



# POLICY BRIEF: NON-TARIFF MEASURES IN THE AGRIFOOD SECTOR

## Making the African Continental Free Trade Area work for women

### Policy recommendations

- 01 Incorporate provisions into the African Continental Free Trade Area (AfCFTA) Protocol on Women and Youth in Trade to address the systemic challenges and trade-related barriers facing women agripreneurs and traders.<sup>1</sup>
- 02 Develop AfCFTA national implementation strategies that incorporate gender-responsive commitments and indicators as part of implementing AfCFTA sanitary and phytosanitary (SPS) measures and technical barriers to trade (TBT) chapters.<sup>2</sup>
- 03 Design national implementation strategies to support the financing and roll-out of compliance management programmes. Interventions must ensure that women entrepreneurs and traders can understand legal requirements, fees payable and comply with trading requirements.
- 04 Facilitate and promote the participation of women and women-led micro, small and medium enterprises (MSMEs), cooperatives and traders' associations in policy discussions. Based on the policy discussions, policymakers must mainstream gender considerations in non-tariff measures (NTMs) as part of the AfCFTA framework and must also ensure appropriate human, financial and technical resources to adequately support successful implementation of gender mainstreaming.
- 05 Provide capacity building – including on digital literacy – to women traders and agripreneurs to ensure their uptake and use of the non-tariff barriers (NTB) online mechanism, which must be made available in local languages with simplified terminology to reach wider national groups.
- 06 Create an African e-marketplace as a complementary AfCFTA instrument that provides traders and MSME owners with detailed information about products and services, country of origin and costs, prioritizing women-owned exporting enterprises.

1. In this policy brief, the terms women agripreneurs and traders are inclusive of women producers, processors, traders (including cross-border traders) and entrepreneurs of micro, small and medium-sized enterprises in the agrifood sector. These terminologies encompass multiple groups and reflect the heterogeneity of women's productive and business activities in the agrifood sector. Women often perform multiple roles along the nodes of the agrifood value chains – small-scale traders are often processors, and entrepreneurs of micro and small enterprises also frequently engage in intraregional trade.

2. For a more in-depth analysis of SPS and TBT issues as part of NTMs and how they affect women participating in the agrifood sector, please refer to the separate FAO-ITC policy briefs on these topics.

## Introduction

In recent decades, international trade in the agriculture sector has increasingly promoted a reduction in the use of certain measures that constrain trade – such as tariffs, export subsidies and trade-distorting domestic support measures. At the same time as these measures are being reduced, NTMs are becoming increasingly pervasive in the agrifood sector (FAO, 2017). The use of NTMs has become increasingly more complex and poses greater challenges to global and regional exports of agrifood goods from developing countries. These measures also stifle intra-African trade. NTMs affect all traders but women in the agrifood sector may experience different impacts compared to men. The effects for women may also depend on their role in the economy.

This policy brief unpacks how NTMs may promote or hinder women's participation in the agrifood sector across sub-Saharan Africa. The brief analyses three main aspects:

- gender dimensions of NTMs in the agrifood sector and the specific impact on women in their various roles as labourers, entrepreneurs, traders and consumers;
- proposed interventions on NTMs under the AfCFTA and how applying a gender lens to NTMs can help ensure that NTMs do not become barriers to trade for women;
- policy recommendations to inform and guide how domesticating the AfCFTA can ensure that NTMs are gender-responsive.

## Gender dimensions of non-tariff measures in the agrifood sector

The use of NTMs can be a powerful policy tool to support and strengthen the participation of women in trade. However, if NTMs are not used correctly, they may become barriers for women in the agrifood sector.

The implementation of NTMs by importing, exporting and transit countries is often for legitimate purposes to achieve public policy objectives such as protecting public health, consumer safety and the environment. For example, in the interests of human and environmental health, the control of imported fruits and vegetables is necessary to prevent the introduction of pests or diseases that can be detrimental to both humans and locally grown produce. These measures are not necessarily

barriers to trade by design. However, NTMs may become NTBs because of the way they are implemented and enforced by government agencies responsible, and particularly if gender dimensions are not understood or taken into consideration.

NTBs are considered a subset of NTMs that have a “protectionist or discriminatory intent” and are widely understood to (i) raise the cost of doing business; and (ii) be more difficult to remove than tariffs (Molapo, 2021). Common examples of NTBs include SPS requirements and TBT measures, administrative requirements, regulations, rules of origin and licensing processes (tralac, 2022).

The presence of NTBs is crippling for both intra-African trade and business across the continent as a whole. Research shows that African countries could gain USD 20 billion each year by tackling such barriers at the continental level – in contrast to the USD 3.6 billion through eliminating tariffs (UNCTAD, 2020).

NTMs are more prevalent in the agrifood sector due to technical requirements imposed mostly by SPS and TBT measures. For agrifood goods, TBT measures often cover the technical characteristics (such as labelling and marketing) as well as traceability, particularly for processed foods. In comparison, SPS measures are more prominent for animal products, fruits and vegetables and oils (FAO, 2017). These technical measures can serve to increase consumer confidence in imported goods or products. At the same time, many inevitably lead to an increase in trade costs, especially for small and medium-sized agripreneurs and traders – who are predominantly women.

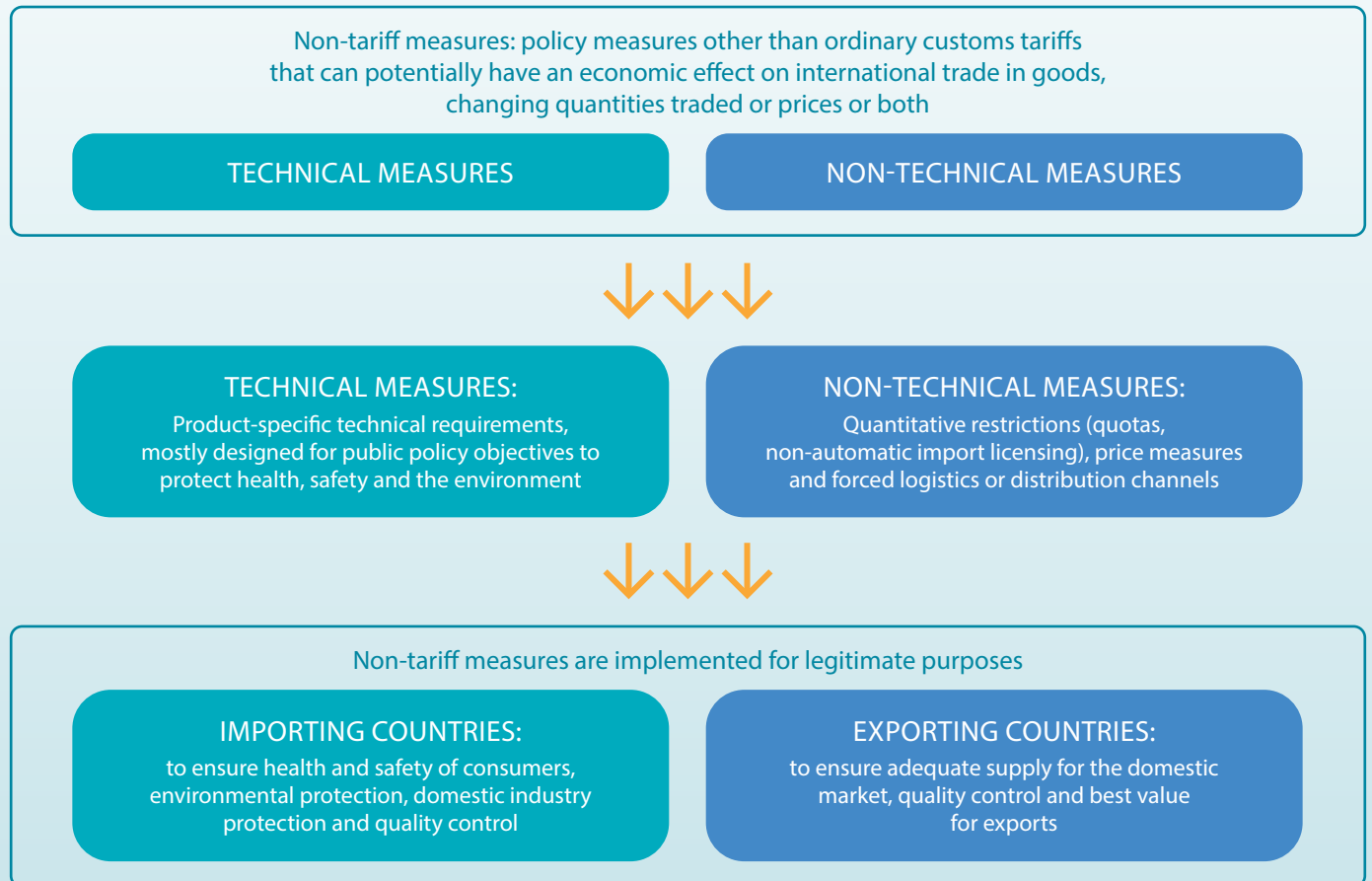
The design and implementation of control procedures should not become burdensome for traders. Unnecessarily long waiting periods, cumbersome regulatory requirements, excessive compliance costs and the unpredictability of the process can all have a negative impact on the ease of trading. Women in the agrifood sector are especially affected because of the multiple gender-based constraints that hinder women's ability to engage more efficiently in the agrifood sector and enhance their benefits from trade.

Understanding the gender impacts of NTBs will assist policymakers to better design targeted policies and interventions that are gender-responsive and effectively address these constraints. The next section dives deeper into



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## Defining non-tariff measures



SOURCE: UNCTAD. 2019. International classification of non-tariff measures. Geneva.

the impact of NTMs on women agripreneurs and traders and their different roles in the economy.

### The impact of non-tariff measures on women in the agrifood sector

Economies in general enjoy the aggregate benefits of international trade. However, not everyone within an economy benefits equally. Women in particular can be severely disadvantaged by localized costs of trade depending on their skills, their location/place of work, the sectors they work in and their roles in the economy. For women involved in trading activities, NTMs are associated

with high trade costs across a number of critical areas: information costs (accessing information and identifying requirements for compliance); compliance costs (meeting product requirements); costs to demonstrate compliance (e.g. certification); and indirect time costs (e.g. delays at borders) (UNCTAD, 2022).

Women agripreneurs and traders are often unaware of the compliance requirements for their goods and may not be in a position to understand technical information. Access to relevant information poses a challenge for women with low literacy and education levels – this may be because information on NTMs is often provided in official languages only, uses technical terminology

and may be scattered across different institutions. Even when requirements are understood, applying for and obtaining the relevant certification documentation requires time and money to travel to larger cities. Women small-scale agripreneurs and traders have limited time and resources to spend on business and trade-related activities. Compliance also often involves upfront investment and access to technical, productive and financial resources. This presents a financial burden for women traders and agripreneurs, who often do not have direct access to these resources.

The application of NTMs may affect men and women differently – in terms of both compliance costs and levels of protection (UNCTAD, 2022). For many women, the ability to comply with and benefit from protections provided by NTMs depends on their role in the economy. Women labourers, entrepreneurs, traders, consumers and heads of households may face different barriers. It is therefore important to understand the impact of NTMs on women in their various roles in the economy and to identify the wide range of barriers – both at the border and behind the border – for women participating in trade.

## As labourers in the agrisector

Women are overrepresented as unskilled, low-wage labourers in agriculture and food production and processing. The sector tends to have a higher incidence of NTMs and compliance is more complicated for women producers and processors. Lack of solid health and safety regulations in the agrifood sector across many sub-Saharan African countries exposes women labourers to hazardous farming practices, harmful chemicals and inputs, with limited or no access to safety and sanitation equipment to limit exposure (UNCTAD, 2022).

## As entrepreneurs and traders in the agrifood sector

Formal and informal traders are often characterized by their small-scale and entrepreneurial nature. Up to 70 percent of all informal small-scale traders in Africa are women trading primarily in agrifood goods and low-value added processed goods (Koroma *et al.*, 2017). These traders are often the primary breadwinners in the family and are time poor with limited resources. Inefficient customs and border management, excessive red tape

and administrative requirements and poorly designed trade facilitation infrastructure hinder trading activities. These obstacles ultimately cost small-scale traders time and money on a daily basis. Women's participation in trade is also stifled by challenges related to corruption, harassment and gender-based violence as well as lack of access to finance.

For both formal and informal small-scale traders, NTMs in the form of SPS requirements, technical certifications and professional requirements also present barriers to trade (FAO and AUC, 2021). With specific reference to informal cross-border trade, a lack of skills limits access to the formal economy for women traders and therefore contributes to their poor compliance with SPS measures, trapping them in informal trading activities (FAO and AUC, 2021). NTMs are also present in the form of constraints to logistics and transportation which create major hurdles for businesses because requirements are not harmonized and rules differ among African countries. Transportation costs are also extremely high and can account for 50 to 60 percent of marketing costs. These costs can also increase if roadblocks are encountered (FAO, 2021). Across the continent, women agripreneurs and small-scale traders primarily trade in fresh agricultural produce and agrifood goods. High transportation and logistics costs and lengthy procedures can be detrimental to the shelf-life of these goods because they require cold storage facilities and quick clearance at border crossings.

A range of NTMs therefore undermine the competitiveness of women traders and entrepreneurs who participate in the agrifood sector. These measures also act as a barrier to smaller economic operators participating in the formal economy.

## As consumers and head of households

When looking at the impact of NTMs on women as consumers, a number of factors determine whether a reduction in NTMs can actually benefit or further hinder women's access to resources and goods as consumers (von Hagen, 2014). For example, the removal of trade barriers may increase the availability of cheaper imports (agrifood goods or otherwise) but who would benefit from these cheaper goods depends on the type of product and the end user.

Where the application of NTMs increases the prices of agrifood goods, women consumers and women-headed households – who often have less disposable income than male-headed households – are at risk of food insecurity and falling into poverty. For example,

SPS requirements across sub-Saharan Africa have had a negative impact on domestic food prices, making them an estimated 13 percent higher than similar products that are free of distortions (FAO and AUC, 2021). Too many non-technical import measures (such as quotas, licensing and quantity control measures) can also result in essential products becoming unaffordable (grains, cassava, rice, maize meal and fresh fruit and vegetables) and not accessible to women consumers and women-headed households (UNCTAD, 2022).

The AfCFTA can play an important role to ensure that NTMs do not become barriers to trade for women in the agrifood sector. The next section identifies how NTMs can either facilitate or hinder women's participation in the sector within the framework of the AfCFTA.

## Gender and non-tariff measures within the AfCFTA and the agrifood sector



### Monitoring and removing non-tariff barriers: a regional example

The Common Market for Eastern and Southern Africa (COMESA), East Africa Community (EAC) and Southern African Development Community (SADC) Tripartite designed and rolled out a monitoring, reporting and elimination system for NTBs, which allows parties to report and monitor the resolution of barriers encountered as they conduct their business in the region. The system improved transparency and relied on “naming-and-shaming” to remove NTBs.

SOURCE: ITC. 2019. Empowering women through trade facilitation in the context of the African Continental Free Trade Area. Geneva. ITC

Under the AfCFTA, intra-African trade in agricultural products is projected to increase between 20 and 30 percent by 2040 (Songwe, 2019), expanding and stimulating intraregional market access for a sector that is crucially defined by its high rates of women participation across the continent. However, to make this a reality, African governments and regional economic communities (RECs) need to ensure that NTMs do not inadvertently become barriers to trade as part of AfCFTA implementation.

Eliminating NTBs would greatly contribute towards easing cross-border movement of people and goods and reducing the cost of trading across borders. The AfCFTA focuses its efforts on addressing NTBs rather than NTMs in general. Article 4(a) of the AfCFTA Agreement specifies that state parties shall “progressively eliminate tariffs and non-tariff barriers to trade in goods”.

Article 1(e) of the AfCFTA Protocol on Trade in Goods defines NTBs as “barriers that impede trade through mechanisms other than the imposition of tariffs”. Annex 5 to the Protocol on Trade in Goods deals specifically with NTBs, with provisions for (i) institutional structures for the elimination of NTBs; (ii) general categorization of NTBs in the AfCFTA; (iii) reporting and monitoring tools; and (iv) facilitation of resolution of identified NTBs. Guidance on the general categorization of NTBs in Article 3 of Annex 5 of the Protocol on Trade in Goods is as follows:

- government participation in trade and restrictive practices tolerated by governments;
- customs and administrative entry procedures;
- SPS measures;
- TBT measures;
- specific limitations; and
- charges on imports.

The establishment of the AfCFTA mechanism for the identification, reporting, resolution, monitoring and elimination of NTBs is outlined in Article 12 of Annex 5. The mechanism enables member states to identify, report and monitor NTBs, predominantly through an online portal.<sup>3</sup> The tools are available to big and small businesses alike and allow traders to report any trading obstacles they encounter in cross-border trading activities. The system is similar to those developed in the Economic Community of West African States (ECOWAS) and in the Tripartite Free Trade Area.<sup>4</sup>

Once a problem is reported, it is followed up and resolved by the relevant government authority.

The process is supported by the NTB Coordination Unit<sup>5</sup> within the AfCFTA Secretariat, NTB Monitoring Committees (comprising public and private sector stakeholders) and NTB National Focal Points.

While the mechanism is easily accessible online, the system also allows small-scale traders to submit complaints and receive communication through SMS text messaging – an important feature in light of lower levels of smartphone penetration for women across the continent (Molapo, 2021). The user-friendliness of the reporting mechanism gives small-scale traders and entrepreneurs greater access to recourse if they encounter obstacles to trade. However, there is scope for the mechanism to be more gender-responsive in its design to address the realities of women small-scale agripreneurs and traders.

The AfCFTA contains specific provisions on gender equality and women service suppliers under the agreement and in protocols that are already operational. The negotiation and finalization of additional protocols such as the Protocol on Women and Youth in Trade present an opportunity for policymakers and negotiators to unpack the impact of NTMs on women and their various roles in the economy. Doing so will provide policymakers with an opportunity to understand how NTMs can either facilitate or hinder women's participation in the agrisector as entrepreneurs, labourers and consumers in the specific context of the AfCFTA.

The AfCFTA offers African governments an opportunity to ensure that gender-responsive trade mechanisms are part of national implementation strategies. At the outset, it is important for African policymakers at the national and regional level to assess whether the policy options associated with reducing the costs of NTMs are fair, gender-responsive and implementable. Reducing costs associated with NTMs and their distortionary effects requires an understanding of (i) the specific industry/sector in question; (ii) the impact on women and men in their various roles within that sector; and (iii) whether implementing an NTM could have adverse long-term effects for domestic economic growth.

As many forms of NTMs serve public policy objectives, their impact on trade is very often indirect. NTMs are often difficult to eradicate

without disrupting their initial purpose (such as protecting human health, addressing environmental concerns or plant and animal safety) (UNCTAD and World Bank, 2018). It is critical for AfCFTA negotiators and policymakers to minimize the negative effects of NTMs on smallholder entrepreneurs and traders to ensure their competitiveness and market access in intraregional trade. Even more crucial in the agrisector is the prioritization of women agripreneurs and traders. The intention is not to remove NTMs but to apply cost-effective measures to empower small-scale traders to increase their trade compliance (UNCTAD and World Bank, 2018).

## Policy recommendations for gender-responsive non-tariff measures

Addressing NTBs – both at the border and behind the border – will assist in improving and simplifying trading processes across Africa. Over time, this will contribute to a reduction in the time and costs associated with trade for women agripreneurs and traders. Key recommendations below provide guidance on making NTMs gender-responsive for women in the agrifood sector.

- Incorporate provisions into the AfCFTA Protocol on Women and Youth in Trade to address the systemic challenges and trade-related barriers that women face in their various roles in the economy. These provisions will ensure that the protocol is fit for purpose and that NTBs do not disguise themselves in other ways as women seek to improve their participation in the economy. By addressing the specific constraints and barriers women face when trading on the continent, the protocol will support an environment that allows women to utilize the AfCFTA to access wider markets, improve competitiveness and participate in regional value chains.
- Develop AfCFTA national implementation strategies that incorporate gender-responsive commitments and indicators as part of implementing SPS and TBT chapters under the AfCFTA framework. Product safety

3. Available at <https://www.tradebarriers.africa/>.

4. The Tripartite Free Trade Area consists of three African RECs: the Common Market for Eastern and Southern Africa (COMESA), the East Africa Community (EAC) and the Southern African Development Community (SADC).

5. Article 7 of Annex 5 states that the main function of the NTB Coordination Unit is to “coordinate the elimination of NTBs working together with the NTB Sub-Committee, National Focal Points and Regional Economic Communities (RECs) NTB Units and any other forum working in the same area”.

and certification requirements for agrifood products under the AfCFTA must be prioritized. Although the SPS and TBT annexures have already been finalized, AfCFTA national implementation strategies must address how to make measures gender-responsive. National implementation strategies must also ensure that appropriate human, financial and technical resources are allocated to support successful implementation.

- Design national implementation strategies to support the financing and roll-out of compliance management programmes to ensure that businesses understand legal requirements and fees payable and comply with trading requirements. Such programmes must pay particular attention to women-led businesses and address knowledge gaps for women small-scale traders and entrepreneurs. This will empower them to understand and comply with all relevant laws in their markets of interests and help to limit financial losses associated with NTMs (Molapo, 2021).
- Support women in the agrifood sector to access policy and market-driven information. This includes support to women-led MSMEs, women cooperatives and traders' associations, regional and national networks, intermediaries and business services. Include women representatives in policy discussions to address constraints and opportunities in policy design, budgeting and monitoring and evaluation. This will help inform and guide gender mainstreaming in the design and inclusion of NTMs as part of the AfCFTA implementation strategy within signatory countries.
- Provide capacity building to empower women agripreneurs and traders to use and benefit from the NTB online mechanism. This tool is a crucial step in generating transparency and the quick resolution of NTBs. The fact that the mechanism is available to all African businesses is especially important. However, many women agripreneurs and cross-border traders may not have access to the digital resources needed to take full advantage of the mechanism. The following specific actions to increase access to the benefits for women should be taken into consideration:
  - Offer training and capacity building – including on digital literacy – to women traders and agripreneurs to ensure uptake and use of the tool.

- Train and sensitize customs officials on the impact of NTBs on women traders and agripreneurs and how to resolve these barriers to trade.
- Make the NTB online mechanism available in local languages with simplified terminology to enable women traders and business owners to make use of the tool (tralac, 2022).
- Create an African e-marketplace as a complementary AfCFTA instrument that provides traders and MSME owners with detailed information about products and services, country of origin and costs. Prioritize women-owned exporting enterprises to address the knowledge gap around access to markets and related requirements (which often function as de facto NTMs for women traders and agripreneurs). Efforts need to be supplemented by support programmes that target improved digital literacy among women and aim to increase access to digital technologies (AfCFTA Secretariat, et. al, 2022). ●

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## About the FAO-ITC Empowering women and boosting livelihoods through agricultural trade: Leveraging the AfCFTA (EWAT) Programme

Co-implemented by the Food and Agriculture Organization of the United Nations (FAO) and the International Trade Centre (ITC), the EWAT programme aims to support formal and informal women producers, processors, traders, entrepreneurs, women's cooperatives, and associations to seize opportunities created by the African Continental Free Trade Area (AfCFTA) in agriculture and agro-processing value chains.

The first phase (Dec 2021 – Dec 2022) of the programme delivered capacity building to 160 women producers, processors, traders, women's cooperatives, and associations; organized policy dialogues involving government institutions, the AfCFTA Secretariat, women's business associations, etc; and produced a number of policy briefs and value chain analyses on both the fisheries

and soybean-to-poultry value chains in Southern and West Africa.

During its second phase (Jan 2023 – Dec 2023), the programme will build on the successes achieved in the first phase, expand its analytical and capacity building work to Senegal and the United Republic of Tanzania, and introduce a pilot component on gender-responsive access to finance for women entrepreneurs in the agrifood sector.

For more information about the programme, please contact [raf-gender@fao.org](mailto:raf-gender@fao.org) or [womenandtrade@intracen.org](mailto:womenandtrade@intracen.org).

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