

WTO Trade Facilitation Agreement

A gender lens for action



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About the paper

This report advises governments on tackling gender inequality and promoting women's economic empowerment when implementing the World Trade Organization Agreement on Trade Facilitation (TFA). It recommends helping women traders access vital information about their rights, border crossing times, fees and formalities, and encouraging compliance and formalized practices by adjusting enforcement measures.

Governments should offer legal aid and training to women traders, train government and customs agents to curb harassment and abuse, and create consultation and dialogue platforms, the report says. Electronic filing platforms would enable women to access digital solutions and raise their awareness about using digital technology.

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Foreword

Gender equality isn't a 'nice to have'. It is a fundamental human right and the foundation on which all our freedoms stand. Without equality, economies cannot grow to their full potential and societies cannot fully rebuild.

But reaching gender equality isn't a straightforward path. It requires everyone to take an active stance to create a more just society – to dig into and improve underlying structures, rules and institutions.

We know that policies can increase both the participation of businesses in global value chains and the benefits they accrue. We also know that these opportunities and benefits differ for women and men.

It has taken years of effort by a dedicated group of women and men around the world to put the women and trade agenda firmly on the table. Trade policies are finally beginning to respond to gender equality.

The fact that 127 countries have joined the 2017 Buenos Aires Joint Declaration on Trade and Women's Economic Empowerment is a testament to the growing recognition that trade is central to gender equality and achieving our collective commitments under the United Nations Sustainable Development Goal 5.

The establishment of the World Trade Organization (WTO) Informal Working Group on Trade and Gender in 2020 was an additional step to bring gender equality within the work of the WTO. The challenge for many governments is how to translate political will into practical guidelines and recommendations across WTO agreements and processes.

This publication answers that challenge. It responds to the call from policymakers for a practical guide to create WTO rules and processes that are more inclusive. Gender mainstreaming ensures that trade and trade-related policies promote more equitable opportunities rather than perpetuate inequalities.

Cross-border trade can be an especially daunting process for traders in developing countries, given the multitude of laws and regulations governing their rights, border crossing times, fees and formalities. Women, many of whom engage in small-scale cross-border trade, are exposed to added risks of sexual harassment.

The Agreement on Trade Facilitation (TFA) emerged as a critical international instrument to reduce trade costs and boost global trade. Yet it remains gender-blind and is not built to respond to the specific needs and considerations of women traders.

This guide offers a tool to mainstream gender into the TFA. It presents several options, including on negotiations, implementation and monitoring issues.

I would like to thank the European Commission for its longstanding support of our work on women and trade over the past decade and the SheTrades Initiative, which made this publication possible.

For decades, the International Trade Centre has worked closely with stakeholders around the globe to build an inclusive, efficient and transparent border environment. We will continue to do our part by helping policymakers make their trade strategies more inclusive, through specialized toolkits, publications and online policy tools. We call on governments to work with us to ensure that the benefits from trade facilitation accrue equally to women.

We hope this knowledge sparks thought, commitment and action in the trade and development community.



Pamela Coke-Hamilton
Executive Director
International Trade Centre

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Contents

| | |
|--|----------|
| Foreword..... | v |
| Acknowledgements..... | vi |
| Acronyms..... | ix |
| Executive summary..... | x |
| Chapter 1: Introduction..... | 2 |
| Chapter 2: Gender dimensions of trade facilitation..... | 3 |
| Trade facilitation and economic development..... | 3 |
| WTO Trade Facilitation Agreement..... | 3 |
| Economic benefits of trade facilitation..... | 3 |
| Women’s involvement in cross-border trade..... | 4 |
| Different types of cross-border traders..... | 4 |
| Socioeconomic situation of women traders..... | 5 |
| Experiences and challenges of women traders..... | 6 |
| Trade facilitation affects women and men differently..... | 6 |
| Uneven access and benefits..... | 6 |
| Contribution to women’s economic empowerment..... | 7 |
| Chapter 3: Strengthening the gender lens in policy design and implementation..... | 8 |
| Is the Trade Facilitation Agreement sensitive to gender?..... | 8 |
| Little effort to address gender..... | 8 |
| TFA provisions with a gendered effect..... | 9 |
| Consistency with domestic gender equality pledges..... | 10 |
| Trade Facilitation Agreement complementary programmes..... | 11 |
| Formalizing women-led businesses..... | 11 |
| Exemptions for small-scale trade..... | 12 |
| Safer trading environment for women traders..... | 12 |
| Workforce diversity and gender equality..... | 12 |
| Women’s voices need to be heard..... | 13 |
| Trade facilitation consultative platforms..... | 13 |
| How gender-responsive are trade facilitation platforms?..... | 14 |
| Strengthening gender data..... | 15 |
| Data sources..... | 15 |
| Towards better gender-related data..... | 16 |
| Gender-targeted technical assistance..... | 16 |
| Integrating gender in the Aid for Trade initiative..... | 16 |
| Gender mainstreaming in trade facilitation interventions..... | 17 |

| | |
|--|----|
| Chapter 4: Recommendations | 18 |
| Findings | 18 |
| Steps towards a gender lens approach | 18 |
| Improve accessibility of information..... | 18 |
| Encourage compliance and formalized practices | 19 |
| Prevent harassment and abuse | 19 |
| Creat consultation and dialogue platforms..... | 20 |
| Digitalization efforts | 20 |
| Design simplification measures..... | 20 |
| Other recommendations | 20 |
| Put gender on the Trade Facilitation Committee’s agenda..... | 20 |
| Make NTFCs more inclusive..... | 21 |
| Promote gender-targeted technical assistance..... | 21 |
| Strengthen gender analysis and data collection | 21 |
| Research the gender/trade facilitation nexus..... | 21 |
| References..... | 22 |

Box

| | | |
|-------|--|---|
| Box 1 | How to assess the gender responsiveness of trade agreements..... | 8 |
|-------|--|---|

Acronyms

Unless otherwise specified, all references to dollars (\$) are to United States dollars, and all references to tons are to metric tons.

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|--------|--|
| ITC | International Trade Centre |
| MSMEs | Micro, small and medium-sized enterprises |
| NTFC | National trade facilitation committee |
| ODA | Official Development Assistance |
| OECD | Organisation for Economic Co-operation and Development |
| SMEs | Small and medium-sized enterprises |
| TFA | Trade Facilitation Agreement |
| TFAF | Trade Facilitation Agreement Facility |
| TFWA | Trade Facilitation West Africa |
| UNCTAD | United Nations Conference on Trade and Development |
| WCO | World Customs Organization |
| WTO | World Trade Organization |

Executive summary

This brief offers guidance to governments on opportunities to reduce gender inequality and promote women's economic empowerment when implementing the WTO Agreement on Trade Facilitation (TFA).

Women participate actively in small-scale cross-border trade in many developing countries. However, the hassle of formalities and an unsafe trading environment affect women traders more than men traders and limit their ability to increase profits and generate more business opportunities from their trading activities. Governments can implement the TFA with a view to addressing women traders' challenges and ensuring they benefit from trade facilitation reforms.

The agreement, ratified by 156 countries to date, is the most important international trade facilitation instrument in terms of coverage of global trade, industry and government. It gives governments an opportunity to initiate reforms that lower trade costs and the administrative burden of cross-border formalities.

The TFA contains no gender-specific language, objectives or commitments. It is built on the idea that all traders benefit in the same way from trade facilitation reforms. Yet women traders – small-scale traders in particular – face specific challenges due to a different socioeconomic context and gendered experiences with dealing with government authorities and formalities. There is the risk that trade facilitation reforms are not designed to meet the needs of women traders, especially small ones.

A gender lens provides an avenue to design TFA implementation to address the needs of women traders. Gender-targeted outcomes and activities can be incorporated into national implementation plans for the TFA. This brief recommends focusing gender-targeted interventions on selected areas of the TFA, including the following:

- Make it easier for women traders to access information on key issues such as their rights, border crossing times, fees and formalities. Simple, clear guidance on laws and obligations should be made available, including in non-digital format, along with practical documents that show women traders how to comply.
- Support women traders, namely small-scale traders, building better compliance and formal trade practices to avoid penalties and other enforcement measures. This includes offering women traders access to legal aid, regular training and adjusting enforcement measures to encourage learning and compliance.
- Limit harassment and abuse by training relevant government and customs agents and setting service standards for interacting and responding to women traders. Develop an independent complaint mechanism for women to report abuse.
- Offer channels – both in person and online – for underrepresented groups of women traders to participate in consultation mechanisms both at local and central government levels. Hold targeted meetings in rural areas to inform women traders of changes in procedures and formalities and to get their feedback. Systematically evaluate the level of participation of women and the outcomes of these discussions.
- Provide low-threshold access to digital services, such as single-window services or other electronic filing platforms – including through terminals, help desks and mobile applications. Raise awareness about using digital technology to increase their adoption rates and use feedback from women traders to design new electronic services.



- Raise awareness of women traders on simplified procedures for customs clearance and train them on how to comply with the requirements. Evaluate the use of simplified procedures by traders and adjust criteria to address the situations of small-scale businesses.

This brief also recommends looking into complementary policy areas to increase the number of women workers in government agencies and the transport industry, and to improve border crossing design and infrastructure from a gender perspective. This will create a safer trading environment and reduce harassment of women traders.

Policymakers need an accurate understanding of the socioeconomic situation of women traders and their specific experiences. To underpin these efforts, governments must gather better quantitative and

qualitative data on women traders from national statistics and through surveys. They also need to build sustainable ties with different communities of women traders. National trade facilitation bodies should become more inclusive by 'going local', allowing flexible forms of participation and defining and monitoring gender-targeted outcomes of national trade facilitation reforms.

On a global level, development patterns can support gender-targeted trade facilitation through technical assistance projects directed at women traders and try out to new instruments and approaches to deliver outputs with and for them. Finally, the brief recommends putting gender on the agenda of WTO Trade Facilitation Committee meetings to encourage sharing of experiences among its members.

Chapter 1

Introduction

This brief is one in a series of five guidance documents that is meant to be used to apply a gender-lens framework on World Trade Organization (WTO) agreements and negotiations. This brief offers guidance on opportunities to reduce gender inequality and promote women's economic empowerment when facilitating trade and implementing the WTO Agreement on Trade Facilitation (TFA).¹

The TFA entered into force in February 2017. By June 2023, 156 WTO Members had ratified the agreement, which makes it the most important international trade facilitation instrument in terms of global commitment.

Trade facilitation interventions aim to reduce trade costs and time and make cross-border trade more predictable. The full implementation of the TFA could reduce trade costs by an average of 14.3% and boost exports globally

by \$750 billion to \$1 trillion, according to research cited in *WTO Trade Report 2015* (WTO, 2015).

The design of trade facilitation interventions is traditionally built on the expectation that all traders benefit equally from them. In practice, however, interventions may have a gendered effect, as women traders face different economic situations and challenges. In their role as traders and business owners, women may not benefit equally from trade facilitation reforms due to a different economic situation and specific issues they encounter when trading across borders.

With a gender lens implementation of the TFA, policymakers could address the gendered effect of trade facilitation. Implementing the TFA can therefore improve the competitiveness of an economy as a whole and underpin women's economic empowerment.

¹ See https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm#II.

Chapter 2

Gender dimensions of trade facilitation

Trade facilitation and economic development

Research on the impact of trade costs to trade flows and the integration of firms into international commerce chains has led the global drive to facilitate trade.² Cutting trade costs by developing measures that streamline and simplify the technical and legal procedures for products to be traded internationally has become a policy objective worldwide in the last 20 years.

Trade facilitation has a narrow focus on the commercial and administrative formalities, procedures and information flows related to moving goods across borders and making payments.³ In the WTO context, trade facilitation refers to the simplification, modernization and harmonization of export, import and transit processes. Well-known trade facilitation interventions include simplified clearance procedures, risk-based controls, public–private consultation processes and digitization of documents and information exchanges.

WTO Trade Facilitation Agreement

The TFA has become the most important international trade facilitation instrument since its negotiations were concluded in 2013 at the WTO Ministerial Conference in Bali. By embedding specific trade facilitation measures as rules in the WTO system, trade facilitation has gained global support and traction. While the TFA is not the only trade facilitation instrument, it has the broadest coverage in terms of volume of trade and industry.

Other international trade facilitation agreements provide more detailed rules for specific aspects of cross-border trade and actors involved in it. For example, the International Convention on the Simplification and Harmonization of Customs Procedures (Revised Kyoto Convention) focuses on customs administration, the

Convention of Facilitation of International Maritime Traffic targets maritime transport and the Convention on International Transport of Goods Under Cover of TIR Carnets focuses on road transport.

The TFA contains measures that apply generally across all modes of transport and branches of government. It contains rules related to access to information, accountability, enforcement and control measures, simplification of formalities and documents, special and simplified customs procedures, perishable goods, agency cooperation, freedom of transit and customs-to-customs cooperation.⁴ While the TFA does not specifically address paperless and digital trade, its provisions leave room to use digital solutions when implementing the agreement.

The COVID-19 pandemic accelerated the drive towards digital solutions for cross-border trade. As more specific rules are required to facilitate digital trade, governments worldwide engage in new negotiation processes. For example, more than 80 WTO Members are discussing global rules for e-signatures and authentication, paperless trading and digital trade facilitation in the Joint Statement Initiatives e-commerce negotiations.⁵ These discussions are likely to spill over to the national implementation of trade facilitation.

Economic benefits of trade facilitation

Trade facilitation contributes in the long term to trade expansion by reducing trade costs.⁶ Before the TFA entered into force, the Organisation for Economic Co-operation and Development (OECD) estimated that full worldwide implementation of the agreement would lower trade costs by 12%–18% (OECD, 2018b). The United Nations,⁷ the WTO and the OECD are carrying out ex-post assessments of the effects of the implementation.

² For a good overview of the research, see WTO (2015).

³ This note follows the narrow definitions of trade facilitation used by organizations such as the United Nations Centre for Trade Facilitation and Electronic Business and the WTO. Broader focuses, including transport facilitation, are sometimes used in the literature.

⁴ For details, consult the text of the agreement (WT/L/931) or the information published on the site of the Trade Facilitation Agreement Facility at <https://www.tfafacility.org/agreement-article-resources>.

⁵ See https://www.wto.org/english/tratop_e/ecom_e/xcom_e/joint_statement_e.htm.

⁶ This discussion is complicated by different understandings and methodologies to measure trade costs. For a good description, see OECD (2018a). This brief refers to trade costs in the dimension of at-the-border costs, which include costs related to documentation and customs compliance requirements, administrative procedures and delays. Other cost factors, such as transport costs, tariffs and non-tariff regulations, are excluded.

⁷ An early example of ex-post analysis is Duval, Yann, and Utoktham, Chorthip (2022). 'Has the WTO Trade Facilitation Agreement helped reduce trade costs? An ex-post analysis.' No. 02, Bangkok. Available at <https://tinyurl.com/bde3kjsa>.

National income effects from improved trade facilitation can be up to two or three times as great as those that would result from removing all tariffs on manufactured goods globally (United Nations Conference on Trade and Development [UNCTAD], 2016).

Trade facilitation measures are likely to have differential effects across firms of different sizes, regions and integration into international or regional value chains. Larger companies involved in international value chains stand to benefit most from trade facilitation (OECD, 2018a). This is because products in these value chains are moved across borders several times in a time-sensitive manner, and costs accumulate in the upstream and downstream stages of the chain.

How trade facilitation benefits micro, small and medium-sized enterprises (MSMEs) remains a topic of debate. Small companies participate less in global trade than big firms. They are responsible for just 33% of exports from developed economies and 18% of exports from developing economies, according to data from the OECD based on the World Bank Enterprise Survey (López González and Sorescu, 2019).

International Trade Centre (ITC) data indicate that women lead only 20% of exporting firms (ITC, 2015). The OECD and UNCTAD suggest that trade facilitation supports the internationalization of small and medium-sized enterprises (SMEs) and creates a level playing field between large and small firms (López González and Sorescu, 2019; and UNCTAD, 2016).

Women's involvement in cross-border trade

International trade can affect women through many channels, in their roles as producers, business owners, wage workers, care providers and consumers.⁸ The discussion in this brief largely focuses on their roles as entrepreneurs or business owners, more specifically as women traders as they are the group most directly affected by the TFA.

Different types of cross-border traders

In this brief, the term 'trader' refers to any legal entity or person engaging in cross-border trade and dealing with authorities directly or through a representative. A trader may be a small-scale or commercial scale trader and can be a producer, collector, retail trader, wholesaler or 'border trader'.⁹

Women traders are not a clearly identified group of traders. The literature on gender and trade frequently uses the attributes of small-scale trade and informal trade when referring to women cross-border traders. These terms, however, may have different and often overlapping meanings.

Furthermore, the description of informal trade itself escapes clear classifications. Depending on the perspective, it can refer to unregistered businesses or trade that is not reported to the authorities, or to trade in illegal goods. In reality, specific group of traders often mix formal with informal trade practices, such as undervaluation or partial declaration (Cantens, 2012).

The term 'small-scale trade' classifies low-volume and low-value trade as opposed to commercial-scale trade. Small-scale trade is not necessarily informal, but may be conducted by traders using informal practices. Small-scale traders typically carry goods across borders by bike, foot, carts, taxis or bus – thus the name 'shuttle traders' for small-scale traders in Central Asia. The items are traditionally destined for markets close to the borders or, in case of non-perishable goods, travel destinations further inland, but rarely across two borders.¹⁰

In this brief, the term 'women trader' covers various subgroups with different characteristics, including traders who may be informal or use informal practices. Not all groups are equally well researched and most detailed empirical analysis of women traders is geared to the subset of small-scale traders who operate at border crossing points (Mbo'o-Tchouawou et al., 2016; TFWA, 2020; UNCTAD, 2018; and World Bank/WTO, 2020). This research bias must be kept in mind when reviewing the findings on women traders.

8 See, for example, ITC/ Fontana 'A gender analytical framework to guide WTO's Action', forthcoming; Fontana, M. (2009) 'The gender effects of trade liberalization in developing countries: a review of the literature' in Bussolo, M., and de Hyos, R. (eds.) *Gender Aspects of the Trade and Poverty Nexus: A Macro-Micro Approach*, Washington D.C.: The World Bank; Fontana, M. (2016). 'Gender equality in trade agreements: study for the FEMM committee.' Brussels: Policy Department Citizens' Rights and Constitutional Affairs, European Parliament.

9 A border trader is a subgroup of trader who 'specializes in carrying small quantities of products from one side of the border to the other'. (TFWA, 2020:19).

10 For an overview of types of small-scale traders, see Trade Facilitation West Africa (TFWA), 2020



Socioeconomic situation of women traders

Recent research on women cross-border traders in developing economies has collected information through surveys, mostly of small-scale traders in specific locations in selected countries. It is therefore insufficient to present a comprehensive picture of women traders around the world and to distinguish between country groupings by level of development or level of trade integration. However, the research and data show certain patterns that help explain the economic situation of women traders in developing countries in particular.

Women traders are more frequently involved in small-scale cross-border trade than commercial-scale trade (World Bank, 2021a-d). The reasons for the prevalence of women in small-scale trade are still a topic of debate. On one hand, women appear to engage in small-scale trade due to its low entry conditions and the ability to exploit price differentials across borders (UNCTAD, 2018). On the other hand, women may choose this segment of trade because they have few economic options (TFWA, 2020; UNCTAD, 2018; Seror et al., 2018; and Mbo'o-Tchouawou et al., 2016).

The share of women traders among small-scale traders in Africa is thought to be particularly high. Estimates suggest that about 70% of the small and often informal cross-border traders in most African regions, including South Africa, are women (Mafurutu, 2022).

Women traders are more likely to run unregistered businesses. In Western Africa, for instance, only 21% of women-led traders' companies are registered, compared to 42.4% for men, according to findings from the TFWA gender assessment (TFWA, 2020).¹¹

Women-registered trade businesses tend to be smaller with fewer employees and lower average sales and they trade less frequently, from only three times a year or once a month (TFWA, 2020).

It is more common for women traders to finance their trading activity through their own or their family's revenues rather than by bank loans or equity capital. In Brazil and South Africa, for example, many women traders (26% in Brazil and 40% in South Africa) have no access to bank loans, personal savings or equity capital (World Bank, 2021a, b).

Women traders tend to have lower education levels than their male counterparts. In West Africa, 28%–62% of women traders on the principal trade corridors have no formal education, according to the TFWA assessment. Just half of women traders in Fiji and South Africa have a university education (50% and 55%, respectively) compared to 71% of men traders in Fiji and 70% in South Africa. There are exceptions, however: in Samoa, more than 85% of women traders have a university education (World Bank, 2021d).

Cross-border trade is often the main source of earnings for female traders in poor rural areas. All the women surveyed by UNCTAD at three border crossings points in Malawi, Zambia and the United Republic of Tanzania supplemented their household income from cross-border trade (UNCTAD, 2018). These earnings are critical to the household subsistence and education of their children (World Bank/WTO, 2018; and UNCTAD, 2018). Furthermore, a large share of women cross-border traders are single mothers or widows or have been abandoned by their husbands (UNCTAD, 2018).

¹¹ Between 63% and 88% of females are operating informally across the surveyed corridors.' (TFWA, 2020:10).

Experiences and challenges of women traders

Women traders do not have a different socioeconomic situation than many of their male counterparts. However, they have different experiences when trading across borders and specific constraints.

Surveys find that women traders know less than men traders about the laws and regulations, applicable duties and taxes, and available simplification schemes. Many of them consider trade procedures and border crossing processes to be complex and difficult to understand (Mveyange et al., 2020; TFWA, 2020; and UNCTAD, 2018). They rely mainly on information from other traders and brokers and are less engaged with professional associations (Mveyange et al., 2020).

This lack of knowledge is compounded by lower levels of confidence when dealing with intermediaries and government officials who are predominantly men and by the unavailability of information in local languages.

Women traders are more exposed to harassment and intimidation from officials and operators and may tend to pay larger bribes than men (TFWA, 2020). This harassment is not necessarily physical or sexual, but also verbal abuse and intimidation (TFWA, 2020; World Bank/WTO, 2018). In the Democratic Republic of the Congo, 38% of women traders said they had been verbally abused by border officials.¹²

Most women traders in East Africa (57%) listed bribes, harassment/abuse, rude behaviour by border officials, long waits, illegal confiscation of goods and fines as common problems encountered when crossing borders (Mveyange et al., 2020). Occasionally, women traders are charged higher taxes¹³ and they are more often chosen for controls such as quarantine inspections (World Bank/WTO, 2018).

Women may also face higher transport costs due to time constraints and reduced negotiating power in a male-dominated transport industry (TFWA, 2020). At Lao-Cambodia border crossings, women traders spend twice as much as their male counterparts on transport costs per crossing (World Bank/WTO, 2018).

Women are also more sensitive to the lack of adequate infrastructure at border crossings and border markets, including facilities such as toilets, lighting and fencing, as well as guest houses (TFWA, 2020).

And finally, women traders are more constrained by time due to their role as caregivers. They are therefore more affected by delays at border crossings, traffic jams and road accidents and tend to pay bribes more frequently to avoid delays (World Bank/WTO, 2018). Cultural barriers may also restrict women traders. For example, UNCTAD reports that customs officials in the Democratic Republic of the Congo still require a man's written confirmation for women traders despite the 2016 abolishment of marital authorization for married women in the country.¹⁴

Trade facilitation affects women and men differently

Trade facilitation interventions are commonly drawn up in a gender-neutral manner. The objectives, requirements and design are not geared to benefit either gender. This builds on the expectations that all traders benefit equally from them.

Uneven access and benefits

In practice, the impact of and access to trade facilitation is more uneven for women traders than men traders. Women traders, especially those who are small-scale, are disadvantaged when it comes to obtaining information and justice, personal safety, accessing transport services and protection from harassment, discrimination and abuse. They are also not equal in their ability to benefit from trade facilitation due to their different economic situation and resources. A gender-neutral design therefore risks excluding and overlooking groups of women traders from trade facilitation benefits.

On one hand, design choices risk excluding women traders, and especially small-scale traders, from a trade facilitation measure. The problem is not a discriminatory design of a measure. It is rather a lack of awareness and sensitivity of the design to the specific economic situation of the group of traders.

¹² See <https://unctad.org/news/central-african-borders-danger-zone-women-traders>.

¹³ This is made possible by informal practices of government authorities, such as partial taxation or taxation per unit, fixed fee per vehicle or visual assessment (World Bank/WTO, 2020; Cantens, 2012).

¹⁴ Ibid.

For example, small-scale traders may be unable to submit the required securities or comply with the bookkeeping requirements of simplified customs clearance procedures. Some groups of women traders may also not be able to use digital services due to limited literacy, including digital literacy, access to electronic devices and means for electronic payment.

On the other hand, the policymaking process fails to notice and address the specific needs of women traders. Policies and strategies traditionally focus on commercial-scale trade and large traders. Small-scale trade is often overlooked, despite its significant contribution to income generation, poverty reduction, food security and women's economic empowerment. Small-scale trade is less visible in the economic statistics and traders participate less in policy consultations.

And finally, the practices of small-scale traders may be disregarded or even terminated in the wake of standardization of administrative procedures and practices. This can have unintended negative consequences for women traders. As Cantens notes in his study of informal trade, administrative procedures have become more standardized via the implementation of international trade facilitation commitments, such as the TFA and the Revised Kyoto Convention, good practices and digitalization.

This contrasts with the reality of rural border crossings, which operate on the basis of day-to-day negotiations of practices, including informal practices, supported by a web of social and personal relationships and between all actors (Cantens, 2012). Trade facilitation interventions geared towards highly standardized rules and practices at international level may hurt women traders, especially rural, small-scale traders. There is anecdotal evidence of cross-border markets and livelihoods destroyed by interventions to formalize and digitize all practices.

Policymakers can minimize the uneven impact of trade facilitation with a gender-sensitive approach to trade facilitation and the TFA. This entails targeting gender-specific outcomes for the TFA and putting in place complementary programmes to address women traders' constraints in areas outside the scope of the TFA. It also requires strengthening the representation of women traders in the policy process and collecting more data and information on women traders.

Contribution to women's economic empowerment

Gender-sensitive implementation of trade facilitation contributes to women's economic empowerment by addressing barriers that affect women traders' participation in cross-border trade. It helps increase their profit from trade activities, lowers their vulnerability and encourages new business opportunities in cross-border trade. Research suggests that the hassles and costs of border crossings lead women to opt out of cross-border trade activities (World Bank/WTO, 2018) or choose informal over formal practices (TFWA, 2020).

It may therefore come as no surprise that there are fewer women cross-border traders in Lao and Cambodia than total own-account women workers in the two countries (World Bank/WTO, 2018).

Other possible effects of trade facilitation on other dimensions relevant to women's economic empowerment are underresearched and cannot be explored in depth in this brief. They are mentioned to highlight potential linkages that deserve to be further investigated.

Trade facilitation may affect women as consumers, care providers and employees. For example, trade facilitation may benefit women if interventions translate into lower prices and greater availability of food and other household goods that they frequently buy to provide for their families.

Research (Mbo'o-Tchouawou et al., 2016; World Bank/WTO, 2018) suggests that small-scale trade of agricultural and food products is critical to food security as it ensures availability of produce in remote areas. Findings from the World Food Programme¹⁵ highlight that pandemic-related border closures and other restrictive measures disrupted global and local trading networks and threatened the survival of low-income populations, namely in urban centres across Africa and the Middle East.

Another dimension is the impact of trade facilitation on growth and employment opportunities for women in the service sector, namely the transport and logistics sector. Despite close linkages between trade facilitation and cross-border transport and logistics services, there are few studies on the impact of trade facilitation on growth and employment opportunities in this sector.

¹⁵ See <https://www.wfp.org/stories/risk-hunger-pandemic-coronavirus-set-almost-double-acute-hunger-end-2020>.

Chapter 3

Strengthening the gender lens in policy design and implementation

Implementation of the TFA is shaping trade facilitation policy worldwide, including in developing and least developed countries. This makes it the most important trade facilitation instrument in terms of global reach.

Is the Trade Facilitation Agreement sensitive to gender?

The TFA is drafted in gender-neutral language and is not very gender-responsive when assessed against the 10 recommendations put forth by the ITC SheTrades Initiative.¹⁶

Box 1: How to assess the gender responsiveness of trade agreements

- Craft a gender-explicit preamble.
- Highlight access to skill development.
- Encourage research and impact assessment.
- Include minimum legal standards.
- Explore reservations, waivers and exemptions.
- Consider a gender-focused exception.
- Encourage corporate social responsibility.
- Set up gender committees for monitoring.
- Provide a binding and compulsory dispute settlement mechanism.
- Offer enforcement remedies.

Source: ITC (2020). Mainstreaming Gender into Free Trade Agreements. ITC, Geneva. Available at <https://intracen.org/media/file/2411>.

Little effort to address gender

The text of the agreement does not contain gender-specific language or terms such as 'gender' or 'women'. Rather, it uses gender-neutral terms such as 'traders', 'stakeholders' or 'operators'. Indeed, the TFA does not promote or acknowledge the objective of gender equality and includes no gender-specific provisions or outcomes. With few exceptions, the agreement also does not specifically address SMEs, which could be another entry point to mention gender issues.

The agreement does not allow for waivers, reservations or exceptions, other than the exceptions and exemptions recognized under General Agreement on Tariffs and Trade 1994 (Article 24.7 TFA), including the general exceptions of GATT Article XX. Gender is, however, not explicitly mentioned under GATT Article XX.

The institutional mechanism of the agreement consists of the Trade Facilitation Committee, set up under the WTO Secretariat, which oversees TFA implementation and regularly reviews the implementation process.¹⁷

¹⁶ For more information on the ITC SheTrades Maturity Framework, see Brodsky et al. (2021) and ITC (2020). It should be noted that this study does not claim to be an in-depth assessment of the TFA using this framework. It is only a preliminary analysis inspired by the framework.

¹⁷ The review of the operation and implementation of the agreement was carried out four years after entry into force pursuant to Article 23.6 in 2021. Members decided to conduct a second review in 2026 and periodically thereafter. See WTO Committee on Trade Facilitation, First Review of the Operation and Implementation of the Trade Facilitation Agreement, G/TFA/2 30 November 2021.

In addition, the Trade Facilitation Agreement Facility (TFAF)¹⁸ was set up to help developing and least developed WTO Members implement the TFA. Both these mechanisms could be an entry point to discuss the role of gender in the implementation.

To date, gender has not been a standalone agenda item in the Trade Facilitation Committee and no gender-specific concerns related to implementation of the TFA were included in the final report of the review process in 2021. The TFAF, which provides technical assistance and capacity-building activities and offers small grants to support implementation of the TFA, integrates gender as a cross-cutting issue and promotes women's participation in its activities.

TFA provisions with a gendered effect

Some of the trade facilitation measures in the TFA have good potential for gender lens implementation. This is because they can be leveraged to address specific challenges that groups of women traders face, or they have an inherent risk of a negative gendered effect for some groups of women traders.

ARTICLE 1: Publication (1.1–1.3) and relevant aspects of other articles

Publication obligations, such as those in Articles 1.1–1.3,¹⁹ are highly relevant for women traders who lack preparedness and knowledge of relevant laws and regulations, have lower confidence levels when interacting with officials and participate little in support networks. In principle, better access to information, including on the internet, could benefit women traders. But many of these women also have low levels of literacy and limited access to digital devices. Solutions that rely on the internet and the publication of the legal texts alone are unlikely to address information gaps of women traders.

ARTICLE 2: Prior publication and consultation

Participation in the legislative process through consultations before measures are adopted and regular business-to-government talks are key for women traders to present their needs and concerns. Evidence, however, shows that they participate less in these consultations due to time and geography constraints and limited membership in trade associations. If women traders, especially rural small-scale traders, are to benefit from this measure, government agencies must address them directly.

ARTICLE 4: Appeal or review procedures

Women traders are more vulnerable to discretionary and unfair treatment because they have less confidence when dealing with mainly male officers and have less access to qualified support networks. In principle, transparent and effective complaint and appeal mechanisms are crucial solutions to grant access to justice and accountability of government decisions.

But in practice, women (and small-scale traders generally) make only limited use of these rights and find it easier to settle differences informally (World Bank, 2021a). This barrier can be overcome with support measures available for disadvantaged women traders.

ARTICLE 6.3: Penalty disciplines and Articles 12.1, 5.2 and 10.8

Enforcement measures, such as detention, rejections and penalty formalities, along with administrative and legal proceedings, are stressful for women traders as they are less confident, less experienced, less well prepared and less literate. Fear of enforcement measures drives women to use informal practices and intermediaries. The negative impact of enforcement measures can be mitigated through preventive compliance management and awareness support measures for women traders.

ARTICLE 7.2: Electronic payment and relevant aspects of Article 6.1

Simplifying payment methods is very relevant for women traders in their role as small-scale traders to create a safer trading environment, reduce costs and protect them. Carrying and dealing with cash is a personal safety risk for women traders and makes them vulnerable to theft. Many therefore prefer to use intermediaries to deal with payment processes.

At the same time, women have lower digital literacy and less access to digital devices and bank accounts. Restricting payment methods to electronic payment may increase transaction costs for women and further encourage them to use a third party for payment services.

¹⁸ For more information on the TFAF, see <https://www.tfafacility.org/facility>.

¹⁹ Publication requirements can also be found in Articles 3.6, 5.3.2, 6.1.2 and 10.6.2.

ARTICLE 7: Simplification measures such as Articles 7.3 and 7.7

Small-scale women traders may be less likely to apply and be authorized to use simplified procedures, such as those provided by Articles 7.3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges and 7.7 Trade Facilitation Measures for Authorized Operators. Many women-led businesses are less sophisticated, as reflected in lower use of professional bookkeeping and accounting software, and less likely to own facilities and be financially solvent, so they may be unable to meet the legal requirements for simplified customs procedures or traders' schemes.

Goods release schemes, for example, commonly require a financial guarantee. Authorized trader programmes typically contain a list of criteria thresholds that are difficult and costly to satisfy. Small businesses often find it difficult or impossible to comply with these criteria. Women traders would benefit if simplification measures were designed with small firms in mind, allowing for different levels of simplification, so authorities could apply (when possible) small-business flexibility in the audit criteria.

ARTICLE 8: Border agency cooperation

Processes and facilities at border crossing points are critical for women and small-scale traders, as they often cross several times a day, including at night. Better organization of border crossing points, predictable behaviour and consistent application of laws and regulations by officials are essential to give certainty to female traders and protect them from abuse and harassment.

ARTICLE 10.1: Formalities and documentation requirements

Trade regulations become more complex with regulatory interventions to address security as well as environmental and safety concerns. Less-experienced and small-scale women traders may find it difficult to comply with the additional administrative burden. They often adopt informal trade practices to avoid complexity.

Article 10 provides an avenue for a systemic reduction of formalities through the mechanism of a regular review. Such a review should be carried out keeping in mind the situation and challenges of small-scale traders, many of whom are women. Where possible, exemptions from obligations (such as reporting or documenting obligations) can be adopted for small-scale traders.

ARTICLE 10.4: Single window

Single windows are an effective means to reduce the complexity of administrative processes and harassment and discrimination by officials. Women traders may struggle to access electronic single window services, however, due to inadequate digital literacy, lack of digital devices and geography. Digital connectivity in rural and border areas may be limited. Digital signatures cannot always be easily obtained and require formal registration. Payments for fee-based services frequently require bank accounts and subscriptions. Service accessibility needs to be part of the performance criteria of single windows to ensure inclusivity.

ARTICLE 10.6: Use of customs brokers

Improving the transparency and professionalization of customs brokerage services is highly relevant for women traders. They frequently use customs agents for documentation and payment purposes to avoid the perceived complexity, abuse and harassment, and safety issues at ports and border crossing points. This makes them dependent on the quality levels of these intermediaries and their fee expectations.

Consistency with domestic gender equality pledges

Governments worldwide have made commitments to gender equality under domestic, regional and international law. Implementation of the TFA must be consistent with these commitments.

Countries pledged to address gender equality by abiding by international instruments such as the 1979 United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the 1995 Beijing Declaration and Platform for Action.²⁰ While the latter does not specifically reference cross-border trade or trade facilitation, it contains commitments in the economic sector.

These are:

- Full and equal participation in policy decision-making through bodies such as ministries of finance and trade.
- Integrating the needs and interests of employed, self-employed and entrepreneurial women into government programmes.

²⁰ See https://beijing20.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA_E_Final_WEB.pdf.



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- Avoiding adverse impact of international commitments on women's new and traditional economic activity.
- Removing any discriminatory bias against women-owned MSMEs.
- Providing training and retraining – particularly in new technologies – and affordable services to women in business management, product development, financing, production and quality control, marketing and the legal aspects of business.

On the domestic level, governments adopt various legal and non-legal measures to address gender equality in line with their international commitments. These measures may target women as a special group only or including other disadvantaged groups, such as youth and small and micro businesses. These measures aim to remove discriminatory laws and practices that prevent equal access to opportunities and to provide genuine benefits to reduce an identified disadvantaged experience.

Trade Facilitation Agreement complementary programmes

Complementary policies can strengthen the impact of the TFA for women traders. These policies result directly from obligations of the agreement itself. They are designed to tackle barriers to women's equality in both the economy and the public workforce, and can therefore positively support the gender lens implementation of trade facilitation.

Formalizing women-led businesses

Women traders who have small and unregistered firms struggle to access trade facilitation opportunities such as simplified and special customs procedures. Such businesses have limited access to finance from banks, less sophistication regarding the use of recordkeeping, information technology and bank accounts, and limited compliance management. Customs administrations cannot easily apply ex-post controls on their transactions and businesses.

As a result, such companies may not meet the eligibility criteria for simplified procedures. They may commit errors more often and be more frequently targeted for inspection and more exposed to unfair treatment.

Supporting formalization of businesses on one hand and trading practices on the other is critical to the impact of trade facilitation. Keeping in mind that informality is also a choice to avoid costs and complexity (TFWA, 2020), formalization efforts must build on 'a series of dialogues with the authorities, defining a desirable form of formalization that provides access to opportunities and protection without prohibitive costs' (TFWA, 2020:22).

Exemptions for small-scale trade

Governments can adopt policies or individual measures to simplify trade formalities for small-scale trade. The *de minimis* principle applies in various regulatory circumstances such as taxation and customs. With a customs *de minimis* threshold, authorities set a valuation ceiling below which goods do not attract any duty or taxes and requirements for paperwork and data reporting is fully or partially exempted. Such exemptions from formalities commonly apply to filing advance security information, data requirements for the goods declaration or presentation of proof of origin.

Financial and economic policies drive the *de minimis* thresholds, which balance facilitation for traders with revenue objectives and administrative costs of the procedure for the government. Thresholds and rules are therefore country- and procedure-specific.

Some regional economic communities have launched so-called simplified trading regimes in recent years. These regimes can combine different instruments, including tariff reductions for selected goods, simplified customs formalities, more flexible rules of origins (such as automatic preference for consignments under a specific value threshold) and dedicated lanes for processing at border crossing points. Member states in the East African Community, the Common Market for East and Southern Africa, and the Southern African Development Community have adopted such regimes.²¹

Assessments of simplified trading regimes show that, in practice, the use of such regimes by female traders is not always satisfactory. This is because they

are unaware of the benefits of the regime and lack guidance on how to use them, as well as continued corrupt practices promoting goods smuggling (Fundira, 2018). Governments can install dedicated and easily accessible information desks at border crossings to increase utilization rates.

Safer trading environment for women traders

Women traders often cross borders several times a day, including at night, and may be accompanied by their children. A safe trading environment for them is linked to the facilities at border crossings points and cross-border markets. They are sensitive towards the availability and quality of facilities including water and sanitation, lighting and fencing (TFWA, 2020). These facilities must be upgraded to a more gender-friendly and inclusive design, such as making available toilets, sanitation and better lighting.²²

Border crossing points also need to be better managed to improve safety for women traders. Abuse and harassment, bribes, rude behaviour by border officials, long waits and discretionary application of rules compromise their feeling of safety and security.

Targeted interventions to address these issues include creating information and help desks for small-scale traders, establishing trusted complaint mechanisms for reporting harassment, gender awareness training for border agency workforces and service charters articulating rights, obligations and standards or behaviour for both traders and officials. In Côte d'Ivoire, the Ministry for Women, Family and Children built gender centres, so-called bureaux d'accueil genre, for reporting and responding to abuses against women in border areas (TFWA, 2020).

Workforce diversity and gender equality

In many countries, women are still underrepresented in the workforce of government agencies that apply trade laws and policies. Data suggest few women work in law enforcement agencies such as customs services, especially in leadership positions. The percentage of women in customs administrations in 2020 was 37% and women held just 16% of customs head positions globally, according to World Customs Organization (WCO) data (WCO, 2021).

²¹ See <https://www.comesa.int/simplified-trade-regime-threshold-reviewed/>.

²² For example, the East African Community has launched a project to upgrade six border crossing points in the region to more gender inclusive design. See <https://www.youtube.com/watch?v=Vc3Kct1bnZU>.

Strengthening women's participation in the workforce creates additional employment opportunities for women. Furthermore, gender equality and diversity are strongly linked to improving overall service quality, increasing trust in and institutional legitimacy of customs services, and making them more adaptive, inclusive and resilient.²³

Women are also still underrepresented in the transport and logistics sectors and among brokers. Social norms and gender biases may prevent women from seeking employment in these fields due to the prevailing perception that they are men's jobs requiring manual heavy-duty tasks in unsafe work conditions. Women traders may benefit from more gender diversity of the workforce, as surveys of cross-border traders reveal that the male-dominated transport and logistics industry disadvantages women trader clients, who end up paying higher charges.

Promoting workplace diversity and gender equality requires long-term interventions in training and support programmes for women, removing discriminatory or disadvantageous policies, and providing networking opportunities and measures to promote safety at the workplace. Many customs administrations have already made commitments to gender equality and diversity.

In December 2020, the WCO and its members adopted the Declaration of the Customs Co-operation Council on Gender Equality and Diversity in Customs, as a high-level commitment and key milestone to advance this agenda in customs. In 2022, the WCO officially launched the Network for Gender Equality and Diversity in Customs to provide a high-level platform for sharing inspirational experiences.²⁴

It has also developed other tools to promote gender equality and inclusion in customs. These include a Gender Equality Organizational Assessment Tool,²⁵ a blended training package covering two dedicated e learning modules as well as a Compendium of Gender Equality and Diversity in Customs showcasing examples of implemented measures from members all over the world.²⁶

Women's voices need to be heard

Women's economic empowerment requires adequate participation of women in political decision-making processes and consultation mechanisms to give voice to their interests and priorities. Yet, women traders are often not well represented either in formal consultation mechanisms, such as national trade facilitation bodies, or professional associations.

Trade facilitation consultative platforms

Good business–government dialogue is a critical aspect of trade facilitation. The WCO recommends creating customs consultative committees (Revised Kyoto Convention Standard 1.3) and the United Nations Centre for Trade Facilitation and Electronic Business and United Nations regional commissions recommend creating national trade facilitation bodies. In the TFA, WTO Members committed to set up a national trade facilitation committee (Article 23.2) and to organize regular consultations between traders and border agencies (Article 2.3).

More than 100 governments had set up a national trade facilitation body by 2020, according to the United Nations Global Survey on Digital and Sustainable Trade Facilitation, known as the Global Survey.²⁷ There is also a trend towards regionalization of trade facilitation platforms through networking activities, ad hoc technical exchanges and joint training activities. The Economic Community of Western African States has set up a regional trade facilitation committee and informal networks of national trade facilitation committees (NTFCs) operate, for example, in the Caribbean Community and in Central Asia.

These consultative platforms enable a trusted and effective environment for regular public–private dialogue on trade facilitation. Their mandates include tasks such as planning and monitoring implementation of the TFA, identifying and removing bottlenecks to cross-border trade, and digitalization of procedures and documents.

²³ World Customs Organization (wcoomd.org).

²⁴ See <http://www.wcoomd.org/en/Topics/Capacity%20Building/Activities%20and%20Programmemes/Gender%20equality>

²⁵ See <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/capacity-building/activities-and-programmes/gender-equality/gender-equality-assessment-tool.pdf>.

²⁶ See http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/capacity-building/activities-and-programmes/gender-equality/gender-equality-compendium_en.pdf?la=en.

²⁷ As of 2020, 101 of 142 economies had established national trade facilitation bodies and 26 had partially established national trade facilitation bodies.

The United Nations Economic Commission for Europe,²⁸ ITC²⁹ and the WCO³⁰ have developed guidance documents for governments on how to set up such trade facilitation bodies. While the issue of women's participation and gender mainstreaming is not discussed in these documents, the WCO gender equality tool recommends the participation of women traders in consultation mechanisms.

Various United Nations bodies, such as ITC and UNCTAD,³¹ help NTFCs with gender-related capacity-building activities. The Global Survey collects data on women's participation and gender measures (United Nations, 2021).

How gender-responsive are trade facilitation platforms?

In 2019, only 37% of members of national trade facilitation bodies were women,³² and just 40% of the trade facilitation bodies were chaired or co-chaired by a woman (UNCTAD, 2020). Limited research is available on the factors preventing women traders from participating more actively in these bodies, but a plausible hypothesis is that time and geographic constraints as well as low visibility and legitimacy of the bodies act against the active participation of traders in general and women traders in particular.³³

Low participation in national trade facilitation bodies is also linked to and probably reinforced by low membership of women traders in dedicated trade associations and fewer associations representing women traders and small-scale traders in particular. The TradeMark East Africa baseline study of women cross-border traders found that fewer than half of cross-border women traders belonged to cooperatives or associations (Mveyange et al., 2020).

The number of women taking part in meetings is not a sufficient criterion to signal that a trade facilitation platform is gender-responsive, however. Experiences from trade negotiations show that the number of women in the negotiating room is not directly linked to the gender responsiveness of trade agreements (Brodsky, Lim and Reinsch, 2021). What matters is the responsiveness of national trade facilitation bodies to the needs of women traders in terms of outcomes and activities.

Research by UNCTAD and the TFWA points to the generally weak mainstreaming of gender into the work of NTFCs. UNCTAD found in 2019 that 58% of survey respondents (from both developing and developed countries) considered gender mainstreaming irrelevant (UNCTAD, 2020). The TFWA stresses that gender awareness among policymakers is low, that gender policies have weak linkages to trade and that gender ministries have weak or no institutional links with trade ministries and NTFCs (TFWA, 2020).

Nevertheless, data from the Global Survey show that 50% of NTFCs have fully or partially implemented or are piloting measures to increase women's membership (United Nations, 2021). For example, in the Kyrgyz Republic, an association of informal traders with many women members was invited to join the NTFC. And in Ghana and Côte d'Ivoire, NTFCs have set up a trade and gender working group.

Changes to the organizational framework of these consultation mechanisms can encourage more women traders to participate and strengthen women's voices. Meetings in locations outside the political capital in rural areas or close to border crossing points may better suit women traders. Focus groups or specific working groups may offer more informal access that is better adapted to the levels of education of women traders and does not require membership in trade bodies.

28 UNECE (2015). National Trade Facilitation Bodies, Recommendation 4 (ECE/TRADE/425). See https://unece.org/fileadmin/DAM/cefact/recommendations/rec04/ECE_TRADE_425_CFRec4.pdf.

29 ITC (2015). National Trade Facilitation Committees: Moving Toward Implementation. See <https://intracen.org/media/file/2901>

30 WCO (2016). National Committees on Trade Facilitation. See <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/wto-atf/national-committees-on-trade-facilitation/guidance/nctf.PDF?db=web>.

31 UNCTAD has launched an e-learning course on gender perspectives in trade facilitation reforms available in English, French, Spanish and Portuguese. See <https://unctad.org/meeting/launch-e-learning-course-gender-perspectives-trade-facilitation-reforms>.

32 The data collected by UNCTAD are not disaggregated by private and public sector and they only count the number of women representatives. The TFWA project in the Economic Community of West African States NTFC maturity matrix collects disaggregated data for women representatives in the private sector, but they are not publicly available.

33 See https://unece.org/sites/default/files/2022-06/WhitePaper_PrivateSector-NTFB.pdf.



Strengthening gender data

Policymakers need to use gender-disaggregated data to better assess and monitor the impact of trade facilitation for women traders. Collection and availability of meaningful gender-disaggregated data for trade facilitation are sparse, irregular and inconsistent.

Data sources

Different data make it easier to understand the experiences of women engaged in cross-border trade. These include quantitative statistical data on the involvement of women in cross-border trade, quantitative and qualitative data on the challenges confronting women who trade across borders, and implementation of trade facilitation measures.

Formal trade statistics published by national statistics offices and international agencies such as UNCTAD's Comtrade database capture directional trade flows. However, these data are not typically disaggregated by gender. Furthermore, customs services usually do not record – or record only partially – informal and small-scale trade, which means it is not reflected by trade statistics. Data on business registration are also often not disaggregated by gender. While employment data are more frequently disaggregated by gender, they are often not detailed enough in terms of economic roles and sectors.

International organizations such as the World Bank collect quantitative and qualitative data to fill the data gap on women traders (TFWA, 2020; World Bank/WTO, 2018; World Bank, 2021d). These data-collection efforts use different sampling methods and source data and

rely on surveys to gather information on the number of women cross-border traders, their ages, levels of education and years of experience. Surveys and focus group discussions are also used to collect qualitative data on trade barriers for women cross-border traders (Mveyange et al., 2020; UNCTAD, 2018).

These detailed empirical descriptions have greatly improved the understanding of women traders' challenges and opportunities. But there are limitations to the use of these surveys – the findings are limited to the specific time and location, the sample groups are frequently small and the data are often not made public.

A third type of gender-relevant data can be collected from qualitative statistical information on trade facilitation implementation, such as the trade facilitation indicators collected by international agencies. These data can be used to measure progress towards gender objectives, but not to measure the gendered impact of trade facilitation. Government agencies could also provide information on the use of trade facilitation measures, such as advance rulings, number of authorized traders and users of single window services. This would give a good picture of the inclusivity of these measures.

The Global Survey collects responses on three gender objectives: i) women's membership in national trade facilitation bodies; ii) incorporating special consideration of women traders in trade facilitation policy/strategy and iii) adopting measures to benefit women involved trade, such as specific training or gender focal points. The UNCTAD database on NTFC collects data on the number of women participating in NTFCs and decisions on mainstreaming gender.

Towards better gender-related data

The lack of gender-related data affects efforts to better integrate gender issues into trade facilitation interventions. Without the data, policymakers cannot quantify the disproportionate impact of trade facilitation on women traders and or identify specific needs and opportunities for them. Governments therefore must invest in the production of gender-related data for trade facilitation policy.

Given the data gaps in trade statistics, survey-based data collection appears the most suitable approach to obtain quantitative and qualitative information on women traders that can be used in the policy process. Using surveys, however, comes with challenges. Surveys are resource-intensive. Financial and technical assistance and capacity building are required for governments to collect data. Harmonizing the survey methodology and definitions is also essential to allow for comparable and good-quality data. Finally, the data need to be made easily accessible for all policymakers.

Governments can consider three approaches to measure the impact of trade facilitation reforms on women traders:

- Regular use of harmonized surveys to collect gender-relevant data on cross-border traders including characteristics of age, level of education and size and type of businesses, including markers for informality. World Bank studies provide a good starting point (World Bank, 2021a-d) for a harmonized methodology.
- Ad hoc use of surveys and focus group meetings to discuss and identify constraints of women traders in a specific location or time.
- Recording limited data on small-scale trade shipments, including a gender marker for the person presenting the goods to the government authorities, will help policymakers better understand the economic role of women traders. This document should be purely statistical, and traders and customs officers can share the burden of filling in this information.

Gender-targeted technical assistance

Facilitating trade is resource-intensive. Many developing and least developed countries rely on development assistance to implement the TFA. Technical assistance therefore has a responsibility for advancing gender targets in trade facilitation interventions.

Integrating gender in the Aid for Trade initiative

Official development assistance (ODA)³⁴ is the main source for funding international development efforts. ODA amounted to \$178.9 billion in 2021, according to the OECD statistics. Aid for Trade-related spending totalled \$64.6 billion in 2020, which represented 26% of ODA (OECD/WTO, 2022).

The Aid for Trade initiative was launched at the Hong Kong Ministerial Conference in 2005 to build trade capacity and infrastructure in developing and least developed countries. Gender has been incorporated in Aid for Trade activities as a cross-cutting issue since its beginning, and Aid for Trade donors and partner countries commit to both women's economic empowerment and gender equality in their cooperation strategies.

In the 2017 Buenos Aires declaration, WTO Members committed to 'ensuring that Aid for Trade supports tools and know-how for analysing, designing and implementing more gender-responsive trade policies'.³⁵

Gender-related development aid in the economic sector has grown in recent years (OECD, 2018a). The OECD uses a gender equality policy marker to record the gender orientation of programmes and projects.³⁶ Interventions with gender as a principal target are still rare, however. In fact, spending for projects and programmes with a dedicated focus on gender equality represented just 1% of total ODA in 2015–16 (OECD, 2018a).

34 The OECD defines ODA as 'those flows to countries and territories on the DAC List of ODA Recipients and to multilateral institutions which are provided by official agencies, including state and local governments, or by their executive agencies; and each transaction of which: is administered with the promotion of the economic development and welfare of developing countries as its main objective; and is concessional in character and conveys a grant element of at least 25% (calculated at a rate of discount of 10%)'.

35 See https://www.wto.org/english/thewto_e/minist_e/mc11_e/genderdeclarationmc11_e.pdf.

36 The gender equality marker gives a score of 2 to projects/programmes where gender equality is the main objective and is central to project/programme design and expected results; a score of 1 to those where gender equality is an important and deliberate (but not principal) goal; and a score of 0 to projects/programmes that do not target gender equality.



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Gender mainstreaming in trade facilitation interventions

Trade facilitation has been a high priority area for Aid for Trade since the TFA was concluded in 2013. Many governments of developing and least developed countries have integrated implementation of the TFA in their national economic development strategies to improve competitiveness by reducing trade costs and time spent for procedures and formalities. In the Aid for Trade global reviews of 2015, 2019 and 2022, trade facilitation was identified as the main impactful Aid for Trade category to cut costs, increase economic diversification and recover from the pandemic.

Examples of trade facilitation projects that focus on gender are rare. One of the few is a World Bank trade facilitation intervention in the Great Lakes Region of Africa (TFWA, 2020; World Bank/WTO, 2018).³⁷

Gender mainstreaming is more common for ODA-funded trade facilitation interventions. Gender objectives of such projects are related to i) access to regulatory information; ii) participation of women in consultative mechanisms; iii) gender awareness and gender orientation of

strategies; iv) safety of border crossings and facilities; and v) simplifying procedures for small-scale traders.

Gender-targeted activities include workshops and advocacy opportunities for women traders, gender awareness training for border officials, data collection, support for women traders (formal or informal) and training on laws and regulations.

The programming and design process of technical assistance projects have also become more gender-sensitive. Donors now systematically require a gender impact assessment in the design phase, which requires (as is the case of the TFAF grant programme) examining national gender policies for relevant linkages to trade facilitation.

The Global Alliance for Trade Facilitation, for example, uses the term 'gender-sensitive projects' to reflect that gender has been mainstreamed into all project phases by consulting with women, conducting gender analysis, collecting data and measuring impact. The WCO is also working to promote gender equality and diversity, both organization-wide and through specific capacity-building projects.

³⁷ The project aims to facilitate cross-border trade and improve conditions for small-scale traders, most of whom are women. The gender targets are construction of gender-sensitive border infrastructure, adoption of policy and procedural reforms, and regular capacity-building and awareness-raising activities that specifically target female traders. The project also supports innovations such as MTV style music videos featuring local women and hotline systems for anonymous reporting of abuses at the border.

Chapter 4

Recommendations

Trade facilitation interventions are commonly designed in a gender-neutral manner and build on the presumption that all traders benefit equally from them. In practice, the impact of and access to trade facilitation is uneven for women traders compared to men traders.

Findings

When it comes to trade facilitation, small-scale women cross-border traders often face obstacles such as lower levels of knowledge, experience and confidence, gender bias and discretionary behaviour by officials and transport operators, small business size, less access to capital and time sensitivity. They are disadvantaged in terms of access to information, justice and transport services, personal safety and protection from harassment, discrimination and abuse.

Gender-neutral implementation of the TFA risks excluding women traders, especially small-scale traders, from trade facilitation benefits and overlooking the reform they need. At worst, it may even lead to negative impacts, especially for rural small-scale traders, when reforms are insufficiently geared towards local conditions.

On the basis of the findings of the 2021 Global Digital and Sustainable Trade facilitation survey, the United Nations concluded that 'current policies are insufficient to ensure women's rights, and more efforts are needed to emphasize gender inequality in trade facilitation' (United Nations, 2021:33).

Using a gender lens can minimize the uneven impact of trade facilitation and ensure that reforms underpin the economic empowerment of women. This should be an imperative for developing as well as developed countries. In its review of trade and gender in New Zealand, the OECD found that there is room to improve inclusivity in policy formulation and that women are less engaged in trade than men (OECD, 2022).

Many developing and least developed countries were in the early stages of implementing the TFA when the COVID-19 pandemic hit. As we exit the crisis, there is an opportunity to pay more attention to gender issues

to increase income and opportunities for women traders and ensure that trade facilitation is more sustainable and inclusive.

Steps towards a gender lens approach

The following are recommendations for incorporating gender-targeted outcomes and activities into the national implementation plans of the TFA. Additional guidance is available from the Global Alliance for Trade Facilitation (Global Alliance for Trade Facilitation, 2020), the WCO Gender Equality Organizational Assessment Tool and the United Nations (UNCTAD, 2022).

Improve accessibility of information

Women traders need easy access to information on issues that matter to them, such as their rights, border crossing times, fees and formalities. Recommendations to improve their accessibility include:

- Make available simple, clear guidance on laws and obligations as well as legal documents focusing on how to comply. Where appropriate, use visuals to illustrate the practices and local languages spoken by women traders.
- In addition to digital access to information and contact points, make available low-threshold, in-person information desks at border crossing points or hotlines.
- Provide real-time information on the length of queues at border crossings.
- Adopt service standards for government agencies that clearly spell out how to respond to information challenges of disadvantaged people, such as low literacy or confidence, and provide specific services for disadvantaged people.³⁸
- Increase awareness about advance rulings by customs and publish rulings where appropriate.

³⁸ See, for example, HM Revenue and Customs principles of support for customers who need extra help at <https://www.gov.uk/government/publications/hmrc-charter/hmrcs-principles-of-support-for-customers-who-need-extra-help>.



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- Prepare simplified information on customs formalities for postal and express items as women-led businesses actively participate in cross-border trade through e-commerce.

Encourage compliance and formalized practices

Women traders need to know how to change their trading practices to avoid becoming subject to penalties and other enforcement measures. The following measures can encourage such changes:

- Offer access to legal aid and publish information on legal support or aid offered by government institutions, associations and charities.
- Adopt compliance management approaches in government agencies that focus on guidance and prevention rather than punishment. Revise enforcement regimes to allow for discretion when there is evidence of unintentional error (so penalties are proportionate to the risk posed) and distinguish between civil and criminal offences.
- Offer regular training to women and other small-scale traders on their obligations and best practices, and provide examples of methods to comply.

- Government agencies must issue their decisions in writing and explain how the decision was reached based on clear legal standards. A contact point should be indicated where women traders can obtain more information about the administrative decision.

- Publish judicial decisions where appropriate.

Prevent harassment and abuse

Women traders need protection from harassment by government officials and intermediaries including customs brokers and transport agents.

- Train government information officers on gender-sensitive approaches and behaviour.
- Develop an independent complaint mechanism to report abuse by customs agents and/or representatives of other enforcement agencies.
- Develop jointly with professional bodies standards for customs agents to protect the rights of the clients and provide gender-awareness training for customs agents.
- Adopt service standards for government agencies.



Creat consultation and dialogue platforms

Underrepresented groups of women traders need access to consultation and dialogue platforms and their views must be taken into consideration.

- Offer variable channels, both in person and online, for providing feedback on draft legislative proposals.
- Reach out to regions and rural areas and offer less informal meetings with traders who are not officially appointed members of the national trade facilitation committee.
- Systematically evaluate consultation processes for impact and to determine who participates and how actively.

Digitalization efforts

Women traders, especially small-scale traders in rural areas, must be able to access digital solutions.

- Provide low-threshold access to single window services or other electronic filing platforms including through terminals, help desks and mobile applications.
- Raise awareness about different electronic solutions and their use.
- Revise subscription and service charges to offer lower threshold access to specific groups of users.
- When introducing a new electronic service, set up a focus group of users, including different groups of women traders, to provide feedback on the design and user-friendliness of the service and monitor the use of the service by these groups.

Design simplification measures

Offer targeted awareness-raising to women traders on simplified procedures for customs clearance and training on how to comply with the requirements.

- Periodically evaluate the use of simplified procedures by traders and collect information on the challenges MSMEs and women-led businesses face in meeting requirements.
- Adjust, where possible, criteria to address the situations of small-scale businesses.
- Waive, where possible, reporting or information requirements for small business or low-value shipments.

Other recommendations

Put gender on the Trade Facilitation Committee's agenda

Knowledge about practical gender outcomes and their impact remains sparse. WTO Trade Facilitation Committee meetings should be a forum to share and discuss experiences with applying a gender lens to trade facilitation implementation. Gender and trade facilitation is still a new topic. The committee offers a good platform to share findings from research and country experiences and foster peer learning.

Make NTFCs more inclusive

National trade facilitation committees should manage the development, discussion and implementation of national trade facilitation reforms. The gender perspective is not sufficiently anchored in these bodies. Limited data are available on women traders and NTFC members are unaware of the gendered effect of trade facilitation. NTFCs should adjust their organizational design to better incorporate the gender perspective.

Channels to connect with rural areas must be opened so small-scale women (and men) traders can voice their needs and concerns. The participation of professional associations of women traders or with many women members needs to be supported. And gender indicators should be adopted for the impact evaluation of the TFA.

Promote gender-targeted technical assistance

Technical assistance interventions can promote using a gender lens to facilitate trade. But more experience is needed with gender-targeted projects and to improve monitoring and evaluation of interventions. Gender mainstreaming alone is not sufficient to ensure that projects are inclusive and empower women.

Ensuring impacts for the economic empowerment of women requires more technical assistance interventions to explore new areas of opportunity, approaches and indicators. Projects need to target women in their role as entrepreneurs and workers, for example, by targeting specific sectors. Women must become beneficiaries in the baseline assessment, and monitoring is needed to collect information on the impact of technical assistance interventions.

Strengthen gender analysis and data collection

Governments should gather better quantitative and qualitative data on women traders from national statistics and through surveys. Resources, technical assistance and capacity building are needed for regular and harmonized data collection on women traders and their experiences in cross-border trade. These data can be collected via surveys that use a standardized methodology.

Research the gender/trade facilitation nexus

This brief explores the impact of trade facilitation on the revenues and opportunities of women traders. There has been little research on other roles of women and ways to empower them economically. For example, digitalizing and professionalizing the transport and logistics sector could create employment opportunities for women in that sector. Another important area of research would be the impact of trade facilitation on the role of women as consumers and local food security.

A deeper understanding of the broader impact of trade facilitation to reduce poverty and underpin women's economic development would secure long-term commitment to trade facilitation reforms.

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