected on the ground with regard to ICBT. According to the 2011 SADC Gender Index, some institutions that advocate for gender issues are headed by men and do not have sufficient representation from the ICBT sector.

A survey in the form of questionnaires sent out to institutions that deal with women in trade that was aimed at getting a picture of the structural set up of these institutions did not yield sufficient feedback to measure the extent of the involvement of women in ICBT in these institutions. However, there is an indication that leadership positions remain largely male dominated and women are underrepresented despite being the main players in this sector. This is due to the fact that women do not encourage each other to run for leadership positions. Where they do, fellow women do not support each other.

2.3 Causes of Challenges

2.3.1 Gaps in the regional trade agenda

The gaps at the regional level relate to both the trade and gender legal frameworks and institutional framework for ensuring their implementation. The SADC Protocol on Trade (STP) as previously stated, is gender neutral and does not specifically target women or men. The mode of implementing the protocol is left to be decided by member States. The Protocol provides that member States shall adopt policies and implement measures to eliminate all existing forms of non-tariff barriers to trade. This therefore leaves the mode and pace of removing these barriers at the discretion of member States.

Furthermore, there is inadequate knowledge on institutional mechanisms for implementing the STP at member State level in most SADC countries. This therefore means that there is inadequate knowledge on the roles and responsibilities of different organizations/actors working on trade related issues within the SADC region. Due to the limited knowledge, there is very low coordination between the national stakeholders involved in the implementation of the Protocol. Information on which institutions are responsible for coordinating the identification of gender issues related to trade within the region is not well known.

The limited harmonisation of national policies with the SADC Agenda means there are gaps that are to be filled in achieving the regional agenda in the manner envisaged by the Trade and Gender Protocols. There are different understandings, interpretations and applications of gender concepts and this may lead to different modes of harmonisation of policies mainstreaming gender in trade policies, legislation and programs.

Another problem that accounts for the lack of harmonisation of issues of gender and trade at the regional level is the fact that the Protocols regulating the two sectors came into force at different times. The Gender Protocol was concluded in 2008 and came into force in 2011. There is a need to harmonise the two Protocols in the mode of their implementation in regional programs.

The role of the SADC Secretariat as a coordinator is not well known by most actors at macro and micro levels in member States. The activities to be undertaken on the implementation of the Trade Protocol are not clearly known including feedback on implementation and reporting systems at regional level. The SADC Gender unit leaves the implementation of the Protocol to national gender units which were given guidance on what gender issues are to be addressed during the implementation of the Trade Protocol. However, there was no specific training on how to track gender issues emerging from the implementation of the Trade Protocol.

Sensitization and awareness on the STP, the link between the STP and Gender Protocol at member State level is minimal both at macro and micro levels. The inadequate knowledge has led to a lack of gender sensitive monitoring and evaluation indicators for tracking and measuring the impact of the implementation of the Protocol on Trade.

The dual membership of States of COMESA and SADC which work on the same issues also creates confusion to actors especially at the local level. This confusion comes in when deciding which trade regime applies in countries which are members of both COMESA and SADC and also have bilateral trade agreements between them.

2.3.2 Gaps at national level

The main causes underpinning the identified challenges relate to either under implementation of the STP, or lack of harmonisation of national policies and legislation with regional policies and lack of gender mainstreaming in national trade policies. This is evidenced by the fact that barriers to trade in the form of both tariffs and non-tariff barriers still remain a major hindrance to the progress of regional integration. The people who are most affected by the slow progress of regional integration are traders including women CBTs and not member States themselves.

The regional trade agenda and Member State national development agendas are often disjointed. National policies do not adequately streamline the regional trade agenda. According to the objectives of the SADC Treaty, member States are to ensure complementarity between national and regional programmes by harmonising national plans with regional plans. There still exist bottlenecks

that present themselves in the form of administrative hurdles like the cited challenge affecting women CBTs which relates to complex customs documentation.

National authorities who are the implementers of regional integration obligations for example in the application of customs do not streamline their work to the regional agenda. A UNECA study conducted in 2012 shows that there is no available data on actions taken by member States to educate authorities and stakeholders on gender mainstreaming in trade policies and programmes.⁶⁵ Furthermore, there still exist gaps in the knowledge of Provisions of the Protocol on Trade. Government officials have limited skills and knowledge on gender analysis and there is no clear coordination framework at national level to ensure mainstreaming of gender issues in all sectors of the economy including trade.

Furthermore, despite their active participation in economic activities and other social sectors, women remain under represented in decision making positions. The national gender policies that exist in member States do not address issues of women in trade and ICBTs to be more specific. There are therefore no national action plans in this area. Member States often cite the loss of revenue as one of the causes for the lack of implementation of trade integration obligations. Not all members of SADC are actively implementing the SADC FTA. It should be noted that the principle of variable Geometry under which States implement their trade obligations at a rate that is commensurate to their level of economic development applies to the SADC integration process. Therefore, different member States are at different levels of harmonising their national policies with the regional trade agenda.

2.4 Efforts in addressing the plight of women in informal cross border trade

2.4.1 Regional efforts

Although the SADC trade agenda does not specifically provide for the empowerment of the informal sector like ICBTs, there are efforts that are being implemented to empower women and give them equal opportunities in the trade and other areas of cooperation in SADC. The adoption of the SADC Protocol on Gender and Development is a step in the right direction. The establishment of the Gender Unit and its work in building capacity on gender mainstreaming and gender analysis is a good effort towards addressing issues of gender and women which cover women in informal cross border trade. Any significant changes will only be accompanied by political will to make things happen on the ground.

2.4.2 National efforts

Some countries have taken initiatives to empower women through the formulation of gender responsive budgets. Gender responsive budgeting is one of the requirements in the budgeting process in South Africa, Tanzania, and Mauritius. The gender responsive budgeting has been driven by civil society coordinated by the Tanzania Gender Networking Programme.

In Rwanda, through government intervention, women basket weavers have been linked to global markets and Rwandese made baskets are sold in big chain Stores like Macy's in the United States. In South Africa, there are policies to increase women's access to credit through the Department of Social Development to ensure that they are empowered economically.

2.4.3 Addressing Challenges at national level

At national level, most SADC countries have Ministries of Gender which are responsible for streamlining gender in national policies and developing programs to address gender specific issues

among other things. The areas that are usually targeted relate to human rights issues like prevention of domestic violence, rights of women in prisons but they do particularly make provision for empowering women involved in regional trade. National Gender authorities are aware of the existence of the SADC Protocol on Trade and some were involved in its formulation, however, there still exist inadequate knowledge of its provisions. This inadequate knowledge is a result of the poor reading culture that exists in some government departments where time is not taken to gain in depth knowledge of matters that do not directly apply to the functions of a particular Ministry. This then makes it difficult for the regional trade agenda to be streamlined in gender policies at national level in addition to the fact that they do not have sufficient gender analysis capacity. The existence of national gender policies is not sufficient to address the challenges faced by women in informal cross border trade.

2.5 SADC gender mainstreaming in trade and ICBTs

It is important to outline what gender mainstreaming is all about because of the common misconception that is held by various stakeholders in different sectors that gender issues relate to women issues only.

The SADC Protocol on Gender and Development recognizes that the integration and mainstreaming of gender issues in the SADC Program of Action and Community building initiative is key to attaining sustainable development. "Gender" is defined as the role, duties and responsibilities that are culturally ascribed to women, men, girls and boys. "Gender Mainstreaming" is defined as the process of identifying gender gaps and making women's, girls, men's' and boys' concerns and experiences integral to the design, monitoring, implementation and evaluation of policies and programs in all spheres so that they can benefit equally." Once the gender gaps have been identified, the issues of "gender equality and "gender equity" come into the picture. "Gender equality" is the equal enjoyment of rights and access to opportunities and outcomes including resources by women, girls, men, boys and girls. While "gender equity" means the just and fair distribution of benefits, rewards, and opportunities between women, men, girls and boys.

From the definitions in the Protocol, for gender mainstreaming to be properly conducted, the challenges faced by a particular gender in a certain field should be identified and gender equality and gender equity are to be used as some of the tools for addressing these challenges.

It is also important to note that the SADC Protocol on Trade provides for progressive trade liberalisation in SADC and advocates for equity, fair competition and mutual benefit of all stakeholders. The Protocol is gender neutral and does not specifically address ICBT issues. The Protocol regulates, among other things, trade in goods and calls for the removal of tariff and non-tariff barriers.

Despite the absence of provisions of gender mainstreaming in the Trade Protocol, article 22 of the SADC Treaty provides that member States are to conclude protocols in agreed areas of cooperation which include gender issues among others. The SADC Secretariat developed guidelines for mainstreaming gender issues in Trade, Industry, Finance and Investment in 2004. However, the main focus was on policy and legal frameworks, institutional frameworks, training and capacity building, programme interventions and monitoring and evaluation in gender issues.

2.5.1 SADC Protocol on Gender and Development

SADC Member States concluded the Gender Protocol in 2008 to promote gender equality and equity in SADC institutions and SADC member States. It should be noted from the outset that the

Gender Protocol was concluded after the SADC Protocol on Trade. It set targets to be achieved by 2015 which entails that member States are to formulate and implement policies that will empower women to participate equally with men in economic sectors including trade through the implementation of the Gender Protocol at national level.

Some of the activities include building the capacity of women to effectively participate in the regional integration agenda through holding decision making positions and providing support structures for women in these positions; encouraging gender mainstreaming in country policies; and changing discriminatory attitudes in decision making structures and procedures.

Gender mainstreaming through the employment of women in decision making positions has been achieved in many SADC countries. The impact that this has had on addressing issues facing women is not currently known.

2.5.2 SADC Gender Mainstreaming Strategy (2008)

SADC adopted its Gender Mainstreaming Strategy in 2008 which aims at achieving greater gender equality in all fields including trade. In the area of trade, gender mainstreaming entails integrating a gender perspective in trade legislations, policies, strategies and as well as addressing gender inequity issues affecting various stakeholders by creating gender responsive working environments, and guaranteeing equal opportunities and treatment to both women and men.

2.5.3 The SADC Gender Unit

The SADC Gender Unit was established to coordinate and oversee the integration of gender issues in all SADC activities implemented at the Secretariat and member State levels. The Gender Unit developed clear policy instruments and guidelines that were signed and adopted by SADC leaders for use by different actors.

The SADC Gender Mainstreaming Toolkit Kit was developed in 2009 to be used as a generic tool for use by actors for mainstreaming gender in their activities including trade, industry, finance and investment, infrastructure and services, social and human development and special programmes, politics, defence and security cooperation, human resources among other things. The toolkit provides practical guidelines with step by step checklists and questions to be asked at different phase of mainstreaming gender in projects and programmes such as trade.

In addition to the tool kit, the SADC Gender Unit has organised different types of capacity building trainings in gender analysis, planning, and gender budgeting to staff in the region from trade, industry, finance and investment sectors. The training has emphasised the importance of gender equality in regional social economic development. Through these trainings, staff acquired gender specific skills for designing and implementing gender responsive plans. Trade experts were introduced to other competencies such as negotiations skill for mainstreaming gender in various activities taking place at national, regional and international including trade negotiations (Economic Partnership Agreements (EPAs), Cotonou Agreement, World Trade Organization (WTO), etc.

Gender sensitization trainings were also given to Customs officials in order to build their capacity for identifying and addressing gender issues and concerns of women and men involved with trade including Informal Cross Border Traders (ICBTs). Emphasis was put on the importance of simplifying customs procedures to ensure fast movements of people and goods at border posts. There is currently no available data on the impact of the trainings due to the weak follow up mechanism to assess the impact of the trainings.

The SADC Gender unit organised a regional High Level Meeting in November 2010 involving Informal Cross Border Traders and other primary stakeholders including immigration officers and trade experts to discuss how to address challenges facing traders in the region. The main output of the meeting was the Regional Advocacy Strategy (RAS) on ICBT's.

The Gender Unit organizes regional international trade fairs and trade exhibitions every two years with the intention of strengthening capacities of business women to access regional and international markets. The SADC, Women in Business Trade Fair and Investment Forum (WBTFIF) was held in Namibia, Windhoek in 2010. The participation of women in these trade fairs exposes them to available opportunities in the market through the showcasing of their products.

The SADC Gender Unit is also planning to assist national business women associations to form competitive regional networks to participate in regional and international business. In addition to capacity building activities, the SADC Secretariat also promotes research studies with the intention of collecting evidence based information for improving its policy, programming and advocacy activities both within and outside the Secretariat. The SADC Gender Unit, with the support from UN-ECA (African Trade Policy Centre) conducted a study in 2012 to identify and analyse the gendered impacts of the Trade Protocol with the intention of establishing the magnitude of gender barriers, gaps and weakness in trade policies, programs and activities at both regional and national levels. The main output of this study is a Gender Mainstreaming Action Plan (GMAP) for implementing key recommendations eliminating the emerging gender issues in trade including policies and process at national and regional levels. The GMAP aims at providing a framework to guide the process of mainstreaming gender in all policies , practices and procedures implemented by all key stakeholders in within the SADC regional trade framework. The results of this action plan are yet to be seen.

From the preceding paragraphs, the evidence shows that the SADC Gender Unit is committed to ensure gender mainstreaming in SADC programs. The main gap is that there is presently no effective monitoring and evaluation system that would follow up on the implementation of the skills that national officials are equipped with once training is done.

Despite the cited initiatives taken by SADC to mainstream gender in its programs and activities, there is no SADC program or strategy that deals with issues of women in informal cross border trade.

2.5.4 Programs on ICBT in SADC member States which are part of COMESA

COMESA developed a Simplified Trade Regime (STR) which aims at bringing ICBT within the formal trading system, as well as extending the benefits of the FTA to small traders. The STR is an initiative intended to reduce the phenomenon of ICBTs. The initiative has proved useful to informal sector traders. The fact that there are countries with multiple memberships in both COMESA and SADC and these particular countries have adopted and implemented the STR, shows a commitment from these countries to address ICBT issues.

According to a study conducted by the COMESA Secretariat in 2012, more than 75 percent of traders who had used the STR cited quick clearance among the main benefits, more than 70 percent said it offered an attractive tax regime and 60 percent thought the system protected traders. The top ten frequently traded products covered by STR include maize and maize products, beans, peanuts, millet, fruit, vegetable, fish, cooking oil, new clothes and cosmetics. Traders have called for this list to be expanded to more manufactured products.

The proposed merger of COMESA, EAC and SADC into the TFTA entails the enlargement of market for informal and formal cross border traders alike. This presents an opportunity for women informal cross border trader to sell their merchandise in more markets without worrying about extra costs being incurred for payment of import and export duties because goods originating from the region (except sensitive goods) are supposed to be traded duty free in the TFTA.

The following section looks at the Proposed TFTA Agreement to assess whether it covers issues of informal cross border trade and whether it addresses the challenges that are currently faced in the sector.

2.6 The Proposed TFTA Trade Agreement

COMESA, EAC and SADC member States are in the process of negotiating the Agreement that will govern the TFTA. The current proposed TFTA Agreement was revised in 2010 and has 13 annexes. It shall regulate trade among the member States of the three RECs. The Agreement aims to create a large single market with free movement of goods and services and business persons, and eventually to establish a customs union. This aims at resolving the challenges that have come up as a result of multiple memberships of RECs and expedite the continental integration process.

Among the objectives of the proposed Agreement are the promotion of rapid social and economic development of the region through job and wealth creation; the elimination of poverty, hunger and disease through building skills, innovativeness and hard and soft infrastructure; and through improving the location of factors for sustainable generation of national, regional and foreign investment and of trade opportunities; to build a strong people-based Tripartite Free Trade Area; and to promote close cooperation in all sectors of economic and social activity among the Tripartite Member States.

The RECs intend to establish a people based FTA. However, the proposed TFTA Agreement does not contain provisions that relate to informal cross border traders and it is gender neutral. This means that the role of women informal cross border traders in the RECs is not specifically recognised. The building of a strong people based TFTA entails implementing the objectives of the TFTA in such a way so as to address the current challenges that face traders in the region including women in informal cross border trade.

The TFTA is supposed to build on the progress made in the various areas of cooperation in the three RECs. This means that account shall be taken of the gender mainstreaming initiatives and the strategies developed on informal cross border trade like the COMESA STR. The modus operandi of the TFTA is still under negotiation and is supposed to build on efforts that have been taken in the three RECs in addressing women ICBT issues.

3. Conclusion and Recommendations

Addressing challenges faced by women ICBTs involves implementation of trade facilitation measures as stipulated in the Protocol on Trade and implementing the specific undertakings made by member States in the SADC Treaty. This also calls for implementing the Protocol on Gender and taking affirmative action targeting women traders at both national level and regional level. The affirmative action involves further capacity building which should include a component of monitoring and evaluation; policy formulation and either enactment of new legislation or amendment of existing legislation to address gender related issues in trade at national and regional level.

There is also a need to strengthen the notion that women CBTs are also important clients of ministries and RECs in general. Below are some recommendations for both government and civil society at the national level and regional level to be considered by the cited stakeholders –

3.1 Actions at National Level

3.1.1 Capacity building

(Government /Donors)

There is need to build capacity in gender analysis of various stakeholders that are involved directly or indirectly in the implementation of the SADC Protocol on Trade like personnel in the ministries responsible for trade, revenue collection, gender among others.

Enhancing the knowledge of these key stakeholders on the inclusion of gender issues in the design, implementation, monitoring and evaluation of trade strategies like trade liberalisation, simplification of customs procedures would help in the realisation of the objectives of the SADC Protocol on Trade and Protocol on Gender.

With the requisite knowledge in place, there is a need to strengthen dissemination of information on trade, customs legislation or policies in order to improve understanding of trade and ICBT-related issues across various stakeholders in government and civil society.

Civic education should be undertaken to make traders aware of the SADC Trade Protocol. This would make them aware of their rights and obligations at national level. This civic education can be conducted through partnership between government and civil society organisations that deal with trade matters or socio economic issues.

3.1.2 Research, policy formulation and enactment of legislation

(Government, trade associations and donors)

There is a need to recognise the important role of women ICBTs and formulate ICBT policies in the SADC member States to address the issue of the negative perception government officials have of ICBTs in general. Policy formulation calls for a need to strengthen collection and utilisation of gender sensitive data in the trade sector by actors at all levels. Promotion of gender focused research, analysis and utilization of findings for advocacy would support data collection. This data should be disseminated to policy makers and researchers alike to enable them to have an informed basis for designing gender policies to address key challenges faced by women traders among other things.

The policies formulated could be enacted into legislation in order to make them enforceable. Before legislation can be formulated, there is need to identify legislation that is already in force and analyse the extent to which it addresses challenges faced by ICBTs and the institutional mechanisms that protect rights of both men and women traders. This entails reviewing a wide range of legislation that spans across the roles played by different government ministries and other non-state actors. The existing legislation could be amended to address ICBT challenges. It is easier to amend existing legislation than to formulate new legislation. This law review process entails the cooperation of various ministries responsible for gender, foreign affairs, finance, economic affairs, agriculture, labour, youth and other relevant ministries.

The policy and legislation formulation ought to be preceded by wide consultation and the views of women stakeholders should be taken into account. Consultation can be done on sites where traders operate like in border posts and trading markets. This consultation would assist in identification of the challenges on the ground. The design of the legislation should be aimed at enabling trade by improving efficiency of import and export procedures and improving the trading environment of women in ICBT.

Improving conditions at the borders like provision of more security, shelter and sanitation facilities should be among the priority issues that should be addressed.

In addition to trade related policies and legislation, there is a need to formulate non-discriminatory investment policies that attract regional investors. This would encourage cross border trade and contribute to the increase in intra-regional trade. The implementation of these policies involves improvement of transport and storage facilities at border posts which involves cooperation between countries that share borders. This would help in facilitating trade and boost ICBT. The improved transport facilities would lead to improvement of sourcing inputs from other member States instead of importing from overseas.

3.1.3 Increase accessibility and utilization of financial and marketing services

Access to credit is one of the key drivers to business survival for most businesses even in the formal sector. States are to promote policies that support women involved in informal cross-border trade to have access to credit finance, training and information. With such policies in place, there would be a need to develop financial instruments specifically designed to enhance small businesses' access to capital. This entails involving financial institutions in coming up with the best way to assist small scale traders like women ICBTs in having access to credit.

3.1.4 Reduction of taxes

(Governments)

The implementation of the Trade Protocol entails reduction of taxes. States should strive to reduce border taxes and fees, possibly even removing some so as to promote formal trade and increase government revenue. As previously stated, most people are driven into the informal sector because of the high taxes that exist within the SADC region.

3.1.5 Simplification of customs documentation

(Governments)

There is a need to simplify trade and customs procedures and documents and make them more user-friendly. This would help women in ICBT, some of which have low literacy levels to understand the procedures at border posts.

3.1.6 Reduction of cost of businesses registration

(Governments)

The reduction of the cost of business licensing would assist in having more people in the formal sector. This would be an interim measure that could be taken while formulating policies on informal cross border trade.

3.1.7 VAT Reimbursement

(Governments)

SADC member States could consider simplifying the process for reimbursing VAT. The reimbursement of VAT that is done at South African borders is a good initiative by the South African Customs Authority. Other SADC member States could simulate this practice and find ways of improving on this system of tax reimbursement.

3.1.8 Access to information on rules, regulations and markets

(Governments/ Civil society/ ICBT organisations)

National authorities responsible for implementing regional integration obligations should disseminate information on the regional market in partnership with ICBT organisations. Access to information relating to the regional markets would help women in ICBT to make informed decisions on what products to market and sell across national borders in the region.

In addition to this, in partnership with civil society, States should ensure that trade legislation in the SADC region are made available to the public. This could be done through the simplification of information so that it can be easily understood by the public and women in ICBT. This information would make them aware of their rights and obligations with regard to cross border trade.

3.1.9 Curbing corruption at border posts

(Government/ citizens)

The problem of corruption of officials at border posts is a complex issue due to the fact that -

It is usually unreported and that it has now become a custom among traders in both formal and informal sectors to tip or bribe officials in order to facilitate clearance of goods at borders. The reduction of taxes would address this problem because traders would not incur a lot of costs due to tax. In addition to this, national anti-corruption agencies could consider placing officials to monitor corruption at border posts and encourage reporting of corruption by traders who have bribes solicited from them. ICBT organisations could disseminate information on the TMSA developed feedback mechanism on NTBs which.

3.1.10 Enhancing border security

(Government)

Security personnel should be deployed to enhance the level of security at border posts to ensure safe transit of cross border traders especially women, between countries in the SADC region.

The enhanced security would also help address the issue of sexual harassment of women at border posts because they would have access to relevant authorities and this would deter perpetrators of sexual offences from harassing women traders.

3.2 Actions at SADC level

SADC member States can learn from experiences in other RECs within and outside the African region like the EU, America, Canada and Asia.

The TFTA also presents a good opportunity to learn from the experiences of the other two RECs. SADC can simulate the COMESA STR which has facilitated intra-regional trade in COMESA

In addition to this, there is a need to establish mechanisms for periodic evaluation of the implementation of the Trade Protocol with regard to gender mainstreaming. The outcome of the evaluation would assist in finding ways of coordinating the implementation of the Trade Protocol at regional and country level in an engendered manner.

SADC should organize periodic capacity building in gender analysis, gender planning and gender budgeting to key actors in trade related sectors within SADC countries. As a follow up to this, member States should develop capacities of key stakeholders at macro level in terms of gender analysis and gender sensitive monitoring and evaluation at national level.

The actions to be undertaken at national level should be harmonised in order to have a regional policy. This is because the challenges that are faced at the national level are present in the Member State's jurisdiction thereby making them regional challenges.

The SADC Gender Unit should strengthen its monitoring and evaluation capacity so as to follow up on member States' implementation of regional programs especially with regard to recognising the role of women ICBTs and addressing the challenges they face.

The negotiation of the TFTA provides an opportunity to address gaps that have been identified in the current SADC trade regime and incorporate them in the TFTA trade regime. The proposed TFTA Agreement is gender neutral and provides for equal opportunities for women and men. Gender equality in fields of cooperation can be achieved if affirmative action is taken to address the particular challenges faced by women CBTs so as to put them on an equal footing with men. The affirmative action entails the inclusion of women involved in ICBT in consultation, policy formulation and decision making in regional fora.

Member States could consider formulating a regional policy that deals with women in trade or mainstream gender in the current proposed TFTA Agreement and its annexes. Alternatively, member States may consider formulating a regional Gender mainstreaming action plan to be strictly adhered to by member States in the implementation of the TFTA objectives. This action plan should have clear objectives which are to be delivered in specified time frames and have a regional monitoring and evaluation mechanism framework.

3.3 For Civil Society and women CBTs

For policy makers to recognize the role of women traders, the women traders need to be organised and understand their key challenges in order to ensure that they speak with one voice and participate in policy making processes for the purpose of demanding for accountability from government and inserting their voices in policy development. This could be done through the strengthening of existing CBT organisations with emphasis on promotion of gender issues that focus on women in informal cross border trade and the development of national and regional networks.

Civil Society has been a major driver of policy change in the region and these networks could be an important driving force for lobbying for the inclusion of issues that are faced in the ICBT sector into the regional agenda.

The representation of women in leadership positions in these ICBT organisations would provide a good source of information of the challenges and would increase the drive to have them resolved

due to the fact that they are affected by the problems that they seek to address. Women in ICBTs should therefore encourage and support other women to run for leadership positions in order to prioritise having the challenges that are peculiar to women CBTs addressed.

These organisations have been engaging with government officials and policy makers to influence change of policy in the ICBT sector. There is therefore a need to do a stock taking of the impact of this dialogue with government.

There is a high possibility of achieving change because of the large percentage of economic activity that ICBT represents.

Governments in the SADC region are committed to the achievement of the Millennium Development Goals which include economic empowerment of women and poverty eradication which would be addressed through the formulation of policies that will address challenges faced by women to include those of women in ICBT.

The on-going negotiation of the TFTA also brings along some challenges with it. Civil society is not directly involved in conclusion of Agreements. These are concluded among member States which are represented by Government Authorities. The impact that the organisation of women in ICBT may have on gender mainstreaming in the regional trade agenda in the SADC and TFTA regions is limited. The most that they can do is advocate for change. It is up to the policy framers, negotiators and those who formulate legislation to take up the recommendations. With the relevant information of the issues affecting women in ICBT, stakeholders who formulate policies and legislation are likely to address the issues of women in ICBT.

It will take the Political will of member States in ensuring that challenges faced by women in ICBT are addressed at regional level through gender mainstreaming in negotiated Agreements that will regulate trade.