AfCFTA: Rethinking Women's Inclusivity and Equality

By:

Luwam Dirar

October 23, 2023

One of the benefits of commenting or critiquing a drafting process and a draft protocol is that it gives you the freedom to question assumptions and offers a timely analysis that helps improve the zero draft. However, here I am, discussing and commenting on a draft protocol that I am yet to read because the draft is not available for public distribution. With that caveat, my thoughts here are general. The societal role of women cannot change without changing the position of men, and by the same token, concerns of women should not be confined to a separate protocol but rather ought to be at the heart of the AfCFTA. But here we are, and the question asked of us is to analyze what inclusive AfCFTA Protocol on Women and Youth means.

What does inclusive AfCFTA mean? What does the inclusion of women imply? Inclusive AfCFTA creates an inclusive space for women as individuals and groups. The term inclusivity does not necessarily mean equality. The meaning of inclusivity needs to be clarified to reflect continental norms of equality as defined under the Banjul Charter and the Maputo Protocol. Neither equality nor

inclusivity is a monolithic process. Therefore, I encourage the drafters of the AfCFTA Protocol on Women and Youth to inquire how the gendered division of household labor excludes most women from the political domain by shaping core societal values. What is the impact of women on the process of AfCFTA making? How does the AfCFTA or its protocol explore culturally sensitive approaches to inclusivity among ethnic minorities and countries with religious identities? To put concerns of women in a side project – protocol is too restrictive a cabin for the legal issues raised by sex inequality in the continent.

African Union member states committed "to broaden inclusiveness in the operation of the AfCFTA through interventions that support young Africans, women, and Small and Medium Enterprises (SMEs) as well as integrating informal cross-border traders into the formal economy by implementing the simplified trade regime." The AfCFTA secretariat is tasked with drafting, conducting public consultation, and other preparatory work to develop the AfCFTA Protocol on Women and Youth in Trade. The AfCFTA secretariat has and continues organizing talks with women traders in developing the zero draft of the Protocol on Women and Youth in Trade. The consultations show that " women are mainly involved in informal cross-border trade. They primarily trade in commodities and cash crops."

Furthermore, the consultations show that "women in trade had limited or no knowledge and appreciation of the AfCFTA and its impact on their trading activities." Awareness of trade arrangements is a relevant factor affecting informal traders. It seems essential for the study to include inquiries on the familiarity of interviewees with other sub-regional trading arrangements. Secondly, it would have been necessary for the AfCFTA to conduct an awareness assessment among similarly situated men traders to see if the lack of awareness is a general problem – that could have resulted from limited AfCFTA sensitization activities and the top-down AfCFTA drafting process. For instance, in Nambia, the consultation participants noted that "the conversations about the AfCFTA are limited to experts and professionals."

History and research tell us that trade agreements in general – but particularly those focused on neoliberal marketization – have different, often unequal impacts on women compared to men. Neoliberal marketization as a development theory is critical for alleviating poverty and gender inequality in

the continent (Article 3 of the AfCFTA). As a result, the AfCFTA encourages African states to create a liberalized market, enhance competitiveness, and promote industrial policies. Interestingly, however, these broad objectives have moved from traditional neo-classical trade agreements, where states are encouraged to promote export-oriented and domestic industrial policies. Furthermore, Article 3(e) of the AfCFTA notes that member states are to "promote and attain sustainable and inclusive economic development, gender equality and structural transformation of the State Parties." The question would then be how the AfCFTA aims to materialize (1) sustainable and inclusive economic development, (2) gender equality, and (3) structural transformation.

Article 4 of the AfCFTA proposes a flat pathway for realizing all the objectives stated under Article 3 of the AfCFTA. Accordingly, Article 4 offers three measures, which are: (1) liberalization of trade in goods and services, (2) establishment of the AfCFTA secretariat and dispute settlement mechanism, and (3) cooperation on all trade-related areas, customs, and trade facilitation measures. While gender equality is considered necessary for the economic development of African states, the attention of the AfCFTA to the direct relation between trade and women is limited by a rule-based neo-classical continental trade agreement. That results from the traditional tension between marketization and gender equality, where neo-classical economic development assigned the latter to the social domain rather than socio-political-economic issues. The question would then be, would a Protocol on Women and Youth rectify the inherent ideological dilemma of the AfCFTA for failing to center gender equality as a pathway for the realization of equality objectives?

In conclusion, it is a pity that questions of the inclusion of women are being debated today – 60 years after the formation of the OAU. For me, drafting an inclusive AfCFTA Protocol on Women and Youth means a process that acknowledges the intersectionality and disproportionate effect of trade agreements on women and that social orders have categorical assumptions of women. In short, questions of inclusivity are complex endeavors, and I encourage the Protocol on Women and Youth drafters to take an intersectional approach to inclusivity.

View online: AfCFTA: Rethinking Women's Inclusivity and Equality

Provided by Afronomicslaw