

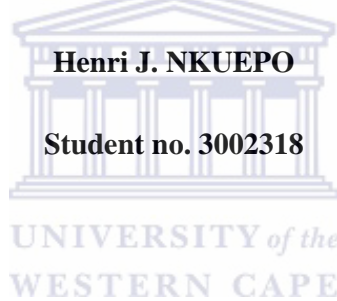
**Enhancing the capacity of policy-makers to mainstream gender in trade policy and
make trade responsive to women's needs: A South African perspective.**

Mini-thesis submitted in partial fulfilment of the requirements for the LLM degree

Faculty of Law

University of the Western Cape

By



Prepared under the supervision of

Prof R. Wandrag

Head of the Department of Mercantile and Labour Law

Faculty of Law

University of the Western Cape

November 2010

DECLARATION

I, Henri J. NKUEPO, declare that the work presented in this Mini-dissertation is original. It has never been presented to any other university or institution. References have been provided where other people's works have been used. I, therefore, declare that this work is my original work.

Signed.....

Date.....



Supervisor: Prof R. Wandrag

Signature.....

Date.....

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This is a great opportunity to express my thanks to **Prof L. Holtman** and the PET office who gave me a bursary to finance this LL M. I do not have words to thank Prof Holtman. Her advice, supports and time have really influenced my life. Thanks Prof.

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DEDICATION

A Alliance B. M.

Je t'aime grande soeur. Ton départ premature ne cessera de me ronger. Mais, je sais que tu es fier de moi et cela me fait du bien.

Merci

To my mother Charlotte MANDJOU

This work is dedicated to you mother. If there is someone who believes that I can achieve whatever I want, it is you. Thanks for your unconditional love. May God give you that chance of reaping what you sowed.

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I love you father and I will never stop loving you



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Henri J. NKUËPO

LIST OF ABBREVIATIONS

AOA	Agreement on Agriculture
ATC	Agreement on Textile and Clothing
ASGI-SA	Accelerated and Shared Growth Initiative of South Africa
BEE	Black Economic Empowerment
CTI	Clothing and Textile Industry
ECOSOC	Economic and Social Council
FAO	Food and Agriculture Organisation
FDI	Foreign Direct Investment
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
ICT	Information and Communications Technology
ILO	International Labour Organisation
IMF	International Monetary Fund
IP	Intellectual Property
MFN	Most-Favoured-Nation
MNC	Multi-National Corporations
OECD	Organisation for Economic Co-operation and Development
OSAGI	Office of the Special Advisor on Gender Issues and Advancement of Women
SME	Small and Medium Enterprises

SPS	Sanitary and Phytosanitary Measures (Agreement on the application of)
TIPS	Trade and Industrial Policy Strategy
TRIMs	Trade-Related Investment Measures
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
WTO	World Trade Organisation



KEY WORDS

Trade Policy

Trade policy is a government's policy controlling foreign trade.

Gender

Refers to the economic, social and cultural attributes and opportunities associated with being male or female

Gender mainstreaming

The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels.

Gender equality

Equal enjoyment by women and men of socially valued goods, opportunities, resources and rewards

Gender blind

Activities undertaken and services provided without regard to the gender of those who participate.

Trade liberalization

Removal of or reduction in the trade of practices thwarting free flow of goods and services from one nation to another; it includes dismantling of tariff as well as non tariff barrier.

Trade protection (Protectionism)

The imposition of duties or quotas on imports in order to protect domestic industry against foreign competition

Macro-economic policy



A Government policy aimed at the aggregate economy, usually to promote the macro goals of full employment, stability, and growth. Common macroeconomic policies are fiscal and monetary.

Trade policy-maker

An organ whose role is to design the government's trade policy

International Commitment

International engagement or contract entered into/signed by a country.



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ABSTRACT

Policy-makers generally ignore the gender impacts of trade policies because they believe that trade is gender neutral and that women and men would benefit equally from increased trade. As a result of this, trade policies, especially in developing countries, are gender blind and neither respond to women's needs nor empower women. Also, the impact of trade policies on the pursuit of gender equality is often ignored. Recognising the link between trade and gender, this dissertation aims to enhance the capacity of policy-makers to mainstream gender in trade policy and to help identify ways for using trade to respond to women's needs in South Africa. In order to meet this objective, it analyses the impacts that trade liberalisation has had on the economy and on gender in general and in South Africa in particular. In addition, it evaluates the impacts on men and women in order to see if trade has contributed to reducing, accentuating or perpetuating gender inequality in South Africa. Findings have confirmed that Trade liberalisation has had both positive and negative impacts on women and men. But, they have also demonstrated that trade liberalisation has affected women and men differently having negative influences on the pursuit of gender equality. The research has, however, concluded that the impact of trade liberalisation on the pursuit of gender equality is influenced by other key factors. As strategy to mainstream gender in trade policies, the research suggests that policy-makers should analyse the implications for women and men of any trade policy before adopting such policy. This analysis would help him/her to see the possible imbalances of the new policy and implement policies and programmes to eradicate them. Also, it will help him/her to identify possible ways for using trade to empower women. The research is based on the idea that the elimination of the existing inequalities will put women at the same stage with men and will, therefore, contribute to women's empowerment in South Africa.

'For macroeconomic strategies to reduce poverty and address gender inequality, they must be based on an understanding of the various synergies and trade-offs as well as the deep-rooted prejudices that operate in different contexts rather than on 'one-size fits all' formulae. Women's interests and agency, if analyzed correctly, are one of the most powerful means available to policy-makers to achieve a variety of developmental goals.' **Naila Kabeer**¹

1.1- The World Trade Organization (WTO) and Human Rights.

The WTO is, today, one of the most powerful international organisations in the world. It is composed of 153 members, 31 observer countries are currently negotiating their membership, and only 14 states and 3 territories have not yet shown an interest in becoming members.² The WTO's origin is rooted in the General Agreement on Tariffs and Trade (GATT) which was formed in 1947. GATT was just a set of rules agreed upon by a number of Contracting Parties; whereas the WTO is an international organisation with legal personality whose subjects are Member States. The Uruguay Round of Multilateral Trade Negotiations (Uruguay Round), September 1986- April 1994,³ changed GATT 1947 to GATT 1994.⁴ At

¹See Kabeer N. in *Gender mainstreaming in poverty eradication and the millennium development goals: a handbook for policy-makers and other stakeholders*. 2003. P204.

² See WTO 'Understanding the WTO' 2010. P112. Available at http://www.wto.org/english/thewto_e/whatis_e/tif_e/utw_chap1_e.pdf visited 19/10/2010.

³ 'It took seven and a half years, almost twice the original schedule. By the end, 123 countries were taking part. It covered almost all trade, from toothbrushes to pleasure boats, from banking to telecommunications, from the genes of wild rice to AIDS treatments. It was quite simply the largest trade negotiation ever, and most probably the largest negotiation of any kind in history.' Understanding the WTO: Basics http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact5_e.htm Visited 12/11.2010.

⁴The Marrakech Agreement marked the end of the Uruguay Round of Multilateral negotiation. To it was annexed all the texts forming the organisation's legal system including GATT 1994. Contrary to GATT 1947, the WTO now has agreements on services, sanitary and phytosanitary measures, trade-related aspects of

origin, the organisation's main objective was, and remains, (i) to raise the standards of living, (ii) to ensure full employment and a large and steadily growing volume of real income and effective demand, (iii) to expand the production of and trade in goods and services and, (iv) to allow the optimal use of the world's resources in accordance with the objective of sustainable development.⁵

A priori, trade law and policies are considered to be human rights and gender neutral.⁶ This is fundamentally justified. Indeed, the WTO rules are made to regulate international trade in goods, services, and intellectual property rights. Trade, is regarded as '...a symbol of mercantilism, capitalism, the tool through which powerful multinational corporations impose their law over human beings, impairing their social, economic and cultural rights'.⁷ However, Pascal Lamy states that human rights and trade rules, including WTO rules, are based on the same values: individual freedom and responsibility, non-discrimination, rule of law and welfare through peaceful cooperation among individuals.⁸ Lamy goes further by stressing that 'to be successful, the opening of markets requires solid social policies to redistribute wealth or provide safeguards to the men and women whose living conditions have been disrupted by evolving trade rules and trade patterns'.⁹ From these considerations, it is clear that there is a strong correlation between trade, human rights and gender. And it, therefore, becomes important to consider the implications for human rights and gender whenever a trade policy is to be adopted.

1.2- Trade policy and gender

All Africans are consumers.¹⁰ The prices they pay for their food and clothing, their necessities and luxuries, and everything else in between, are affected by trade policies. This statement illustrates one of the ten WTO benefits: freer trade and cutting the cost of living.¹¹

intellectual property and technical barriers to trade. See 'Understanding the World Trade Organisation: Basics'. Available at http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact1_e.htm visited 11/11/2010.

⁵ See Preamble of the Marrakech Agreement establishing the WTO.

⁶ See Choudhury B 'the facade of neutrality: uncovering gender silence in international trade' 2008, p113-159. P113.

⁷ Pascal Lamy' speech; Towards Shared Responsibility and Greater Coherence: Human Rights, Trade and Macroeconomic Policy, Geneva 2010. Available at http://www.wto.org/english/news_e/sppl_e/sppl146_e.htm visited 27/10/2010.

⁸ Ibid.

⁹ Ibid.

¹⁰ About 20% of the world's population is African (885 million inhabitants with 46, 900, 000 in South Africa). <http://www.nationsonline.org/oneworld/africa.htm> visited 11/11/2010.

¹¹ See '10 benefits of the World Trading System'. Available on the WTO website, http://www.wto.org/english/thewto_e/whatis_e/10ben_e/10b00_e.htm visited 27/10/2010.

The WTO is of the opinion that when trade is opened up, the population benefits as they have more choice of products and quality. The Organisation encourages trade liberalisation and once a country is a Member, it has the obligation to respect its principles.¹² Today, almost all African countries are WTO Members and whatever trade policy they implement, they do it in accordance with WTO principles.¹³ Every trade policy adopted by a Member State affects every single citizen of its territory without distinction of sex or race: women and men, White, Black, Indian and Coloured are affected similarly. Thus, when drafting any trade policy, the implications for men and women must, in advance, be assessed. The question that the trade policy-maker has to ask himself/herself whenever a trade policy is to be adopted is: what will be the implications of this trade policy on gender, if adopted? And when a clear and equal impact for men and women is found, the policy can now be adopted. A better trade policy would be one which benefits all citizens equally.

In practice, however, it is observed that most, if not all, of the trade policies in African countries, are considered 'gender blind' and adopted without regard to gender equality. From a South African perspective, the statement is illustrated by the Accelerated and Shared Growth Initiative of South Africa (ASGI-SA). ASGI-SA is a national initiative which aims to identify key constraints and adopt a number of trade policies to eliminate them.¹⁴ However, among the six constraints identified¹⁵ nothing is said about the effects of trade liberalisation on gender equality. The gender blindness of trade policies is a problem to be addressed in the developing world and in South Africa in particular. Gender mainstreaming in these countries is not a strategy and the impacts of trade liberalization on gender equality are not assessed when drafting new policies. Trade policy-makers' biggest concern is to address national development strategy, the dynamic changes in their international commitments, to eradicate poverty, to raise employment or to further trade liberalization.¹⁶ But, they do not talk of the implications, for gender equality, of these strategies.

¹² The principles of the trading system are: Most-favoured-nation (MFN), National treatment, freer trade, Predictability, Promoting fair competition, Encouraging development and economic reform.

http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm visited 27/10/2010.

¹³ See 'Understanding the WTO supra'. The author has made this statement from the list of WTO members and from the fact that all parties to a contract must respect the clauses of the contracts.

¹⁴ Edwards L. and Lawrence R.Z. South Africa trade policy matters: Trade performance and trade policy 2006, p4. Available at <http://www.iie.com/publications/papers/lawrence1206b.pdf> visited 27/10/2010.

¹⁵ Currency volatility, infrastructure, skilled labour and settlement pattern, barriers to entry and the regulatory environment, and deficiency in state organization.

¹⁶ See Qobo M. 'trade policy and strategy framework: international trade and economic development' 2009. P2. Available at http://www.dti.gov.za/parliamentary/pc_tp.pdf visited 27/10/2010.

1.3- The origin of gender mainstreaming: the Beijing declaration

The essence of this research is rooted in the Beijing Declaration and Platform for Action,¹⁷ where the concept of ‘gender mainstreaming’ was first mentioned. The concept, not defined by the Beijing Declaration, was established an important global strategy for the promotion of gender equality¹⁸, and later, the Economic and Social Council’s agreed conclusion (ECOSOC) 1997/2, defined it as:

‘...the process of accessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.’¹⁹

After the Beijing Declaration, gender mainstreaming was adopted as a policy instrument by national governments and intergovernmental organization in a wide variety of contexts.²⁰ However, no international trade instrument incorporates a gender mainstreaming perspective²¹ despite the fact that trade is essentially an economic phenomenon and has significant consequences for social and, most importantly, gender equality.²²

In many African countries, women still occupy a disadvantaged position because of their gender, their religion and, mostly, because of the African culture and tradition.²³ This disadvantaged position also affects the economic and political arena.²⁴ Statistics show that

¹⁷See the Fourth World Conference on Women; September 4-15, Beijing Declaration and Platform for Action; UN document. A/CONF.177/20 (1995).

¹⁸Office of the Special Adviser on Gender Issues and Advancement of Women, 2002. Gender Mainstreaming: An overview, 2002 P V.

¹⁹ ECOSOC agreed conclusion 1997/2. Available at <http://www.un.org/womenwatch/osagi/pdf/ECOSOCAC1997.2.PDF> visited 27/10/2010.

²⁰ They are: Poverty, employment, education and training, health, violence against women, armed conflict, human rights; institutional mechanism for the advancement of women, media, and environment. Beijing Declaration, annex II.

²¹ Wagner, C.Z. ‘gender mainstreaming in international trade: Catalyst of economic development and political stability, 2005, p 209.

²² Tran-Nguyen, A., Zampetti, A.B. *Trade and gender: Opportunities and challenges for developing countries*, 2004, p x.

²³ In Africa, there is a say that a married woman is a child of her husband or of her son. This belief justifies the fact that Africa is a patriarchal society where women are still considered inferior to men.

²⁴See Tran-Nguyen, A and Zampetti, A.B supra.

women are poorer in South Africa and are more likely to be unemployed or underemployed.²⁵ To this disadvantaged background, globalization and, mostly, international trade may bring more challenges as well as opportunities²⁶ and the questions to be asked are: how can the cost and benefits of trade be distributed by gender? Also, do trade rules and policies deepen, or, on the contrary, reduce existing gender inequality?²⁷ These questions justify the gender mainstreaming strategy as they suggest that the impact of trade on gender equality should be assessed in order to assist countries in designing appropriate strategies and policies to support the objective of gender equality in the context of an open multilateral trading system.²⁸

This research also derives from the gender blind nature of trade policies in developing countries and mostly in South Africa.²⁹ Its essence is also rooted in the Millennium Development Goal of the United Nations (UN), promoting gender equality and empowering women; an effective way to combat poverty. In the South Africa,³⁰ promoting gender equality and empowering women is the fourth goal which aims to eliminate gender inequality in primary and secondary education and in all levels of education before 2015.³¹ The UN has two targets: deepen the understanding of the gender dimension of trade and identify policy challenges and responses to meet the goal of gender equality.³² The UN Inter-Agency Network on Women and Gender Equality created a ‘task force on gender and trade’³³ and the United Nation’s Conference on Trade and Development (UNCTAD) was designated task manager.³⁴ Its role is to strengthen the capacity of government in developing countries to mainstream gender in their trade policies and use to trade policies as tools to respond to the specific needs of women.

²⁵ The Office on the Status of Women; South Africa’s National policy framework for women’s employment and gender equality 2000 [www.doh.gov.za/docs/policy/gen der.pdf](http://www.doh.gov.za/docs/policy/gen_der.pdf) visited 28/10/2010.

²⁶ See Tran-Nguyen, A. and Zampetti, AB, p iii.

²⁷ Ibid.

²⁸ Ibid.

²⁹ The South African trade policy and strategy framework enumerate strategies but do not assess the gender implication of those strategies. Gender mainstreaming is not seen as a strategy. In the whole document, the words gender and women appear once.

³⁰ South Africa’s Millennium Development Goals Mid-Term Country Report (2007).

³¹ Ibid.

³² See Tran-Nguyen, A and Zampetti AB supra.

³³ Ibid.

³⁴ Ibid The UNCTAD works in this regards with the UN agencies and regional commissions, the World Bank, WTO, OECD and the Commonwealth Secretariat.

This research is based on the idea that mainstreaming gender in trade policy is also a strategy.³⁵ The concept of ‘gender mainstreaming’,³⁶ according to the UN’s Office of the Special Adviser on Gender Issues and Advancement of Women, is considered as “a globally accepted strategy for promoting gender equality”.³⁷ Advocates of gender mainstreaming want the benefits from trade to be equally shared. It is worth mentioning that equal sharing of the benefits between men and women could contribute to development considering the role of women in society. Experience has shown that societies where income inequality and gender discrimination are lower tend to grow faster.³⁸ Therefore, gender equality might contribute to economic growth. Since women play an important role in the household, given them the same opportunities as men in education and employment will help them educate their children properly. A correlation between the gender gap, economic development and national competitiveness is strong and it is suggested that gender equality should be incorporated into the process of policy-making.

1.4- Research question

How can the capacity of South Africa’s trade policy-makers be strengthened so that a gender equality perspective is mainstreamed in trade policies and trade is made responsive to women’s needs?

Why should a gender perspective be included in the design and implementation of trade policy? What is the outcome of gender mainstreaming in trade policy? Also, and this is very relevant, has trade contributed to the reduction of gender inequality in South Africa? How can gender perspective be mainstreamed in trade policy?

³⁵Gender mainstreaming is here compared to all other strategies, development strategy, Poverty strategy and educational strategy.

³⁶ ‘Gender mainstreaming makes a gender dimension explicit in all policy sectors. Gender equality is no longer viewed as a “separate question,” but becomes a concern for all policies and programmes. Furthermore, a gender mainstreaming approach does not look at women in isolation, but looks at women and men - both as actors in the development process, and as its beneficiaries.’ See Neimanis A. *gender mainstreaming in practice: a handbook*, 2005. P7.

³⁷ Office of the Special Adviser on Gender Issues & Advancement of Women [OSAGI], ‘Gender Mainstreaming: Strategy for Promoting Gender Equality’ 2001 (prepared by Carolyn Hannan), available at <http://www.un.org/womenwatch/osagi/pdf/factsheet1.pdf> visited 28/10/2010.

³⁸ See document: TD/B/C.I/EM.2/2Rev.1, available at <http://www.unctad.org/Templates/meeting.asp?intItemID=4740&lang=1&m=16435&info=doc> visited 28/10/2010.

1.5- Overview of available data on the topic

The concept of gender mainstreaming, as mentioned above, is not a new concept. The literature on it is abundant. It is seen as an important mechanism that can be used to eliminate inequalities between women and men. One domain where it has, so far, been considered absent is the area of trade and trade policies. It is argued that (i) the majority of trade policies and trade agreements are considered gender blind, (ii) trade policy-makers and trade negotiators do not assess their implication for men and women, and (iii) this silence is significant in developing countries. Moreover, the literatures on gender mainstreaming in trade policies in developing countries is limited or do not even exist. This research tends to fill this gap.

The documents analysed here show the impacts of trade policies on men and women, and how trade affects them differently. They also show the correlation that exists between trade and gender equality. Also, from a South African perspective, the research cites some articles which give a clear idea of the different impacts of trade policies on women and men.

Analysis has demonstrated that there are links between trade policies, women's empowerment and gender equality.³⁹ These links are based on labour markets and small-scale enterprises, agricultural production and migration.⁴⁰ These issues must be considered when assessing and analyzing the implication of trade policy on gender.⁴¹ Mainstreaming gender in trade policy basically means to analyse the impact that policies and programmes have on men and women separately, and to help identify ways for using trade to empower women, and possible remedies for when trade policies negatively affect women.⁴²

Tran-Nguyen and Zampetti argue that trade has significant consequences for social, and particularly gender equality.⁴³ The influence that trade has on those social phenomena can be positive or negative. Existing inequalities exacerbate women's vulnerability and the negative impact of trade liberalization and attendant adjustment cost is likely to be felt more by

³⁹ 'Mainstreaming gender in trade policy', UNCTAD, Available at <http://www.unctad.org/Templates/meeting.asp?intItemID=4740&lang=1&m=16435&info=doc> visited 28/10/2010.

⁴⁰ UNCTAD explains how trade liberalization has played a role in the employment of women and in their empowerment. 'Mainstreaming gender in trade policy' supra. P5.

⁴¹ See UNCTAD 'mainstreaming gender in trade policy' supra. P13.

⁴² Ibid.

⁴³ See Tran-Nguyen, A and Zampetti, A.B. PX.

women than by men.⁴⁴ Furthermore, multilateral rules can amend domestic regulations in favour of women, or limit the option open to governments in the pursuit of their national economic and social objectives, for example, gender equality.⁴⁵

When trade policies are drafted and trade agreements negotiated, the gender components are almost always absent and trade negotiators do not think of the impacts on the very poor like women and youth.⁴⁶ Despite the fact that trade affects women and men differently, gender analysis is usually absent from trade negotiations and agreements.⁴⁷

Heather Gibb argues that trade liberalization affects women differently.⁴⁸ This different effect is justified by the fact that 'women's ability to respond to economic opportunities and challenges is linked to ethnicity and class, education, skills, ages, and social expectation about the role of women in the household'.⁴⁹

According to James Thurlow,⁵⁰ further trade liberalization may increase growth and reduce poverty. However, those who can benefit are men and male-headed households.⁵¹ The participation of women in the labour market has increased in South Africa and this change in the female labour force may reflect improved opportunities and a reversal of past discrimination. That increased participation of women has also augmented the 'susceptibility of women to changes in trade and industrial policies'.⁵² Thurlow concludes that trade reforms has worsened inequality in South Africa.⁵³

The WTO policy-makers seek to promote national economic growth and to reduce poverty.⁵⁴ WTO Members really take advantage of that objective. However, many questions remain on the contribution that trade makes to improve the lives of poor women and men, boys and

⁴⁴ Ibid.

⁴⁵ See Tran-Nguyen, A 'the economics of gender equality, trade and development' in *trade and gender: Opportunities and challenges for developing countries*. P16.

⁴⁶ Simonetta Zarrilli, UNCTAD interviewed by ISP news. <http://ispnews.net/africa/nota.asp?idnews=46624> visited 20/10/2010.

⁴⁷ Ibid.

⁴⁸ Gibb, H. 'Gender and regional trade agreements', 2009. P10. Available at http://www.unescap.org/tid/artnet/mtg/tradegender_reading.pdf visited 28/10/2010.

⁴⁹ Ibid.

⁵⁰ 'Has trade liberalization in South Africa affected men and women differently?' 2006. Available <http://ideas.repec.org/p/fpr/dsgddp/36.html> visited 28/10/2010.

⁵¹ Thurlow J. P VII.

⁵² Thurlow J. P10.

⁵³ Thurlow, P44.

⁵⁴ See Working paper, 5th WTO Ministerial Conference, 'World Trade Organization gender equality and trade', 2003. Available at <http://www.nsi-ins.ca/english/publications/wto.asp> visited 28/10/2010.

girls.⁵⁵ These questions are important because statistics confirm that women form 70% of the world's poor and that they earn less than men, have less control of property, and face higher levels of physical vulnerability and violence.⁵⁶

The relationship between trade and gender equality appears to be very important. The impacts that trade and trade policies have on women are different from those on men. Furthermore, trade and trade policies tend to negatively affect women because of some socio-cultural influences (religion, tradition, physical appearance) and others, depending on the geographical position, intellectual, economic and political condition.⁵⁷

Gender mainstreaming is thus important in trade policy and trade discussions. This is because trade policy is not gender neutral as many believe.

Gender mainstreaming is, however, not a panacea. Some authors have criticised it and the way it works. Many of those who supported it at the beginning are now disillusioned with the way it has worked so far and are beginning to feel that it has failed.⁵⁸ Gender mainstreaming has been adopted as a principle by most institutions involved in developmental matters. However, there is a problem of implementation.⁵⁹

Unmubig⁶⁰ argues that '[g]ender mainstreaming is, at its core, a radical socio-political concept for achieving gender equality and equal opportunity'. It is considered radical because it obliges governments, businesses and other institutions, to systematically introduce a gender-oriented perspective for every political and economic decision.⁶¹ This radical idea has really contributed to the advancement of gender equality at the global and national levels. However, it is noted that this advancement has not eradicated the 'hierarchies, power

⁵⁵ Ibid

⁵⁶ International Labour Organization (ILO), 'small premiums long-term benefits: Why poor women need micro-insurance'. 2010. Available at http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_123840/index.htm visited 28/10/2010.

⁵⁷ This is a conclusion made from the above analysis.

⁵⁸ Mehra, R. and Rao Gupta, G. 'Gender mainstreaming: making it happen'. 2006. P1. Available at <http://siteresources.worldbank.org/INTGENDER/Resources/MehraGuptaGenderMainstreamingMakingItHappen.pdf> visited 28/10/2010.

⁵⁹ Moser, C. and Moser, A. 'Gender mainstreaming since Beijing: A review of success and limitation in international institutions.' 2005. P15. Available at <http://www.jstor.org/stable/20053145> visited 28/10/2010.

⁶⁰ Unmubig, B. Gender mainstreaming: Possibilities and limits of a radical social concept. 2009. Available at <http://www.boell.or.ke/web/52.html> visited 28/10/2010.

⁶¹ Ibid.

differentials and conditions of dominance between the genders...⁶² Gender inequality has instead rather increased in many societies⁶³ as women are often excluded from political decision-making process, have precarious legal situation, and work in precarious conditions.⁶⁴

Unmubig believes that gender mainstreaming lacks political will to truly seize its radical core and to examine political decisions in regards to their gender-political consequences. She says that in the everyday business of politics, gender mainstreaming is hardly practiced, both within governments and within institutions and both nationally and internationally.⁶⁵ A political will exists to provide financial support and personal resources.⁶⁶

She also says that the radical concept of gender mainstreaming was too narrowly defined and politically interpreted and consequently, it has not successfully intervened in large policy areas and in important decision-making processes.⁶⁷ Barbara Unmubig concludes that gender mainstreaming should be brought into all political decisions if it wants to be successful.

1.6- Aim of the research

This research's objective is to help South Africa's policy-makers to mainstream gender in trade policy and make trade responsive to women's needs. It also aims to participate in the millennium debate on gender equality and wants South Africa's policy-makers to be actors of a globalization which puts people first, respects human dignity and the equal worth of every human being.⁶⁸ Furthermore, the research seeks to link the gender equality debate to international trade and national trade policies in particular in order to bring something new to the literature providing researchers with new tools. The research also aims to work with the UNCTAD which has responsibility for, and competence to take a leadership role in, ensuring that gender concerns are incorporated in a meaningful way in macro-economic policies.⁶⁹

⁶² Ibid.

⁶³ Ibid.

⁶⁴ See Unmubig B supra.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ World Commission on the Social Dimension of Globalization, *a fair globalisation: creating opportunities for all*, 2004. P5. Available at <http://www.ilo.org/public/english/wcsdg/docs/report.pdf> visited 28/10/2010.

⁶⁹ See the document UNCTAD TD/B/C.I/EM.2/2/Rev.1 supra.

1.7- Research methodology

In order to achieve its objectives, the research will assess the implications of trade policies for men and women, show the existing inequalities, and more importantly, propose ways to eliminate them through policies and programmes. The research is based on the idea that the elimination of the existing inequalities will put women at the same stage with men and will therefore help to empower them.

The research will not be doing a sociological study of gender equality and gender in this research is not limited to sex differentiation; but is the economic, social and cultural attributes and opportunities associated with being male or female. The dissertation considers the mainstreaming of gender in all trade policies in South Africa and a more focus study will be done in future works. Thus, the author will not be focusing on specific areas, but will be talking of trade policies in general. This statement explains the structure of the recommendations for the implementation of trade policies in South Africa and other developing countries which will be considering all the important trade sectors (agriculture, services, intellectual property rights, investment and labour rights).

The research is based on two important grouping of sources. The first group contains policies documents, working papers, and discussion papers. The second group contains books, articles and other electronic resources.

1.8- Challenges

Two considered different areas of study, trade and gender equality, are linked in this research. Trade is generally considered to be gender neutral and gender equality is generally seen as sociological. The research area is trade law and there is lack of literature on mainstreaming gender equality in trade policy in developing countries and in South Africa in particular. There is also limited literature on the effects of trade on gender inequality in South Africa. Therefore, this research could be of some importance.

1.9- Chapter outline

The answers to the research question will be divided into four chapters. Chapter one gives an overview of the origin of this study. It studies the relationships between the WTO and human rights and trade policy and gender. It also discusses the origin of gender mainstreaming along

with the Beijing Declaration. Chapter two assesses the effects of trade policy on the economy in general and its impacts on individuals and gender. Chapter three seeks to answer the question: has trade contributed to reducing or perpetuating gender inequality in South Africa? It considers the impacts of trade liberalisation on South Africans and on the wage gap, employment segregation and on the access to basic services, (example: education and training) and resources. Chapter four gives a clear view on mainstreaming gender in trade policy in South Africa. This chapter is made of strategies. After all these analysis, a chapter on conclusion and recommendation will close the research.



Chapter 2- The effects of trade policy on the economy and its impacts on individuals

*'Trade liberalization is an intricate web of cross and behind the border provisions and social, fiscal and labour market policies. These policies impact on gender relations, human development and poverty dynamics in the economy through a complex set of transmission mechanisms that determine access to resources at all levels of the economy. Any attempt to reconfigure the dynamics set in motion by trade liberalization from the perspective of gender equality will therefore not be successful unless it also challenges the sub-national, national, regional and multilateral formulation and decision-making of trade policy.'*⁷⁰ **Mariama Williams**

2.1- Introduction

A state is a territory in which people live under the authority of a government. This government has three important powers: it has the power to govern (executive power); the power to judge (judiciary power); and the power to make laws, (legislative power). In its power to make laws, the government adopts rules which govern the relationships between individuals and between individuals and the state. At the international level, the government represents the state, is bound by its international commitments⁷¹ and must implement policies (trade policy for example) consistent with those commitments. A government can decide to adopt policies which obstruct all trade between its territory and other states, in which case it is seen as an 'autarky'.⁷² Or it can practise a 'laissez faire'⁷³ policy where it decides not to regulate its international trade. However, no state has ever used these extremist policies; the real world, rather, consists of countries that fall somewhere in the middle.⁷⁴ So, whenever a new trade policy is adopted, one speaks of a movement in the direction of autarky, and

⁷⁰ See Williams M. *gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders*, 2003. P19.

⁷¹ At the international level, a state is a subject of law compared to an individual at national level.

⁷² This concept means "protectionist state". See Suranovic, S.M. *International Trade: Theory and Policy*, e-book available on: <http://internationalecon.com/Trade/Tch5/T5-4.php> visited 29/10/2010.

⁷³ This concept means "Free trade".

⁷⁴ See Suranovic, S.M. *supra*.

whenever a trade policy is removed, one sees a movement in the direction of free trade.⁷⁵ In today's practice, the WTO encourages the policy of trade liberalisation which wants states to remove or reduce trade practices which impede the free flow of goods and services from one nation to another; it includes the dismantling of tariffs as well as non-tariff barriers.⁷⁶ Thus, all WTO Members are obliged to adopt the policy of trade liberalisation. The Organization, in order to verify the transparency of its Member's policies, urges each Member to notify its policies. These policies are also reviewed by the Organisation through the Trade Policy Review Mechanism.

The question to be answered in this chapter is: what are the impacts of trade liberalization on the economy and on individuals? The first section will assess the impacts of trade liberalization on the country's economy and the second section the impacts of trade liberalization on individuals.

2.2- The effects of trade policies on a country's economy.

Trade policies have different effects on the country's economy. These effects can be classified positive or negative. This section will deal with each of them.

2.2.1- The positive effects of trade policies on a country's economy.

This subsection will analyse the impact of trade liberalization on economic growth, on employment and on poverty.

2.2.1.1- Trade liberalisation and economic growth.

This subsection will attempt to answer the question: do the economies of countries which liberalize their market grow faster?⁷⁷ The answer to this question is not as easy as one would at first think. This absence of a clear answer gives good reason to the fact that there is no exact relationship between trade policy and growth.⁷⁸ Economists are divided and their arguments, which seem justified, are all controversial. The WTO answers the question in the

⁷⁵ Ibid.

⁷⁶ See <http://www.businessdictionary.com/definition/trade-liberalization.html> visited 29/10/2010.

⁷⁷ See Chaudhry IS, and al. 'Exploring the causality relationship between trade liberalization, human capital and economic growth: Empirical evidence from Pakistan' 2010. Available at <http://www.academicjournals.org/jeif/PDF/pdf2010/Sep/Chaudhry%20et%20al.pdf> visited 3/11/2010.

⁷⁸ Edwards, S. 'Openness, trade liberalization, and growth in developing countries' 1993. P1371. Available at <http://ideas.repec.org/a/aea/jeclit/v31y1993i3p1358-93.html> visited 29/10/2010.

affirmative.⁷⁹ The Organisation encourages trade liberalisation as this stimulates economic growth, and can be good news for employment.⁸⁰ When a country's market is opened, that country has the opportunity to trade with other countries and to specialise in what it does best. David Ricardo⁸¹ believed that countries should specialise in what they are good at and what they produce with less input. He developed the theory of "comparative advantage", which means the ability of a country or an individual to produce goods or services cheaper than another.⁸² In specialising in that in which they have comparative advantage in, each country benefits from trade and save inputs. It is then advised that a country should concentrate all its inputs in what it produces easily and cheaply, so that it can produce more and have exchanges with other countries. In so doing, it accumulates energy, money and time.⁸³

Trade liberalisation facilitates the movement of goods among countries. This flow of goods can favour economic growth as it gives countries the opportunity to acquire goods that they do not have the ability to produce. Trade liberalisation also eases the flow of new technologies and ideas. For example, a developing country would benefit from trade liberalisation if its foreign industrialised partner could supply it (developing country) with new technologies. This movement of new technologies and ideas increases the number of qualified workers and helps companies to produce more. This is even more beneficial to developing countries because it is argued that they employ less advanced technologies and usually have less capacity to develop new technologies themselves.⁸⁴

When a country liberalises its market by lowering import tariffs, imported goods are cheaply sold in the country and this increases the consumer's purchasing power and living

⁷⁹ The OECD and the IMF do the same. Quoted by Rodriguez and Rodrik in their article: 'Trade policy and economic growth: A skeptic's guide to the cross-national evidence' 2000, these Organizations respectively say that "More open and outward-oriented economies consistently outperform countries with restrictive trade and [foreign] investment regimes" and that "Policies toward foreign trade are among the more important factors promoting economic growth and convergence in developing countries." This article is available at <http://ideas.repec.org/h/nbr/nberch/11058.html> visited 29/20/2010.

⁸⁰ See the 7th benefit of the '10 benefits of the WTO'. Available at http://www.wto.org/english/thewto_e/whatis_e/tif0b00_e.htm visited 29/10/2010.

⁸¹ In: *On the principles of political economy and taxation*, 1817.

⁸² See Khan A 'Critical analysis of absolute and comparative advantage: law which provides better solution for a country to be an international trade.' Available at <http://www.scribd.com/doc/24813740/Comparative-Advantage-Law-of-international-trade> visited 29/10/2010.

⁸³ These facts are important for economic growth.

⁸⁴ See the Australian government (AusAIDS) 'Aids themes'. Available at <http://www.ausaid.gov.au/keyaid/trade.cfm> visited 29/10/2010.

standards, giving producers more access to cheap inputs, reducing their production costs and boosting their competitiveness.⁸⁵ When national producers can be internationally competitive, the country's economy can benefit.⁸⁶ Research shows that trade expands the markets local producers can access helping them to produce at the most efficient scale to keep down costs.⁸⁷ It is also argued that low incomes usually make producers' potential of local market small and that trading with the world is vital.⁸⁸ Findings also demonstrate that countries with rapid growth in exports experienced a more rapid rate of growth of Gross Domestic Product (GDP).⁸⁹

In conclusion to this paragraph, it is important to note that trade openness is not a panacea,⁹⁰ a universal remedy to economic growth. Other factors have to be put together for long term economic growth. These factors are policy coherence,⁹¹ good governance, gender equality,⁹² and an equal share of trade benefits.

2.2.1.2- Trade liberalisation's positive impacts employment.

Originally, the WTO's Members wanted their trade relations and economic endeavours to be conducted with the objective of raising standard of living, ensuring full employment.⁹³ They further admitted that, to meet those objectives, it was important for them to enter 'into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade....'⁹⁴ It can clearly be inferred, from these words of the GATT's Preamble, that trade liberalisation, used in a proper way, is a key to full employment.

⁸⁵ Ibid.

⁸⁶ Tax benefits, attraction of foreign investors.

⁸⁷ See AusAIDS supra.

⁸⁸ Ibid.

⁸⁹ See Edwards S. Supra. P1386.

⁹⁰ The simple openness of the market is not a panacea and market liberalisation often create winners and looser. See the 'impact of trade liberalisation on poverty reduction' available at http://www.wilsoncenter.org/index.cfm?topic_id=1417&categoryid=6D4BAA58-423B-763D-D21D70F462AC385A&fuseaction=topics.news_item_topics&news_id=137933 visited 30/10/2010.

⁹¹ '[A]ppropriately designed and sequenced trade liberalization measures and a well crafted set of trade rules can make positive contribution to growth and development. But the extent of that contribution also depends on other policies.' World Trade Report 2004, P 90, the report acknowledge the fact that 'policies are inter-dependent' and if there is no coherence between policies, 'poor policy or neglect in one area can undermine the efficacy of effort in another'. The report is available at http://www.wto.org/english/res_e/booksp_e/anrep_e/world_trade_report04_e.pdf visited 29/10/2010.

⁹² 'Gender equality and growth are mutually supportive'. Tran-Nguyen A, 'the economics of gender equality, trade and development'. In: Trade and gender: Opportunities and challenges for developing countries. P14.

⁹³ See Preamble of the GATT1994.

⁹⁴ Ibid.

This dissertation has shown how trade liberalisation might have positive impacts on the country's economy.⁹⁵ These impacts can be an increase in the country's income, rapid growth of the country's GDP⁹⁶ or increase of foreign investments.⁹⁷ The author believes that a country ruled according to good governance's principles, would normally seek the wellbeing of its population in case of economic growth. Such country can create more jobs, increase salaries or provide more training facilities. This research has also argued that trade liberalisation facilitates the flow of new technologies. These technologies can create job opportunities for skilled workers.⁹⁸ It is acknowledged that the majority developing countries lack proper infrastructures where their graduate students can be hired. With a liberalized market, the country can attract foreign investors coming with new technologies. Also, in the context of trade in services,⁹⁹ foreign companies can open firms in the country and hire members of the population.

Furthermore, it is supported that trade liberalisation can create jobs for women and increase their relative wages.¹⁰⁰ From this statement, one can say that the chances for women to find jobs in the service sectors is high. Trade liberalisation is favourable in the sense that it facilitates the construction of hotels, restaurants and many other tourist facilities which employ more women. In many developing countries, especially in Africa, women are more and more engaged in cross-border market as producers, traders and consumers.¹⁰¹ It is important to note that trade liberalisation is reproached to have pushed women in unsecured sectors. The United State Agency on International Development says that '[t]he growth of employment in the wholesale and retail sector is likely to have been associated with a net deterioration of job quality and work protection.'¹⁰²

⁹⁵ See Ss A1 supra.

⁹⁶ See Edwards S. Quoted supra.

⁹⁷ See Golda B and Banga R 'impact of trade liberalisation on foreign direct investments in Indian industries' 2007. P2. Available at <http://www.unescap.org/tid/artnet/pub/wp3607.pdf> visited 3/11/2010.

⁹⁸ Cardullo MW and Ansal H argue that employment is impacted by the introduction of new technology. In, 'impact of technology on employment'. 1997. Abstract available at http://ieeexplore.ieee.org/xpl/freeabs_all.jsp?arnumber=653243 visited 3/11/2010.

⁹⁹ See the third mode of supply, commercial presence.

¹⁰⁰ Nordas Kyvik, H. 'Is trade liberalization a window of opportunity women?' 2003. P2. Available at http://www.wto.org/english/res_e/reser_e/wpaps_e.htm visited 29/10/2010.

¹⁰¹ See ECA 'assessing regional integration in Africa IV: enhancing intra-African trade' 2010. P423. Available at <http://www.uneca.org/aria4/ARIA4Full.pdf> visited 29/10/2010.

¹⁰² See Velia M and Valodia I 'gender impacts of trade in South Africa – 1994: An exploration based on female employment and firm ownership,' 2008. P86. Available at http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/South_Africa_SMMES_Report_Final.pdf visited 29/10/2010.

The impact of trade liberalisation on employment is, like on growth, also controversial.¹⁰³ While the WTO is of the opinion that trade liberalization can be used as a way to reach full employment, some researchers argue that trade liberalization contributes to the increase of unemployment and aggravates the wage gap and inequalities.¹⁰⁴

2.2.1.3- Trade liberalisation's positive impacts on poverty.

What is poverty? The answer to this question is important as it will help to better understand the link between trade liberalisation and poverty and to appreciate the impacts that trade liberalization could have on poverty. The answer is also important because a universal answer does not exist. In South Africa, a definition by Statistic South Africa¹⁰⁵ is generally quoted. Poverty is regarded

*'... in a broader perspective than merely the extent of low income or low expenditure in the country. It is seen here as the denial of opportunities and choices most basic to human development to lead a long, healthy, creative life and to enjoy a decent standard of living, freedom, dignity, self-esteem and respect from others.'*¹⁰⁶

In this definition some words are very important for this research. They are: low income, low expenditure, denial of opportunities and choices, health, standard of living and self-esteem. These words are important because they are commonly used when talking of trade liberalisation or of trade in general.¹⁰⁷ What are the impacts of trade liberalisation on poverty?

¹⁰³ See Lee E 'trade liberalisation and employment' P1 available at <http://www.un.org/docs/ecosoc/meetings/2005/docs/Eddy%20Lee.pdf> visited 3/11/2010 and Christev A and al. 'trade liberalisation and employment effects in Ukraine' 2005. P1. Available at <http://ftp.iza.org/dp1826.pdf> visited 3/11/2010.

¹⁰⁴ See Baker VA 'trade liberalisation, inequality and unemployment: lesson from the Argentine case' 2008. P9. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1126402& visited 29/10/2010. Chao CC and Eden S.H Yu argue that in the long term, '[w]hile the short-run effects of the liberalization policy are ambiguous, its long-run impacts are clear: The policy dampens the price of the imported goods, raises firms' output and reduces the number of firms. Furthermore, the policy lowers the unemployment ratio and hence improves welfare when the economy suffers from sector-specific unemployment, whereas the policy may aggravate underemployment and thus may lower welfare for a labour-surplus economy.' See their article 'trade liberalisation in oligopolistic competition with unemployment: a general equilibrium analysis' 1997. P479. Available at <http://www.jstor.org/stable/136352> stable URL.

¹⁰⁵ See Statistic South Africa. 'Measuring Poverty in South Africa' 2000. P54 available at <http://www.statssa.gov.za/publications/statsdownload.asp?ppn=PovertyReport&SCH=2349> visited 29/10/2010.

¹⁰⁶ Ibid.

¹⁰⁷ See the objectives of the WTO in the Preamble of the Marrakesh Agreement establishing the WTO.

The WTO, IMF and some economists believe that trade liberalisation positively impacts on poverty. The IMF contends that free trade benefits the poor especially and that ‘[n]o country in recent decade has achieved economic success, in term of substantial increases in living standards of its people, without being opened to the rest of the world.’¹⁰⁸ The theory of comparative advantage also supports these positive impacts of trade liberalisation on poverty. If a country specialises on what it produces the best, its production will increase and this increase will affect the country’s economy. There is a strong link between economic growth and the reduction of poverty. The proponents of a positive link between trade and growth have a two-step argument: trade promotes growth and growth reduces poverty.¹⁰⁹

Findings show that trade liberalisation can alleviate poverty in the long run and that the ultimate outcome would depends on many other factors, including its starting point, the precise trade reform measures undertaken, who the poor are, and how they sustain themselves.¹¹⁰

In sum research submits that trade contributes to growth, provides higher incomes and opens up enormous employment opportunities which help to ameliorate poverty.¹¹¹

2.2.2- Possible negative effects of trade policies on a country’s economy.

This paragraph brings out some negative impacts that trade liberalization could have on the country’s economy. It discusses the possible negative impacts of trade liberalisation the country’s income, on employment, and it shows how developing countries may suffer from further liberalisation.

2.2.2.1- Trade liberalisation negative’s impacts on a country’s income.

A country’s primary source of revenue is taxes. Every citizen contributes to the country’s revenue when he/she buys or sells a good; a part of his/her salary is kept as income tax;

¹⁰⁸ IMF ‘Global trade liberalization and the developing countries’, 2001

<http://www.imf.org/external/np/exr/ib/2001/110801.htm#ii> visited 29/10/2010

¹⁰⁹ See Sutherland P and al. The future of the World Trade Organization: addressing institutional challenges in the new millennium, 2004. P12. Available at <http://www.asiaing.com/the-future-of-the-wto-addressing-institutional-challenges-in-the-new-mille.html> visited 29/10/2010.

¹¹⁰ See Winters LA, McCulloch N and McKay A ‘trade liberalisation and poverty: the evidence so far’ 2004. P107. Available at <http://www.jstor.org/stable/3217037> stable URL.

¹¹¹ See Sharma, D. ‘trade liberalization in agriculture: lesson from the first 10 years of the WTO. 2005. P6. Available at

http://www.diakonia.se/documents/public/IN_FOCUS/Social_Economic_Justice/Trade/APRODEV_Tradelib_Lessons_dec05.pdf visited 29/10/2010.

he/she pays donation's tax and capital gains tax for a donation or a profit that he/she makes; he/she also pays customs duties when he/she buys from abroad.¹¹² The more an individual buys, the more taxes he/she pays taxes. The government also receives money from tariffs.¹¹³ This evidence justifies the reason why, many developing countries tend to be protectionist. It is because they get a considerable part of their budget from high tariffs. Trade liberalisation, on the contrary, means reduction or elimination of tariffs. The WTO encourages all its Members, irrespective of their size, to reduce tariffs or even to eliminate them.¹¹⁴ This elimination or reduction can be harmful to a country's economy. Developing countries are more vulnerable to tariff reduction because trade liberalisation could have a detrimental impact on developing their government's revenue.¹¹⁵

These negative impacts of trade liberalisation are dual. First, they affect the country's revenue and, secondly, they affect individuals. Indeed, when the government reduces or eliminates tariffs at the border, it tends to compensate therefore with internal taxes imposed on individuals and businesses.¹¹⁶

2.2.2.2- Trade liberalisation negative's impacts on employment.

It is generally argued that trade liberalisation is associated with both job creation and job destruction.¹¹⁷ It facilitates the circulation of products and gives consumers more choice at cheap prices. When imported products can come into a country without being charged with

¹¹² See the South African Income Tax Act 58 of 1962.

¹¹³ Tariffs or custom duties or impost are the charges imposed on goods from or to another country. Tariffs are source of income for the government of the importing country. See UNCTAD 'Dispute Settlement: World Trade Organisation' 2003. P6. Available at http://www.unctad.org/en/docs/edmmisc232add32_en.pdf visited 4/11/2010.

¹¹⁴ This is subject to some exceptions. See for instance The Special and Differential Treatment to Least developed Countries. Available at http://www.wto.org/english/tratop_e/devel_e/dev_special_differential_provisions_e.htm visited 4/11/2010.

¹¹⁵ South Centre, 'revenue implications of WTO NAMA tariff reduction', 2004. The centre says that this detrimental impact is justified by the fact tariffs collected at the border represent a larger a large share of the country's revenue. Available at http://www.southcentre.org/index.php?option=com_content&task=view&id=260&Itemid=67 visited 30/10/2010.

¹¹⁶ Mariama Williams argues that '...when government revenue decreases as a result of declining trade tax receipts, the government may attempt to make up for the shortfall by cutting social spending and/or by raising consumption and other excise taxes. This will affect household budgets and access to health care and education.' Williams M 'gender and trade: impacts and implications for financial resources for gender equality' 2007. P1. Available at <http://www.oecd.org/dataoecd/38/62/38831071.pdf> visited 5/11/2010.

¹¹⁷ Jansen, M. and Lee E. *Trade and employment: Challenges for policy research*, 2007. P2. Available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_081742.pdf visited 30/10/2010.

high tariffs, they are sold at cheap prices. Thus, because every reasonable consumer would like to save money, he/she would prefer to buy imported goods¹¹⁸ and this will affect some national producers whose products will be replaced by imported products. This could have devastating effects on employment as many companies would go bankrupt and many employees losing their jobs.¹¹⁹ For example, it is argued that the South African Clothing and Textile Industry (CTI) used to be an important employer in the manufacturing sector. However, the reintegration of South Africa into the international economy, its aggressive liberalisation of import duties, and the expiry of the Agreement on Textile and Clothing (ATC) in 2005 have exposed that industry to increasing competition from low cost producers in the Far East. As a result, statistics show that from 1995 to 2010 the sector has lost more than 120 000 jobs.¹²⁰

Findings show that trade liberalization has contributed to job segregation. An example from the European Union confirms this statement. Indeed,

‘women’s employment continues to be a concentrated in the services sector, which now accounts for just over 80 per cent of women workers across the European Union. Many women work as unskilled, underpaid workers in the service sector. Women are overrepresented in the work places where conditions are poor and wages are low and underrepresented in managing and decision making positions. Again women will be the first to suffer from budget cuts and restrictions as they are in the majority of those working in less qualified jobs.’¹²¹

It is proved that the occupational segregation by sex persists.¹²² On the one hand, there is ‘horizontal segregation’ which is the distribution of women and men across occupations,¹²³ and on the other hand, there is ‘vertical segregation’ which is the distribution of men and women in the job hierarchy in terms of status and occupation.¹²⁴ This development seems to reflect exactly what happens in practice. In South Africa, there are jobs which are known to

¹¹⁸ Imported goods are sometimes of good quality.

¹¹⁹ In the meantime, the openness would be good for national producers who can export and import easily.

¹²⁰ See Trade Law Chamber ‘New Assistance Programme for the SA Clothing and Textile Industry: A Stitch in Time?’ The International Trade Law Newspaper, 2010, Vol.3, Issue: 2. Available at <http://www.internationaltradelaw.co.za/>

¹²¹ European Women Lobby, ‘gender, trade liberalization and services in the European Union’2000. Available at http://trade.ec.europa.eu/doclib/docs/2005/april/tradoc_122217.pdf visited 20/10/2010.

¹²² Williams, M. *gender mainstreaming in the Multilateral Trading System: a handbook for policy-makers and other stakeholders*, 2003. P18.

¹²³ Ibid

¹²⁴ Ibid

be women's or men's only.¹²⁵ Statistics show that the number of women occupying top managerial positions is lower than that of men.¹²⁶

2.2.2.3- Problems from further liberalisation facing developing

Before 1994, many developing countries' foreign policies were protective. At that date, many of those countries became WTO Members and started to liberalise their foreign policies.¹²⁷ Trade liberalisation has always been regarded by the WTO, the IMF, the World Bank and many other international institutions as an instrument for development, economic growth, poverty reduction and job creation.¹²⁸

Regardless of this position, it is argued that trade liberalization can cause, to developing countries, the loss of revenue as a result of tariff reduction, and the economic and social disruptions due to a rapid displacement of workers from agriculture.¹²⁹ Weisbrot and Baker further argue that trade liberalisation favours the transfer of income, in the form of royalties and licensing fees, to industrialised countries.¹³⁰ Further trade liberalisation might also be harmful to Small and Medium Enterprises (SME) in developing countries in the sense that; when trade is liberalised, large firms, from the industrialised world, control the market and many SMEs can go bankrupt because of competition.

2.3- Trade liberalisation and individuals.

Trade policy-makers generally believe that trade reduces poverty and that men and women benefit equally.¹³¹ On the other hand, they think that market access promotes development improving the condition of men and women equally.¹³²

¹²⁵ In South Africa, there is a category of jobs called "women's jobs". Women are more likely to be secretaries, typists, clerks, receptionists or bank tellers. See Ramsaroop A and Parumasur SB 'the prevalence and nature of sexual harassment in the workplace: a model for early identification and effective' management thereof' 2007. P26. Available at <http://www.sajip.co.za/index.php/sajip/article/viewFile/374/367> visited 4/11/2010.

¹²⁶ In 2002, only 12% of females were occupying top management whilst this category included 88% of males. See Ramsaroop A and Parumasur SB supra.

¹²⁷ This radical change was due to the fact that the Members believed that in order to achieve their objectives, the openness of the market is a must. See the Preamble of the Marrakesh Agreement establishing the WTO.

¹²⁸ See Panitchpakdi S, for WTO Director in 'quotes on development' available at http://www.wto.org/trade_resources/quotes/development/development.htm visited 4/11/2010.

¹²⁹ See Weisbrot, M. and Baker, D. 'The relative impact of trade liberalization on developing countries' 2003, p16. <http://redalyc.uaemex.mx/pdf/601/60124401.pdf> visited 30/10/2010.

¹³⁰ Ibid. They also note the potential cost of increased reserve holdings.

¹³¹ See Williams M. P19.

¹³² Ibid.

This section will attempt to answer two important questions: what are the impacts of trade liberalisation on individuals? And has trade liberalisation affected women and men similarly?

2.3.1- The impacts of trade liberalisation on individuals.

Generally, the impacts of trade liberalisation on individuals are classified as positive and negative.

2.3.1.1- Neutral¹³³ impacts of trade liberalisation on individuals: positive impacts.

Trade liberalisation is considered as a ‘window of opportunities’¹³⁴ for both women and men. It facilitates the acquisition of new skills;¹³⁵ it increases income, brings new opportunities for women and men and gives more opportunities of choices. Trade liberalisation positively impacts on health services.¹³⁶ In order to do an in-depth analysis of the positive impacts of trade liberalisation on women and men, the research will proceed sector by sector.

2.3.1.1.1- Liberalisation of trade in services

The introduction of the General Agreement on Trade in Services (GATS) in the WTO in 1994 was a success because health care and education are important factors of human development and need to be regulated properly. The liberalisation of trade in services is very important because of its impacts on health care and education. Statistics show that the service sectors are also considered as employing more women.¹³⁷ Education is the mother of any science¹³⁸ and is the only way to acquire knowledge of new technologies. Knowledge matters deeply and without it humankind is in danger.¹³⁹

The liberalization of trade in services helps in the acquisition of knowledge, new skills. Trade liberalization facilitates the movement of individuals and of new technologies. Both men and

¹³³ Neutral here means those impacts which are equal to women and men. For example, trade liberalisation creates employments for both women and men.

¹³⁴ Nordas, K.H. ‘is trade liberalization a window of opportunities for women?’ 2003. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=925793 visited 30/10/2010.

¹³⁵ Williams, M. supra. P23.

¹³⁶ Ibid.

¹³⁷ The sector accounted for 46.3% of all female employment in 2008 (41.2% of male). Women are still over-represented in the agricultural sector as they share 35.4% (32.2% for men). See Raja K ‘economic crisis to put more women out of work this year’ www.twinside.org.sg/title2/women/2009/TWR223p47.doc visited 4/11/2010.

¹³⁸ This is the author’s position.

¹³⁹ See presentation by Prof. Brian O’Connell, Rector of the University of the Western Cape made 09/09/2010 at the ‘Vice Chancellor’s “Sense-Making” series invitation’.

women have the chance to enrol in higher education and to benefit from the training of experts from all over the world. For example, China, Singapore and many other Asian Countries sent their citizens to learn about western civilisation and technologies with the idea that keeping the door closed is similar to maintaining backwardness.¹⁴⁰ Because of globalisation and pressures on policy-makers, women, as well as men, can now enrol in schools where they were previously not accepted.¹⁴¹ This makes it easier for both genders to get jobs in all sectors of activities, in every country and therefore earn good salaries. The author believes that an increase of employment opportunities would expand the sources of income. Trade liberalisation has increased the employment of women in the industrial, commercial, and agricultural sectors. It has also offered work opportunities via sub-contracting and home-based in the manufacturing and services sectors.¹⁴² In Africa, many households are headed by women, especially in the rural area where these women lack proper job and income to take care of their family.¹⁴³ It, therefore, appears that this growth in employment would affect family's wellbeing.

The GATS has enhanced the ability of government to regulate the quality of health care. When one talks of trade in health care, he/she means, the 'Cross-border delivery of health services via physical and electronic means, and cross-border movement of consumers, professionals, and capital'.¹⁴⁴ Research shows that trade in health services has a dual benefit: it benefits the economy¹⁴⁵ and individuals as it facilitates the movement of medicines, health specialists and, also, the establishment abroad of private firms. Health service is very important to women because women's health is capital to individual wellbeing and social and economic development.¹⁴⁶ Therefore trade liberalisation increasingly affects women's health by creating new opportunities to improve reproductive health.¹⁴⁷ The research concludes that

¹⁴⁰ See Xintian Y 'the destiny of cultures: relationship between foreign and native culture in the process of modernisation' In: Xintian Y *Cultural impacts of international relations*. 2002. P 125-135.

¹⁴¹ See the reform of the education system in South Africa. See Chapter 3 of this dissertation.

¹⁴² Williams, M. *supra*. P23.

¹⁴³ See FAO 'women and food security' available at <http://www.fao.org/focus/e/women/sustin-e.htm> visited 4/11/2010.

¹⁴⁴ See Chandra, R. 'trade in health services, 2001. P158. Available at <http://www.scielosp.org/pdf/bwho/v80n2/a12v80n2.pdf> visited 4/11/2010.

¹⁴⁵ Chandra, R submits that the health care sector is estimated to generate US\$ 3 trillion per year in OECD countries. P158.

¹⁴⁶ See the International Centre for Research on Women 'Trade liberalization and women reproductive health: linkages and pathways'. 2009. Available at http://www.popcouncil.org/pdfs/ICRW_Trade-Liberalization-ReproHealth.pdf visited 30/10/2010.

¹⁴⁷ *Ibid*

women's increased job's opportunities will increase their income and therefore their access to health services.

Trade in services is defined by four modes of supply for GATS purposes. The table below shows all of them with examples. Articles I.2 of the GATS.

MODES	EXAMPLES
1-Cross Border (Art I.2.a): this means the supply of services 'from the territory of one member into the territory of any other member.'	A South Africa architect who faxes a copy of his work to a client in Cameroon.
2-Consumption abroad (Art I.2.b): supply of services "in the territory of one member to the service consumer of any other member."	Consumption of tourism services. A South African tourist travels and lives in a Cameroonian Hotel.
3-Commercial presence (Art I.2.c): a "service supplier of one member, through commercial presence in the territory of any other member."	MTN SA is commercially present in Cameroon. It has a subsidiary in Cameroon.
4-Presence of natural person (Art I.2.d): a "service supplier of one member, through presence of natural person of a member in the territory of any other member."	A South African road constructing company having a contract to build roads in Cameroon sends its engineers there.

From this table, one can see that the liberalisation of trade in services benefits individuals as it creates market opportunities and facilitates their movement.

2.3.1.1.2- Liberalisation of agricultural trade

As the GATS, the Agreement on Agriculture (AOA) also came into being in 1994 and its objective was to create a fair and market-oriented agricultural trading system.¹⁴⁸ In order to meet this objective and those of the WTO, the AOA has developed three pillars: (i) market

¹⁴⁸ See the Preamble of the Agreement on Agriculture.

access, (ii) domestic support and, (iii) export subsidies and all WTO members are required to respect these three areas in their liberalisation's commitments.¹⁴⁹

Market access requires Members to reduce their tariffs and to eliminate all non-tariff barriers which could obstruct the free flow of goods.¹⁵⁰ This openness of the market will facilitate the circulation of food and this could help toward the elimination of world hunger. Also, it will give the opportunity to individuals to choose among foods and to buy cheaper. It is established that comparative advantage in agricultural products is held by developing countries;¹⁵¹ that these countries mostly depend on their agricultural trade as the sector provides jobs and food.¹⁵² Trade liberalisation is therefore good for developing countries as: the growth of agricultural production is a key to poverty reduction; agricultural imports can complement local production and provide alternative sources of nutrition and dietary choices; the export of local products can offer new markets and opportunities for employment and income.¹⁵³

Domestic support consists of subsidies given by governments to local farmers for specific agricultural products, or for agricultural infrastructure and research.¹⁵⁴ The main objective of the domestic support pillar of the AOA was to reduce the amount of money that governments give to farmers.¹⁵⁵ This governmental supports has negative impacts on agricultural trade and developing countries suffer the most because their economy depends on agricultural trade and they are unable to subsidise at the same level as their developed partners. The reduction of subsidies would benefit countries and individuals as subsidies weaken the theory of comparative advantage.¹⁵⁶ The reduction of subsidies would benefit women agricultural

¹⁴⁹ Glipso, A. 'the WTO-AOA: impacts on farmers and rural women in Asia.' Available at http://www.glow-boell.de/media/de/txt_rubrik_5/SuS_Arze_RuralWomen.pdf visited 30/10/2010.

¹⁵⁰ See article 4 of the AOA.

¹⁵¹ Setern N, quoted by Mutume G in 'mounting opposition to Northern farm subsidies: Africa cotton farmers battling to survive', argues that "It is hypocritical to preach the advantages of free trade and free markets and then erect obstacles in precisely those markets in which developing countries have a comparative advantage." Available at <http://www.un.org/ecosocdev/geninfo/afrec/vol17no1/171agri4.htm> visited 30/10/2010.

¹⁵² Statistics show that agricultural trade account for about 30% of Africa's GDP and 30% of exports. See Wakhungu JW, quoting the World Bank in 'gender dimension of science and technology: African women in agriculture' 2010. P2. Available at http://www.un.org/womenwatch/daw/egm/gst_2010/Wakhungu-EP.2-EGM-ST.pdf visited 5/11/2010.

¹⁵³ See Dommen, C. and Kamoltrakul, K. *Practical guide to the WTO for Human Rights advocates* 2004, P59. Available at <http://www.3dthree.org/en/page.php?IDcat=5&IDpage=32> visited 30/10/2010.

¹⁵⁴ See Dommen, C. and Kamoltrakul, K P60.

¹⁵⁵ See article 7 of the AOA.

¹⁵⁶ Developed countries do not have comparative advantage in agriculture. However, they produce and export more than developing countries do.

producers, mostly in developing and least developed countries, because they would be able to compete fairly in the international market and to receive sustainable producer prices.¹⁵⁷

Article 9 of the AOA lists a number of export subsidies that WTO Members have to reduce. These reductions are justified because export subsidies are harmful to local producers, mostly small farmers, in the countries to which they sell their goods.¹⁵⁸

Trade liberalisation has positive impacts on rural farmers, mostly women, in developing countries. In fact, many farmers, who produce food crops only destined for consumption, have shifted to cash crops production.¹⁵⁹ This shift is justified by the advent of trade liberalisation. Farmers have doubled their production and the demand has risen. They organise themselves in small groupings and put their products together in order to attract foreign buyers who buy at international market prices.¹⁶⁰ This might have positive impact on the household as it will increase their income. Those small grouping are made of both men and women and this involvement of women into the export-oriented sector could raise their income-earning capacity.¹⁶¹ Trade liberalisation has also forced women to shift to non-traditional agriculture, such as, flowers, clothing, and textiles and there have been increased employment opportunities in these sectors.¹⁶²

2.3.1.1.3- Liberalisation of intellectual property rights

Intellectual property is defined as all the creations of the mind.¹⁶³ It includes: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.¹⁶⁴ Its introduction into the world trading system was justified because the trade of ideas and knowledge is becoming important and because the value of new medicines and other high

¹⁵⁷ See Puri L, 'the gendering of trade for development: an overview of the main issues.' In: *Trade and Gender: Opportunities and challenges for developing countries*. 2004. P64.

¹⁵⁸ See Dommen, C. and Kamoltrakul, K supra. P60.

¹⁵⁹ See FAO *household food security and forestry: an analysis of socio-economic issues*, available at <http://www.fao.org/docrep/006/t6125e/t6125e00.htm> visited 30/10/2010.

¹⁶⁰ In a village called Bamengui, in the West Cameroon, farmers have organized themselves in groups. This helps them to sell their products (cocoa, coffee, maize, banana and palm oil) in what they call "marché Groupé" (grouped market) directly to exporters and at better prices.

¹⁶¹ See Garcia Z, 'agriculture, trade and gender. In: *Trade and Gender: Opportunities and challenges for developing countries*. 2004. P85.

¹⁶² Zo Randriamaro, 'gender and trade: Overview report.' 2005. P16. Available at <http://www.bridge.ids.ac.uk/reports/CEP-Trade-OR.pdf> visited 30/10/2010.

¹⁶³ See World Intellectual Property Organisation (WIPO) 'What is intellectual property'. Available at <http://www.wipo.int/about-ip/en/> visited 11/10/2010

¹⁶⁴ See WIPO, 'What is intellectual property?' at www.wipo.int/about-ip/en/ visited 13 Sep. 10

technology products lies in the amount of invention, innovation, research, design and testing involved.¹⁶⁵

The agreement came into being to lower distortions and impediments to international trade, and to take into account the need to promote effective and adequate protection of IPR.¹⁶⁶ Intellectual property rights are private rights.¹⁶⁷ The Agreement wants to make sure that people's creations are not used by others without their permission and that they have the right to benefit during a certain period. This encourages research and the society also benefits from it '...in the long term when intellectual property protection encourages creation and invention, especially when the period of protection expires and the creations and inventions enter the public domain.'¹⁶⁸

The protection of IP is also beneficial to women as they

*'...have long been known to have made important contributions in the visual and performing arts, in music and in literature, even if they may not have always received the recognition they deserved. Around the world, in indigenous, nomadic and agricultural communities, it is frequently women who have been and continue to be entrusted with safeguarding and transmitting traditional knowledge and folklore. It is important that these contributions be recognized and protected where appropriate.'*¹⁶⁹

2.3.1.1.4- Liberalisation of Investment¹⁷⁰

The Agreement on Trade-Related Investment Measures (TRIMs) is a set of rules agreed upon by WTO Members that, applies to their internal regulation on foreign investment. Introduced in the WTO legal system in 1994, TRIMs aimed to contribute to the expansion trade liberalisation and to facilitate investment across international frontiers¹⁷¹ with the purpose of

¹⁶⁵See 'Understanding the WTO: The Agreements. Intellectual Property: Protection and Enforcement.'
Available at: http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm, visited on the 13 Sep. 2010.

¹⁶⁶ See Preamble of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)

¹⁶⁷ See Lanoszka A 'Contesting the Private Rights Model of Intellectual Property: Developing Countries and the WTO Implementation of the TRIPS Agreement.' Available at
http://www.globalautonomy.ca/global1/servlet/Summary2pdf?fn=RS_Lanoszka_TRIPS visited 11/10/2010

¹⁶⁸ See 'Understanding the WTO: The Agreements. Intellectual Property: Protection and Enforcement.'
Available at: http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm, visited on the 13 Sep. 2010.
Also see article 7 of the TRIPS agreement.

¹⁶⁹ See WIPO 'women and intellectual property'. Available at <http://www.wipo.int/women-and-ip/en/> visited 4/11/2010.

¹⁷⁰ Investment here means foreign investment.

¹⁷¹ See the Preamble of the TRIMs agreement.

increasing the economic growth of the WTO members while ensuring free competition.¹⁷² From this, it is clear that the TRIMs agreement wants WTO Members to eliminate all their measures which can obstruct Foreign Direct Investment (FDI). Some important measures that the TRIMs aimed to eliminate and which are concentrated in the service sector are:

- ❖ Limitations on foreign ownership;
- ❖ Screening or notification procedures; and
- ❖ Management and operational restrictions.¹⁷³
- ❖ Lack of infrastructure;
- ❖ Arbitrary taxations and regulatory systems;
- ❖ Exchange and capital control policies; and
- ❖ Cultural differences.¹⁷⁴

The liberalisation of investment has a positive impact both on the country's economy and on individuals.¹⁷⁵ In the services sector, it is manifested by the third mode of supply which is the commercial presence. This presence of foreign companies will benefit the economy of the host government as they pay taxes, develop infrastructures, boost trade, and bring new technologies and capital to employ individuals. From this development, one can say that FDI bring job opportunities for both women and men. Like trade liberalisation, foreign investment liberalisation dependent on female labour and they both have important implications for gender equality.¹⁷⁶

¹⁷² See the Preamble of the TRIMs agreement.

¹⁷³ See OECD 'Foreign Direct Investments restrictions in OECD countries'. P2. Available at <http://www.oecd.org/dataoecd/24/35/2956455.pdf> visited 4/11/2010.

¹⁷⁴ See Mansur Y 'overcoming barriers to Foreign Direct Investment in Jordan' p7. Available at http://www.freetheworld.com/arab/Overcoming-Barriers_Foreign-Direct-Investment.pdf visited 4/11/2010.

¹⁷⁵ FDI is a catalyst for development because it brings about: technology transfer; human resource development; efficiency in the use of national resources; improvement in the quality of production factors; forward and backward linkages with domestic enterprises; increased inflow of investment funds to the balance of payment.' See Williams M supra. P120.

¹⁷⁶ See Williams, M. P118.

2.3.1.1.5- Liberalisation of textile and clothing sector

The ATC replaced the Multifibre Arrangement of the GATT¹⁷⁷ and its objective was ‘...to formulate modalities that would permit the eventual integration of this sector into GATT on the basis of strengthened GATT rules and disciplines...’¹⁷⁸ so that trade liberalization will be attained. The ATC set a transitional period of ten years¹⁷⁹ during which members were called on to remove all their quotas on textiles and clothing. This period ended in 2005 and marked the complete openness of the textile and clothing market. Countries expanded their market at the regional and international levels. Willy Lin¹⁸⁰ says: ‘[t]he elimination of quotas would therefore mean that Hong Kong industrialists like us would have more room to expand not only in our base regions but in other regions as well where there are textiles and clothing industries already established.’¹⁸¹

The liberalisation of the textile and clothing sector has positive impacts on the country’s economy and on individuals. The Pakistani Ministry of Finance, quoted by Siegmann K.A.¹⁸² says:

‘the government has realized that textile and clothing sector is one sector that offers good prospects for diversification away from traditional commodity exports, for entry into the area of manufacturers, for absorption of large pools of manpower, for crossing the big divide between the rural and urban sectors, for poverty alleviation, and for gender empowerment.’

This illustrates the fact that the liberalisation of the textile and clothing sector is a source of women’s employment and how it contributes to the creation of new jobs.

¹⁷⁷ ‘Up to the end of the Uruguay Round, textile and clothing quotas were negotiated bilaterally and governed by the rules of the Multifibre Arrangement’ of 1974-1994. See http://www.wto.org/english/tratop_e/textile/textintro_e.htm Visited on 20 September 2010.

¹⁷⁸ See Preamble of the Agreement on Textile and Clothing (ATC).

¹⁷⁹ This period was organised as follow: 1st part was three years; the 2nd four years and the 3rd three years. See Section 6 of the ATC.

¹⁸⁰ He is member of the Hong Kong Knitwear Exporters and Manufacturers Association. He was doing a presentation on the Implication of the End of the WTO Agreement on Textile and Clothing at the 15th PECC general meeting at Brunei Darussalam in 2003. Available at <http://www.pecc.org/PECCXV/papers/trade-workshop/session-1/linppt.pdf> visited 30/10/2010.

¹⁸¹ See page 5 of the presentation.

¹⁸² See SIEGMANN, K.A. ‘the Agreement on textiles and clothing: Potential impacts on gendered employment in Pakistan’ 2005. P401.

The WTO has put in place the Agreement on Sanitary and Phytosanitary Measures (SPS) which also impacts on individuals and whose role was ‘...to improve the human health, animal health and phytosanitary situation in all Members’.¹⁸³ This agreement aims to protect individuals and every living organism. The health of women, men, animals and plants is protected by this Agreement.¹⁸⁴

In conclusion to this subsection on the positive impacts of trade liberalisation on individuals, one would support the view Mariama Williams¹⁸⁵ that, from the gender perspective, trade liberalisation, trade programmes and mechanism

*‘promote sustainable human development; enhance social policies that protect the poor and promote the economic and social advancement of women and men; take into consideration differences in country’s needs, nature and scope of businesses, activities, constraints and ability to compete; recognise and develop mechanisms and processes that seek to overcome the special constraints that women face in the economy due to gender biases and gender inequality’.*¹⁸⁶

2.3.1.2- Neutral impacts of trade liberalisation on individuals: possible negative impacts.

While the WTO, the IMF and some international institutions believe that trade liberalisation impacts positively on individuals and on a country’s economy, some research show the contrary.

With regard to the effect on employment, it is argued that trade liberalisation has created informal jobs, devaluated the work of women and shaped the gender stereotype of employment.¹⁸⁷ One important question is: how does trade liberalization create informal jobs? Fandl, KJ¹⁸⁸ quoting Carr M and Chen M.A,¹⁸⁹ argues that during the periods of

¹⁸³ See preamble of the SPS agreement.

¹⁸⁴ See also article XX of the GATT.

¹⁸⁵ See M. Williams *gender mainstreaming in the Multilateral Trading System: a handbook for policy-makers and other stakeholders*, 2003.

¹⁸⁶ See Williams M. P20.

¹⁸⁷ M. Williams, p23.

¹⁸⁸ In ‘making trade liberalization work for the poor: Trade law and the informal economy in Colombia.’ P164. Available at <http://www.tilj.org/journal/43/fandl/Fandl%2043%20Tex%20Intl%20LJ%20161.pdf> visited 30/10/2010.

¹⁸⁹ In ‘globalisation and the informal economy: how global trade and investment impact of the working poor’ 2001. P2. Available at http://www.ilo.int/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_122053.pdf visited 30/10/2010.

economic adjustment, informal work expands substantially, such as those that accompany political or legal reforms related to the economy.¹⁹⁰ This phenomenon is justified by the fact that international competition and the event of new technologies respectively generate job losses in the formal sectors and labour reduction due to new technologies.¹⁹¹ Number of these informal jobs, mostly in the form of small businesses, is owned by uneducated, unemployed, unskilled and poor rural women.¹⁹² The informal sector is also made of many frustrated formal job seekers who create their own work in the informal economy.¹⁹³

For a better understanding of the negative impacts that trade liberalisation might have on gender, this section will do a sector by sector study.

2.3.1.2.1- Liberalisation of agriculture

Research shows that, even though developing countries have a comparative advantage in agricultural production, trade liberalization has had negative impacts on them and their populations. In these countries, liberalisation means an infusion of cheap imports that compete with domestically produced food.¹⁹⁴ These imported products are, sometimes, of good quality and are sold at lower prices compared to like domestic products. It is generally argued that farmers in developing countries do not have enough support to compete with those in developed ones because of the governmental support that industrialised countries bring to their farmers.¹⁹⁵ This supports, subsidies, is an obstacle to international competition, and WTO Members struggle to achieve consensus in the DOHA Round. Some researchers in developing countries believe that the AOA

¹⁹⁰ See Fandl KJ supra. P104.

¹⁹¹ Ibid.

¹⁹² See DTI 'South African women entrepreneurs: a burgeoning force in our economy' 2005. P12. Available at <http://www.dti.gov.za/sawen/SAWENreport2.pdf> visited 10/11/2010.

¹⁹³ See Carr and Chen supra.

¹⁹⁴ M. Williams, p49.

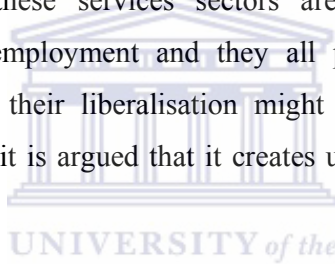
¹⁹⁵ These are the words of a farmer from a developing country: *'I have been farming my entire life. The government does give some support for food and clothing. Without the subsidy of the government, the work is not enough to support the family. I don't have enough food for my family, I depend on the government.* Mr. Demewez Mengesha, age 39, Ethiopia. This quote was made by Zawadzka A in 'implementing the Human Rights to food: domestic obligations and the international trade in agriculture' 2003. Available at <http://www.dd-rd.ca/site/publications/index.php?id=1358&subsection=catalogue> visited 4/11/2010.

*'...has resulted in a warped trading regime that allows rich countries to continue spend vast sums of money protecting the interests of their producers while placing immense pressures on developing countries to liberalise their agricultural market.'*¹⁹⁶

Another problem that developing countries encounter is that new regulations and standards on food safety are used restrictively and this affects their access to foreign markets as well as resource utilisation.¹⁹⁷ Poor people in developing countries, many of whom are women, cannot meet the safety requirements of food security and are, therefore, unable to trade with their counterparts in developed countries.¹⁹⁸

2.3.1.2.2- Liberalisation of services

Trade in services means communication services, tourism and travel services, transport services, construction and distribution services.¹⁹⁹ In addition to these, there are health care and education services. All these services sectors are important factors for human development and sources of employment and they all participate in economy growth. However, research shows that their liberalisation might have some negative effects on women and men. For example, it is argued that it creates unskilled and underpaid work for women and men.



Considering the health care services, the table below shows the four modes of supply, each with its negative effects from a health care perspective.

¹⁹⁶ See Wachira E, 'the negative impacts that agricultural rules on trade and finance have on women, families and communities' 2007. Available at http://web.igtn.org/home/index.php?option=com_content&view=article&id=19&Itemid=34 visited 30/10/2010.

¹⁹⁷ M. Williams, p49.

¹⁹⁸ They do not have enough money to buy chemicals, fertiliser and other farm inputs. Williams M, p63.

¹⁹⁹ See European women lobby supra.

The four mode of service supply under GATS: opportunities and risk for the health care services ²⁰⁰		
Supply modes	Opportunities	Risks
Mode 1: cross border supply of services (telemedicine, e-health)	Increase care to remote and underserved areas	Diversion of resources from other health services
Mode 2: consumption of services abroad (patient travelling abroad for hospital treatment)	Generate foreign exchange earnings for the health services of importing country	Crowding out of local population and diversion of resources to service foreign nationals
Mode 3: commercial presence (establishment of health facilities in other countries)	Creates opportunities for new employment and access to new technologies	Development of two-tiered health system with an internal brain drain
Mode 4: presence of natural persons (doctors and nurses practising in other countries)	Economic gains from the remittances of health care personnel working overseas	Permanent outflow of health personnel with loss of investment on educating and training such personnel.

From this table, it can be said that the liberalisation of health services does not only bring opportunities; it also has negative impacts on individuals. For example, is argued that Mode III

‘...may have the effect of diverting health service staff from the provision of public health services to low-income people to the provision of private health services to high-income people. It is likely that women’s access to health services will be reduced

²⁰⁰ See Drager, N and Fidler, D.P ‘GATS and health related services: Managing liberalization of trade in services from a health policy perspective’ 2004. P4. Available at http://www.who.int/trade/resource/en/GATSfoldout_e.pdf visited 30/10/2010.

*and their burdens of unpaid health care intensified if there are no systems for cross-subsidy of services or for poor people to obtain free or subsidised treatment.*²⁰¹

Also from the table, it is noted that the liberalisation of services can cause the brain drain of health personnel (Mode IV). This would impact on individuals and, because patients can come from around the world, there could be a shortage of health care professionals.²⁰²

2.3.1.2.3- Liberalisation of investment²⁰³.

Findings show that the liberalisation of investment can have some negative effects on gender equality. Mariama Williams argues that

*'...while FDI may be associated with increased trade volumes, it may also have undesirable impact on poverty eradication and gender equality strategies, the environment, labour laws and working conditions and the overall area of economic development.'*²⁰⁴

The liberalisation of investment can negatively impact on women as they mostly own small enterprises. This might happen because of international competition. An example here would be the case of the Kenyan Sisal bag sector. It is argued that women who earned an income from producing sisal bags in Kenya do not have that source of income anymore because imitations bags from Southeast Asia have replaced their products.²⁰⁵

2.3.1.2.4- Liberalisation of intellectual property

The TRIPS agreement is reproached for allowing patents on micro-organisms (algae, bacteria, fungi and viruses).²⁰⁶ The reproach is justified because micro-organisms, which affect the ability to develop biofertilisers and biopesticides, both based on micro-organisms, are critical for self-reliant agriculture.²⁰⁷ It is also argued that gender perspectives were not

²⁰¹ See Williams M 'gender and trade: impacts and implications for financial resources for gender equality' 2007. P8. Available at <http://www.oecd.org/dataoecd/38/62/38831071.pdf> visited 5/11/2010.

²⁰² Ibid.

²⁰³ 'FDI can positively impact development via technology innovation, organization, managerial practices and skills, human resource development, access to markets, and forward and backward linkages with domestic enterprises' Williams M. 'Is there a constructive development role for a multilateral investment agreement in the WTO?' 2003. Available at <http://www.ppl.nl/bibliographies/wto/files/3491a.pdf> visited 30/10/2010.

²⁰⁴ Ibid.

²⁰⁵ See Carr M. and Alter Chen M supra. P8.

²⁰⁶ Se Williams, M. p147.

²⁰⁷ Ibid.

mainstreamed in the designing, planning or implementation of IPRs, and that countries are at different stages of implementation, including the construction of *sui generis* systems.²⁰⁸

The TRIPS agreement has significant effects on women's health because of the impacts on the high price of some medicines, for example anti-retroviral.²⁰⁹

In conclusion to this subsection on the possible negative impacts of trade liberalisation on individuals, it is noted that the Agreements, by themselves, are not designed to produce those negative impacts but rather to eliminate poverty, help to create employment and to contribute to economic growth. Those negative effects mostly come from the fact that trade policy-makers and negotiators do not think of the implications for men and women while implementing policies and, wrongfully, believe that trade is gender neutral and, by eliminating poverty and creating employment, women and men would benefit equally.²¹⁰

2.3.2- The differences in the impacts of trade liberalisation on men and women.

*'Trade policies, like any other economic policy, are likely to have gender differentiated effects because of women's and men's different access to, and control over, resources, and because of their different roles in both the market economy and the household. In turn, gender inequality may limit the gains from trade, for instance, through its impact on the process of innovation, or on the terms of trade.'*²¹¹

This section will attempt to answer the question: has trade liberalisation affected women and men similarly? In order to give a complete answer to this question, there will first be an analysis of its impacts on employment, wages, and poverty, and secondly a sector by sector analysis.

²⁰⁸ 'This makes it difficult to assess whether or not a particular system is likely to generate gender-sensitive outcomes.' See M Williams *supra*. P149.

²⁰⁹ See Williams M 'gender and trade: impacts and implications for financial resources for gender equality' *supra*. P8.

²¹⁰ See Chapter 1 of this work.

²¹¹ See Fontana M 'the gender effects of trade liberalisation in developing countries: a review of the literature' 2008. P2. Available at http://www.unctadindia.org/internationalConferenceOnMovingTowardsGenderSensitisationOfTradePolicy25-27Feb2008_Fontana.pdf visited 5/11/2010.

2.3.2.1- Trade liberalisation, women's and men's employment and wages.

The research has confirmed that the liberalisation of international trade is a 'window of opportunity' for both women and men. When the market is opened up, the economy benefits and this has positive impacts on women and men. Those impacts are reflected in job's creation, poverty reduction and the increase of incomes through wages. However, the question to be asked is: do women and men have the same benefits from those changes? Trade policy-makers' answer to this question is positive. This is because they believe that trade is gender neutral, and that women and men would benefit equally from job's creation and economic growth. This section of the dissertation will demonstrate the negative answer to this question with data taken from researchers.

2.3.2.1.1- Employment

Because of men's and women's different role and responsibilities within the household and their different access to productive resources compared to men (material, finance, technology), the terms on which both gender enter the labour market vary and women are concentrated in the informal sectors and contribute disproportionately, and in unpaid terms, to care.²¹² This statement illustrates what happen in reality, especially in Africa and other developing countries where certain jobs or activities are considered women's or men's. The advent of trade liberalisation seems to have contributed to these differences as it is accused of creating informal work for women, devaluating the work of women, heightening gender stereotypes of employment and further marginalising women.²¹³ Also, trade liberalisation has contributed to job segregation between women and men.²¹⁴ While many training facilities for women have been created because of globalisation, it is, however, important to say that trade liberalisation has not just helped to pull women into skilled jobs; it has also created many unskilled jobs and has pushed women into the informal sectors because of job losses due to international competition and of the advent of new technologies.²¹⁵ Furthermore, women

²¹² See Catherine A. and al. *Gender and trade action guide: a training resource*, 2007. P9. Available at <http://www.genderandtrade.org/gtarticles/164155/publications/> visited 30/10/2010.

²¹³ M Williams *Gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders*, 2003. P23.

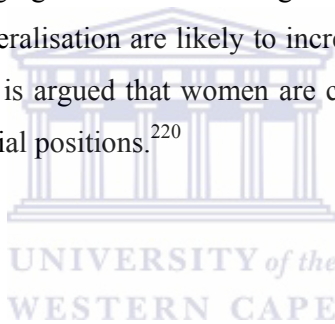
²¹⁴ See Kreimer M, 'Labour market segregation and the gender-based division of labour' 2004. Available at <http://ejw.sagepub.com/content/11/2/223> visited 30/10/2010.

²¹⁵ See Carr and Chen supra.

continue to do what is known as female jobs and are employed in low-skill and low-pay jobs while having little opportunity to enter previously male dominated sectors and occupations.²¹⁶

2.3.2.1.2- Gender wage gap

The gender wage gap is understood as the difference between the wages of male employees compared to that of female employees doing the same work.²¹⁷ It is generally argued that trade liberalisation has contributed to this phenomenon. Indeed, trade liberalisation means open market and therefore competition. Companies have to invest in adverts and other forms of product promotion so that they can better compete with foreign imported products. In order to do so, they reduce costs as a strategy to increase their competitiveness. This reduction is made by the payment of lower salaries to women than to men for work of equal value.²¹⁸ According to some studies, the wage gap between women and men cannot be reduced and the occupational segregation remains strong despite the fact that the labour force participation rates with trade liberalisation are likely to increase for both women and men.²¹⁹ For example in South Africa, it is argued that women are confined in jobs of inferior status and men are occupying managerial positions.²²⁰



²¹⁶ See Fontana M 'the gender effect of trade liberalisation in developing countries: a review of the literature' 2008. P10. Available at http://www.unctadindia.org/internationalConferenceOnMovingTowardsGenderSensitisationOfTradePolicy25-27Feb2008_Fontana.pdf visited 5/11/2010.

²¹⁷ See Commission of the European Communities (2007), 'Communication from the Commission: Tackling the Pay Gap between Women and Men', p.15. Available at <http://www.etuc.org/r/1346> visited 30/10/2010.

²¹⁸ See European women's lobby supra.

²¹⁹ Ibid.

²²⁰ See Hicks J 'opinion piece: gender transformation in the work place'. Available at www.cge.org.za visited 5/11/2010.

The gender wage gap is caused by a numbers of factors which are reflected in the box below:²²¹

Factors	Characteristics
Personal characteristics	Age, educational background, family background, presence of children, experience in the labour market, previous career interruptions and tenure;
Job characteristics	Occupation, working time, contract type, job status, career prospects and working conditions
Firm characteristics	Sector, firm size, work organisation, recruitment behaviour and the firm's compensation and human resources policies
Gender segregation	By occupation or sector
Institutional characteristics	Education and training systems, wage bargaining, wage formation and tax and benefit systems, industrial relations, parental leave arrangements and the provision of childcare facilities before and during compulsory school years
Social norms and traditions	Education, labour market participation, job choice, career patterns and the evaluation of male- and female-dominated occupations

This table identifies some factors and characteristic which would objectively justify the wage gap. For example, discrimination based on personal characteristics, job characteristics, education background, or working time is objective. However, one based on gender

²²¹ See the Commission of the European Community supra. P16.

segregation, social norms or traditions regarding is subjective. This is because gender, social norms and traditions are sources of discrimination between men and women.²²²

2.3.2.1.3- Poverty

It is argued that women form the majority of poor people and face much higher risk than men of becoming poor.²²³ They play important roles in society. They are householders; they carry babies and educate them; and they provide food for their families.²²⁴ These occupations make them vulnerable and lower their chances of getting a full-time job or of participating in skills trainings. Furthermore, in some religions and cultures, women are generally considered inferior to men and unable, or forbidden by their cultures and traditions, to do certain jobs.²²⁵ These factors contribute to the fact that women form the poorest class in society.²²⁶ It is believed that trade liberalisation might have contributed to these factors as it has brought changes on employment structures and wages²²⁷, changes in wages and impacts on consumption patterns, and changes in financing social expenditures.²²⁸

2.3.2.2- Sector by sector analysis of the different impacts of trade liberalisation on gender

The sectors to be considered are: agriculture, services, intellectual property rights, and investment.

²²² As an Africa, the author knows the traditions and has lived in a rural community where women are still marginalised and discriminated on the ground of traditions and social norms.

²²³ See European women's lobby supra.

²²⁴ See French M *The war against women* 1992. P34.

²²⁵ The Quoran in Suna 4:34 say that men are managers of the affairs of women because Allah has made the one superior to the other. In this regard N. Moosa argues that in addition to the status problem that Muslim women face in the private and public spheres, they experience, as member of a particular religious community, another inequality. See Moosa N 'the interim constitution and Muslim Personal Law' in WLUML *Dossiers 16* p33-48, 1996. P33.

²²⁶ A US example shows that 'Poverty rates are higher for women than men. In 2007, 13.8 percent of females were poor compared to 11.1 percent of men.'

http://www.americanprogress.org/issues/2008/10/women_poverty.html visited 22nd September 2010.

²²⁷ See the different impacts on women and men of changes in employment and wages discussed above.

²²⁸ Overseas Development Institute 'Untangling links between trade, poverty and gender', 2008. P2. Available at <http://www.odi.org.uk/resources/download/1011.pdf> visited 30/10/2010.

2.3.2.2.1- Different impacts of the liberalisation of agricultural trade on men and women

The different effects of trade liberalisation on women and men in the agricultural sector are justified by the fact that women and men, mostly in developing countries, have different roles in agriculture and have always been placed differently in relation to access and use of productive resources.²²⁹ This differential impact is accentuated by the fact that women and men have different levels of education and incomes, and also, their ability to respond to policy changes varies.²³⁰ Trade liberalisation is characterised by the import and export of products. However, because women are more involved in subsistence farming, they are generally neglected and, their unpaid work on family farms is not reflected in national accounts.²³¹ Furthermore, this concentration of women in food production is to their disadvantage because they cannot take up new export opportunities ‘...as they tend to be smallholders and face difficulties with regard to property rights to land and accessibility to credits and other resources.’²³² Also contrary to men, women’s access to and use of land, credit, fertilisers, machinery and new technologies is limited; these factors constraint their ability to improve their productions.²³³ Statistics show that women account for about 70% of Sub-Saharan agricultural workers and 80% of food processors.²³⁴ Despite this significant representation, they are disadvantaged, compared to men, in terms of land ownership, access to education, to extension services and to credit.²³⁵ The table below recapitulate women’s access to resources.

²²⁹ See FAO. *Agriculture, trade negotiation and gender*, 2006. P1. Available at <http://www.fao.org/docrep/009/a0493e/a0493e00.htm> visited 30/10/2010.

²³⁰ See Garcia, Z. ‘Agriculture, trade and gender’, in: *Trade and gender: opportunities and challenges for developing countries*, 2004. P77.

²³¹ *Ibid.* P84.

²³² See Ralf P. ‘Multilateral negotiations on agriculture and possible effects on women in developing countries’ in: *Trade and gender: opportunities and challenges for developing countries*, 2004. P134.

²³³ M. Williams, *Gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders*, 2003. P65.

²³⁴ See Wakhungu JW ‘gender dimension of science and technology: African women in agriculture’ 2010. P1. Available at http://www.un.org/womenwatch/daw/egm/gst_2010/Wakhungu-EP.2-EGM-ST.pdf visited 5/11/2010.

²³⁵ *Ibid.*

Table: women's access to resources²³⁶

Access to land	Less than 2% of land is owned by women
Access to credit	Only 10% of credit allowance is extended to women
Access to agricultural inputs	Limited access to improved seeds, fertilizers and pesticides
Access to education, training and extension services	2/3 of the one billions illiterates are women and girls. 5% percent of extension services have been addressed to rural women, less than 15% of the world's extension agents are women
Access to decision-making	They have limited role in decision-making processes at the household. Their needs, interests and constraints are often not reflected in policy-making processes and laws which are important for poverty reduction, food security and environmental sustainability.
Access to research and appropriate technology	They have little access to the benefits of research and innovation, especially in the domain of food crops.

2.3.2.2.2- Different impacts of the liberalisation of trade in services on women and men

The services sector employs more women than men and it is established that the sector is the source of new employment.²³⁷ Findings show that the employment growth rates for the

²³⁶ This table is adapted from FAO in 'women and food security'. Available at <http://www.fao.org/FOCUS/E/Women/Sustin-e.htm> visited 5/11/2010.

services sector is higher than those for the economy as a whole.²³⁸ This survey confirms that trade liberalisation has been a source of employment for women; that many women have shifted to the services sector because of job's availability. Also, many women have, despite the socio-cultural barriers that they face, created and are managing service companies.²³⁹

It is, however, argued that these positive impacts of trade liberalisation have not eliminated employment segregation;²⁴⁰ women are still overrepresented in lower wage, part-time, and temporary employment, and occupy less managerial and other high-skill positions.²⁴¹ The different impacts on women are also justified by the fact that women are at risk of becoming poor than men are.²⁴² This poverty pushes women to emigrate so that they can find a better job and more often, they are forced to take up works as domestics.²⁴³ However, not only unskilled women emigrate. Some skilled ones do as well because they cannot find a better job in their home country because of their gender. The liberalisation of services can then result in important brain drains of women doctors, nurses and teachers who are recruited to work abroad.²⁴⁴

Trade liberalisation means open markets, cheap products, more choices, increased competition, better quality service and also, availability of special services as long as the regulatory framework protects consumer interest.²⁴⁵ These characteristics of trade liberalisation are normally good news for consumers. However, findings show that, as consumers, women are more affected than men by the liberalisation of trade in services because in most societies, they are expected to assume a disproportionate share of family and community support responsibilities.²⁴⁶

In concluding this paragraph on services, one would argue, with Riddle D.I, that the liberalisation of trade in services would never be a source of problems for women if a

²³⁷ See Riddle, D.I 'a gender-based analysis of international trade in services: the experience of developing countries'. 2004: P193.

²³⁸ Ibid.

²³⁹ See Riddle, D.I supra. P196.

²⁴⁰ See the vertical and horizontal segregation supra.

²⁴¹ See Riddle, D.I. P200.

²⁴² Riddle argues that women are at risk of becoming poor because of the '[d]isparities in wages and unpaid work obligations combined with the rising number of women heads of household....' P201.

²⁴³ Ehrenreich, B and Hochschild, A.R *Global women: Nannies, maids and sex workers in the new economy*, 2003. P6.

²⁴⁴ Riddle, D.I p202.

²⁴⁵ Riddle, D.I p204.

²⁴⁶ Ibid.

'gender-sensitive policy framework' was put in place. This position is justified by the fact that trade liberalisation, *per se*, does not aim to disfavour a category of individuals. The imbalances arisen from its implementations are associated to many other factors (traditions, education, believes and religions). Gender mainstreaming is therefore encouraged as, by assessing the implications for women and men of new policies, these unequal impacts can be detected and policies and programmes implemented to eradicate them.

2.3.2.2.3- Different effects of the liberalisation of intellectual property rights on men and women

The intention of trade negotiators has never been to design a policy which has different impacts on women and men. However, findings show that the main gender-related concern of trade rules is that they may affect women more than men, not because they target a specific groups more than others, but because of women's more vulnerable position in society.²⁴⁷

The TRIPS agreement has had positive impacts on individuals as it has brought many researchers and inventors to work harder and to benefit from their work. However, it is argued that the TRIPS agreement has worked against women as they are biologically more vulnerable than men.²⁴⁸ The TRIPS agreement is reproached of making medicines more expensive. Indeed, the Agreement has regulated patents so that only the patent holder may make or sell the product; nobody else has the right to do so, in the first 20 years, if he has no licence issued by the patent holder. It is argued that these TRIPS requirements will delay the marketing of generic versions of new drugs, and the competition they entail, leaving the prices of new drugs high for a longer time limiting the access of the poor.²⁴⁹

This high price of medicines and the loss of access to essential medicines can affect women much more than men.²⁵⁰ From a traditional knowledge perspective,

'...it is believe that lack of recognition of the traditional knowledge of local and indigenous communities can serve as a major setback to women, particularly since

²⁴⁷ See Gehl Sampath P. 'Gender and the agreement on trade related aspects of intellectual property rights: Exploring some interlinkages' in: Trade and gender: opportunities and challenges for developing countries, 2004, p251.

²⁴⁸ For example, it is said that women are twice more likely to become infected with HIV/AIDS than men are. See Women, HIV and AIDS. Available at <http://www.avert.org/women-hiv-aids.htm> visited 5/11/2010.

²⁴⁹ See World Health Organisation 'TRIPS, intellectual property rights and access to medicine' 2006. Available at http://www.wpro.who.int/NR/rdonlyres/F9F3BBE1-8663-4DF9-B08A-53B2426FD50C/0/ARVnewsletter8_Jan2006update.pdf visited 30/10/2010.

²⁵⁰ See Gehl Sampath P. P256.

*they play, in many instance, a more vital role in conserving biological diversity at its site of occurrence.*²⁵¹

2.3.2.2.4- Different effects of the liberalisation of investment on men and women

Generally the quality of jobs created by the liberalisation of investment, wages, working conditions and the contribution to knowledge and skills upgrading of women and men is questioned.²⁵² Women continue to work in unskilled sectors and to earn less than men. Since women are concentrated in the informal sector, the health and safety of the work and the burden of social reproduction and paid work is questioned.²⁵³ Would they be able to take care of their families and of themselves with the little money that they earn?

The liberalisation of investment facilitates the flow of FDI. This might be bad news for women who, most of the time, own Small and Medium Enterprises. They will not be able to compete with well structured and powerful companies from industrialised countries; and because they are mostly less educated in developing countries, they often have no information on the policies in place protecting them and their businesses.

2.4- Conclusion

This chapter has attempted to answer the question: what are the impacts of trade liberalisation on the economy of a country and on individuals? Resources have helped to understand that trade liberalisation has both positive and negative impacts on the economy of a country. It has also been discussed that trade liberalisation has brought opportunities and challenges for both women and men and that the impacts were different among them. Women continue to be marginalised and overrepresented in the informal sectors; the wage gap has increased and job segregation continues to pushed women in the so called “women’s jobs”.

Finally, it can be argued with Zo Randriamaro that:

‘[t]rade liberalisation has different outcomes for men and women. These differentials impacts relate to many of the most fundamental aspects of livelihoods and well-being, including employment, income, food security and access to health services. The

²⁵¹ Ibid.

²⁵² Williams, M. *gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders*, P129.

²⁵³ Williams, M supra. P130.

*outcomes will differ across countries and regions and are based on the type of economic area and specific sectors, measures, timing and sequencing of trade policies. They will also cut across different sectors and subsectors of trade liberalisation: agriculture, services, clothing and textiles, and intellectual property.*²⁵⁴



²⁵⁴ See Zo Randriamaro 'gender and trade' 2005, p16.

*'Gender inequalities, an important but often neglected aspect of human development, mediate the relationship between trade policies and trade performance. Because of pervasive gender discrimination in economic life, men and women are generally affected by trade policies differently.'*²⁵⁵

3.1- Introduction

The relationship between trade and gender is the subject of many debates. Mainstream economists,²⁵⁶ who are in favour of trade liberalisation, recognise the existence of a relationship between trade and gender and believe that increased trade has gender-based equalising effects.²⁵⁷ As mainstreaming economists, feminist economists recognise the relationship between trade and gender. However, they are of the belief that trade liberalisation has different impacts on women and men; that these different impacts are based on race, class and ethnicity.²⁵⁸

This chapter aims to review the impacts of trade liberalisation on gender in South Africa. In doing so, it will attempt to answer the following questions: has trade contributed to reducing, accentuating or perpetuating gender inequality in South Africa? Has the gender-based power relation in household, communities and societies changed in South Africa as a result of the effects (positive or negative) of trade liberalisation? Has trade contributed to eliminate the wage gap, employment and sector segregation and access to basic services in South Africa? Has trade contributed to eliminate inequality in agriculture, IPR, and services in South Africa? How was trade liberalisation received by individuals in South Africa?

²⁵⁵ See United Nation Development Programme (UNDP) in 'making global trade work for people', 2003. P41. Available at <http://content.undp.org/go/newsroom/publications/poverty-reduction/poverty-website/making-global-trade-work-for-people.en> visited 31/10/2010.

²⁵⁶ This refers to non-heterodox economists. They are close to neoclassic economists (neoclassical synthesis) and they combine neoclassic approach to microeconomics with Keynesian approach to macroeconomics.

²⁵⁷ See Çağatay N 'gender inequalities and international trade: a theoretical reconsideration', 1994. P2.

Available at <http://www.generoycomercio.org/areas/investigacion/Cagatay.pdf> visited 31/10/2010.

²⁵⁸ Ibid.

3.2- The advent of trade liberalisation in South Africa

The year 1994 is very important in the history of South Africa when one discusses the advent of trade liberalisation. This is vindicated by the fact that the apartheid government of before 1994 and the democratic government of after 1994 were radically different in their economic, political, social and international policies. Before 1994, South Africa was under an oppressive apartheid regime. The economy was weakened by crises caused by decades of steadily worsening difficulties aggravated by the 1973 oil prices shocks.²⁵⁹ Apart from this internal crisis, South Africa was under pressure and sanctions from other countries. These sanctions

*'...effectively froze South Africa corporate from trading with the world, while global Multi-National Corporations (MNCs) were barred from trading with South Africa and foreign direct investment came to almost a halt due to sanctions and the unstable nature of the state.'*²⁶⁰

Furthermore, South Africa was characterised by severe inequalities, injustice and discrimination. All these factors are barriers to trade, to human development, to social stability and to economic growth. In 1994 a new, 'Democratic Government', took over with a completely different philosophy. This transition resulted in an important restructuring of the country's economy.²⁶¹ The economy was opened to the world and trade liberalisation adopted as a strategy. During the Uruguay Round, the country was classified, and undertook obligations, as a developed country.²⁶² Since then, the country's tariffs have been considerably reformed. The question to be asked here is what has the country's economy gained by liberalising the economy?

²⁵⁹ See Kalima-Phiri B. 'South Africa's trade policy: Country background paper for cuts-citee's trade, development and poverty (TDP) project', 2005. P4. Kalima-Phiri argues that the crisis was characterised by 'feeble GDP rate, low rate of investment, spiralling inflation, and chronic balance of payment'. The document is available at http://www.sarpn.org.za/documents/d0001613/SARPN_Paper_SA-TradePolicy_Sept2005.pdf visited 31/10/2010.

²⁶⁰ Ibid. This part of the South African history was called 'the period of sanction'. See article by Van Der Merwe C. 'As South Africa changes trade policy tacks, observers call for greater transparency', 2010. Available at <http://www.polity.org.za/article/as-sa-changes-trade-policy-tack-observers-call-for-greater-transparency-2010-04-30-1> - visited 1st October 2010.

²⁶¹ Velia M and Valodia I, 'gender impacts of trade in South Africa post-1994: An exploration based on female employment and firm ownership' 2008. P13. Available at http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/South_Africa_SMMEs_Report_Final.pdf visited 31/10/2010.

²⁶² See *A South African Trade Policy and Strategy Framework*, 2010. P14. Available at <http://unpan1.un.org/intradoc/groups/public/documents/cpsi/unpan041588.pdf> visited 31/10/2010.

3.2.1- Reception of trade liberalisation by the South African economy

As noted in chapter two, the reform of trade policy has different impacts on a country's economy. This section will analyse those impacts from a South African perspective.

3.2.1.1- Positive impacts of trade liberalisation on South Africa's economy.

The analysis of the positive impacts of trade liberalisation on the economy of South Africa will be done as follows:

3.2.1.1.1- Economic growth

After the Uruguay Round, where South Africa was classified as a developed country, the liberalisation of the country's trade policy became a must. As a result,

'SA's offer to the WTO consisted of a five-year tariff reduction and rationalisation programme, which entailed reducing to six the number of tariff categories, which had previously numbered over 100. These were to be at the rates of 0%, 5%, 10%, 15%, 20% and 30%, with any discretionary changes to the system disallowed. The only exceptions to the five-year tariff liberalisation process were the clothing and textiles and the automotive sectors, which were granted eight years to attain the levels made in the WTO offer.

*Average weighted import duties were also to be reduced from 34% to 17% for consumption goods, 8% to 4% for intermediate goods, and 11% to 5% for capital goods. With the GATT/WTO bindings for these categories being 26%, 4% and 15% respectively, SA's commitment to the opening up of these sectors to foreign competition was implicit.'*²⁶³

This commitment of South Africa brought the tariff down from 11.7% to 5.3% in 2000.²⁶⁴ But, have these tariff reductions contributed to economic growth in South Africa? In chapter two, the research has mentioned that the answer to this interrogation divides economists. What do statistics from South Africa demonstrate?

²⁶³ See Cassim R, Onyango D and van Seventer E.D 'the state of trade policy in South Africa', 2004. P9. Available at http://www.acp-eu-trade.org/library/files/Cassim-Onyango-Van-Seventer_EN_2002_TIPS_Trade-policy-South-Africa.pdf visited 31/10/2010.

²⁶⁴ Ibid.

Statistics show that trade liberalisation has contributed to economic growth in South Africa. A study undertaken by Trade and Industrial Policy Strategies (TIPS)²⁶⁵ shows that the country is presently classified as an upper middle-income country and that its GDP has grown by about 2.6% annually between 1995²⁶⁶ - 2000.²⁶⁷ This growth accelerated to about 5% for the five years ending in 2008.²⁶⁸ This evidence confirms the fact that trade liberalisation has contributed to productivity growth in South Africa. Furthermore, it is argued that about 98% of the current growth in South Africa can be explained by the force of globalisation.²⁶⁹ However, this impact of trade liberalisation on South Africa's economic growth is uncertain because some researchers believe that the relationship between trade liberalisation and economic growth is doubtful.²⁷⁰

3.2.1.1.2- Employment

One of the important original objectives of the WTO, as stressed in chapter two, was to guarantee full employment. For this objective to be attained, the member countries had to liberalise their economies. This has been the case for South Africa. Has it worked?

Research demonstrates that there has been growth in aggregate employment and that this growth has been different by sectors.²⁷¹ The service sector seems to have yielded more jobs.²⁷² Statistics show that,

'The service sector makes up 65% of GDP, 63% of employment and 74% of capital formation in South Africa and has been the main source of growth for the economy in the 1990s. The largest sectors are community/social services (18.6%), distribution services (14.5%), business services (11.2%), financial services (6.1%) and transport services (5.3%). The domination of services is more pronounced in the informal

²⁶⁵ TIPS is a South African Research Institute founded in 1996. It undertakes and manages economic research in trade and industrial policy, competition policy and utility regulation. <http://www.tips.org.za/>

²⁶⁶ 1995 marks the period of change in South Africa's policies and behaviour.

²⁶⁷ See Cassim R, Onyango D, and van Seventer D.E supra. P2.

²⁶⁸ See *A South African Trade Policy and Strategy Framework*, 2010. P1.

²⁶⁹ See Loots E 'globalisation and economic growth in South Africa: do we benefit from trade and financial liberalisation? 2002. Available at <http://www.tips.org.za/node/235> visited 5/11/2010.

²⁷⁰ See Roberts S 'understanding the effects of trade policy reform: the case of South Africa' 2005. P271. Available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1813-6982.2000.tb01271.x/pdf> visited 5/11/2010.

²⁷¹ See Dune P. and Edwards L. 'Trade, technology and employment: A case study of South Africa' 2006. P2. Available at <http://ideas.repec.org/p/uwe/wpaper/0602.html> visited 31/10/2010.

²⁷² Ibid.

*sector where petty trade, domestic work and minibus taxi driving are the most common sources of income.*²⁷³

Trade liberalisation means openness and, therefore, entrance of new technologies. It is generally argued that new technologies bring employment opportunities.²⁷⁴ This is justified in South Africa. Indeed, evidence indicates that the skill intensity of production in all sectors has increased and it can be concluded that technological change was skill-biased and of particularly large decreases in tariffs in labour intensive sectors.²⁷⁵ This rise is justified because new technologies come with specialists and the world has become such a ‘village’ that people can travel for study in other countries without major difficulty.

3.2.1.1.3- Poverty

Originally, the WTO also aimed to raise the standard of living and facilitate the creation of jobs.²⁷⁶ Trade liberalisation has been adopted as a way to achieve those objectives. South Africa, as noted above, has been fully engaged in liberalising its economy. Poverty reduction is a governmental objective and many strategies have been adopted to achieve it. Among those strategies is trade policy reform. In the South African Trade Policy and Strategy Framework it is argued that a better trade policy would advance industrial development and upgrade a growth path that addresses structural constraints in the economy, including unemployment and poverty.²⁷⁷ The question remains: what has been the impact of trade policy reform on poverty? In other words, has trade liberalisation contributed to reducing poverty in South Africa?

The answer to this question remains controversial. The research has indicated that trade liberalisation has contributed to raising employment in the country. The author believes that there is a relationship between employment and poverty reduction; that when there are more jobs, people have more chances of having a constant income and, therefore, to take care of themselves, educate their children and have access to health facilities. The reforms in sectors, such as, agriculture and services, have brought more jobs opportunities. Findings show that

²⁷³ See TIPS ‘the service sector in South Africa and the GATS’ 2000. P5. Available at <http://www.tips.org.za/files/206.pdf> visited 5/11/2010.

²⁷⁴ See Befort FS and Budd JW *invisible hands, invisible objectives: bringing work place law and public policy into focus*, 2009. P54.

²⁷⁵ See Dune P. and Edwards L. *Supra*. P27.

²⁷⁶ See the Preamble of the Marrakesh Agreement.

²⁷⁷ See *A South African Trade Policy and Strategy Framework*. P.v.

the number of jobs created per unit of investment is higher in agriculture than in all other sector and this brings to the conclusion that agriculture significantly impacts on employment creation and poverty alleviation.²⁷⁸

Trade liberalisation also means the import action and sell of goods at cheap prices. This could contribute to poverty reduction in the sense that households could preserve their income by buying cheap products. It is argued that in a liberalised economy, the households which are poor gain more than those which are richer because many poor people use their budgets to buy tradable goods as opposed to services.²⁷⁹

In conclusion to this subsection on the positive impacts of trade liberalisation on South Africa's economy, it is important to say that the findings and analysis remain disputable.

3.2.1.2- Possible negative impacts of trade liberalisation on the South African economy.

Similar to the method used in the previous subsection, these possible negative impacts will be regarded as follows:

3.2.1.2.1- The economy

South Africa's economy is considered to be an emerging economy.²⁸⁰ This means that it is still weak and can be easily influenced by some external factors. Trade liberalisation, from the definition given in this research, means open market, low tariff, competition and deregulation. From a South African perspective, trade liberalisation could be a bit difficult to cope with.²⁸¹ First of all, because an open market will allow entrance of foreign products and commercial presence²⁸² which might be harmful to local firms; and secondly, the government sources of income are taxes and tariffs on exports and imports.

²⁷⁸ See *A South African Trade Policy and Strategy Framework*. Pxxvi.

²⁷⁹ See Daniels L.C and Edwards L. 'trade and poverty in South Africa: The benefit-incidence of tariff liberalisation in South Africa,' 2006. P2. Available at http://www.tips.org.za/files/trade_danielsedwards.pdf visited 1/11/2010.

²⁸⁰ South Africa is ranked 15th on emerging market index. See SouthAfrica.info at <http://www.southafrica.info/business/economy/gtemi-280610.htm> visited 18/10/2010.

²⁸¹ As an emerging economy, South Africa can have some difficulties in implementing all the principles of trade liberalisation. Also, the country's budget is composed, of large part, of taxes and tariffs.

²⁸² See trade in services mode of supply. See Trebilcock M and Howse R the *regulation of international trade*, 2005, p 359 where those modes of supply are thoroughly analysed and also Art I.2a, 2b, 2c, and 2d of the GATS.

Trade liberalisation could block an important source of income of the South African economy because it is generally argued that developing economies rely on the money that they get from taxes.²⁸³ Furthermore, South Africa is not in a good position to compete with industrialised countries and other emerging economies.²⁸⁴ This is because many of those countries develop new technologies and support their firms and farmers with large amounts of money,²⁸⁵ which South Africa would be unable to do seeing the size of its economy.²⁸⁶ Also, the fact that South Africa was forced to undertake tariff reduction as a developed country during the Uruguay Round²⁸⁷ did not favour its economy.²⁸⁸ This conclusion is justified because South Africa cannot benefit from all the supports provided by the WTO and other developed countries. For example, South Africa cannot benefit from the percentage cuts allowed to developing nations in respect of agricultural subsidies and it has to reduce its subsidies by the same percentage as developed countries.²⁸⁹ With regard to deregulation, one notes that trade liberalisation means the absence of measures which obstruct trade. A WTO member cannot adopt a policy to protect its economy if such policy only favours certain members or favours domestic products.²⁹⁰

3.2.1.2.2- Employment

As noted in chapter two, trade liberalisation brings about both employment and unemployment. Antagonists of trade liberalisation in South Africa believe that its trade policy

²⁸³ It is generally argued that '...taxation is the only practical means of raising the revenue to finance government spending on the goods and services that most of us demand.' See Zee H and Tanzi V. 'tax policy for developing countries.' 2001. Available at

<http://www.imf.org/external/pubs/ft/issues/issues27/index.htm#1> visited 18/10/2010.

²⁸⁴ An emerging economy like China is known of its supply of cheap products and labours.

²⁸⁵ This refers to subsidies.

²⁸⁶ Also, the trade liberalisation reduces government's source of revenue and therefore reduces government supports to individuals. The services that the government provides to its population are reduced.

²⁸⁷ It argued that South Africa is hoping to change this "injustice" at the end of the DOHA Round of multilateral negotiations. See the meeting on the SA's response to the global economic crisis: ministerial briefing. Available at <http://www.pmg.org.za/report/20090828-south-africas-response-global-economic-crisis-ministerial-briefing> visited 5/11/2010.

²⁸⁸ See *A South African Trade Policy and Strategy Framework*, 2010. P14. Also see Jacob Zuma 'speaks on the economic situation' 2008. Available at

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=106882&sn=Detail> visited 5/11/2010.

²⁸⁹ See Centre for Rural Legal Studies 'Briefing paper: agricultural trade, globalisation and farm workers' 2003. P4. Available at <http://www.crls.org.za/documents/Briefing%20paper%20agric%20trade.pdf> visited 5/11/2010.

²⁹⁰ See Van Den Bossche P *the law and policy of the World Trade Organisation: Text, cases and materials*, 2006. See p322 for (MFN) and p344 for National Treatment.

reform is the primary source of unemployment.²⁹¹ This position is probably justified by the fact that trade liberalisation brings competition, new technologies and foreign nationals. The ‘global village’, which is characterised by intense competition, favours big multinationals. Weak businesses which are unable to compete with global giants would have no choice but to close their businesses. And in South Africa many people have their own business and have to compete against products, sometimes of better quality, from overseas. It is obvious that a reasonable citizen would prefer a better imported product at a cheaper price. Therefore, many SMEs go bankrupt and their owners become unemployed. The advent of new machinery is also a threat to employment in South Africa. Indeed, many people could lose their jobs because their companies have imported new machines producing large quantities more rapidly than they could over many days. It, therefore, appears that trade liberalisation contributes to the loss of formal employment.²⁹² The liberalisation of trade facilitates the entry into South Africa of foreign nationals, through modes of services supply, who are most of the time more skilled and better trained.²⁹³ Furthermore, trade liberalisation might have contributed to the segregation of jobs in South Africa. Indeed, because of the social divisions in the country, one can see that unskilled black women are concentrated in housekeeping jobs while unskilled men are more involved in the provision of security services.²⁹⁴ This division might be accentuated by trade liberalisation and, therefore, increases income inequality.

3.2.1.2.3- Poverty

Poverty reduction is a national objective in South Africa.²⁹⁵ In reforming its foreign trade policy, the government aims to achieve that objective.²⁹⁶ But does it work?

Because South Africa suffers from inequalities,²⁹⁷ the impact that trade liberalisation has on individuals differs. Trade policy-makers seem not to consider that those inequalities and their

²⁹¹ See Disenyana T. ‘trade policy trajectory in South Africa’, 2009 <http://www.saiia.org.za/diplomatic-pouch/trade-policy-trajectory-in-south-africa.html> visited 07/10/2010.

²⁹² See Edwards L and Behar A. ‘trade liberalisation and labour demand within South Africa manufacturing firms’ 2006. P1. Available at <http://www.commerce.uct.ac.za/economics/staff/ledwards/docs/Trade%20Lib%20final.pdf> visited 18/10/2010.

²⁹³ South Africa is member of many sub-regional trade agreements which facilitates the free flow of individuals in the sub-region. See for example SADC.

²⁹⁴ The author has taken this conclusion from what he experience and see every day. Most of those women and men have not studied and have communication problems.

²⁹⁵ See *A South African Trade Policy and Strategy Framework*, 2010. P xii.

²⁹⁶ See *A South African Trade Policy and Strategy Framework*, 2010. P xii.

²⁹⁷ South Africa is challenged by ‘severe inequality’. See *A South African Trade Policy and Strategy Framework*, 2010. P2.

consequences are important.²⁹⁸ Indeed, rich people would continue to be rich while poor people remain poor. This is justified by the fact that poor people do not have the same chances of benefiting from liberalisation.²⁹⁹ For instance, they have no money to obtain a proper education, to access health services or even to start their own businesses. This is because trade liberalisation also encourages privatisation.³⁰⁰ Enterprises formally owned by the states are now owned by individuals, and this makes things difficult for poor people who cannot afford the prices.³⁰¹ Research indicates that extreme poverty and inequality have increased in South Africa, mainly among the African population, during the period of low GDP growth, namely, from 1995 to 2000.³⁰²

In conclusion to this section on the reception of trade liberalisation by the South African economy, it is important to note that the impacts of trade liberalisation on the country's economy are not unanimously recognised. What about the impacts on gender?

3.2.2- Gender reception of trade liberalisation in South Africa

This section on the reception of trade liberalisation by South Africans is an introduction to the main question of this chapter, (has trade contributed to reduce inequalities in South Africa?), which will be answered in Part 2, p64. It is important to mention that the first part of this subsection will highlight the positive impacts of trade liberalisation on both women and men in South Africa. The second part of this subsection will look at the negative impacts.

²⁹⁸ In the South African Trade Policy and Strategy Framework, it is acknowledged that there are severe inequalities in the country (see p2) but none of the strategies adopted in the document tells how to eradicate those inequalities. The document rather shows how tariffs will be changed by sectors (p3).

²⁹⁹ Poor people are mostly not educated and ignore the existence of those trade policies; while rich people would even go through the WTO legal system to look for solution for their business.

³⁰⁰ The WTO puts pressure on member states to open their public-sector services to foreign investors through privatisation. See Pollock M and Price D. 'rewriting the regulation: how the World Trade Organisation could accelerate privatisation in health-care system.' 2000. P1. Available at http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6T1B-41Y1XFC-P&_user=1378525&_coverDate=12/09/2000&_rdoc=1&_fmt=high&_orig=search&_origin=search&_sort=d&_docanchor=&_view=c&_searchStrId=1521378794&_rerunOrigin=google&_acct=C000052499&_version=1&_urlVersion=0&_userid=1378525&md5=b27f84523d5d7a72daea8f394777e48b&searchtype=a visited 1/11/2010.

³⁰¹ For a list of privatised companies, see archive of previous transactions on the Privatisation Group International's website <http://www.southafricaprivatization.com/archive.htm#Agriculture> visited 6/11/2010.

³⁰² See Hoogeveen JG and Ozler B 'Not separate, not equal: poverty and inequality in post-apartheid South Africa', 2005. P1. Available at <http://ideas.repec.org/p/wdi/papers/2005-739.html> visited 1/11/2010.

3.2.2.1- Gender and trade in South Africa: neutral impacts.³⁰³

In chapter two, a quotation from Nordas indicated his belief that trade liberalization is a 'window of opportunities'³⁰⁴ for both women and men. This means that trade liberalisation creates opportunities for individuals. Has it been the case in South Africa? In order to answer this question, the research will do a sector by sector analysis.

3.2.2.1.1- Gender neutral impacts of agricultural trade

The agricultural sector in South Africa had been really reformed to respond to the AOA's requirements for market access and market deregulation. This transformation has opened the way to global value chains and has increased private sector's participation in the agricultural trade and marketing economy.³⁰⁵ From this statement it is clear that the private sector plays an important role in agricultural trade in South Africa. This is justified because agriculture is an important source of employment in South Africa and plays an important role in the country's economic development.³⁰⁶ It provides jobs and food for many households. Statistics show that it provides about 8% of formal employment.³⁰⁷ This is one of the reasons why the National Department of Agriculture believes that:

*'...agriculture is regarded as one of the means to reduce poverty, firstly through its contribution to total GDP³⁰⁸ and employment, and secondly because its 240 000 small farmers provide a livelihood to more than one million family members and to another 500 000 occasional workers.'*³⁰⁹

³⁰³ In this research, neutral impacts mean the general impacts on women and men without distinction and differentiations. For example, trade liberalisation has had positive impacts on men and women's employment.

³⁰⁴ Nordas, K.H. 'is trade liberalization a window of opportunities for women?' 2003. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=925793 visited 1/11/2010.

³⁰⁵ See *A South African Trade Policy and Strategy Framework*, 2010. P19.

³⁰⁶ Indeed, 'the total contribution of agriculture into the economy increased from R27 billion in 2001 to R36 billion in 2007. The total gross value of agricultural production for 2007/08 is estimated at R111 760 million compared to R93 390 million the previous year.' See South Africa Online 'Agriculture, forestry and land.' Available at <http://www.southafrica.co.za/about-south-africa/environment/agriculture-forestry-and-land/> visited 17/10/2010.

³⁰⁷ Ibid.

³⁰⁸ In South Africa, agriculture contributes to about 14% of the GDP. See *A South African Trade Policy and Strategy Framework*, 2010. P19.

³⁰⁹ See Teweldemedhin M. Y. and Van Schalkwyk H. D 'The impact of trade liberalisation on South African agricultural productivity', 2010. P1380. Available at <http://www.academicjournals.org/ajar/PDF/pdf%202010/18%20Jun/Teweldemedhin%20and%20Schalkwyk.pdf> visited 1/11/2010.

From what has been said above, the answer to the question: is the liberalisation of trade in agriculture a ‘window of opportunities’ for men and women in South Africa, would be positive. But are the impacts equal for women and men?³¹⁰

3.2.2.1.2- Gender neutral impacts of trade in services

Trade in services means all the following:

- *Provision of water, gas and electricity;*
- *Environmental services, such as, sewage and sanitation;*
- *Financial and banking services;*
- *Telecommunications and postal services;*
- *Insurance and insurance related services;*
- *Business services, such as, accounting, real estate services and advertising;*
- *Social and human services, such as, health care, education and libraries;*
- *Tourism and tourism related areas, such as, travel services;*
- *Construction;*
- *Entertainment;*
- *Professional services, such as, in engineering, architecture and medicine;*
- *Media (television and radio broadcasting);*
- *Transportation and transport related services, including, over land (e.g. buses), shipping, air cargo handling, storage and warehousing; and*
- *Personal services, such as, hairdressing.³¹¹*

All those services, as understood by the GATS³¹², exist in South Africa and can be supplied by four modes.³¹³ They are familiar and are used every day in the Republic.³¹⁴ They account

³¹⁰ This dissertation has a section answering this question. See Section two of this chapter.

³¹¹ Williams M, Gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders, 2003. P78.

³¹² Ibid.

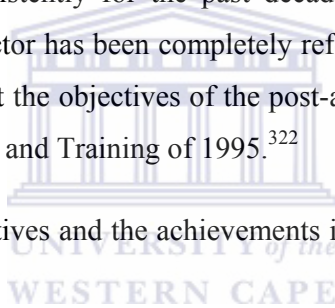
³¹³ See GATS art I.2a, I.2b, I.2c, and I.2d for the four modes of supply.

³¹⁴ Republic here means the Republic of South Africa.

for about 70 percent of the South African economy³¹⁵ and 70 percent of employment.³¹⁶ South Africa has regulated many of those service sectors and some sensitive sectors, such as, education, also have regulatory authorities that are largely independent, and committed to transparent and non-discriminatory rule making procedures.³¹⁷ Research shows that the liberalisation of trade in services in South Africa has contributed to economic development, to growth and to export potential.³¹⁸ South Africa provides communication services to nine African countries; Eskom operates across Africa focusing on management, operation, maintenance and refurbishment; the country is engaged in health tourism having nurses and doctors in practice abroad and there are about 10 000 foreign student enrolled at South African universities.³¹⁹ What have been the impacts on women and men?

Apart from contributing to the economy, it is argued that the service sector is the only sector which has brought more job opportunities.³²⁰ Cassim justifies this statement by saying that employment had declined consistently for the past decade in mining, manufacturing and agriculture.³²¹ The education sector has been completely reformed after the apartheid era and was opened to the world to meet the objectives of the post-apartheid education system stated in the White Paper on Education and Training of 1995.³²²

The table below show the objectives and the achievements in education after ten years of the country's openness.



³¹⁵ See Steuart I and Cassim R 'Opportunities and risks of liberalising trade in services: Country study on South Africa,' 2005. P5. Available at http://ictsd.org/downloads/2008/04/ip_services_02.pdf visited 1/11/2010.

³¹⁶ See Disenyana T 'Is South Africa serious about service liberalisation? 2008. Available at <http://www.saiia.org.za/economic-diplomacy-opinion/is-south-africa-serious-about-services-liberalisation.html> visited 1/11/2010.

³¹⁷ See Steuart I 'liberalisation of trade in services in South Africa: the multilateral dimension,' 2005. P26. Available at <http://www.hsrc.ac.za/Document-1831.phtml> visited 1/11/2010.

³¹⁸ See Steuart I 'liberalisation of trade in services in South Africa: the multilateral dimension,' 2005. P1.

³¹⁹ See Hodge J 'does South Africa gain from the inclusion of services in trade agreements?' available at http://www.commerce.uct.ac.za/Economics/Programmes/postgraduate_programmes/masters/Specialisations/TRP/Research/Hodge_services.pdf visited 6/11/2010.

³²⁰ See Cassim R 'services trade reform in the South African economy: what does it mean for growth and welfare?' 2005. P11. Available at <http://www.hsrc.ac.za/Document-1832.phtml> visited 1/11/2010.

³²¹ Ibid. He further names financial services, tourism and distribution as sectors which have shown a positive growth in employment.

³²² See Pillay P 'Access to essential services: education and health synthesis paper' 2005. P12. Available at <http://www.hsrc.ac.za/Document-1838.phtml> visited 1/11/2010.

Objectives	Achievements
<ul style="list-style-type: none"> ✚ Open access to education and training of good quality for all children, youth, and adults; ✚ Equal access to basic education for all; ✚ Education and training of good quality; ✚ Redressing education inequalities - out-of-school youth; disabled; citizens with special needs; illiterate women; ✚ Resources deployed according to the principle of equity; ✚ Infrastructure expansion and rehabilitation ✚ Lifelong learning improving efficiency and productivity; ✚ Special measures to promote science and mathematics education; enhance; 	<ul style="list-style-type: none"> ✚ Transformation of the education system from the divisions of the apartheid era to a unitary system; ✚ The creation of non-discriminatory school environments; ✚ A major quantitative expansion of the system, particularly the schooling component; ✚ An impressive range of policies and laws to govern education; ✚ A significant increase in the matriculation pass rate; ✚ The creation of new institutional typologies for the FET and higher education sectors; ✚ The increased delivery of learning materials; and ✚ The improved delivery of basic services, such as, water and sanitation, electricity, and ICT to schools; and significant nominal increases in education expenditure.³²³

These changes in education services are of importance and will contribute to social development. Also, the elimination of all discrimination will increase women’s access to basic education and training; and therefore to employment. Furthermore, this reform has

³²³ See Pillay P supra.

contributed to attracting foreign nationals from all over the world who come and share their culture, technologies and thoughts with South Africans.³²⁴

Another service sector which was reformed³²⁵ to meet South Africa's needs and modern standards is health services. This sector is of great importance because it contributes to the wellbeing of the population, particularly women whose health is more vulnerable than men's.³²⁶ The Table below shows the reform brought to this sector in South Africa post-apartheid era;

Objectives	Achievements
<ul style="list-style-type: none"> • To unify fragmented health services at all levels into a comprehensive and integrated National Health System; • To promote equity, accessibility and utilization of health services; • To extend the availability and ensure the appropriateness of health services; • To develop health promotion activities; • To develop human resources available to the health sector; • To foster community participation across the health sector; and • To improve health sector planning and to monitor health status and services; 	<ul style="list-style-type: none"> • Creating a Unitary Health System; • Impressive and pioneering legislation for the transformation of the sector; • Free health care for pregnant women and children under six, and later free primary health care; • A commitment to tackle morbidity and mortality in all its forms; • Construction and rehabilitation of health care facilities; • Increased funding; • Strategies to deal with human resources development for the sector; and • Developing a monitoring and evaluation framework.³²⁷

³²⁴ About 10 000 foreign nationals are enrolled in South African universities. See Hodge J supra.

³²⁵ The objectives were set out by the Health White Paper of 1997. See Pillay p17.

³²⁶ It is argued that '[w]omen often are charged with the responsibility of caring for their families' health, education and nutrition, and they often supplement, or earn the entirety of, the family's income, and provide household labour to maintain upkeep of their homes.' See International Centre for Research on Women 'Trade liberalization and women reproductive health: linkages and pathways'. 2009. Available at http://www.popcouncil.org/pdfs/ICRW_Trade-Liberalization-ReproHealth.pdf visited 1/11/2010.

³²⁷ See Pillay supra.

Research shows that South Africa and its population have gained from the reform of health services.³²⁸ In the context of exports, it is argued that: (i) cross-border supply of health services from South Africa is high; (ii) the consumption of South African nationals abroad is also high, (iii) the commercial presence of South African health facilities abroad is medium; and emigration is low. In relation to imports: (i) cross border has been high, (ii) consumption abroad low, (iii) commercial presence medium and, (iv) emigration high.³²⁹

The analysis of these two human and social services³³⁰ shows that South African women and men have gained in employment³³¹, health services and education.

3.2.2.1.3- Gender neutral impacts of the protection of intellectual property rights

Research demonstrates that South Africa has a modern intellectual property rights (IPR) law system and has been continuously amending it to be in line with international developments and best practice.³³² This shows that South Africa's international politic has completely changed from what it was before 1994. This positive image of South Africa can contribute to an increase in foreign investments as investors are more attracted to where their inventions are better protected, and it is argued that an important part of investments by developed in developing countries goes to the country where intellectual property is better protected.³³³ Since it is argued that FDI contributes to economic growth,³³⁴ figures from South Africa show that the country has gained from it. For example, the rate of mergers and acquisitions (M&A)

³²⁸ See Stern M 'Trade in services: some lesson from South Africa'. Slide34. Available at www.dnafrika.com

³²⁹ See Stern M 'Trade in services: some lesson from South Africa'. Slide36. Available at www.dnafrika.com

³³⁰ See the table above classifying the service sectors as recognised by the GATS.

³³¹ Some researches show that '[t]here are at least 133 000 people employed in the [traditional medicine] trade, with a large percentage of rural women.' See Mander M and al. 'Economics of the traditional medicine trade in South Africa' 2007. P180. Available at http://www.hst.org.za/uploads/files/chap13_07.pdf visited 1/11/2010.

³³² See the extract of the article by Phaswan N. and Tanziani D. 'the business impacts of intellectual property laws in South Africa' 2010. http://www.beyondthefirstworld.com/?page_id=1815 visited 11/10/2010

³³³ See Phaswan N. and Tanziani D. Supra.

³³⁴ See for instance Mwilima N, 'foreign direct investment in Africa' 2003. P31. Available at http://www.sarpn.org.za/documents/d0000883/P994-African_Social_Observatory_PilotProject_FDI.pdf visited 1/11/2010. See also Makwavarara T in 'Zimbabwe (Shoprite)' where he says: 'Foreign direct investment is viewed as crucial to national economic growth and development and the country's strategies and policies on social and environmental protection are usually compromised so as to increase investment' 2003. P118. Available at http://www.sarpn.org.za/documents/d0000883/P994-African_Social_Observatory_PilotProject_ZimbabweS.pdf visited 1/11/2010.

involving South African companies has climbed by R103-billion, or 63%, from R165.5-billion in 2004 to R269.1-billion in 2005.³³⁵ What is women and men's benefit?

The first thing to note, when dealing with trade related protection of intellectual property rights, is that these rights relate to women's and men's creations of the mind.³³⁶ Patent grants the owner exclusive rights to exclude others from exploiting the protected product in certain ways.³³⁷ Also, it is argued that the commercialisation of intellectual property rights plays a role in the creation of jobs.³³⁸ The inclusion of the protection of traditional knowledge (TK) in the WTO TRIPS is also beneficial to men and women, especially because TK contribute to food security and health care. It is argued that men and women have different types of traditional knowledge related to food and agriculture and that the combination of their knowledge contributes to food security, agro-biodiversity and rural development.³³⁹

3.2.2.1.4- Gender neutral impact of the liberalisation of investment

It is generally believed in South Africa that to meaningfully address the country's high unemployment rate, facilitates greater transformation and tackle the level of poverty, a much higher investment and economic growth rates are needed.³⁴⁰ This statement illustrates the view that FDI stimulates economic growth in developing countries.³⁴¹ Furthermore, the statement shows that investment can help to reduce poverty and unemployment. This is to women's and men's advantage.

In conclusion to this subsection on the positive impacts of trade liberalisation on gender in South Africa, it is important to note that both women and men have gained from trade

³³⁵ See South Africa info 'foreign direct investment soars' 2006. Available at <http://www.southafrica.info/business/investing/fdi-m&a2006.htm> visited 6/11/2010.

³³⁶ See World Intellectual Property Organisation (WIPO) 'What is intellectual property'. Available at <http://www.wipo.int/about-ip/en/> visited 11/10/2010

³³⁷ See Phaswan N. and Tanziani D. Supra.

³³⁸ Ibid. 'The CIGSs solar panels production for retail distribution will begin in the fourth quarter of 2010. It is reported that the plant construction in Paarl, in the Western Cape Province of South Africa, will make 30MW per year of panels that can be used for solar farms, rooftop installations and other purposes. It is believed that the solar panels will not only help create local energy self-sufficiency, but also dramatically increase the number of jobs created. At least one job for every MW generated will be generated and about one and a half jobs per MW in construction.'

³³⁹ See FAO 'FAO and traditional knowledge: the linkages with sustainability, food security and climate change impacts' 2009. P3. Available at <ftp://ftp.fao.org/docrep/fao/011/i0841e/i0841e00.pdf> visited 1/11/2010.

³⁴⁰ See Business Unity South Africa (BUSA) in 'key measures that can materially enhance investment, economic growth and employment creation in South Africa' 2006. Available at <http://www.busa.org.za/docs/Key%20Measures.pdf> visited 10/10/2010

³⁴¹ See Mwilima N 'foreign direct investment in Africa' 2003. P31. Cited supra.

liberalisation. There have been job creation and progressive reforms of the health and education systems to suit everybody in the Republic. But, are the impacts always positive?

3.2.2.2- Gender and trade in South Africa: possible negative impacts

First of all, it is important to note here that more negative impacts of trade liberalisation on gender in South Africa will be dealt with in part 2. Thus, this subsection is also regarded as part of the introduction to that part.

It is generally argued that trade liberalisation might bring more informal jobs, devalue the work of women, heighten gender stereotyping of employment, increase paid and unpaid jobs and increase further marginalisation of women.³⁴²

3.3- The impact of trade on the pursuit of gender equality in South Africa

‘Women in South Africa are definitely not free. The majority live in poverty and many cannot read or write. Millions do not have proper housing and no access to water, sanitation, education or health services. They are marginalised economically with no right to own land. Under customary law they marry and live their lives as effective minors subject to the authority of a male relative.’³⁴³

South Africa is ranked as one of the most unequal societies in the world.³⁴⁴ The inequalities that exist within the country are income inequality,³⁴⁵ inequality in the work place,³⁴⁶ wage inequality,³⁴⁷ and also, unequal access to land,³⁴⁸ unequal access to education,³⁴⁹ and unequal

³⁴² See Williams M ‘gender mainstreaming in the multilateral trading system...’ supra.

³⁴³ See the speech by Dr. Nkosazana Dlamini-Zuma, South African representative at the Beijing World Conference on Women, September 1995. Available at <http://www.un.org/esa/gopher-data/conf/fwcw/conf/gov/950910174126.txt> visited 16/10/2010.

³⁴⁴ Bhorat H. and al. ‘Income and non-income inequality in post-apartheid South Africa: What are the drivers and possible policy interventions?’ 2010. P2. http://www.commerce.uct.ac.za/research_units/dpru/PBriefsPDF/PDFs/PolicyBrief10-26.pdf visited 1/11/2010.

³⁴⁵ See the first goal of the South Africa Millennium goals mid-term country report. 2007. P5.

³⁴⁶ Hicks J. ‘gender transformation at the workplace.’ 2010. Available at www.cge.org.za.

³⁴⁷ See Hlekiso T. and Mahlo N ‘wage trends and inequality in South Africa: A comparative analysis’ 2006. Available at [http://www.reservebank.co.za/internet/Publication.nsf/LADV/D9E2CB3B7B2026A6422572250031E053/\\$File/LMFArt2Nov06.pdf](http://www.reservebank.co.za/internet/Publication.nsf/LADV/D9E2CB3B7B2026A6422572250031E053/$File/LMFArt2Nov06.pdf) visited 13/10/2010.

³⁴⁸ See Thwala D.W. ‘land and agrarian reform in South Africa’ p 57, In: Rosset P and al, *Promised Land: competition vision of agrarian reform*. 2006.

access to finance.³⁵⁰ All these inequalities will be assessed from a gender perspective, and the question that this section will attempt to answer is: has trade contributed to reducing, accentuating or perpetuating those inequalities in South Africa?

In order to bring a complete answer to this question, there will, on the one hand, be an overview of gender inequality in South Africa and, on the other hand, a look at the role that trade has played in the pursuit of gender equality in the country.

3.3.1- Overview of gender inequality in South Africa

This subsection will be organised in two parts: the first part will assess income inequality and inequality in the work place and the second part will look at unequal access to land, to education and to finance.

3.3.1.1- Income inequality and inequality in the work place

This part of the work is based on the idea that, '[w]here gender inequality exists, it is generally women who are excluded or disadvantaged in relation to decision-making and access to economic and social resources.'³⁵¹ Thus, when dealing with inequality, the reference will be to unequal enjoyment by women³⁵², compared to men, of socially valued goods, opportunities, resources and rewards.³⁵³

3.3.1.1.1- Income inequality in South Africa

Research has demonstrated that South African society is characterised by large income inequality.³⁵⁴ From a gender perspective, this inequality is accentuated by the fact that

³⁴⁹ See Social surveys Africa 'access to education in South Africa: Submission to the portfolio committee on basic education'. 2010. P18. http://www.pmg.org.za/files/docs/100518socialsurvey_0.pdf visited 13/10/2010

³⁵⁰ International finance corporation 'access to finance for women entrepreneur in South Africa: challenges and opportunities.' 2007. P1. Available at

http://www.ifc.org/ifcext/africa.nsf/content/access_to_finance_report visited 2/11/2010.

³⁵¹ See UNFPA Frequently Asked Questions About Gender (FAQ). Available at

http://www.unfpa.org/gender/resources_faq.htm visited 13/10/2010.

³⁵² The term "women", includes every woman as compared to men. The author does not take into account the differences as regards race, class, education, religion, geographical location and wealth. It is however important to mention that more references and example will refer to black women. This is because of their background and also because they are more vulnerable.

³⁵³ See UNFPA (FAQ) supra for the definition of gender equality.

³⁵⁴ Bhorat H. and al. 'Income and non-income inequality in post-apartheid South Africa: What are the drivers and possible policy interventions?' 2010. P3. Available at

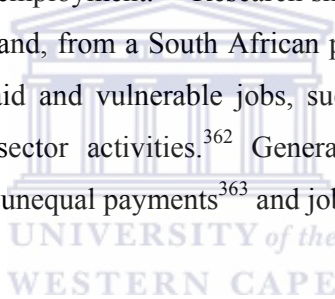
http://www.commerce.uct.ac.za/research_units/dpru/PBriefsPDF/PDFs/PolicyBrief10-26.pdf visited 2/11/2010. Income inequality is even seen as one of the largest in the world. See Maharaj Z. 'Gender

women form the majority of South African society's poor,³⁵⁵ many of whom are rural women.³⁵⁶ Indeed, African women living in the rural area, whose incomes derive mainly from pensions and remittances from relatives, form the majority of the country's poor and classified as belonging to household which fall in the poorest 20% of the country's household with an income estimated to R400 and R700 per month.³⁵⁷

Furthermore, household surveys demonstrates that, a male headed household has a 28% probability of being poor, whereas a de jure female headed household has a 48% chance of being poor and a de facto female headed household (because the nominal male head is absent) has a 53% chance of being poor.³⁵⁸

3.3.1.1.2- Gender inequality in the work-place in South Africa³⁵⁹

'Gender inequality in the work-place' is defined as unfair treatment toward members of a specific gender at their place of employment.³⁶⁰ Research shows that this unfair treatment are mostly directed against women and, from a South African perspective, black women³⁶¹ who are more represented in low-paid and vulnerable jobs, such as casual agricultural labour, domestic work and informal sector activities.³⁶² Generally speaking, those work-place inequalities are characterised by unequal payments³⁶³ and job segregation.



Inequality and the Economy: Empowering Women in the new South Africa.' Available at <http://apic.igc.org/docs99/gen9908.htm> visited 13/10/2010.

³⁵⁵ See Maharaj Z. Supra.

³⁵⁶ The majority of rural women are African.

³⁵⁷ See Maharaj Z. Supra.

³⁵⁸ See Woolard I. 'An overview of poverty and inequality in South Africa.' 2002. P3. Available at http://www.sarpn.org.za/documents/e0000006/Poverty_Inequality_SA.pdf visited 13/10/2010.

³⁵⁹ S9 of the South African constitution prohibits all forms of discriminations and requires national policies to be enacted to prevent or prohibit unfair discriminations. In this regards and talking of employment, the Employment Equity Act was enacted (Act No 55 of 1998) with the objective of bringing '...equity in the workplace by promoting equal opportunity, fair treatment, the elimination of discrimination and implementing measures to redress the disadvantages in employment experienced by certain groups.' See Shepherd D. 'post-apartheid trends in gender discrimination in South Africa: analysis through decomposition techniques' 2008.

P4. Available at <http://ideas.repec.org/p/sza/wpaper/wpapers54.html> visited 14/10/2010

³⁶⁰ See Shiota L. 'what is gender inequality in the work place?' 2010. Available at http://www.ehow.com/facts_6345056_gender-inequality-workplace_.html visited 13/10/2010.

³⁶¹ This statement does not mean that only black women are discriminated. It is just a proof that they are more discriminated and vulnerable because of their background.

³⁶² See Bridge 'South Africa: discrimination against women persists' 2001. Available at http://findarticles.com/p/articles/mi_m2872/is_1_27/ai_71563383/ visited 14/10/2010.

³⁶³ Unequal payment here refers to wage gap between women and men. But it is important to note that this wage gap is also important among races and much of the literatures on wage gap in South Africa are even concentrated on the gap between races. See Muller C. 'trends in the gender wage gap and gender discriminations among part-time and fulltime workers in post-apartheid South Africa' 2008. P1. Available at

'Gender wage gap' means that there is a difference in payment based on gender. In practice, it means that women, who have the same qualifications (and sometimes better qualifications and experience) as men, have the same position, and do the same job, are paid less than men because of their gender.³⁶⁴ Statistics on world gender wage gap rank South Africa 12th out of 134 countries.³⁶⁵ This means that the country's gender wage gaps is high and makes it one of the most unequal in the world. Local statistics show that women with the same education as men earn about 80% of the wages men get and if a man is paid R2000 for a job, a woman in the same job earns about R1600.³⁶⁶ This difference in wage is justified by what is called "pure wage discrimination".³⁶⁷ Also, the wage discrimination between women and men seems to be justified by "statistical discrimination". This latter form of discrimination explains that women are paid lesser because they are deemed to be less productive than their male colleagues.³⁶⁸

It is generally argued that entrenched gender inequality persists despite the fact that women's presence in the labour force has increased in the last half century and that they have assumed well-paid professional and managerial positions.³⁶⁹ One of these inequalities is job segregation. This means division of jobs according to gender. The result of this division is that women are pushed into the unskilled and informal sectors.³⁷⁰ The segregation is also

http://www.commerce.uct.ac.za/Research_Units/DPRU/Conference2008/Conference2008_Papers/muller_dpr_u_2008.pdf visited 2/11/2010.

³⁶⁴ See Eva Cox 'much work to do to close the gap on women's pay' 2009. Available at <http://www.leadershipforwomen.com.au/Equal%20Pay%20for%20Women/Equal%20Pay%20Alliance.htm> visited 14/10/2010.

³⁶⁵ See Haussmann and al. *the global gender gap report, 2010*, P8. In the report, it is shown that South Africa has progressed from the 2009 ranking (6th). But compared to the 2008, 2007 and 2006's reports, the wage gap has augmented in South Africa. The country was respectively ranked 22nd in 2008, 20th in 2007 and 18th in 2006. The report is available at <http://www.weforum.org/en/Communities/Women%20Leaders%20and%20Gender%20Parity/GenderGapNetWork/index.htm> visited 2/11/2010.

³⁶⁶ See Education Training Unit (ETU) 'gender and development.' Available at <http://www.etu.org.za/toolbox/docs/organise/gender.html> visited 14/10/2010.

³⁶⁷ This form of discrimination refers to '...the preference by individuals to act as if they would rather incur costs than be associated with members of certain minority groups. Racial or gender prejudice blinds the employer to the true monetary cost of hiring the individual discriminated against.' See Shepherd D. 'post-apartheid trends in gender discrimination in South Africa: analysis through decomposition techniques' 2008. P4. Available at <http://ideas.repec.org/p/sza/wpaper/wpapers54.html> visited 14/10/2010.

³⁶⁸ See Shepherd D supra.

³⁶⁹ See Charles M and Grusky D.B. 'Occupational ghetto: The worldwide segregation of women and men.' Available at <http://www.womensmedia.com/new/Occupational-Ghettos.shtml> visited 14/10/2010.

³⁷⁰ Mathee A, quoting Statistics South Africa, in 'rural electrification in South Africa: implication for the health and quality of life of women' says: 'A higher proportion of women hold unskilled jobs (56% of South African black women have unskilled jobs compared to 25% of their male counterparts), and consequently earn low wages (48% of South African black women and 26% of South African black men earn low wages).' 2001. P22. Available at http://www.energia.org/fileadmin/files/media/EN122001_mathee_dewet.pdf visited 14/10/2010.

manifested by women occupying administrative positions while men are represented in decision-taking positions.³⁷¹ These inequalities contribute to women's unemployment or underemployment. It is argued that women's participation to labour is lower than men's.³⁷²

3.3.1.2- Unequal access to land, education and finance

“This one they call farmer: send in teachers to teach him to farm (while I'm out growing the food); lend him money for tractors and tillers (while I'm out growing the food); promise him fortunes if he'd only raise cotton (while I'm out growing the food). No, I daren't stop working, and I'll not abandon that thing I was born for – to make sure my children have food in their bellies.”³⁷³

3.3.1.2.1- Women's unequal access to land

It is argued that the high inequality between women and men within households, communities and the market in South Africa are based on and shaped by a value system that favours men over women.³⁷⁴ South Africa, like many other African countries, is predominantly patriarchal.³⁷⁵ Therefore, women lack equality in their families, in the economy, in their communities, in their work place, and in society.³⁷⁶ This lack of equality also applies to women's access to, and control of land. Indeed, despite the call for equality in the Constitution and all the legislations on land reform,³⁷⁷ customary laws, which govern ownership rights, among black South African, in rural areas, continue to limit women's ownership and use of land.³⁷⁸

³⁷¹ It is argued that '4.5% of the CEOs and 19.3% of the executive managers of the approximately 315 Johannesburg Stock Exchange-listed companies are women, 73 companies listed on the JSE do not have a woman on their boards of directors, 16.6% of company directors are women, and 6% of company chairs are women.' See Hicks J. 'gender transformation at the workplace.' 2010. This article by Hicks is available on the Commission on Gender Equality Website. www.cge.org.za Also see chapter two where horizontal and vertical segregations were discussed.

³⁷² Gelb S 'Inequality in South Africa: nature, causes and responses' 2004. P8. Available at <http://www.tips.org.za/node/755> visited 15/10/2010.

³⁷³ See French M *The war against women* 1992. P34. This long quote is the words of an African woman quoted by French M.

³⁷⁴ See Cross C and Hornby D in 'opportunities and obstacles to women's land access in South Africa', 2002. P9. Available at <http://www.info.gov.za/otherdocs/2002/landgender.pdf> visited 2/11/2010.

³⁷⁵ See Gumede W 'sexist leaders damage women's rights agenda' 2009, issue 445. Available on *Pambazuka News* website <http://pambazuka.org/en/category/features/58277> visited 15/10/2010.

³⁷⁶ See Gumede W. *Supra*.

³⁷⁷ See for instance the Land Reform Gender Policy and the White Paper on South African Land Policy of 1997.

³⁷⁸ Studies show that, '...while South Africa's slow land reform is moving lands from white to black hands, black women are increasingly being discriminated against. Customary laws prevent women from obtaining land

3.3.1.2.2- Women's unequal access to education

In 1997, it was argued that South Africa's difficulties to create a system that provides quality education and training for young and old South African, regardless of race, class, or gender was the greatest development challenge facing the government because women and girls, especially African, had been largely excluded from analysis of South African education.³⁷⁹

This challenge remains in South Africa today despite all the reforms³⁸⁰ brought to the education system. It is still argued that women's access to education is inadequate.³⁸¹ This phenomenon, more frequent in black communities, seems to be justified from an African perspective. Indeed, Africans are still linked to patriarchy which has brought tribal cultures to marginalize girl's education, placing it at the bottom of the list.³⁸² It is argued that despite many reforms in South African education, girls are still kept away from school to work and many of them get married and are encouraged to give up their education.³⁸³ This '...tradition of early marriage, with women focusing on family management and less access to the use of information from today's technology, has created gender gaps in certain areas of Africa....'³⁸⁴

3.3.1.2.3- Women's unequal access to finance

In South Africa, findings show that there is an unequal access to finance across all groups and that race and gender remain important criteria in the lack of access, and black African women are more discriminated.³⁸⁵ This inequality persists despite the fact that black women form the larger part of the country's population which is self-employed.³⁸⁶ Gender equality is not taken

rights.' See Afro News 'South African land reforms "discriminates against women"'. News of 27 February 2010. Available at <http://www.afrol.com/articles/35472> visited 15/10/2010.

³⁷⁹ See Martineau R 'women and education in South Africa: factors influencing women's educational progress and their entry into traditionally male-dominated fields' 1997. P383. Available at <http://www.jstor.org/stable/2668166> visited 15/10/2010.

³⁸⁰ See Section I.B supra.

³⁸¹ See Imbokodo 'women's struggle in South Africa'. Available at South African History Online <http://www.sahistory.org.za/pages/governance-projects/womens-struggle/issues.htm> visited 15/10/2010.

³⁸² See Anzia L "'Educate a Woman, You Educate a Nation" – South Africa Aims to Improve its Education for Girls' 2007. Available at Women News Network [http://womennewsnetwork.net/2007/08/28/"educate-a-woman-you-educate-a-nation"---south-africa-aims-to-improve-its-education-for-girls/](http://womennewsnetwork.net/2007/08/28/) visited 15/10/2010.

³⁸³ See Anzia L supra.

³⁸⁴ Ibid.

³⁸⁵ See Naido S and al. 'access to finance for women entrepreneurs in South Africa: challenges and opportunities.' Available at [http://www.ifc.org/ifcext/enviro.nsf/AttachmentsByTitle/p_GEM_AccessFinanceSA_FullStudy/\\$FILE/A2F+Brochure+27.09.2006.pdf](http://www.ifc.org/ifcext/enviro.nsf/AttachmentsByTitle/p_GEM_AccessFinanceSA_FullStudy/$FILE/A2F+Brochure+27.09.2006.pdf) visited 15/10/2010.

³⁸⁶ See Naido S and al. Supra. This self employment is concentrated in the informal sector.

into consideration by financial institutions, who believe that their strategies will ipso facto benefit women.³⁸⁷ An overview of the reasons limiting women's access to finance is recapitulated in the Table below.

Obstacles	Explanation
Financial literacy	Women have a poor understanding of financial terminology and a lack of awareness of bank and microfinance services. A lack of understanding of credit processes and the role of credit bureaus also places women at a disadvantage.
Attitude of banks	Only one out of South Africa's four major banks is contemplating a specific programme to increase its share of women-owned enterprises.
Broad-Based Black Economic Empowerment (BEE) code targets	Codes and industry charters do not have sufficient targets for women's financial services outreach or business activity.
Lack of awareness of development finance	Despite the resources available from private and public development finance institutions, few women in business know about the different institutions, their products or how to access them.
Lack of financial confidence	Women have less financial confidence than men.
Lack of appropriate products	Bank services and products, including savings products are often unaffordable, and the emphasis on collateralised and asset based lending disqualifies most women from

³⁸⁷ Ibid.

	accessing business loans. ³⁸⁸
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From this Table it is obvious that unequal access to education also impacts on access to finance. Women are marginalised because of they do not understand financial terminologies and do not know the services offered by banks and microfinance.³⁸⁹

In conclusion to this subsection on the overview of gender inequality in South Africa, it is submitted that gender inequality is a worldwide problem.³⁹⁰ But it is further submitted that governments and organisations are working together to eradicate that immoral phenomenon. This is the reason why it is argued that there have been changes in women's situation and that important progress has been achieved in some areas (Ex. Labour, education).³⁹¹

Women's mainstreaming has also been used as a strategy³⁹² in some sectors in South Africa and their situation has changed since the advent of democratic government. The wage gap has narrowed (South Africa's ranking has changed from 18th in 2006, 20th in 2007, 22nd in 2008, 6th in 2009, and 12th in 2010);³⁹³ there are more women in secondary and higher education and in the workplace. Many women own businesses in South Africa.³⁹⁴ A commission on gender equality was also created and many positive measures adopted. The important question to be asked is: What has been the role of trade in all this? Has it contributed positively or negatively?

3.3.2- Trade and the pursuit of gender equality in South Africa.

This part of the research will assess the impact that trade liberalisation has on the South African objective of eliminating gender inequality. At the end of the section, one will be able

³⁸⁸ Ibid.

³⁸⁹ See table.

³⁹⁰ Çağatay N. and Ertürk, K, 'Gender and globalisation: A macroeconomic perspective', 2004. P16. Available at http://www.ilo.org/legacy/english/integration/download/publicat/4_3_204_wcsdg-wp-19.pdf visited 2/11/2010.

³⁹¹ See Tran-Nguyen, A., Zampetti, A.B. *Trade and gender: Opportunities and challenges for developing countries*, 2004, p iii.

³⁹² See Office on the status of women 'South Africa's National Policy Framework for Women's Empowerment and Gender Equality' p36. Available at <http://www.doh.gov.za/docs/policy/gender.pdf> visited 2/11/2010.

³⁹³ See the statistics in *the global gender gap* 2010. P8.

³⁹⁴ But, women are still concentrated in activities located in the area of hawking, crafts, personal services and the retail sectors. See the department of Trade and Industry 'South African women entrepreneurs: A burgeoning force'. 2005. P9. Available at <http://www.dti.gov.za/sawen/SAWENreport2.pdf> visited 16/10/2010.

to tell if trade liberalisation has contributed to reduce, accentuate or perpetuate gender inequality in the country.³⁹⁵ In order to get there, the impacts of trade on women and men in South Africa will be examined in order to see if it has affected them differently, in which case one could determine the impact on gender equality. First of all, there will be an assessment of the impacts of trade liberalisation on the wage gap, employment, and households, before looking at agriculture, IPR, entrepreneurship and services.³⁹⁶

3.3.2.1- The impacts of trade liberalisation on the wage gap, employment, and households in South Africa

In this section, each of these factors will be dealt with separately.

3.3.2.1.1- Wage gap

The impact of trade on the gender wage gap is a subject of many debates. Many researchers are of the view that growing trade is associated with a reduction in the gender wage gap.³⁹⁷ This is justified by the fact that liberalisation will lead to competition, making it costly to those firms which discriminate.³⁹⁸ This position is objected by non-neoclassical economists who reply that competition is rather based on costs reduction, and that firms will tend to use wage disparities as a tool of competition.³⁹⁹

However, Oostendorp adopts a dual position. He argues that trade liberalisation can also have negatively impacts on the wage gap. He says:

‘Standard trade theory predicts that trade will adversely affect the compensation paid to the relatively scarce factors of production in the economy. If female workers in

³⁹⁵ One important thing to remember is that the multilateral system is a set of multilateral agreed rules which govern trade liberalisation and relation among states and are, a priori, considered gender neutral. See Tran-Nguyen A. ‘the economics of gender equality, trade and development’ in trade and gender: Opportunities and challenges for developing countries. 2004. P15-54.

³⁹⁶ This organisation is inspired by an article written by Zo Randriamaro ‘gender and trade’.

³⁹⁷ Neoclassic economists believe that trade opens the economy to competition among firms and individuals and that the competition will reduce discrimination against women allocating labour to its most productive use therefore minimising costs. See Tran-Nguyen Supra. P22. Economists sharing this view are: Oostendorp R.H ‘globalisation and the gender wage gap’ 2004. P2. Available at <http://ideas.repec.org/p/wbk/wbrwps/3256.html> visited 2/11/2010. See also Artecona R. and Cunningham W ‘effects of trade liberalisation on the gender wage gap in Mexico’ 2002. P3. Available at <http://siteresources.worldbank.org/INTGENDER/Resources/wp21.pdf> visited 2/11/2010. See Velia M. and Valodia I ‘gender impacts of trade liberalisation in South Africa post-1994: an exploration based on female employment and firm ownership’ 2008. P20. Available at http://www.usaid.gov/our_work/cross-cutting_programs/wid/resources/South_Africa.html visited 2/11/2010.

³⁹⁸ See Oostendorp R.H, quoting Becker 1971 in ‘globalisation and the gender wage gap’ supra. P2.

³⁹⁹ See Tran-Nguyen supra. P24.

*developed economies tend to have lower skills than male workers, then female wages will be more adversely affected by increases in trade with developing countries than male workers. This skill effect would increase the gender wage gap. Of course the opposite is true for developing countries –their gender wage gap should fall with increases in trade.*⁴⁰⁰

This means that if South Africa's trade with a developed country increases, the wage gap will reduce, while in the developed country the wage gap will be widened. It, therefore, appears that the impact of trade liberalisation on the gender wage gap is mixed. It is in that regard that Cockburn et al. say that trade liberalisation increases on gender wage gap in favour of men because men are more active in export-oriented sectors, cash crops and mining, whereas women are more present in the import-competing sectors, food crops.⁴⁰¹ In addition, the effects of ensuring growth brought by trade liberalisation can widen the over-all gender wage gap due to the fact that productive gains from increased openness are important in women-intensive sectors in which imports rise markedly.⁴⁰²

The literature on the impact of trade liberalisation on the gender wage gap in South Africa is limited. In 'The global gender wage gap' 2010 cited above, South Africa is ranked 12th. That position changes every year. The gender wage gap is sometimes reduced and sometimes, it is higher. The question to be asked though is: is trade liberalisation the only factor influencing the gender wage gap in South Africa? This question is of importance in view of the neoclassical argument that growing trade and competition reduce the gender wage gap, and in the light of statistics from South Africa which show constant growth of the country's international trade.⁴⁰³ It is submitted that globalisation, associated with trade liberalisation, might have impacted on the gender wage gap. However, it is further submitted that these

⁴⁰⁰ See Oostendorp R.H, quoting Becker 1971, 'globalisation and the gender wage gap' 2004. P2.

⁴⁰¹ See Cockburn and al. 'Gender and poverty impacts of trade liberalisation in Senegal' 2010. <https://depot.erudit.org/bitstream/003168dd/1/CIRPEE10-13.pdf> visited 16/10/2010.

⁴⁰² Ibid.

⁴⁰³ 'South Africa's real gross domestic product (GDP) rose by 3.7% in 2002, 3.1% in 2003, 4.9% in 2004, 5% in 2005, 5.4% in 2006 - the highest since 1981 - and 5.1% in 2007. In the fourth quarter of 2007, South Africa recorded its 33rd quarter of uninterrupted expansion in real GDP since September 1999.' Available at South Africa info at <http://www.southafrica.info/business/economy/econoverview.htm> visited 16/10/2010.

phenomena would only have positive impacts on the gender wage gap when they are supplemented with policies and programmes.⁴⁰⁴

3.3.2.1.2- Employment

Mainstreaming economists and some feminists believe that trade and investment liberalisation can improve economic growth and therefore increase women's participation in the labour market.⁴⁰⁵ Research confirms that trade liberalisation has played an important role in women's employment and ownership of firms in South Africa in the past decades.⁴⁰⁶ It is even argued that women's employment grew faster than men's in the 1990s despite the fact that men account for the largest share of total employment in the country.⁴⁰⁷ In spite of all these improvements in women's employment conditions, it is argued that women are concentrated in the informal sector where employment is less secure and with fewer benefits; and those women who own businesses are concentrated in the wholesale and retail sectors.⁴⁰⁸ Furthermore, in recent years, despite the fact that men's unemployment grew more rapidly than that of women, the male unemployment rate in 2003 remained significantly lower at 36.2 percent.⁴⁰⁹ But, research shows that both men and women have both gained and lost from South Africa's liberalisation and that they have been impacted upon differently. The different impacts were also noticed by sector. Therefore,

Apart from changes in overall unemployment, there were also substantial differences in sectoral employment across male and female workers, especially in the primary and secondary sectors. Male employment increased faster in the mining sector, while female employment grew in the agricultural sector. Both men and women experienced stagnant employment in the manufacturing and public sectors and rapidly expanding employment in private services. The latter was particularly important for women, since almost three quarters of total female employment in 1995 was in this sector. Manufacturing employment was equally important for men and women, suggesting

⁴⁰⁴ For example, policies could be implemented urging companies to mainstream gender in their work policies and the government could set, as a condition for access to subsidies, the inclusion of gender equality principles in the company's policy.

⁴⁰⁵ See Zo Randriamaro supra. P16.

⁴⁰⁶ See Velia M and Valodia I supra. P6.

⁴⁰⁷ See Thurlow J 'Has trade liberalisation in South Africa affected men and women differently?' 2006. P18.

Available <http://ideas.repec.org/p/fpr/dsgddp/36.html> visited 2/11/2010.

⁴⁰⁸ See Velia M and Valodia I supra. P6.

⁴⁰⁹ See Thurlow J supra. P18.

*that both male and female workers were likely to be affected by trade liberalization.*⁴¹⁰

In South Africa, it is generally argued that, despite the fact that trade liberalisation has expanded women's presence in formal labour intensive industries, many informal⁴¹¹ and unskilled jobs were created and women pushed into more insecure forms of employment.⁴¹² This was mostly justified by the fact that women are unskilled, and that that was the reason why they were pushed in lower-paying agricultural and service sectors.⁴¹³

3.3.2.1.3- Household

'Household' means family. The impact of trade liberalisation on South African families needs to be assessed,⁴¹⁴ as well as to determine if trade liberalisation has helped to change the power-based relations in the household, communities and society. As noted above, both women and men have benefited from the country's openness. There has been job's creation and a flow of cheap products. However, the country is dominated by many inequalities,⁴¹⁵ one of which is income inequality. The research has shown above that South Africa is characterised by great income inequality⁴¹⁶ and that this inequality is felt more by rural women. In South Africa, women are most of the time head of the household⁴¹⁷ and all their income is used to take care of their family. Therefore,

'While male and female workers benefit from trade-induced growth, it is male-headed households who have benefited more from rising factor incomes. Trade reforms have, however, contributed to the observed decline in the gender wage gap, but this has been driven by rising employment among higher-skilled female workers. As such, the decline in poverty among female-headed households has remained small. While

⁴¹⁰ See Thurlow J. Supra. P18.

⁴¹¹ 'South Africa's informal sector has increased from 1,136,000 workers in 1997 to 1,907,000 in 1999. There are about 193,000 African women compared to 28,000 white women working in the informal sector'. See Zo Randriamaro supra. P18.

⁴¹² See Velia M and Valodia I supra. P36. It is also argued that trade liberalisation has contributed to job segregation in the country.

⁴¹³ See Thurlow J. Supra. P44.

⁴¹⁴ In this paragraph, household and family will be used to mean the same thing.

⁴¹⁵ See Leibbrandt M. and al. in 'Understanding contemporary household inequality in South Africa.' 1999. P6. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=943391 visited 2/11/2010.

⁴¹⁶ Bhorat H. and al. quoted above. P3.

⁴¹⁷ Gelb S, quoted above, says that women in rural area are abandoned by their husbands who migrate to work in mine industries and in the cities. P10.

*further liberalization may increase growth and reduce poverty, it is men and male-headed households who are more likely to benefit.*⁴¹⁸

Taxes are the primary source of revenue for African government.⁴¹⁹ These taxes are levied on individuals incomes and on businesses (income tax and secondary tax on companies⁴²⁰), and in the form of tariffs on exports and imports. However, because of trade liberalisation, this important source of revenue is endangered as a result of tariffs reduction.⁴²¹ In order to recover, a government has to impose more tax on individuals. Research shows that these taxes, mostly valued added tax (VAT), can have negative impacts on women, as consumers and in relation to their reproductive role, because it is levied on goods for the household and labour-saving devices such as domestic appliances.⁴²²

In conclusion to this part of the work, it is accepted, in agreement with researchers, that trade has affected women and men differently in South Africa. In response to the question: has trade contributed to reducing or accentuating the wage gap, unemployment, sector segregation and household inequality in South Africa? It is submitted that trade *per se* does not increase the wage gap or unemployment as between women and men, deepening gender inequality, but that something more⁴²³ has to be associated with it so that the immorality of gender inequality is accentuated. The additional factors are:

- ❖ Job segregation: women are confined to low-wage functions or to industries which cannot pay competitive wages;
- ❖ “Glass ceiling”: this is manifested in the form of obstacles to women moving up the hierarchical ladder;
- ❖ Differential productivity: this may result from differential access to education, training or technology, or responsibilities related to household care; and
- ❖ Discrimination by employers: this is manifested by men dominance in the work place.⁴²⁴

⁴¹⁸ See Thurlow J supra, p vii.

⁴¹⁹ See Zo Randriamaro supra. P19.

⁴²⁰ See South African Income Tax Act 58 of 1962.

⁴²¹ See Zo Randriamaro supra. P19.

⁴²² See Zo Randriamaro supra. P20.

⁴²³ The “something more” referred to in this section means factors contributing to gender inequality.

⁴²⁴ See Tran-Nguyen A. supra. P27.

3.3.2.2- The impact of trade liberalisation on agricultural trade, IPR, and services in South Africa: a gender equality perspective.

This section will attempt to answer the question: has trade contributed to reducing inequality in Agricultural trade, IPR, and services trade in South Africa?

3.3.2.2.1- Agricultural trade

The liberalisation of agricultural trade is deemed to have had tremendous impacts, positives and negative, on men's and women's lives.⁴²⁵ The AOA has established three pillars for agricultural liberalisation: market access,⁴²⁶ domestic support⁴²⁷ and export subsidies.⁴²⁸

When discussing market access, it is often argued that for women farmers and other small farmers, market access is illusory and can have negative impacts on their economic livelihood.⁴²⁹ In South Africa, women are more involved in subsistence production, while men are mainly concentrated in cash crop production. This concentration of women in subsistence crops is probably justified by the fact that their access to land is limited and that they have to take care of their families.⁴³⁰ Thus, since, in developing countries, women play different roles in agriculture and have different degrees of access to, and use of productive resources, it is argued that trade liberalisation will definitely have different impacts on the two genders.⁴³¹ Women's level of education, their income and their ability to respond to policy changes also play a role in the impacts of trade liberalisation on them.⁴³²

The AOA wants the WTO to limit their support to farmers. This call for the reduction of domestic support can be a problem to women who are mainly small farmers and rely on government supports.⁴³³ South Africa has undergone important reform since 1990 in liberalising its domestic and foreign trade and has considerably lowered its support to agriculture bringing it down to 5%.⁴³⁴ This commitment of South Africa could negatively

⁴²⁵ Williams M 'gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders' 2003. P68.

⁴²⁶ For this pillar, see art 5, 6 and annex 5 of the AOA.

⁴²⁷ For this pillar, see art 8, 9, 10 and 11 of the AOA.

⁴²⁸ For this pillar, see art 6 and annex 2' 3 and 4 of the AOA.

⁴²⁹ Williams M supra. P69.

⁴³⁰ See Garcia Z 'agriculture, trade and gender,' 77- 121 In Tran-Nguyen A and Zampetti AB, 2004. P92.

⁴³¹ See Garcia Z supra. P77.

⁴³² Ibid.

⁴³³ See Williams M supra. 2003. P69.

⁴³⁴ See OECD 'review of agricultural policies: South Africa' 2006. Available at http://www.oecd.org/document/31/0,3343,en_2649_33797_36482847_1_1_1_1,00.html visited 17/10/2010.

affect women in light of the argument that subsidy elimination has negative impacts on them.⁴³⁵ Also, because of certain factors cited above⁴³⁶ to which the elimination of subsidies is added, women producers would be less represented with regard to agricultural exports.

It is argued that tariff reduction has negative impacts on women compared to men.⁴³⁷ This view is justified by the fact that government loses an important part of its revenue when the tariffs are reduced, and then tends to cover the gap with taxes.⁴³⁸ Research shows that women, who form more than 50% of South Africa's population⁴³⁹ and who form the majority of the poor, will lose some of government's social services and will be more vulnerable due to taxes.⁴⁴⁰ Furthermore, it is believed that the reduction of tariffs, as ordered by the AOA, has contributed to the displacement of local farmers pushing them out of the domestic markets due to the dumping of cheap subsidised food import from other countries.⁴⁴¹ As a result of this, it is argued that farmers who do not receive subsidies from their government spent more money to produce the crop than it is possible to sell it.⁴⁴²

Also, it will push those domestic farmers and firms, who are unable to compete with cheap imported products and who are not supported by the government, to abandon their farms to migrate to the cities. In South Africa, men abandon their families in the rural areas and migrate to the cities to look for jobs in the mines and in industry.⁴⁴³

Regarding the above development, it is submitted that trade liberalisation has not contributed to reducing inequality in the agriculture sector; women continue to be marginalised. It is also submitted that the imbalances, occurring in agricultural trade, are explained by some social factors (traditions, patriarchy and religion) and unequal access to productive resources.

⁴³⁵ This conclusion is based on the argument by Williams M. P70.

⁴³⁶ See for instance the Lack of education, limited access to land, to productive resources in general and the concentration on subsistence crops.

⁴³⁷ See Williams M 2003. P70.

⁴³⁸ Ibid.

⁴³⁹ Women constitute 52% of South Africa's population. See Mncayi P. 'South African Review of 50/50 Campaign' 2006. <http://www.wedo.org/> visited 17/10/2010.

⁴⁴⁰ See Williams M 2003. P70.

⁴⁴¹ See Zo Randriamaro supra. P21.

⁴⁴² Ibid.

⁴⁴³ See Gelb S supra. P8.

3.3.2.2.- Intellectual property rights⁴⁴⁴

Zo Randriamaro argues that,

*'IPR legislation is constructed in the context of structural gender inequalities in terms of access to land, property rights and land titles, credit, extension services and technology. It will therefore have significant impacts on gender relations and women farmers, entrepreneurs, researchers and consumers. As poor women make up a large percentage of subsistence farmers, they are disproportionately affected by reduced access to seeds, farm inputs and plants.'*⁴⁴⁵

This disproportionate effect of IPR reform might be felt by women in South Africa because they have limited access to land and many of them, living in rural areas, are employed in the traditional medicine sector.⁴⁴⁶ Statistics show that about 74% of medicinal plant harvesters, street traders and traditional healers are women, and 80% of them are rural while only 20% are urban.⁴⁴⁷

The impacts of the liberalisation of IPR are also said to be critical to women's health, morbidity and mortality in terms of access to medicines⁴⁴⁸ for their specific needs, for instance, their reproductive's need.⁴⁴⁹

Despite the fact that women might have been differently affected by the protection of IP, this protection cannot be seen as disadvantaging South African women⁴⁵⁰ because these imbalances, as in agricultural trade, are associated with social factors and unequal access to productive resources.

⁴⁴⁴ This paragraph will be brief because extensive discussion has been made on IPR in this research. Only the gender perspective will be considered.

⁴⁴⁵ See Zo Randriamaro. P24.

⁴⁴⁶ See Mander M and al. 'Economics of the traditional medicine trade in South Africa' 2007. P180. Available at http://www.hst.org.za/uploads/files/chap13_07.pdf visited 2/11/2010.

⁴⁴⁷ See Mander M and al. supra.P192.

⁴⁴⁸ It is argued that the patent of medicines privatised them and they are sold more expensively. For example, 'the South African experience of securing accesses to anti-retroviral treatment in response to the AIDS crisis [...] highlights the problematic nature of pricing and protecting patent rights.' See International Centre for Research on Women 'Trade liberalization and women reproductive health: linkages and pathways', 2009. Available http://www.popcouncil.org/pdfs/ICRW_Trade-Liberalization-ReproHealth.pdf visited 2/11/2010.

⁴⁴⁹ See Zo Randriamaro. P24.

⁴⁵⁰ At origin, the protection of IPR aimed at benefiting women and men equally.

3.3.2.2.3- Services trade

Despite the fact that the liberalisation of services enhances efficiency and competitiveness in the host country, it is argued that liberalisation comes with the risk of creating or worsening inequalities for the poor and women.⁴⁵¹ The services sector is seen as an area of employment for women.⁴⁵² However it is argued that in general, trade liberalisation and globalisation contribute to the expansion of informal sector, in term of services, and that the major areas are small-scale commerce and catering.⁴⁵³ Furthermore, it is also argued that women continue to be the major part of workers employed in the low wage, benefit scarce services.⁴⁵⁴ These jobs are mostly occupied in South Africa by old black women who are uneducated and, therefore, lack the skills required for formal employment.⁴⁵⁵ The Mode of Supply four of the GATS is accused of causing a brain drain as it facilitates the migration of women in foreign countries.⁴⁵⁶ Research reveals that despite the fact that concurrence between South African women and men in emigrating is important, women still have lower emigration potential rate than men.⁴⁵⁷ The majority of professionals emigrating are lecturers and teachers (29% women and 7% men); nurses and medical doctors (10% women and less than 1% men).⁴⁵⁸ It is submitted, however, that in spite of the fact that trade liberalisation can be said to have accentuated the imbalances in the services sector, it does not create them. These imbalances are associated with factors inherent to South African society. For trade liberalisation to be used as a strategy to eradicate them, it has to be supplemented by some policies and programmes.

⁴⁵¹ See Tran-Nguyen A. 'the economics of gender equality, trade and development' in trade and gender: Opportunities and challenges for developing countries. 2004. P15-54. P30.

⁴⁵² See Williams M. P87.

⁴⁵³ See Williams M. P88.

⁴⁵⁴ See Williams M. P88. Women are also well represented as cleaners, waitress, and sales persons. Zo Randriamaro says that '...most women employed in the services sector (formal and informal) are concentrated in low-skilled and low-paid jobs, and experience more job insecurity than men.' P26.

⁴⁵⁵ Many old black women are domestic workers in white families and many young girls stop their studies to be waitress in restaurants and hotels. The author talks here according to his own experiences.

⁴⁵⁶ See Zo Randriamaro. P26.

⁴⁵⁷ See Dodson B. 'Gender and the brain drain from South Africa' 2002. P1. 'Almost three quarters (73%) of the men had given "some" or "a great deal of thought" to emigrating, whereas the equivalent figure for women was only 61%. The gender difference is most striking in the category of respondents who had given "a great deal of thought" to emigrating.' This document is available at <http://www.queensu.ca/samp/forms/form.html> visited 2/11/2010.

⁴⁵⁸ See Dodson B. 'Gender and the brain drain from South Africa' 2002. P9.

3.4- Conclusion

In conclusion to this chapter, it is submitted that trade liberalisation has affected men better than women in South Africa. And to the question: has trade contributed to reducing, accentuating or perpetuating gender inequality in South Africa? It is submitted that trade liberalisation might have accentuated gender inequality in South Africa. However, this accentuation arises inadvertently as trade policies are originally adopted with the intention of creating equal opportunities for both women and men. The negative impacts on the pursuit of gender equality in South Africa have, therefore, been influenced by many other factors. These factors are: job segregation, the “glass ceiling”, differential productivity, and discrimination by employers. Other determinant factors have been traditions, religion and the unequal access to productive resources.

Finally, it is important to acknowledge that,

‘trade openness and economic growth do not automatically translate into poverty reduction and increased economic equity, especially in the short term. Particular individuals and groups within society may be affected differently by trade liberalization – some gain, some lose. Market-opening policies in developing countries and countries in transition must be accompanied by other policies and programmes that ensure that the benefits of growth are shared equitably throughout society or, better still, are focussed directly on reducing economic disparities and eliminating poverty. Put another way, economic and social development must proceed hand in hand.’⁴⁵⁹

⁴⁵⁹ CIDA Gender equality and trade-related capacity building: a resource tool for practitioners’ *CIDA’s Strategic Approach to Trade-related Capacity Building (TRCB)*. CIDA, Policy Branch, draft, 15 August 2003. Available at http://www.sice.oas.org/Genderandtrade/CIDA_Trade-Related%20Capacity%20Building.pdf visited 18/10/2010.

Chapter 4- Mainstreaming gender in trade policy in South Africa: strategies

*'Trade liberalisation is an intricate web of cross and behind the border provisions and social, fiscal and labour market policies. These policies impact on gender relations, human development and poverty dynamics in the economy through a complex set of transmission mechanism that determine access to resources at all levels of the economy. Any attempt to reconfigure the dynamics set in motion by trade liberalisation from the perspective of gender equality will therefore not be successful unless it also challenges the sub-national, national, regional and multilateral formulation and decision-making of trade policy.'*⁴⁶⁰ **Mariama Williams**



4.1- Introduction

South Africa's trade policy-makers do not agree with mainstreaming economists who submit that the distribution of income would be improved and income inequality and poverty ameliorated, ipso facto, when trade expands.⁴⁶¹ This position of the country's policy-makers is not, however, shown when trade policies are been adopted and this justifies the gender blind character of the country's trade policies.⁴⁶² This research aims to enhance the capacity of the policy-maker to mainstream gender in trade policy. Mainstreaming gender has been defined in this research as the process of accessing the implications, for women and men, of any planned action (legislation, policies or programmes) in all areas and at all levels.⁴⁶³

⁴⁶⁰ See Williams M. 'gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders' 2003. P19.

⁴⁶¹ See 'A South African Trade Policy and Strategy Framework' 2010. P11. This position, of the mainstream economists, that trade expansion will automatically benefit women and men, was discussed in this research.

⁴⁶² The country's trade policy and strategy framework does acknowledge the inequalities in South Africa. But among the strategies adopted in the document, nothing talks of the solution to the different impacts that trade liberalisation have on women and men. This silence of the policy-makers, as stated above, contributes to the further marginalisation of women, in one of the most unequal society in the world. See Chapter three of this research for complete discussion on inequalities in South Africa.

⁴⁶³ See Chapter 1 SIII.

This chapter aims to outline key strategies which could be used to mainstream gender equality perspective into the country's trade policy so that trade is used as a tool to respond to women's needs. The first section will name some primary points to consider when taking or negotiating a trade policy; and the second section will draw up the strategies.

4.2- Basics for a gender equitable trade policy

Feminists argue that the first and central objective of a trade policy should be '...to achieve the maximum possible gender equitable, social and human development in the context of environmental/ecological sustainability and food security.'⁴⁶⁴ In order to attain this objective, the trade policy-maker has to understand the relationship between trade and gender.

4.2.1- Trade liberalisation impacts on gender's income and basic rights⁴⁶⁵

The trade policy-maker has to know that trade policies have impacted on women and men's lives in South Africa and that their income and primary rights are affected differently.⁴⁶⁶

4.2.1.1- Trade measures impact on and are affected by historical and structurally-reinforced gender rigidities regarding:⁴⁶⁷

- **Entitlements/rights:** this includes food, land, medicine and other social and cultural assets; trade liberalisation has had impacts on food price and security in South Africa,⁴⁶⁸ on prices and access to medicine⁴⁶⁹ and on access to land.
- **Capabilities:** education, skills, training and, access to technology; the liberalisation of services has impacted on education in South Africa.⁴⁷⁰

⁴⁶⁴ See Williams M. supra. P159.

⁴⁶⁵ This section is based on (and illustrated by) the Williams M's book; 'gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders' 2003. P160.

⁴⁶⁶ See chapter

⁴⁶⁷ See Williams M. P160.

⁴⁶⁸ See Food Security Working Group 'food security policy for South Africa' 1997, available at <http://www.nda.agric.za/docs/Foodsecurity/foodsecurity.htm> visited 21/10/2010.

⁴⁶⁹ See Musungu F.S 'the right to health in the global economy: reading human rights obligations into the patent regime of the WTO-TRIPS agreement' 2001. P29. Available at http://www.up.ac.za/dspace/bitstream/2263/931/1/musungu_sf_1.pdf visited 21/10/2010.

⁴⁷⁰ See Kulati T. 'internationalisation, GATS and higher education' 2004. P3. Available at http://chet.org.za/webfm_send/195 visited 21/10/2010.

- **Functioning:** this includes health, nutritional status, access to essential services and participation in decision-making and governance,⁴⁷¹

4.2.1.2- Trade measures impact on the multiple, interconnected and interdependent aspects of the economy:⁴⁷²

- **Unpaid work and social reproduction:** trade liberalisation has impacted on women unpaid work. It is argued that many of the sectors where women are mostly involved include both paid and unpaid.⁴⁷³
- **Labour, commodities, and other resources markets:** trade liberalisation has had impacts on women's labour, creating opportunities and contracting others. It has also impacted on the circulation of foods and many other resources.
- **Credit and access to economic resources:** trade liberalisation can generate change in the economy that may increase or decrease women's access to economic and social resources (land, credit and technology).⁴⁷⁴
- **National law, policies and programmes** such as governmental services and also taxation and expenditures.⁴⁷⁵

4.2.2- Trade liberalisation's impacts on gender

4.2.2.1- Results in terms of opportunities

The reform of trade measures can introduce for men and women, firms and government:⁴⁷⁶

- **New opportunities and/or the expansion of opportunities and new involvement:** trade liberalisation brings new opportunities (jobs, markets access and choice of foods). It can also destroy some existing opportunities. For example, it brings competition in all domains (skilled jobs, markets and education) and disadvantaged women can suffer.

⁴⁷¹ See Williams M supra. P60.

⁴⁷² See Williams M. P160.

⁴⁷³ See Budlender D 'why should we care about unpaid care work?' 2004. P7. Available at http://www.sarpn.org.za/documents/d0000919/P1017-Unpaid_Care_Work.pdf visited 7/11/2010.

⁴⁷⁴ See Williams M 'gender and trade: impacts and implications for financial resources for gender equality' 2007. P3. Available at http://www.sarpn.org.za/documents/d0002648/Gender_trade_Williams_Jun2007.pdf visited 7/11/2010.

⁴⁷⁵ See Williams M supra. P60.

⁴⁷⁶ See Williams M supra. P60.

- **New laws which have effects on property rights and access to government services:** trade liberalisation brings government to adopt new policies which affect property rights. See for example the policies on IP in South Africa.

4.2.2.2- Social impacts of trade liberalisation

The reform of trade policies, as mentioned above, impacts on:⁴⁷⁷

- **Accumulation/growth** (public and private); it is argued that trade liberalisation has impacted on the economy and that it has had different impacts on the population and skill-groups.⁴⁷⁸ The literatures show that women were impacted differently compared to men. These different impacts can be justified by the fact that women are mainly unskilled and lack access to productive resources.
- **Livelihood and provisioning;** trade liberalisation has impacted on employment and people's everyday life. It has had impact on poverty, health, education, income and wage.
- **Poverty** (eradicates, exacerbates or creates poverty): in South Africa, research shows that trade liberalisation has had impact on poverty and that those impacts are not the same on all groups in the society.⁴⁷⁹
- **Social and human development;** human development '...is about creating the environment in which people can develop their full potential and lead productive, creative lives in accord with their needs and interest.'⁴⁸⁰ The human development index includes health, education and income and trade liberalisation has impacted on all these.

⁴⁷⁷ See Williams M supra. P60.

⁴⁷⁸ See Thurlow J. 'trade liberalisation and pro-poor growth in South Africa' 2006. P4. Available at http://www.tips.org.za/files/trade_thurlow.pdf visited 23/10/2010.

⁴⁷⁹ See Mabugu R. and Chitiga M. 'South Africa trade liberalisation and poverty in a dynamic micro simulation CGE model' 2007, p38 Available at [http://www.up.ac.za/dspace/bitstream/2263/4376/1/Mabugu_South\(2007\).pdf](http://www.up.ac.za/dspace/bitstream/2263/4376/1/Mabugu_South(2007).pdf) visited 21/10/2010.

⁴⁸⁰ See UNDP 'the human development concept' available at <http://hdr.undp.org/en/humandev/> visited 22/10/2010.

- **Gender equality and equity**; trade impacts on gender equality. The outcome of those impacts is controversial. While some researchers say that it has had positive impacts on gender equality, others say it has rather impacted negatively.⁴⁸¹

This section aimed to highlight the impacts of trade liberalisation on gender in South Africa.⁴⁸² From what have been said, one can see that trade liberalisation impacts on men and women's lives in the country, that macroeconomic policies are not gender neutral as they have significant implications for women's employment, poverty, social burden and ultimate societal well-being.⁴⁸³ Research shows, however, that those impacts are different on women and men and this is the reason why mainstreaming gender in trade policies become a must and a tool to eradicate gender inequalities. The following section will discuss the strategies for mainstreaming gender in trade policy in South Africa.

4.3- Strategies for mainstreaming gender in trade policy in South Africa.

As mentioned above, mainstreaming gender in a trade policy basically means assessing the implications, for men and women, of that trade policy. This assessment will help the policy-maker to identify ways for using trade to empower women, and possible remedies for when trade policies have negative impacts on women.⁴⁸⁴ This research aims to enhance the capacity of South Africa's trade policy-makers to mainstreaming gender in the country's trade policies so that trade is used to empower women and eradicate gender inequalities in the country. This section will highlight some important strategies for gender mainstreaming in trade policies. The first part will highlight the strategies and the second will discuss the possible challenges that may occur.

4.3.1- Gender mainstreaming strategies

A distinction has to be made between the strategies to be considered when implementing policies at national level and those to be considered at international level when negotiating international agreements.

⁴⁸¹ See Mengesha E.H 'making the international trade regime work for gender equality' available at <http://siteresources.worldbank.org/INTRAD/Resources/EMengesha.pdf> visited 7/11/2010.

⁴⁸² See chapter II for a full discussion on these impacts.

⁴⁸³ See Were M and Kiringai J. 'gender mainstreaming in macroeconomic policies and poverty reduction strategy in Kenya' 2010. P iv.

⁴⁸⁴ See UNCTAD Secretariat 'mainstreaming gender in trade policy' 2009. P13.

4.3.1.1- Strategies for gender mainstreaming in national policies

- Trade liberalisation brings new opportunities for men and women.⁴⁸⁵ when the policy-maker notices that the new policy will bring new opportunities for women and men, he/she has to ask himself/herself these important questions:⁴⁸⁶
- What are the directly and indirectly created new opportunities and new area of involvement available to South Africa's men and women in the formal and informal sectors?
 - What assets, skills and training are required for successful involvement in these areas?
 - How are men and women positioned to take advantage of these new opportunities?
 - Are the responses of men and women the same or different, and if so why?
 - What are the challenges and constraints faced by men and women?
 - What programmes or measures will mitigate these challenges and constraints?

Following the definition of gender mainstreaming, these questions have to be asked and answered before the implementation of the new policy and the goal of the trade policy must also be to eradicate gender inequality in South Africa. The policy-maker has to bear in mind that he/she is implementing a trade policy in one of the most unequal society in the world.⁴⁸⁷ A society where income inequalities, unequal access to education, to land, to finance, gender wage gap and inequality in the work place are recurrent.⁴⁸⁸ Also, that South Africa is a “rain bow” society where one sees white, black, Indian, and Coloured and each race having its own culture and belief and others been more favoured than others. He/she must also consider the presence of Muslim women who are probably the most oppressed group of the South African society due to their religion.⁴⁸⁹ Also, that the country is disseminated by AIDS and that many

⁴⁸⁵ See UK Department of Trade and Industry 'making globalisation a force for good' 2004, p101 available at http://www.tips.org.za/files/White_Paper_Trade_and_Investment_2004.pdf visited 21/10/2010.

⁴⁸⁶ These questions are taken from Williams M's book 'gender mainstreaming in multilateral trading system: a handbook for policy-makers and other stakeholders' 2003. P161.

⁴⁸⁷ See Bhorat H and al. 'income and non-income inequality in post-apartheid South Africa: what are the drivers and possible policy investigations?' 2010. P2.

⁴⁸⁸ See Chapter III.

⁴⁸⁹ Muslim girls in South Africa are taken out of school at the age of 13 and married by 16. This phenomenon deprives them from their financial or educational independence. See Rawoot I 'women women need protection beyond Sharia law' 2009. Available at Mail and Guardian Online,

young girls are forced to leave school at an early age because of their domestic responsibilities.⁴⁹⁰ After these considerations, the policy-maker must think of programmes which could be implemented to eradicate those imbalances. The education system could be reformed to respond to those new opportunities as it provides training and skills for men and women; the government services could also be reformed and policies to eradicate the bias that women face relative to men implemented.⁴⁹¹

➤ Trade liberalisation brings threats to women and men:⁴⁹² for example, it is argued that the removal of agricultural subsidies has as effect, the decrease of employment and market share for male and female small farmers in many African countries.⁴⁹³ As response to this reduction of opportunities, the policy-maker has to consider a number of questions when drafting a new policy:⁴⁹⁴

- What area of production and employment are suffering as a consequence of the new trade measures?
- Which sex was most dominant in the area or was most disadvantaged by the change?
- What were the responses of men and women to the change?
- What are the impacts on the informal and household economies?
- How has this impacted on men's and women's responsibilities and access to assets?
- What programmes or policies measures can be devised to improve the welfare loss to the different groups?

Once again, the answers to the above questions must be clear. They will help the policy-maker to design a trade policy which will meet the objective of gender equality and which

<http://www.mg.co.za/article/2009-07-09-muslim-women-need-protection-beyond-sharia-law> visited 21/10/2010.

⁴⁹⁰ See Gelb S 'inequality in South Africa: nature causes and responses' 2004. P11. Available at <http://www.tips.org.za/node/755> visited 15/10/2010

⁴⁹¹ See Williams M. Supra. P162.

⁴⁹² See UK Department of Trade and Industry supra.

⁴⁹³ See Pheko M 'gender and trade issues in Africa' 2005, available at

http://www.sarprn.org.za/documents/d0001809/Gender-trade_Pheko_Nov2005.pdf visited 21/10/2010.

⁴⁹⁴ The questions are from Williams M's book cited supra.

helps to empowers women. In South Africa, male's dominance, patriarchy,⁴⁹⁵ is well established among black South African and Muslim communities. And an implementation of a trade policy which does not take that fact into consideration will be implicitly favouring men. In addition, women do not have the same chance of studying as men do.⁴⁹⁶ These social realities would probably help men to better understand the reforms than women will do. Furthermore, the impacts of the policy on the informal sectors and household should be studied carefully because trade liberalisation is reproached to have pushed women in the informal sectors in South Africa.⁴⁹⁷ Research shows that in South Africa, many household are controlled by women, mostly rural black women, who are abandoned by their husbands who travel to the cities to look for jobs.⁴⁹⁸ For a better gender mainstreaming, the trade policy-maker has to resolve these problems so that women could gain as well as men from trade liberalisation in South Africa. He/she has to implement measures which help women to respond to the changes; he/she has to put in place proactive and supportive measures to bolster women's access to finance, technology and marketing knowledge⁴⁹⁹ because women are more present in the informal sector made of self employment and mostly street sales. Some trade measures could also be modified to limit the negative impact on the disadvantaged groups.⁵⁰⁰

In conclusion to this part, it is important to say that these national measures will not really help if the trade negotiator does not negotiate trade agreements in the same regard.

4.3.1.2- Strategies for gender mainstreaming in trade agreements

It is argued that gender perspective is always absent during the implementation of trade policies and the negotiation of agreements, and that trade negotiators do not consider the impacts of these policies on the very poor and on women because they believe that trade is

⁴⁹⁵ To know more about patriarchy in South Africa, see Nzimande B 'fighting patriarchy and building a progressive women's movement is part of our medium term vision' 2007. Available at <http://www.sacp.org.za/main.php?include=pubs/umsebenzi/2007/vol6-14.html> visited 22/10/2010.

⁴⁹⁶ The research has shown how many girls are forced to leave school at early age to get married or because of family responsibilities. See Gelb Supra.

⁴⁹⁷ Indeed, it is argued that women have higher rates of business ownership in the informal sector than men. See Velia M and Valodia I 'gender impacts of trade in South Africa Post-1994: an exploration based on female unemployment and firm ownership' 2007. P9.

⁴⁹⁸ See Gelb S 'inequality in South Africa: nature causes and responses' 2004. P10. Available at <http://www.tips.org.za/node/755> visited 15/10/2010

⁴⁹⁹ Williams M supra. P163.

⁵⁰⁰ See Williams M supra. P163.

good for economic growth.⁵⁰¹ This belief has been contradicted by this research and gender mainstreaming has been proposed as a strategy.

This part of the work gives some strategies which could be used to mainstream gender in trade agreements.

- The *ex ante* assessment⁵⁰² of the impacts of trade agreements:⁵⁰³ this method of gender mainstreaming would like the South African trade negotiator to assess, prior to or in parallel with the negotiation, the potential gender-related implications that the agreement may have.⁵⁰⁴ Those implications must be equal on women and men for a gendered equitable policy. If one group is favoured more than another, measures have to be taken to eradicate the imbalance. The negotiation could be delay to give the country more time to take appropriate measures to eradicate the disparities. The trade negotiator must not forget that eradicating inequalities is one of the country's objectives.⁵⁰⁵
- The negotiation: in this case, gender is directly mentioned in the main body of the agreements.⁵⁰⁶ The author believes that including the gender equality perspective in trade agreement will really show the willingness and commitment of South Africa to eradicate gender imbalances in the country.
- After the trade agreement; cooperation and capacity-building:⁵⁰⁷ capacity-building means the assistance which is provided for the implementation of the agreement.⁵⁰⁸ South Africa, as a developing country, would need assistance if it is negotiating an agreement with the EU or US for example. The trade negotiator could therefore put the gender issues within the capacity-building mechanism embedded in the text of its agreements.⁵⁰⁹ Or, in the case of regional agreements, SADC, SACU, the gender

⁵⁰¹ Zarrilli S. 'poor countries struggle to mainstream gender in trade' 2009, available at <http://ipsnews.net/news.asp?idnews=46624> visited 22/10/2010.

⁵⁰² Ex ante assessment means an assessment made before the signature of the new agreement.

⁵⁰³ See UNCTAD Secretariat 'mainstreaming gender in trade policy' 2009. P13.

⁵⁰⁴ Ibid.

⁵⁰⁵ See 'a South Africa Trade Policy and Strategy Framework' 2010.

⁵⁰⁶ See UNCTAD Secretariat 'mainstreaming gender in trade policy' 2009. P14.

⁵⁰⁷ See UNCTAD Secretariat supra. P15.

⁵⁰⁸ The fundamental goal of capacity-building is to enhance the capacity to evaluate and to address crucial questions related to a policy. See UNCED 'Capacity-building' Agenda 21, Chap 37, 1992. Available at <http://www.gdrc.org/u-gov/a21-capacity-building.html> visited 22/10/2010.

⁵⁰⁹ See UNCTAD Secretariat supra. P15.

issues can be addressed as part of the parallel process of activities and discussions surrounding the implementation of the agreement.⁵¹⁰

In conclusion, the author submits that all these strategies are important for gender mainstreaming. But he also acknowledges the fact that putting them into practice might be challenging for South Africa.

4.3.2- Gender mainstreaming possible challenges

It should be understood that

*'Trade policy lies at the nexus between the domestic and the global economy, and is both a tool for sustained economic development and a mechanism through which South Africa defines the terms and conditions for its integration into the global economy.'*⁵¹¹

This statement means that South Africa has its international commitments to respect and the trade policy-maker has it in mind whenever adopting a trade policy. To put in place the gender mainstreaming strategy, the country needs a budget for that. In this case, as a developing country, South Africa may have financial difficulties. Also, policy-makers have to understand what gender mainstreaming and what it is not.

4.3.2.1- Respect of international commitments

It is important to start with the imperative that gender mainstreaming must not be used as a trade barrier.⁵¹² South Africa is member of multilateral and bilateral trade agreements and it has committed itself to respect those agreements and it benefits from those. Its national measures and objectives have to be taken and achieved without infringing the rules of those agreements which form the international law of states. It is capital to note that

'One of the characteristics of international law [...] is that it restricts the sovereignty of states. National governments and parliaments are not always free to make

⁵¹⁰ Ibid.

⁵¹¹ See South Africa trade policy and strategy framework supra. P23.

⁵¹² Zarrilli S says that developing countries struggle to meet the conditions of gender mainstreaming and that gender should not be used as additional criterion for market access.

*decisions or enact legislation to meet what they think is in the best interest of the individual state. International law sets limits for states.*⁵¹³

South African trade policy-makers might inadequately understand the linkage between gender equality and international trade or they may confuse some concepts. This is the reason why South Africa must organise workshop where the strategies of gender mainstreaming are explained to policy-makers by gender and trade experts as, it is argued that trade policy-makers are not trained to take gender into consideration.⁵¹⁴ These workshops could be organised every time that a new policy is to be taken or negotiated.

4.3.2.2- Financial difficulties

Apart from the fact that policy-makers are not well trained on the matter of gender mainstreaming, assessing the impacts of trade on women is very complex.⁵¹⁵ Therefore, the trade policy-maker needs data. Having these data ‘...requires an analytical capacity that most of the developing countries don’t have because of limited financial and human resources.’⁵¹⁶

4.3.2.3- Gender mainstreaming is not..., it is...

The South African trade policy-maker must not understand mainstreaming gender in trade policies as explicitly acknowledging women’s gender difference and difference in situation in trade policies. This explicit writing of women’s gender difference could be used by those who argue that women and men are different and should not be treated equally.

Mainstreaming gender in trade policies should be understood as a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of trade policies and programmes in all political, economic and societal spheres, so that women and men benefit equally and inequality is not perpetuated.⁵¹⁷ Thus, what is important should be the intention of the policy-maker while designing trade policies. This intention should be that of a policy-maker whose objective is to adopt equality oriented policies. After identification of the potential different impacts which

⁵¹³ See Ehrenkrona C.H ‘the impacts of international law instruments on national legislation’ 2010. P2. Available at [http://www.venice.coe.int/docs/2010/CDL-UDT\(2010\)021-e.pdf](http://www.venice.coe.int/docs/2010/CDL-UDT(2010)021-e.pdf) visited 22/10/2010.

⁵¹⁴ See Zarrilli S. Supra.

⁵¹⁵ See Zarrilli S. Supra. This complexity is due to the fact that an extensive research needs to be done on the sectors where women are most employed or in those where they are the most marginalised.

⁵¹⁶ Ibid.

⁵¹⁷ See a complete definition of gender mainstreaming in chapter one. P5.

could arise from the trade policy to be adopted, the policy-makers would just have to redesign it considering those differences.

4.4- Conclusion

In conclusion to this chapter, the author submits that the WTO can also help South Africa and other developing countries in the process of mainstreaming gender in their trade policies. This help could be done through policy coherence. Indeed, the organisation could review its agreements to ensure that they do not conflict with South Africa and other developing countries national objectives (poverty reduction, development, promotion of gender equality).⁵¹⁸



⁵¹⁸ See The North-South Institute 'the WTO, gender equality and trade' 2003, available at <http://www.nsi-ins.ca/english/publications/wto.asp> visited 23/10/2010.

Chapter 5- Conclusion and Recommendations

The research has shown that there is a close relationship between trade and gender. It has proved that trade liberalisation impacts on education, employment, health care and access to medicine, food, and income; that trade liberalisation brings opportunities for both women and men while contracting some existing opportunities. The existence of that relationship challenges the belief that trade is gender and human rights neutral.

The study of that relationship has revealed that trade liberalisation has had different impacts on women and men in general and in South Africa in particular. It has also shown that these different impacts vary across countries and are justified by the fact that trade policies are gender blind and are adopted without consideration of the implications for men and women. This work has aimed to enhance the capacity of policy-maker to mainstream gender in trade policy. From the definition of gender mainstreaming quoted, it can be said that a better gender mainstreaming requires the policy-maker to understand the relationship between trade and gender. Understanding that relationship will help him/her to know what policy or programme has to be implemented to eradicate the imbalances arising from policy reforms. The policy-maker also has to understand the meaning of the gender mainstreaming strategy. He/she must not understand and use it in a way that favour further discrimination.

The South Africa's trade policy-maker should consider the following recommendations while implementing policies related to:

➤ **Agricultural trade**

Trade liberalisation impacts on food security, food sovereignty, rural development and sustainable livelihood.⁵¹⁹ The policy-maker should:

- Take measures necessary to protect women and men's health and life in South Africa.⁵²⁰ This protection is to ensure that imported foods are good for the population, especially women whose health is vulnerable;

⁵¹⁹ Williams M. *gender mainstreaming in the multilateral trading system: a handbook for policy-makers and other stakeholders*, 2003. P164.

⁵²⁰ See article XX (b) of the GATT. The policy-maker must make sure that the policy taken is consistent to GATT and not used as a barrier to international trade.

- Protect South Africa's agriculture from dumping of food items from the North;⁵²¹
- Consider the fact that agriculture is a source of employment for women and take measure to ensure that pregnant women are not allowed into farms due to the use of chemical products by farmers.⁵²²
- Put more money in food security;⁵²³
- Increase women chance to possess lands.⁵²⁴

➤ **Services**

Trade liberalisation impacts on access to health care and access to basic services like education and water.⁵²⁵ The policy-maker should:

- Facilitate women's access to health care and education;
- Put in place budgets necessary to do an in-depth research in order to know what service is essential for women. These research should be done by region because women's needs change according to the environment;
- Try to stop brain drain as statistics shows that nurses, medical doctors and lecturers leave the country to look for better conditions abroad;⁵²⁶
- Implement policies and programmes to increase access to quality and affordable health care for women and men as well as for girls and boys;⁵²⁷
- Advocate at regional level (SADC and SACU) for a better regulation on immigration;⁵²⁸

➤ **Investment**

Trade liberalisation has impacted on growth, prosperity of women-owned small enterprises, and employment in South Africa.⁵²⁹ The trade policy-maker should:

⁵²¹ Williams M supra.

⁵²² Farmers always use chemical products to protect their plants. Policies should be implemented to make sure that pregnant women do not work during their pregnancy and that they are given an allowance during that time.

⁵²³ Williams M supra.

⁵²⁴ The country's customary law should be studied and framed again to meet the national objective of gender equality.

⁵²⁵ Williams M supra.

⁵²⁶ See Chapter 3 for comments on this issue.

⁵²⁷ Williams M supra.

⁵²⁸ This is important because the regional integration eases the entry of foreign nationals. These regional agreements should make sure that sick people do not spray their disease in the region.

- Facilitate women's access to finance, water and electricity. Emphasis added on rural areas;
- Provide training for women on bank's services so that women can understand how banks work.⁵³⁰ This will improve their access to finance.
- Put in place programmes and policies to eradicate employment segregation and gender wage gaps;
- Organise projects to train women entrepreneurs and those owning SME,⁵³¹
- Explain to women entrepreneurs what the WTO and SADC and SACU are and the benefits that they could get from those organisations,⁵³²
- Address unfavourable working conditions in export enclaves by the application and enforcement of national labour laws and ensuring that Multinational Corporations (MNC): a) provide adequate social protection; b) develop transparent and gender equitable policies that contribute to high worker retention; c) increase opportunities for up skilling and promotion.⁵³³

➤ Intellectual Property Rights (IPR)

Trade liberalisation impacts on access to medicine and public health, to generic resources, to the transfer of technology and protection of traditional knowledge (TK).⁵³⁴ The trade policy-maker should:

- Implement policies to better protect TK in South Africa,⁵³⁵
- Improve women participation to education so that they can contribute to inventions and adopt new technologies;⁵³⁶

⁵²⁹ Williams M supra.

⁵³⁰ It is argued that women have poor understanding of banking terminologies and a lack of awareness of banks and microfinance services. See Naido S and al. 'access to finance for women entrepreneurs in South Africa: challenges and opportunities.' Available at [http://www.ifc.org/ifcext/enviro.nsf/AttachmentsByTitle/p_GEM_AccessFinanceSA_FullStudy/\\$FILE/A2F+Brochure+27.09.2006.pdf](http://www.ifc.org/ifcext/enviro.nsf/AttachmentsByTitle/p_GEM_AccessFinanceSA_FullStudy/$FILE/A2F+Brochure+27.09.2006.pdf) visited 15/10/2010.

⁵³¹ Programmes should be implemented to explain to these women how to make their business competitive.

⁵³² The author believes that those women should be well informed so that they can tell when there are dumped and subsidised products in the market places.

⁵³³ See Williams M supra. P166.

⁵³⁴ See Williams M. p 168.

⁵³⁵ See Mini-thesis by Dountio OJ, 'protection of Traditional Knowledge: Possibilities and challenges arisen from the protection of biodiversity in South Africa' Work in progress, faculty of law, University of the Western Cape. 2010.

⁵³⁶ Williams M supra.

- Create gender specific safeguards with respect to plant rights to secure women and ensure maintenance of agricultural biodiversity and continued food security.⁵³⁷
- Avoid the privatisation of biological resources Which will directly affects women, who lack resources to purchase them and are left relying on shrinking and increasingly degraded common property resources;⁵³⁸
- Organise campaigns to educate communities and other stakeholders about the benefits of the IPR Act in the protection and commercialization of Indigenous Knowledge Systems must be undertaken in the simplest language that can also be understood illiterate citizens;⁵³⁹

➤ **Labour rights**

Trade liberalisation impacts on working conditions creating both formal and informal jobs. The trade policy-maker should:

- Improve working conditions through legislation;
- Unequal remuneration for work of equal value should be explicitly addressed through its inclusion in the Employment Equity Act;⁵⁴⁰
- Help companies to incorporate gender equality issue in their work policies;
- Put, as condition for access to funding, the gender mainstreaming in the company's policy;

The above findings are important because they will help the country's policy-maker to design policies which meet the national objective of gender equality and which help to empower women. The research is based on the idea that trade could be used as a tool to respond to women's needs if women and men were similarly affected by trade liberalisation.

A question arises whether gender mainstreaming is a panacea. Scholars have different positions to this question. The author answers by the negative and justifies his position with the argument that gender mainstreaming does not suffice to change South Africa's traditions

⁵³⁷ See women's net. <http://www.womensnet.org.za/job/consultant-2> visited 26/10/2010.

⁵³⁸ Ibid.

⁵³⁹ See Raphesu M 'vulnerability of indigenous knowledge systems' initiatives in South Africa' 2010. P8. Available at <http://traditionalhealth.org.za/t/documents/vulnerabilityofiksinitiativesinsa2-100615014543-phpapp01.pdf> visited 26/10/2010.

⁵⁴⁰ See Hlongwane 'commentary on South Africa's position regarding equal pay for work of equal value: a comparative perspective' 2004. It is argued that the Employment Equity Act promotes equal remuneration for work of equal value in an indirect manner. See art 5 of the Act No55 of 1998.

and believes. He submits that policy-makers should supplement the strategy of gender mainstreaming with other initiatives. For example, the policy-makers could revise the country's customary law which limit black women's access to land or develop more programmes and trainings to change the believe that women are inferior to men.



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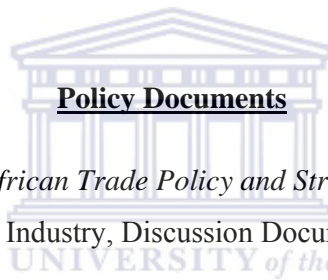
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