

Chapter 4

The Regional Economic Communities and women and girls' rights

The AU recognises eight Regional Economic Communities (RECs), which are regional groupings of African states. These differ in role and structure: they are mostly trade blocs; some also involve political cooperation. They form the pillars of the African Economic Community (AEC) and work on regional integration through a range of activities and programmes.¹ In this regard, progress has varied, with some RECs achieving more and others lagging behind in certain sectors.ⁱ

RECs are increasingly also involved in the coordination of interests in other areas, such as development and governance, peace and security, and gender. In the development of the draft AU Gender Strategy, the gender equality and women and girls' rights commitments of the RECs were explicitly taken into account. This points to the role for the RECs in facilitating the adaptation and adoption of AU initiatives, including the forthcoming Gender Strategy.

In total, the AU comprises eight different RECs:

- Economic Community of West African States (ECOWAS)
- East African Community (EAC)
- Intergovernmental Authority on Development (IGAD)
- Southern African Development Community (SADC)
- Common Market for Eastern and Southern Africa (COMESA)
- Economic Community of Central African States (ECCAS)
- Arab Maghreb Union (UMA)
- Community of Sahel–Saharan States (CEN-SAD)

In this chapter, we present and analyse the normative and institutional frameworks of the RECs and look at what they offer with regard to the advancement and realisation of women and girls' rights, in particular the four rights areas that are prioritised in this report. For each REC, we look at the entry points for gender equality and women and girls' rights in their treaty, and then at the key normative documents and framework they have developed and adopted on these. Where appropriate, we discuss the monitoring mechanisms on these normative frameworks.

¹ RECs work on integration in areas such as trade, investment promotion, infrastructure, macroeconomic convergence, agriculture and food security, peace and security, social affairs, tourism, industry and planning, and monitoring and evaluation (AU. 2017. *Status of Integration in Africa*, SIA V).

Next, we present the institutional arrangements, in particular the gender infrastructure in place within each REC. In addition, we discuss regional advocacy networks and highlight campaigns on women and girls' rights and gender equality that have taken place in the region. Each REC section ends with a short reflection on the strengths, opportunities and challenges of that particular REC in realising women and girls' rights in the region. Each section also includes a table that provides an overview of the key data. The concluding chapter of the report presents an overarching analysis across the RECs.

Unfortunately, the sections on ECCAS, UMA and CEN-SAD offer less in-depth exploration of these issues. This is for two main reasons: first, this information could not be retrieved and second, these RECs show a lower level of activity. In particular, UMA seems to be largely inactive, with no summits having taking place since 1994. In the case of CEN-SAD, the Revised Treaty has attempted to revive and restructure the REC, but this is still a work in progress. ECCAS is more active, but for this REC we could obtain only very limited information on activities and strategies regarding gender equality and women and girls' rights, despite various efforts to find out more on this.

Key insights on women and girls' rights and the RECs

ECOWAS, EAC, IGAD, SADC and COMESA have an explicit gender equality and/or women and girls' rights normative framework in place; many of these are recently formulated or have recently been revised (see overview table below).

SADC has a monitoring framework on these commitments; COMESA is preparing one. ECOWAS, EAC and IGAD need to develop monitoring frameworks on their gender equality and women and girls' rights commitments.

ECOWAS, EAC, IGAD, SADC and COMESA have a gender infrastructure in place; these play an important role in driving the gender equality and women and girls' rights work, but often are challenged by financial and human resources constraints.

Regional advocacy networks of civil society actors are active at the level of the RECs, most prominently in SADC, EAC and, to some extent, ECOWAS. Civil society engagement is limited in COMESA and underdeveloped in IGAD.

The key opportunities that these five RECs provide in terms of advancing women and girls' rights are (1) harmonisation of legal and policy frameworks in the respective regions, (2) regional coordination of policies, (3) monitoring and accountability on REC commitments and (4) in the case of ECOWAS, the regional Court.

ECCAS has some important initiatives and declarations on gender equality and women and girls' rights, but there is no gender equality and/or women and girls' rights framework, protocol or strategy. ECCAS has a gender unit but there is little information on its activities and strategies.

UMA and CEN-SAD are not highly active as RECs, for different reasons. This low level of activity is reflected in the absence of gender equality and/or women and girls' rights normative and institutional frameworks.

Table 4.1. Overview table of gender equality and women's rights commitments of the RECs

| | Normative framework on gender equality/women and girls' rights | Other commitments on the four priority rights areas of this report |
|--------|--|--|
| ECOWAS | Supplementary Act on Equality of Rights between Women and Men (2015) | <ul style="list-style-type: none"> Dakar Declaration on the Implementation of UNSCR 1325 ECOWAS Gender Policy ECOWAS Regional Action Plan for combatting obstetric fistula in West Africa |
| EAC | (EAC Gender Equality and Development Bill 2016; awaiting assent from EAC Heads of State) | HIV and AIDS Prevention and Management Act |
| IGAD | IGAD Gender Policy Framework (2012–20) | Regional Action Plan for Implementation of UNSCRs 1325 and 1820 |
| SADC | SADC Protocol on Gender and Development (2008; amended 2016) | |
| COMESA | Revised Gender Policy (2016) | <ul style="list-style-type: none"> Social Charter Framework for Multi-Sectoral Programme on HIV & AIDS (2012–15); HIV AIDS policy, and tracking plan |

4.1 ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

ECOWAS was created on 28 May 1975 by the Treaty of Lagos in Nigeria. Its formal aim is to promote economic and political cooperation for growth and development, including social and cultural aspects.ⁱⁱ The Lagos Treaty contributed to further integration in the West African region by establishing previously non-existing unified trade relations among the Francophone and Anglophone countries. After the region confronted different types of crises in the 1980s, including civil wars and military coups, the security agenda became one of ECOWAS' top priorities.ⁱⁱⁱ ECOWAS is funded 90% by member states.²

ECOWAS: created May 1975

Member states: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea-Bissau, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo

Since its creation, ECOWAS has made important strides by setting up an institutional framework in terms of policies and laws for the promotion of gender equality. One notable example is the specific Provision on Women and Development in the 1993 Revised Treaty.³ This states that, 'Member States should undertake to formulate, harmonise, co-ordinate and establish appropriate policies and mechanisms, for enhancement of the economic, social and cultural conditions of women.' Art. 63 of the Revised Treaty further urges member states to identify gaps and challenges that are slowing down women's contribution to the development of the region. It also urges member states to take necessary measures such as policies, laws and programmes to ensure women's needs are met to facilitate their full participation in the social, political and economic development of the region.^{iv}



4.1.1 The Supplementary Act 2015 and the normative framework for gender equality

In 2004, the ECOWAS Gender Development Centre (EGDC), which had just come into existence (in 2003), facilitated the development and adoption of a **Gender Policy**. This seeks to promote the gender parity principle, strengthen institutional frameworks for the promotion and protection of all human rights for women and girls and actively promote the implementation of legislation to guarantee women and girls' rights.

In May 2015, the ECOWAS Heads of State adopted the **Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region**, during the 47th Ordinary Session in Accra, Ghana. The Act came to life after lengthy consultations between member states, CSOs and technical and financial partners on gender equality issues in the region, and is grounded in international as well as continental frameworks, including the Maputo Protocol and the Solemn Declaration. This Act, also called the Supplementary Act 2015, is a binding instrument on the rights of women and men, and is the definitive reference work for gender equality across all countries in the region (see Box 4.1).^v

² ECOWAS has established a community levy of 0.5% tax imposed on goods from non-ECOWAS member states in order to realise and sustain its activities and projects: www.ecowas.int/doing-business-in-ecowas/vat-customs/

³ Other articles that deal with gender equality and women and girls are Arts 3, 61, 64 and 82.

Box 4.1. Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region (2015)

The Supplementary Act 2015 guarantees a comprehensive set of individual rights relating to equality of rights between women and men for sustainable development, particularly those of women, girls and boys. The Act addresses economic, social and cultural rights, access to justice, matrimonial and family rights, rights for vulnerable populations (including people with disabilities, widows and widowers) and child protection. It focuses on a wide range of issues including education and training, youth and development, GVAW, health and HIV and AIDS, conflict prevention and management, and peace-building and security.

The Act specifies eight objectives:

- To provide a legal document that harnesses all synergies for the harmonisation of national legislations with international commitments to protect and promote women's rights in West Africa
- To harmonise existing legislation and policies in the ECOWAS region into a single regional instrument that will provide a basis and a common reference for all member states
- To establish, within the framework of the implementation of the commitments made in this Supplementary Act, an agenda and a mechanism for periodic evaluation at both national and regional levels
- To strive to strengthen the economic activities of women, eliminate discrimination and achieve gender equality and equity through the development and effective implementation of laws and policies
- To improve the living conditions of vulnerable groups, mainly women, girls and boys, the elderly and persons living with disabilities, in line with the demands of sustainable development
- To increase the rate of women's participation at all levels of decision-making in the different sectors, particularly in the political sphere, notably the processes of conflict prevention and management and the restoration of peace and security
- To ensure a greater role for women in early warning mechanisms within the ECOWAS region
- To consolidate regional integration and sustainable development through the effective participation of women in the regional integration process

In February 2017, the ECOWAS Commission adopted a **Roadmap for the Implementation of the Supplementary Act 2015**, linking it to the SDGs and Africa's Agenda 2063. The main purpose of the Roadmap is 'to promote the equality of rights and life-chances between men and women by means of the implementation of priority programmes in ECOWAS Member States'^{vi} The Roadmap identifies five priorities areas for the next five years that are relevant to gender equality and to member states: (1) organisational and institutional strengthening of gender-aware procedures at national level and of civil society groups, (2) gender and economic empowerment, (3) gender and integrated management of natural resources, (4) good governance, women, peace, security and citizen participation and (5) gender, population and migration. For this framework to be effective, it needs to be translated into concrete action and efforts.

In comparison with other RECs, ECOWAS has made great strides in terms of developing a framework for sustainable peace in response to the various crises taking place in the region. In September 2010, ECOWAS adopted the **Dakar Declaration on the Implementation of United Nations Security Council Resolution (UNSCR) 1325** and its related Regional Action Plan. This calls on member states to:^{vii}

- Elaborate a National Action Plan on UNSCR 1325
- Ensure the effective participation of women in peace-building, mediation, security sector reforms, elections and decision-making bodies
- Reinforce measures in place to fight GVAW and sexual violence and adopt new laws and strengthen existing laws to bring to justice perpetrators of sexual violence
- Facilitate the availability and accessibility of humanitarian services to women and girls

Last but not least, and an important reference for this report, is the creation of the **West African Health Organisation (WAHO)** in 1987.⁴ The objective of this is defined as 'the attainment of the highest possible standard and protection of health of the people in the sub-region through the harmonisation of the policies of the Member States, pooling of resources, and cooperation with one another and with others for a collective and strategic combat against the health problems of the sub-region.'^{viii}

4 The WAHO was established by the Protocol a/p2/7/87 in July 1987. Its headquarters are in Burkina Faso.

4.1.2 Gender infrastructure

ECOWAS has put in place a number of institutional mechanisms and structures in a bid to step up gender mainstreaming within the region.^{ix} These include the **Gender Commission**, which provides technical expertise on policy formulation and implementation within the ECOWAS community, formally known as the Commission on Human Development and Gender.⁵ The **ECOWAS Secretariat Gender Management Team (GMT)** comprises directors of departments. Its Gender Division is its lead agency, and coordinates the Secretariat's gender mainstreaming effort. There is also the in-house ECOWAS Gender Team, which comprises the Gender Focal Points in all relevant departments. These structures are based in Abuja, Nigeria.

In addition to these, there is the **ECOWAS Gender Development Centre (EGDC)**, based in Dakar, Senegal. This is in charge of the implementation, coordination and monitoring of strategies and programmes designed to incorporate gender issues into integration programmes of the ECOWAS member states.^x The EGDC was created in January 2003 during the 26th Session of ECOWAS Authority and Head of States and Government.⁶ It is a multi-purpose regional agency that is 'charged with the responsibility to contribute to gender equality and women's empowerment in the ECOWAS region'. In order to promote gender mainstreaming in all regional integration policies, strategies and programmes, the EGDC initiates and facilitates capacity-building through knowledge-based training and transfer of skills to national gender machineries in the region. It also works on programme development and management for women and men in the public and private sectors.^{xi}

The EGDC put in place the EGDC Plan of Action during the period 2005–07 and the EGDC Strategic Plan for 2009–13 around the key priorities of the centre: education and health; economy and trade; governance, representation and decision-making; agriculture and environment; and peace and security.^{xii} Activities undertaken through the EGDC include support provided to women and girls suffering from obstetric fistula through a regional action plan^{xiii} (see case study 23 in Chapter 8) and scholarships of excellence to young girls in the 15 member states. ECOWAS also provides women with technical and financial support to set up and manage their businesses in the 50 Million African Women Speak (50 MAWS) project.

Box 4.2. 50 Million African Women Speak

The 50 MAWS Networking Platform is an initiative of ECOWAS, COMESA and EAC, with funding from the Africa Development Bank (AfDB) in 2016.^{xiv} The main objective of the initiative is 'to contribute to the economic empowerment of women through the provision of a networking platform to access information on financial and non-financial services'. It seeks to address the gender-specific challenges women entrepreneurs continue to face, such as lower levels of education and business training and constraints in access to finance and financial services and information. Accessing finance, as well as relevant (non-)financial information, will assist women entrepreneurs to grow and sustain their businesses. The initiative mainly targets younger women, aged 25–54, who have an affinity for technology and social media.

In order to achieve this, the project aims to establish a platform that improves networking and information sharing among women entrepreneurs to network and to access financial services. Main components of the project include:

1. Support for ICT equipment and application
2. Support for platform, related statistical database, content development and targeted services for women entrepreneurs
3. Support for back office/in-country resources and
4. Project management

⁵ Decision A/DEC.7/12/03.

⁶ Decision A/DEC.16/01.03.

4.1.3 Regional advocacy networks

In its bid to promote women and girls' rights across the region, the EGDC has supported the formation and coordination of several regional advocacy networks.

The **Network on Peace and Security for Women in the ECOWAS Region** (NOPSWECO) was launched in July 2009 in Côte d'Ivoire to strengthen the mainstreaming of gender in all security and peace processes in the West Africa region. The network seeks to promote strategic partnerships for women and girls' empowerment and gender equity and equality by bringing together women's organisations in the ECOWAS region. Its purpose is 'to coordinate and optimise the role and initiatives of women in conflict prevention, peacekeeping, security and the promotion of human rights, particularly for women and other vulnerable groups for a sustainable peace in the ECOWAS region'.^{xv}

The **West African Network of Young Women Leaders Network** (Réseau Ouest Africain des Jeunes Femmes Leaders, ROAJELF) was created in 2009. This initiative was designed to empower young female leaders and to encourage them to correct the imbalances that exist between men and women in decision-making processes in their various countries. ROAJELF initiates and leads programmes to support the integration and promotion of women and girls and works for the respect and promotion of the rights of young girls.

The **Association of ECOWAS Female Parliamentarians** (ECOFEPA) is a network of women parliamentarians from the West African region. Its aim is to 'create greater collaboration of female parliamentarians and to foster regional integration within the sub-region'.

The creation of the **Mano River Women's Peace Network** (MARWOPNET) in May 2003 was facilitated by ECOWAS in the pursuit of its mission to bring peace in the West African region. The network brings together women's groups organisations from Guinea, Liberia and Sierra Leone in response to the precarious security situation in the region and seeks to ensure the full participation of women and girls at all levels of peace-building and decision-making. MARWOPNET was instrumental in bringing the Head of States of its three countries back to the negotiation table in 2001, when many high-profile actors had failed to do so. In addition, MARWOPNET was one of the mediators and signatories of the 2003 Liberian peace negotiation.^{xvi}

4.1.4 Strengths, opportunities and challenges

In sum, ECOWAS has both a strong normative framework and the gender infrastructure in place for promoting and securing gender equality and women and girls' rights. In addition, there are important opportunities for promoting gender equality in the Strategic Framework for Strengthening National Child Protection Systems, adopted in October 2017. In this, all 15 West African countries agree to strengthen their legislation and take measures to protect children from violence, abuse and exploitation. Another promising opportunity is Vision 2020, which is planning to move from an 'ECOWAS of States' to an 'ECOWAS of People'. The Vision 2020 Statement is to 'create a borderless, peaceful, prosperous and cohesive region, built on good governance and where people have the capacity to access and harness its resources through the creation of opportunities for sustainable development and environmental preservation'.^{xvii}

For the promotion of women and girls' rights in the region, the ECOWAS Court of Justice has particular significance. Individual from member states can file a complaint at the Court if their human rights have been violated either by another individual or by the state (see case study 3 in Chapter 5). An individual can directly bring a claim to the Court without pursuing justice nationally. In February 2018, after years of vagueness, ECOWAS finally clarified that there was no time limit related to filing a complaint in relation to human rights violations.^{xviii}

ECOWAS faces challenges in terms of a lack of political will in some member states to follow up on implementation and domestication of the various gender instruments they have signed up to. So far, the mandate of ECOWAS to monitor this has been constrained. There is a need for a regional framework on monitoring gender mainstreaming mechanisms to ensure states are taking the necessary steps to implement the various regional and continental legal commitments.

The realisation of women and girls' rights in the region is challenged by conservative social attitudes and gender norms, and customary law and cultural practices complicate matters on SRHR, harmful practices and GVAW. Further efforts need to address core issues at the heart of society, creating more momentum from the bottom-up and for community-based approaches that confront conflicts and traditional values.

Table 4.2. ECOWAS: strengths, opportunities and challenges

| Strengths | Opportunities | Challenges |
|--|--|---|
| <ul style="list-style-type: none"> • Strong normative framework in the Supplementary Act and accompanying Roadmap • ECOWAS Court of Justice • Active gender infrastructure in place • ECOWAS conflict prevention frameworks and structures for sustainable peace • Active promotion of regional advocacy networks of/with women's organisations | <ul style="list-style-type: none"> • Strategic Framework for Strengthening National Child Protection Systems in October 2017 • 50 MAWS platform, to promote voice, capacity and agency of women • ECOWAS Regional Action Plan of Action for Combatting Obstetric Fistula in West Africa • ECOWAS Vision 2020 | <ul style="list-style-type: none"> • Lack of political will in some member states to implement and domesticate gender equality instruments • Weak mandate to monitor implementation or domestication of gender equality legal instruments • Financial and human resources constraints for EGDC • Political instability and crises in the region |

Table 4.3. ECOWAS: key documents and institutional infrastructure for women's rights and gender equality

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|--|--|
| Mandate and history | |
| 28 May 1975 | Treaty of Lagos |
| 24 July 1993 | Revised Treaty |
| January 2003 | Decision A/DEC.16/01.03 on the Creation of ECOWAS Gender Development Centre |
| June 2010 | ECOWAS Vision 2020 – Towards a Democratic and a Prosperous Community |
| Women and girls' rights/gender equality commitments | |
| 1993 | Article 63 of the Revised Treaty |
| 2004 | Adoption of the ECOWAS Gender Policy |
| 2005 | Adoption of the Gender Management System |
| 2010 | Adoption of the ECOWAS Regional Action Plan for the Implementation of UNSCRs 1325 and 1820 |
| 2015 | ECOWAS Policy for Gender Mainstreaming in Energy Access |
| 2015 | Supplementary Act A/SA.02/05/15 on Equal Rights between Women and Men for Sustainable Development. |
| 2015 | ECOWAS Regional Action Plan of Action for Combatting Obstetric Fistula in West Africa |
| 2017 | Roadmap of ECOWAS Supplementary Act A/SA.02/05/15 on Equal Rights Between Women and Men for Sustainable Development |
| Gender infrastructure (institutional)⁷ | |
| ECOWAS Gender Commission | Established in 2003 and provides technical expertise on policy formulation and implementation within ECOWAS |
| ECOWAS Secretariat Gender Management Team | Comprises directors of departments |
| Gender Division | Coordination of Secretariat's gender mainstreaming efforts; also responsible for coordinating youth and children activities in the Secretariat |
| Gender Focal Points in different departments | Set up at the Executive Secretariat headquarters in Abuja to engender plans, policies and programmes in every department; comprises focal points from critically relevant departments within the Secretariat |
| ECOWAS Gender Development Centre | Created in 2003, ^{xx} in charge of implementation, coordination and monitoring of strategies and programmes designed to incorporate gender issues into integration programmes of ECOWAS member states ^{xx} |

⁷ E.g. women's parliament, gender policy unit, special rapporteur/ambassador.

4.2 EAST AFRICAN COMMUNITY (EAC)

The EAC is a regional intergovernmental organisation that was initially established in 1967. It became defunct in 1977 and was re-established in 1999 via the adoption of a new treaty: the Treaty for the Establishment of the East African Community (2000) ('the EAC Treaty'). The EAC is both state- and donor-funded. Its main mandate is that of economic and social integration, the achievement of which should take into cognisance human rights and gender equality.

EAC: created in 1977 (and re-established 1999)

Member states: Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda

The **EAC Treaty** provides that the *fundamental principles* include 'good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights' (Art. 6.2). The EAC's *operational principles* equally require states 'to abide by the principles of good governance, including adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights' (Art. 7.2).

More specifically, the entry point for women's rights promotion within EAC work is found among the objectives of the Community in Art. 5(3)(e) of the EAC Treaty, which requires the EAC to ensure 'the mainstreaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic, and technological development'. Further, Art. 121 calls on states to recognise and enhance the role of women and girls in socioeconomic development through legislative and other measures on participation in decision-making; addressing harmful practices and discrimination; and awareness creation aimed at countering prejudices against women and girls, among others. Art. 122 makes a similar call with regard to the role of women in business.



4.2.1 EAC Gender Equality and Development Bill and normative framework on gender equality

The EAC Treaty provides a strong normative framework for the promotion of women and girls' rights. Further to this, the finalisation of the **draft Gender Policy** together with the enactment of the EAC Gender Equality and Development Bill 2016 will present the greatest opportunity to strengthen women and girls' rights protection in the EAC. The Policy will offer clear modalities and strategic priority areas and guide the EAC on the planning, implementation, monitoring and evaluation of programmes to address women and girls' rights issues in the region.

The **EAC Gender Equality and Development Bill 2016**, once it becomes law, will be binding on states and therefore will create a greater imperative for gender mainstreaming and for states to harmonise and align their laws and programmes across the region. The alignment of the EAC Gender Equality and Development Bill 2016 with the Maputo Protocol—such as in the definition of GVAW—represents a useful step towards harmonisation, as all but one of the EAC member states have ratified the Maputo Protocol. Burundi has not yet ratified the Protocol but has signed it, which carries along an obligation not to undermine it.^{xxi}

Box 4.3. EAC Gender Equality and Development Bill 2016

The EAC Gender Equality and Development Bill has been passed by the East African Legislative Assembly (EALA)⁸ and is awaiting assent from Heads of State. Its objectives include to realise the EAC's commitment to gender equality as set out in the EAC Treaty, to promote non-discrimination as a process of governance and to harmonise gender equality commitments so as to ensure women and girls' rights are uniformly protected across the sub-region. The legislation prohibits **discrimination** and calls for various legislative, programmatic and other measures to be implemented in order to realise gender equality.

The legislation prohibits **SGBV** and follows the definition of the Maputo Protocol. Its provisions are drafted within a human rights-based approach and relate SGBV to the protection of women and girls' various rights, including the right to life, dignity, integrity and security of the person. All forms of exploitation and cruel and inhuman degrading treatment are prohibited. **Harmful practices**, including SGBV and FGM, early and forced marriage, widow inheritance and albino and child sacrifices, are prohibited. States are required to enact laws to protect women and girls in relation to human trafficking and sexual exploitation and notably to enact specific penal laws against rape during conflict: sexual violence during conflict is considered a crime against humanity. It further calls for the harmonisation of SGBV penal laws across the EAC countries and for ratification, domestication and implementation of the Maputo Protocol.

On **health**, the legislation has in place provisions covering the reduction of maternal mortality and a call for the development of policies and programmes for SRHR. It also calls for the enactment of gender-sensitive laws, policies and programmes for the management of HIV and AIDS.

On **peace and security**, there is recognition of the need for special protection for women and girls during conflict. The provisions also include measures to ensure women have equal representation in conflict resolution and peace-building processes. The legislation also highlights interrelationships with UNSCRs, such as 1325 on Women, Peace and Security.

Other provisions in the legislation relate to the requirement to mainstream gender in media policies programmes and the right to free and quality education for children. Also provided for is inclusion of women and girls in power and decision-making, economic empowerment, agriculture and food security, land rights, trade, environmental management and special measures for marginalised groups.

In terms of more specific rights areas, the **HIV and AIDS Prevention and Management Act** sets out to regulate an effective response to HIV across the region from a rights-based approach. In addition, the Act classifies women and girls as a vulnerable or most at-risk population and highlights their rights to information, equality, non-discrimination and protection from all forms of violence, among other contextualised rights (see also case study 28 in Chapter 8). A **Sexual and Reproductive Health Rights Bill** has been drafted 2017, in recognition of the AU Maputo Plan of Action and ICPD commitments. It is currently waiting for its second and third reading in the EALA.

4.2.2 Gender institutional arrangements

The EAC Secretariat has designated a **Gender Department** to lead on the mainstreaming of gender-related issues. In addition, the Department is charged with overseeing the inclusion of children, youth, persons with disabilities and the elderly and further tasked with matters of community development. This huge spread of issues undermines the effectiveness of the gender mainstreaming project. The Department in fact comprises only one officer; the limited human and financial resources allocated seem to be at a mismatch with its broad mandate.

The budget of the EAC is internally sourced through member state contributions, with a significant part supported by development partners. However, in practice, states are often late or non-compliant in disbursing their contributions, thereby hindering operations.⁹ This general challenge in finances is particularly crippling for the implementation of gender activities. Women and girls' rights work is yet to attract prioritisation, and not deemed worthy of independent funding, under the explanation that gender issues will be mainstreamed in all other endeavours.

⁸ The core mandate of the EALA relates to the passing of laws, oversight and ensuring representation of state parties and their interests. Once its bills are assented to by the Heads of States they become law and legally binding.

⁹ For instance, as at September 2017, only Kenya had fully met its payment obligations. See Ligami, C. (2017). 'Cash-Strapped EAC Raids Reserve Funds'. *The East African*, 4 September; Karuhanga, J. (2017). 'Council of Ministers Says No to Increase in 2017/18 EAC Budget'. *The New Times*, 8 May.

4.2.3 Regional advocacy networks

There are a number of regional-level advocacy networks working on human rights issues. These are largely concerned with enhancing the space for participation at the EAC and influencing policies, laws and implementation on various rights areas including women and girls' rights. These regional actors have made significant contributions from a rights perspective, among others in the piloting of the Barometer. Many cite the development and passing of the HIV and AIDS Prevention and Management Act as a civil society-led initiative and victory. The Gender Equality and Development Bill is equally civil society-driven.

The **Eastern African Sub-Regional Support Initiative for the Advancement of Women (EASSI)** has had a leading role in the development of and advocacy for the Gender Equality and Development Bill. EASSI is a sub-regional CSO working on women and girls' rights issues in the Eastern African region across eight countries.^{xxii} Further, in terms of monitoring the impending gender equality and development legislation as well as the general gender responsiveness of EAC member states, EASSI in partnership with national focal points has developed an **EAC Gender Equality and Development (GED) Barometer**.

Box 4.4. The EAC Gender Equality and Development Barometer

The GED Barometer is a tool to track implementation of the EAC's gender equality and development legislation, once it is in effect. It also has utility beyond the legislation and can therefore be utilised prior to its passing. The Barometer is intended to be used by member states to monitor, measure and document the progress of gender equality in key result areas. This will further facilitate a regional conversation on strategies for the enhancement of substantive gender equality and sustainable development. The result areas include legal and state obligations to protect human rights; power and decision-making; GVAW; SRH and HIV and AIDS; economic justice; employment, land, trade and agriculture; education; peace and security; media; climate change and environmental management; and extractive industries.^{xxiii}

The GED Barometer undertakes documentation from three perspectives, which enable it to give a holistic view of gender responsiveness in the sub-region.

1. An *index* presenting the statistics on the various result areas
2. A *scorecard* capturing information sourced from EAC residents/respondents using a questionnaire¹⁰
3. *Case studies* highlighting lessons learnt and areas for improvement

The Barometer is intended to have various impacts. To begin with, it enhances evidence-based advocacy using empirical data, beyond reliance on anecdotal evidence and rhetoric. It contributes to increased awareness among rights-holders and human rights advocates, who will accordingly be in a stronger (more informed) position to engage their respective governments. At the national level, the Barometer has great potential to further facilitate gender-responsive budgeting, planning and advocacy. The comparisons on compliance are also likely to enhance compliance with commitments among member states.

Other regional advocacy networks include the **East African Law Society (EALS)**.^{xxiv} This regional bar association concerns itself with professional development of its members as well as advocacy and public interest litigation on human rights issues within the East African region. Its projects include those on women and girls' rights issues. EALS has observer status before the EAC and access to many institutions and processes. The **East African Civil Society Organisations' Forum (EACSOF)**^{xxv} is an umbrella body that provides a platform for the representation and participation of East African CSOs with the EAC. Its work areas are aligned with EAC working areas, including gender equity and equality, and it has been very involved in the EAC Gender Equality and Development Bill and the GED Barometer.

The **East African Health Platform (EAHP)**^{xxvi} is mandated by the EAC Treaty to bring together the voices of non-state actors from civil society, the private sector and faith-based organisations on health as part of the EAC's consultative dialogue framework of engagement. It does this primarily through advocacy with a focus on reproductive health rights issues, HIV and sexually transmitted infections (STIs). The **Eastern Africa National Networks of AIDS Service Organisations (EANNASO)**^{xxvii} is a regional network comprising national networks of AIDS service organisations. It works with the EAC with a view to influencing policies on HIV response. EANNASO was at the forefront of efforts that led to the passing of the EAC HIV and AIDS Prevention and Management Act 2012.

Towards creating an enabling environment for the participation of advocacy actors, the EAC adopted the **Consultative Dialogue Framework (CDF)**. This is grounded in the EAC Treaty, which envisages that other actors be consulted and contribute to the development agenda. The CDF creates structured avenues for dialogue and consultation for CSOs, the private sector and other interest groups with the EAC Secretariat as well as states. One example of this is the Secretary General's Forum (SG's Forum). For various civil society actors, the annual SG's Forum is a platform to interface with the Secretariat, dialogue on various issues and make recommendations. Aside from this, the EAC Secretariat has not yet engaged in any women and girls' rights campaigns such as those seen at the regional level, for instance the AU Campaign to End Child Marriage. There may be room for such an engagement in collaboration with regional-level advocacy actors.

¹⁰ Eventually, it is envisaged that the scorecard will reach and be informed by 10% of the population in the EAC countries.

4.2.4 Strengths, opportunities and challenges

The normative framework of the EAC on gender equality and women and girls' rights is potentially strong, in anticipation of the formal adoption of the Gender Equality and Development Bill. There are also frameworks in place or developed for specific areas of women and girls' rights, such as HIV legislation. The binding nature of EAC legislation offers leverage for harmonisation and implementation in the region. Moreover, the EAC has in place an **East African Court of Justice (EACJ)** that has in the past adjudicated on human rights issues. The EACJ is charged with the interpretation of and compliance with the application of the EAC Treaty. It can hold states accountable for violation of laws and presents an opportunity for holding states to account for the violation of women and girls' rights.

With its CDF, the EAC is the only REC that speaks to the consultation of civil society in an institutionalised, as opposed to *ad hoc*, manner. The CDF both is envisaged in the EAC Treaty and has been provided for within EAC structures. In combination with the presence of strong regional networks working on women and girls' rights issues, with a dedicated advocacy programme on the EAC's work, this has contributed to significant involvement of civil society in driving legislation within the EAC (HIV and AIDS Act, Gender Bill, SRHR Bill). CSOs have a strong role to play in influencing and driving the women and girls' rights agenda here.

Gender equality and women and girls' rights issues are not yet prominent at the EAC in practice. This may owe to a lack of both political will and strong guidance on gender mainstreaming. This also has to be understood in the stronger emphasis of the EAC on economic interests than on social and human rights issues. At the Secretariat, the mainstreaming of gender that is envisaged by the Treaty is yet to be realised, with women and girls' rights not prioritised. Funding issues in light of unpaid state dues and insufficient resource mobilisation have in turn affected the implementation of gender-related interventions. These challenges equally present opportunities for growth as the EAC has in place structures to deal with all actors ranging from states to civil society and private actors.

Taking into account current human resource constraints and financial challenges, the greatest opportunity here lies in the planning, gender mainstreaming and genuine implementation of women and girls' rights issues within all mandates of the institutional infrastructure. In this regard, the pending draft Gender Policy may prove critical.

Table 4.4. EAC: strengths, opportunities and challenges

| Strengths | Opportunities | Challenges |
|---|---|--|
| <ul style="list-style-type: none"> Alignment with existing international and continental commitments, contributing to harmonisation Binding nature of EAC legislation, contributing to harmonisation Both comprehensive gender equality frameworks and specific ones relating to HIV and AIDS and SRHR in place or in development Institutionalisation of role and consultation of CSOs in CDF Existence and active engagement of regional networks on women and girls' rights issue in EAC Significant involvement of CSO in driving legislation within the EAC (HIV and AIDS Act, Gender Bill, SRHR Bill), with a strong role in influencing and driving the women and girls' rights agenda | <ul style="list-style-type: none"> Gender Equality and Development Bill 2016, which is awaiting assent The EACJ offers an opportunity for holding states to account for violation of women's rights Focus on the role of women in business and socioeconomic development can serve as an entry point for advocacy on SRHR issues | <ul style="list-style-type: none"> Practice on gender equality and women and girls' rights issues is not yet prominent Human resource capacity constraints, combined with broad mandate for gender department Funding constraints |

Table 4.5. EAC: key documents and institutional infrastructure for women's rights and gender equality

| | |
|--|---|
| Mandate and history | |
| 2000 | Treaty for the Establishment of the EAC |
| 2011 | 4th EAC Development Strategy (2011/12–15/16) |
| 2016 | EAC Vision 2050 |
| TBA | 5th EAC Development Strategy (<i>in development</i>) |
| Women and girls' rights/gender equality commitments | |
| 2011 | EAC Framework for Gender and Social Development Outcome Indicators for EAC Development Strategy (2011–16) |
| 2012 | EAC Strategic Plan for Gender, Youth, Children, Persons with Disability, Social Protection and Community Development (2012–16) (<i>renewal in progress</i>) |
| 2012 | EAC HIV and AIDS Prevention and Management Act |
| 2012 | EAC Consultative Dialogue Framework |
| 2013 | Guidelines and Checklists for Gender Mainstreaming in EAC Organs and Institutions |
| 2013 | Gender Mainstreaming Strategy for EAC Organs and Institutions |
| 2013 | EAC Youth Policy |
| 2016 | EAC Regional Health Policy |
| 2016 | EAC Integrated Reproductive Maternal, Newborn, Child and Adolescent Health Policy |
| 2016 | EAC Integrated Reproductive Maternal, Newborn, Child and Adolescent Health Policy Guideline (2016–30) |
| 2016 | EAC Integrated Reproductive Maternal, Newborn, Child and Adolescent Health Strategic Plan (2016–21) |
| 2016 | Gender Equality, Equity and Development Bill (<i>passed by EALA, awaiting assent by Heads of State</i>) |
| 2016 | EAC Gender Equality and Development Barometer (<i>pilot and civil society-led</i>) |
| TBA | Draft Gender Policy (<i>in development</i>) |
| TBA | EAC Sexual and Reproductive Health Rights Bill (2017) |
| Gender infrastructure (institutional) | |
| Council of Ministers | Policy-making organ of the EAC, determines development and implementation of development strategies |
| Sectoral Council on Gender, Youth, Children, Social Protection and Community Development | Conceptualising and mainstreaming cross-cutting issues, including gender, in EAC policies and programmes |
| EAC Secretariat—Gender, Community Development and Civil Society Sector | Guides implementation and domestication of gender-related policies, laws and standards in EAC and states |
| East African Health Research Commission | Advisory, research and knowledge generation institution of the EAC on health-related matters |
| East African Legislative Assembly | The legislative organ of the EAC |
| East African Court of Justice | The key judicial organ of the EAC |
| Regional and/or REC-level CSO networks | |
| Eastern African Sub-Regional Support Initiative for the Advancement of Women | |
| East African Law Society | |
| East African Civil Society Organisations' Forum | |
| East African Health Platform | |
| Eastern Africa National Networks of AIDS Service Organisations | |

4.3 INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

IGAD was established in 1996. It succeeded the Intergovernmental Authority on Drought and Development (IGADD), founded in 1986. The mandate of IGAD is mainly coordination of programmes and projects, harmonisation of policies and strategies and capacity-building to add value to the efforts of member states in the areas of development. The operational cost of IGAD is covered by member states' contributions, while most programmes and projects are implemented through mobilisation of funds from development partners.

IGAD: created 1996 (IGADD in 1986)

Member states: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda

(Eritrea is presently not an active member)

The Agreement Establishing IGAD does not have a specific provision on women and girls' rights or gender issues. That said, a *draft IGAD Treaty* has been developed and is in the final stages before policy organ endorsement. This contains a provision on the role of women in development and will therefore serve as an express entry point for the promotion of women and girls' rights endeavours in IGAD. IGAD has nonetheless been engaged in the promotion of women and girls' rights and gender equality. Gender is articulated as a cross-cutting theme in all priority programmes and projects as indicated in the overall *IGAD Strategy*.



4.3.1 Gender equality and women's empowerment normative framework

A legal and policy framework supports the women and girls' rights work at IGAD level. In 2004, the IGAD Gender Policy and Strategy was formulated and launched. This has been revisited and updated into a new **Gender Policy Framework for 2012–20**. This updated framework focuses on 'facilitating the mainstreaming of gender perspectives into IGAD's policies, strategies, programmes, projects and activities to make them gender responsive and to contribute to achieving sustainable socio-economic development in the region'.^{xxviii} It underscores gender inequality as a cross-cutting development challenge in all IGAD's priority areas of interventions, and notes pervasive gender inequalities in access to education, information, employment, credit, land, inputs and decision-making power in all IGAD member states. 'More often than not, these inequalities reflect a female disadvantage and have in the past been viewed as either human rights or social policy issues with little impact on overall economic performance.'^{xxix}

The Gender Policy Framework identifies eight thematic areas, which, while not exhaustive, reflect IGAD's strategic priority issues. Some relate to this report's focus areas. Gender and health is one of the themes, listing SRHR, HIV and AIDS, maternal morbidity and mortality, GBV and harmful traditional practices as some of its strategic objectives. Priority issues under gender, peace and security relate to women and girls' involvement in conflict prevention, management and resolution. In practice, it appears that this latter theme has received the greatest focus. The Gender Policy Framework is complemented by a **Gender Strategy 2016–20**.

Two other important regional commitments are the **Regional Action Plan for Implementation of the UNSCRs 1325 and 1820**, and the **Regional Strategy for Higher Representation of Women in Decision-Making Positions**. A number of countries in IGAD have been fractured by conflict, therefore the former commitment is commendable. The UNSCRs urge participation of women and the incorporation of gender perspectives in all peace and security efforts and also condemn the use of sexual violence as a tool of war. These instruments are further buttressed by regional and global frameworks and initiatives on gender equality and women and girls' empowerment.¹¹

Moreover, IGAD has developed **Gender Institutional Technical Documents** for use internally, to guide the work of the Secretariat: the Workplace Gender Policy, Gender Management System Handbook and Customised Gender Mainstreaming Tools/Guidelines. These are informed by international and continental commitments and IGAD member state policies. The Secretariat reports that implementation plans and monitoring and evaluation indicators accompany these documents.

Overall, while IGAD advocates for its member states to be guided by the normative framework it has established by way of its various policies and strategies, these are not binding and there are no accountability mechanisms to obligate states to incorporate them. In addition to its own normative standards, IGAD monitors the adoption and ratification of international and continental treaties by its member states.

¹¹ These include among others the Maputo Protocol; the Solemn Declaration on Gender Equality; the AU Gender Policy; Africa's Agenda 2063; AWD 2010–20; CEDAW; and the Beijing Declaration and Platform for Action.

4.3.2 Gender institutional arrangements

IGAD's **Gender Affairs Programme** has been institutionalised at the IGAD Secretariat since 2005 and one officer oversees its work. An IGAD Gender Policy and Strategy that ran from 2004 to 2008 guided the programme. In terms of the organogram, the Gender Affairs Programme comes under IGAD's Executive Secretary's Office. Its main mandate is to mainstream gender within IGAD, particularly the Technical Documents mentioned above. The programme also trains and advocates for other programmes within IGAD to endeavour to incorporate gender issues in their work. The programme aims to align its policies and strategies with those of the AUC while also urging member states to harmonise their policies with those of IGAD.

IGAD's relations with **regional advocacy networks** are underdeveloped. Yet the Gender Affairs Programme works closely with a range of stakeholders, including member states, and particularly women/gender ministries, women parliamentary caucuses of national parliaments, CSOs and women/gender centres within universities. IGAD also works closely with women/gender units of the AUC, UNECA, UN Women and other relevant organisations. They are all engaged in order to drive the gender equality and women and girls' empowerment agenda at different levels. In addition, IGAD reportedly engages its partners at member state and regional level and from civil society and the academic community whenever it has forums.

IGAD plans to establish an **IGAD Women and Peace Forum** in 2018 to coordinate women, peace and security activities. This will draw its members from state nominees as well as CSOs. Their role is to oversee and lobby for the implementation of UNSCRs on women, peace and security. With respect to peace and security, IGAD was instrumental in facilitating the Comprehensive Peace Agreement between the then-Sudan People's Liberation Movement and the Government of Sudan in 2005. The Gender Affairs Programme at the time had interventions in Sudan, among other countries, to nurture women's economic empowerment and train female mediators.

IGAD has in the past had and continues to hold topical **campaigns** that emphasise training. It is currently engaged in trainings around UNSCRs 1325 and 1820, and the *Unite Campaign to End Violence Against Women and Girls*.¹² The actors in these campaigns are women/gender ministries, women parliamentary caucuses, CSOs and academia.¹³

4.3.4 Strengths, opportunities and challenges

IGAD's normative framework on gender equality and women and girls' empowerment is aligned with existing international and continental norms and frameworks. Since member states have multiple commitments, this harmonisation is laudable, enhances chances of compliance and reduces inconsistencies in the application of norms. The normative framework targets both the IGAD member states and the working of the IGAD Secretariat. There is a consistent focus on women, peace and security issues, which responds to the particular challenges of the region. This is backed up in policy by way of the Regional Action Plan for Implementation of UNSCRs 1325 and 1820 and in practice by IGAD's campaigns and networks, particularly the Women and Peace Forum.

The non-binding nature of the normative framework on gender equality poses a challenge, as does the lack of accountability mechanisms. Other challenges concern the gender infrastructure, which is present but weak, with only one officer having to respond to a large gender mandate. This ostensibly limits the impact the programme has. IGAD's focus on gender mainstreaming does not always translate into practice, with departments not including gender perspectives as much as they should in their interventions. Furthermore, the assertion that gender is a cross-cutting issue makes it difficult to direct funds to standalone gender equality activities. This also hampers IGAD's women and girls' rights work visibility within the region. More broadly, poor resource mobilisation limits the programmatic interventions that can be undertaken to foster gender equality and women and girls' empowerment. This also constrains the visibility of IGAD's work in this field. Finally, IGAD's networks in this regard are underdeveloped. Stronger ties, particularly with regional CSO, could be beneficial here.

¹² This campaign is not an IGAD-initiated campaign. It originates from the UN and is a multi-year effort aimed at ending violence against women and girls.

¹³ In the past, IGAD has also worked on the UNSCRs on women, peace and security in order to build the capacity of member states in reconciliation and peace-building. There has also been a campaign in South Sudan focused on peace-building and reconciliation.

Table 4.6. IGAD: strengths, opportunities and challenges

| Strengths | Opportunities | Challenges |
|--|---|---|
| <ul style="list-style-type: none"> • Alignment with existing international and regional norms and frameworks, to promote harmonisation • Gender Policy Framework in place • Specific framework on women in decision-making positions • Internally focused technical documents on gender mainstreaming developed and in place | <ul style="list-style-type: none"> • Consistent focus on women, peace and security issues (including Regional Action Plan, main theme in the Gender Policy Framework and actions in practice) • Women, Peace and Security Forum | <ul style="list-style-type: none"> • Normative framework is non-binding and lacks accountability mechanisms • Institutional infrastructure is weak in terms of human resource capacity • Low level of gender mainstreaming in practice by other IGAD departments • Poor resource mobilisation (further limited by gender mainstreaming approach) • Low visibility of IGAD's women and girls' rights work visibility • Underdeveloped networks with CSOs |

Table 4.7. IGAD: key documents and institutional infrastructure for women's rights and gender equality

| | |
|--|---|
| Mandate and history | |
| 1996 | Agreement Establishing IGAD |
| Draft | Draft IGAD Treaty |
| Women and girls' rights/gender equality commitments | |
| 2012–20 | Gender Policy Framework |
| 2016–20 | Gender Strategy |
| | Strategy for Higher Representation of Women in Decision-Making Positions |
| | Regional Action Plan for Implementation of UNSCRs 1325 and 1820 |
| | IGAD Workplace Gender Policy |
| | IGAD Gender Management System Handbook |
| | Customised Gender Mainstreaming Tools/Guidelines |
| Gender infrastructure (institutional) | |
| Office of the IGAD Executive Secretary | Managing the daily affairs of the IGAD Secretariat, consulting with government officials of IGAD member states and representatives of development partners and representing IGAD at various international and regional forums |
| Gender Affairs Programme | Established within the Office of the Executive Secretary, with main mandate to mainstream gender within IGAD |
| Regional and/or REC-level CSO networks | |
| Women Peace Forum | |

4.4 SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

The Southern African Development Coordination Conference (SADCC), established in 1980 in Lusaka, Zambia, was formed to advance the cause of national political liberation in Southern Africa through effective coordination and utilisation of the specific characteristics and strengths of each country and its resources. In 1992, Heads of Government of the region agreed to transform SADCC into the SADC, with the focus on integration for economic development. SADC funding is 9% from member states and 91% from international cooperating partners.^{xxx}

SADC: created in 1992 (SADCC 1980)

Member states: Angola, Botswana, Comoros¹⁴, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland¹⁵, Republic of Tanzania, Zambia and Zimbabwe



While the SADC Treaty focuses primarily on regional integration towards economic development, it provides a strong basis for women and girls' rights and gender equality as part of the development agenda. Art. 1 declares that one of its objectives is to mainstream gender in the process of community building. Art. 6.2 prohibits discrimination against any person on the basis of, among others, sex or gender. Art. 12 establishes a number of sectoral committees charged with overseeing activity in the core areas of integration, with gender and social affairs identified as one such area.

4.4.1 SADC Protocol on Gender and Development and normative framework for gender equality

To further its gender equality objective, the **SADC Declaration on Gender and Development**, passed in 1997, calls on member states to increase women's participation in politics and decision-making to at least 30% by 2005; reform all discriminatory laws and social practices; promote women's full access to and control over productive resources such as land, livestock and markets; address, prevent and eradicate violence against women and children; promote women and girls' access to education; and cultivate and promote a culture of gender equality and respect for the human rights of women and girls in the SADC region. The Declaration was amended shortly after, in 1998, via the **Addendum to the SADC Declaration on Gender and Development on the Prevention and Eradication of Violence against Women**.

Already in 2003, the **SADC Gender Policy** was passed to provide a framework for achieving the aims of the Declaration. Building on international, continental and regional frameworks for women and girls' human rights, its goal is to provide guidelines for institutionalising and operationalising gender as a key development strategy for achieving gender equality, equity and women and girls' empowerment within SADC member states and the region as a whole. One of its guiding principles is that 'Women's rights are human rights.'

Because of the non-binding nature of the 1997 Declaration, there was a need to put in place a legally binding instrument. In 2008, the **SADC Protocol on Gender and Development** was adopted, as the legal and policy framework for gender equality and women and girls' rights. Six of its objectives focus on women and girls' rights and gender equality, and it takes cognisance of the Maputo Protocol. Apart from its binding nature, the SADC Gender Protocol is unique in that it translates its women and girls' rights and gender equality provisions into 28 concrete targets, to be reached by 2015. Botswana is the most recent country to ratify the Protocol, in May 2017, leaving Mauritius as the only country in SADC that has not ratified it. The Protocol also sets out to 'strengthen, monitor and evaluate the progress made by members states towards reaching the targets and goals set out in the Protocol' (Art. 3).

¹⁴ Comoros became a member of SADC in 2017: www.sadc.int/news-events/news/union-comoros-becomes-16th-sadc-member-state/

¹⁵ The report uses Swaziland but notes that very recently the country has been renamed the Kingdom of eSwatini: <https://edition.cnn.com/2018/04/20/africa/swaziland-eswatini-africa-monarchy-intl/index.html>; www.theguardian.com/world/2018/apr/19/swaziland-king-renames-country-kingdom-of-eswatini

Box 4.5. SADC Protocol on Gender and Development (2008, amended 2016)

The SADC Protocol on Gender and Development brings together global and continental commitments to women and girls' rights and gender equality in one instrument that is used to enhance accountability. This Protocol has as one of its objectives to eliminate discrimination and achieve gender equality and equity through the development and implementation of gender-responsive legislation, policies, programmes and projects as well as harmonising the implementation of various global, continental and regional instruments on gender equality and equity (Art. 3). *Discrimination* is defined as 'any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise, by any person of human rights, and fundamental freedoms in the political, economic, social, cultural, civil or any other field' (Art. 1).

The Protocol focuses on 11 key thematic areas: Constitutional and Legal Rights; Governance (Representation and Participation); Education and Training; Productive Resources and Employment; Economic Empowerment; GBV; Health (SRH and Reproductive Rights); HIV and AIDS; Peace-Building and Conflict Resolution; Media, Information and Communication; and Implementation.

The Protocol defines GBV as 'all acts perpetrated against women, men, girls and boys on the basis of their sex which cause or could cause them physical, sexual, psychological, emotional or economic harm, including the threat to take such acts, or the undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed or other forms of conflict' (Art. 1). It defines SRHR as 'universal human rights relating to sexuality and reproduction, sexual integrity and safety of the person, the right to sexual privacy, the right to make free and responsible reproductive choices, the right to sexual information based on scientific enquiry, and the rights to sexual and reproductive health care' (Art. 1).

The Protocol was amended in 2016 to align it with the SDGs, Agenda 2063 and Beijing+20. The Gender Alliance (see below) was an important driver of this review of the Protocol.¹⁶ Some of these amendments directly relate to the four priority rights are of this report, in particular with respect to the girl child and to gender-based violence (GBV).¹⁷ A key amendment concerns Article 26, which is a stand-alone provision, on 'Health, sexual reproductive health and reproductive rights', whereas it was previously a broader health article. This refers explicitly to eliminating, rather than reducing, maternal mortality, and also provides for policies and programmes on women and men's mental, sexual and reproductive health, with a reference to ICPD and the Beijing Platform for Action. By 2017, 10 countries had signed the agreement amending the Protocol (Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Madagascar, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe) and 11 countries had ratified it (Angola, Lesotho, Malawi, Mozambique, Namibia, Seychelles, Swaziland, South Africa, Tanzania, Zambia and Zimbabwe).

Moreover, the Revised Regional Indicative Strategic Development Plan (2015–20) establishes gender and development as one of the critical cross-cutting issues in all SADC programmes. Other key documents include the Sexual and Reproductive Health Strategy for the SADC Region (2006–15); the SADC Workplace Gender Policy; the 10-year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009–19); and the SADC Gender Monitor/Framework for Achieving Gender Parity in Political and Decision-Making Positions by 2015.

¹⁶ In 2014, the Committee for Ministers in Charge of Women/Gender Affairs agreed to review the Protocol and in 2015 ministers agreed the Protocol should be aligned with the SDGs, the Beijing+20 Review and Agenda 2063.

¹⁷ Art. 11 (in Part II) on 'The Girl and Boy Child' provides for concrete measures to prevent and eliminate violence, harmful practices, child marriage, teenage pregnancies, genital mutilation and child labour. Art. 20 (in Part VI) more specifically refers to harmful social and cultural practices, such as child marriage, forced marriage, teenage pregnancies, slavery and FGM. It also explicitly refers to trafficking in persons. Other amendments concern Art. 14 (on Gender Equality in Education); Art. 16 (on Multiple Roles of Women); Art. 17 (on Economic Empowerment); Art. 19 (on Equal Access to Employment and Benefits); Art. 29 (on Gender in Media, Information and Communication); Art. 31 (on Gender and Climate Change); and Art. 35 (on Implementation, Monitoring and Evaluation). For the updated SADC Protocol on Gender and Development, see <http://genderlinks.org.za/wp-content/uploads/2016/01/ADOPTED-REVISED-PROTOCOL-ON-GAD.pdf>

4.4.2 Monitoring and indicators

The Protocol has a **Monitoring, Evaluation and Reporting Framework (MERF)**, adopted by the region's gender ministers in June 2017. This sets out 121 gender indicators at various levels to monitor progress towards achieving gender equality. However, Part 8 of the SADC Protocol on Gender and Development, on Peace-Building and Conflict Resolution, is not included in the SADC Monitoring Tool for Reporting Progress on Implementation.^{xxxvi}

State parties are bound to ensure implementation of the SADC Gender Protocol at the national level through national action plans with measurable timeframes, through monitoring and evaluation mechanisms and through collecting and analysing baseline data against which progress can be monitored. State parties are bound to submit progress reports to the Executive Secretary of SADC once every two years. The SADC Secretariat publishes the **SADC Gender and Development Monitor**, set up around eight clusters.¹⁸ This draws on national reports, and provides a regional perspective that, in turn, can guide national implementation and monitoring of the objectives of the protocol.^{xxxvii}

The Protocol contains measurable targets, timeframes and indicators that require a tool to capture member states' progress towards achieving its objectives. A Monitoring Tool was thus designed to capture all the critical indicators on gender under the Protocol, in order to standardise reporting by SADC member states.^{xxxviii} The tool comprises the SADC Gender Conditions Indicator (SAGI) and the SADC Women's Progress Scoreboard.^{xxxix} The MERF was adopted in June 2017 to monitor the Revised Protocol. It tracks progress on 17 indicators on economic justice and empowerment.^{xxxx}

The SADC Gender Alliance, a regional advocacy and civil society network (see below), has published the **SADC Gender Protocol Barometer** since 2009. The Barometer consists of 15 annual country publications and one regional publication that tracks progress in achieving the targets of the SADC Gender Protocol. The Barometer is an important advocacy and accountability tool with strong outreach that has substantially strengthened the effectiveness of the SADC gender equality and women and girls' rights framework. It consists of the *Southern Africa Gender and Development Index (SGDI)*, introduced in 2011, based on empirical data on indicators that have increased in number over the years from 23 to 45 as of 2017. This is complemented by the *Citizen Score*, which gives ordinary citizens an opportunity to hold their governments to account. The Barometer is very thorough in its assessment of women and girls' rights, and covers 12 areas.¹⁹

4.4.3 Gender institutional arrangements

The *SADC Committee of SADC Ministers Responsible for Gender/Women's Affairs* is mandated to ensure implementation of the Protocol. These ministers are able to lobby at both the regional level and the national level for convergence towards the Protocol, including allocation of sufficient resources, and proper monitoring. In 2016, the Committee reviewed the Protocol in light of the SDGs. There is also a *Committee of Senior Officials Responsible for Gender/Women's Affairs*; this committee reports to the Committee of SADC Ministers Responsible for Gender/Women's Affairs on implementation of the Protocol and supervises the work of the SADC Secretariat in this regard.

The **SADC Gender Unit** was established in June 1998, to facilitate, coordinate and monitor implementation of SADC gender commitments at regional and national level. It was formerly placed under the Executive Secretary but is now under the Gender and Social and Human Development Directorate. It is currently run by three staff.²⁰ The Unit has achieved prominence and effectiveness through its close cooperation with CSOs in the region. Its aims are to:

- Facilitate gender training and build the capacity of public officers in gender analysis and mainstreaming for all SADC structures and institutions
- Integrate gender into all SADC regional integration priorities, such as trade, agriculture, health, education, HIV and AIDS, infrastructure development, water, peace and security, etc.
- Promote and facilitate the achievement of 50% representation of women in politics and decision-making structures at all levels
- Facilitate the promotion of women's equal access to and control of productive and economic resources
- Coordinate and facilitate the eradication of GBV, including combating trafficking in persons and violence against women and children in armed and post-conflict situations and
- Undertake research and monitor and evaluate progress made by SADC member states in implementing gender commitments with a view to documenting and disseminating best practices

¹⁸ (1) Constitutional and Legal Rights, (2) Politics and Decision-Making, (3) Education and Training, (4) Health and HIV and AIDS, (5) Access to and Control over Productive Resources, (6) GBV, (7) Media, Information and Communication and (8) Implementation and Institutional Arrangements.

¹⁹ (1) Constitutional and Legal Rights, (2) Gender and Governance, (3) Education and Training, (4) Economic Justice, (5) Productive Resources and Employment, (6) GBV, (7) SRHR, (8) HIV and AIDS, (9) Peace-building and Conflict Resolution, (10) Media, Information and Communication, (11), Gender, Climate Change and Sustainable Development and (12) Implementation.

²⁰ A senior programme officer (gender), a secretary and a research, monitoring and evaluation officer.

The **SADC Parliamentary Forum** (SADC-PF) has been an important partner in work around the SADC Gender Protocol.²¹ Gender equality and women and girls' empowerment is one of the five programmes of this inter-parliamentary institution. A recent important event was the adoption of the *Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage* (3 June 2016). The model law will encourage and guide member states to harmonise their domestic laws, and addresses many of the inconsistencies and loopholes in laws and customs that have allowed child marriages to proliferate (see case study 9 in Chapter 6). A Zimbabwean parliamentarian (Innocent Gonese) moved a motion on 29 November 2016 for Zimbabwe to adopt and domesticate the SADC model law.^{xxxvi}

A second important recent event was the adoption in July 2017 of the Mahe Declaration on Sustained Engagement by SADC Parliaments to Implement Resolution 60/2 of the Commission on the Status of Women (CSW) on 'Women, the Girl Child and HIV and AIDS', at the Regional Women's Parliamentary Caucus of SADC-FP. Under this, SADC commits to, among other things, addressing the structural barriers underlying HIV prevalence, focusing on human rights and gender norms and frameworks, reducing stigma and discrimination, providing holistic approaches that involve youth and recognising the centrality of sexuality in human life and in individual, family and community well-being. Third, the SADC-PF has taken the initiative to identify and build the capacity of SRHR champions.²²

4.4.4 Regional advocacy networks

A key regional advocacy network is the **SADC Gender Protocol Alliance**, a regional 'network of networks' that championed adoption of the SADC Protocol on Gender and Development. The Alliance was formally founded in 2005 but has its roots in the 1990s.^{xxxvii} The Alliance network is made up of 15 national gender networks and 10 regional NGOs. Coordination of the network and the campaign is with Gender Links. The national and regional members are national focal point organisations and/or lead on the various themes of the SADC Gender Protocol.²³

The Alliance was the driving force behind the adoption as well as the implementation and review of the SADC Gender Protocol. The Alliance also publishes the above-mentioned Barometer on an annual basis to promote and advocate for women and girls' rights and gender equality in the region, using the SADC Gender Protocol as its reference point. In 2015, the Alliance lobbied for review of the Protocol and development of the accompanying MERF.

For a long time, the relationship between the Alliance and the Gender Unit was symbiotic, as exemplified by their shared agenda and coordinated collaboration strategies. More recently, the relationship has not been completely trouble-free. The 2017 Barometer points to shrinking space for civil society in recent times. It notes that the Alliance was, for the first time, not invited to the Gender Ministers' Meeting in Swaziland in June 2017. As a result, the Alliance was not present for the adoption of the MERF that it had lobbied for.

However, there is an opportunity for streamlining relations between civil society and the SADC Secretariat, as the latter is working on a framework agreement for interaction with non-state actors. The Alliance, as the gender sector representative in the SADC Congress of NGOs (SADC-CNGO), is actively engaged in these discussions. The SADC Treaty recognises that non-state actors are important stakeholders in the implementation of the SADC Agenda (Arts 5(2b), 16A and 23). The Alliance and the Gender Unit also actively participate in the Annual 16 Days of No Violence Against Women Campaigns that take place every year.²⁴ Gender Links also actively engages in the 50/50 Campaign on women's equal representation and participation in decision-making.

Box 4.6. 50/50 Campaign

The *SADC Framework for Achieving Gender Parity in Political and Decision-Making Positions by 2015*, adopted in 2009, declared a 30-day campaign for 50/50 representation in SADC member states. The campaign promotes women's equal representation and participation in decision-making at local and national levels throughout Southern Africa. This campaign gained momentum beyond the 30 days; Gender Links re-launched it in July 2011.^{xxxviii}

²¹ This was launched in 1996 and officially approved in 1997. It is the higher policy-making and deliberative organ where all 15 national parliaments of SADC are represented. It meets twice a year, and makes policy decisions and recommendations to the SADC Summit of Heads of State and Government.

²² For details, see www.newera.com.na/2018/01/09/support-for-lesotho-mps-in-sadc-pf-srhr-hiv-project/

²³ For more details on the Alliance's members, visit <http://genderlinks.org.za/what-we-do/sadc-gender-protocol/>

²⁴ This runs from 25 November to 10 December and provides a rallying point for governments, NGOs, community-based organisations and other stakeholders in the region to run events aimed at raising awareness, influencing behaviour change and securing high-level political commitment to end GBV. SADC is also making an effort to counter GBV through research and awareness-raising on World Day against Trafficking in Persons (30 July) and building the capacity of law enforcement officials to identify and respond to victims of trafficking.

4.4.5 Strengths, challenges and opportunities

In sum, SADC has a strong, comprehensive and binding normative framework on women and girls' rights and gender equality in place, accompanied by an explicit set of targets and indicators. The gender commitments are monitored both by the SADC Secretariat and, from the civil society side, by the SADC Gender Alliance. The Gender Unit has experience in developing policies, conducting research and implementing projects on women and girls' rights and gender equality. It has worked closely with the Gender Alliance in an effective way. Recent opportunities for further enhancing women and girls' rights are the 2016 amendments to the Protocol on Gender and Development, as well as, for instance, the use of model law (in this case on child marriage).

SADC lacks a strong and operational court. The SADC Tribunal, officially established in 2005, originally had the competence to hear cases from individuals regarding human rights violations. The Tribunal was *de facto* suspended at a 2010 SADC Summit, after several judgements ruling against the Zimbabwean government. The 2012 SADC Summit agreed to limit the Tribunal's mandate to disputes between member states, and as such barred cases from individuals and companies.

One of the challenges facing SADC is that not all member states have signed and ratified the Gender Protocol. Domestication is also undermined by lack of political will, and by gaps in the data needed to implement and monitor progress on women and girls' rights and gender equality in the region. Recently, the space for civil society to engage with the Gender Ministers' Meeting was challenged, but opportunities are emerging to streamline and consolidate interaction with civil society actors and networks.

Table 4.8. SADC: strengths, opportunities and challenges

| Strengths | Opportunities | Challenges |
|---|---|---|
| <ul style="list-style-type: none"> Comprehensive legal framework on women and girls' rights and gender equality, covering Health and HIV and AIDS, Peace and Conflict Resolution, GBV and Harmful Practices, etc. Binding legal framework, with concrete targets, with timeframes, formulated Strong MERF on SADC Gender Protocol in place Regular reporting on progress by both SADC Secretariat and Gender Alliance Dedicated Gender Unit in SADC Secretariat with proven track record Strong regional civil society network (SADC Gender Alliance), with thematic leads and national-level networks Collaboration between Gender Unit and Gender Alliance | <ul style="list-style-type: none"> Protocol and related policies, action plans and strategies being reviewed to align with major regional and continental standards Regular monitoring, and continuous improvement of indicators Use of model law, to guide and harmonise legal reform aligned with the Protocol (e.g. on ending child marriage) Engagement at the national level on the Gender Protocol themes | <ul style="list-style-type: none"> Not all countries have signed/ratified the Protocol Data not readily available in all countries on issues covered by the Protocol Domestication of updated changes does not always reflect commitment to the revised Protocol and related plans, strategies and policies Shrinking space for civil society to engage effectively with the Secretariat SADC Tribunal suspended |

Table 4.9. SADC: key documents and institutional infrastructure for women's rights and gender equality

| Mandate and history | |
|---|---|
| 1980 | SADC Treaty |
| 1993 | Treaty for the Establishment of the SADC |
| Women and girls' rights/gender equality commitments | |
| 1997 | SADC Declaration on Gender and Development 2008 (updated in 2015) |
| 1998 | Addendum to the SADC Declaration on Gender and Development on the Prevention and Eradication of Violence against Women |
| 2003 | SADC Gender Policy |
| 2008 | SADC Protocol on Gender and Development |
| 2008 | Sexual and Reproductive Health Strategy for the SADC region (2006–15) |
| 2008 | Model Law on HIV in Southern Africa |
| 2009 | SADC Workplace Gender Policy |
| 2009 | 10-year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009–19) |
| 2009 | SADC Framework For Achieving Gender Parity in Political and Decision Making Positions by 2015 (2009-2015) |
| 2009 | Gender Mainstreaming Resource Kit |
| 2009 | SADC Gender Protocol Barometer |
| 2010 | SADC HIV and AIDS Strategic Framework (2010–15) |
| 2013 | SADC Gender Monitor |
| 2013 | Framework for Achieving Gender Parity in Political and Decision-making Positions by 2015 |
| 2015 | Regional Indicative Strategic Development Plan: gender a cross-cutting issue/Gender Mainstreaming Programme |
| 2017 | Mahe Declaration |
| Dates unknown | <ul style="list-style-type: none"> • SADC Strategy to Address Gender-Based Violence • SADC Women's Economic Empowerment Framework |
| Gender infrastructure (institutional) | |
| Gender Unit | Established in June 1998, in SADC Secretariat, placed under office of Executive Secretary, aims to facilitate, coordinate and monitor implementation of SADC gender commitments |
| Regional and/or REC-level CSO networks | |
| SADC Gender Protocol Alliance | |

4.5 COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)

The COMESA Treaty entered into force in 1994 to replace the Preferential Trade Area (PTA) Agreement of 1981. COMESA was established as 'an organisation of free independent sovereign states which have agreed to co-operate in developing their natural and human resources for the good of all their people'.

COMESA: created in 1994 (Preferential Trade Area, 1981)

Member states: Comoros, DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe²⁵



Art. 154 of the Treaty acknowledges that 'Women make significant contribution towards the process of socio-economic transformation and sustainable growth and that it is impossible to implement effective programmes for rural transformation and improvements in the informal sector without the full participation of women.' Art. 154(b) also calls on member states through appropriate legislative and other measures to eliminate regulations and customs that are discriminatory against women and girls.

4.5.1 COMESA Gender Policy and normative framework on gender equality

Initially, the gender focus of COMESA was more on women's participation in business. Over time, however, COMESA has adopted a gender equality approach. Many of its policy documents consistently adopt rights language, providing an opportunity for gender mainstreaming and emphasis on the rights of women and girls, even within the integration and trade paradigm.

In 2002, the **Gender Policy** was developed and adopted to guide and direct the planning and implementation of COMESA programmes and activities from a gender perspective. One of its specific objectives was to lobby member states to facilitate the sensitisation of customs officials on women and girls' rights. The Policy stated that the majority of COMESA member states had increasingly realised the need to integrate gender in mainstream development. It took note of states' commitments to international, continental and regional gender instruments as well as being part of the AU's gendered approach to development, which provides a strong basis for women and girls' rights.²⁶

The current guiding document for women and girls' rights and gender equality is the **revised COMESA Gender Policy of 2016**. This objective of this is 'to create an enabling policy environment for mainstreaming gender perspectives in all policies, structures, systems, programs and activities of COMESA Member States and the Secretariat towards gender equality, women and youth empowerment and social development'.²⁷ The Gender Directorate is working on a Gender Policy Implementation Plan, which is still in draft.²⁷

²⁵ There is considerable overlap of COMESA member states with membership of IGAD and SADC. COMESA members also in IGAD are Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Rwanda, Sudan and Uganda. COMESA members also in SADC are DRC, Madagascar, Malawi, Mauritius, Seychelles, Swaziland, Zambia and Zimbabwe.

²⁶ This includes member states being signatory to CEDAW; the Nairobi Forward Looking Strategies; the Dakar Declaration and African Platform for Action; the Beijing Declaration and Platform for Action; and the SADC Declaration on Gender and Development.

²⁷ In February 2018, the COMESA Technical Committee on Gender and Social Affairs met in Khartoum, with the Draft Gender Policy Implementation Plan and Monitoring Tracking Matrix one of the agenda points: www.comesa.int/gender-experts-meeting-underway-in-khartoum/

Box 4.7. Revised Gender Policy (2016)

The Guiding Principles of COMESA's revised Gender Policy relate to six areas: (1) transparency and accountability, (2) human rights approach and equity,²⁸ (3) evidence-based policies and programmes, (4) gender-responsiveness and equality, (5) people with disabilities²⁹ and (6) minorities.³⁰ The Gender Policy formulates specific objectives and policy measures for the following 17 priority policy areas:

- Women's economic empowerment
- Women participation in decision-making structures
- Gender management systems
- Trade; agriculture; investment promotion and private sector development
- Transport and telecommunications
- Energy; science, technology and innovations; environment and climate change
- Extractive industry
- Peace-building, conflict resolution, transformation and terrorism
- SRHR
- Maternal health
- Adolescent SRH
- HIV and AIDS
- People with disabilities
- Minorities
- Human trafficking
- Youth
- Child marriage and child labour

The Gender Policy also specifies the implementation arrangements, in particular with regard to the legal framework, resource mobilisation and monitoring and evaluation.

The Gender Policy was revised to align with the COMESA Social Charter, Africa's Agenda 2063, Beijing+20 outcomes and the SDGs. In its Preamble, the COMESA **Social Charter** states that 'Gender equality and equity are the underpinning guiding principles of the Charter in accordance with the COMESA Gender Policy'. The Social Charter focuses on social development and identifies the following areas of cooperation and programming: employment and working conditions (Art. V); labour laws (Art. VI); social protection (Art. VII); education, training and skills development (Art. XII); health care, including HIV and AIDS and sexual and reproductive health care (Art. XIII); and the elimination of harmful social and cultural practices (Art. XVI). Community development, well-being of the child and youth empowerment also feature prominently in the Social Charter.^{xli} Since its approval 2014, officials in the Gender Directorate are sensitising member states to ratify and sign the Social Charter to operationalise it. Twelve COMESA states out of nineteen had signed by September 2017.

Since 2011, COMESA has developed annual progress reports that review various issues including GBV and women's participation in decision-making.³¹ COMESA has also developed **gender mainstreaming manuals** in a range of sectors,³² which are intended to equip users with appropriate language to articulate gender perspectives, and also to serve as tools for monitoring member states' implementation of gender-focused programmes in line with the COMESA Gender Policy and the Strategic Action Plan.^{xlii}

An important initiative is the **50 Million African Women Speak** (50 MAWS) Platform Project.^{xliii} This targets 36 countries in EAC, COMESA and ECOWAS (see also Box 4.2 in Section 4.1.2) and will be implemented by the COMESA Secretariat, member states through ministries responsible for gender and women's affairs, women in business associations, women's groups and other stakeholders.^{xliiv} It will provide an opportunity to share information to 50 million women on the broad areas COMESA works in.

²⁸ The Human Rights Approach and Equity Principle: all human beings should enjoy equal status and have equal entitlements and opportunities for the full realisation of their human rights, making choices and accessing assets, services and public goods without limitations imposed by legislation, policies, gender norms and stereotypes (COMESA Gender Policy 2016, pp. 17–18).

²⁹ Principle Regarding People with Disabilities: because of their inherent vulnerability, women and girls need targeted socioeconomic empowerment policies and programmes (COMESA Gender Policy 2016, pp. 17–18).

³⁰ Principle Regarding Minorities: women and girls are among minority populations who are vulnerable and, therefore, require protection (COMESA Gender Policy 2016, pp. 17–18).

³¹ These annual progress reports are not yet available online.

³² Gender mainstreaming manuals have been developed for the following sectors: trade; infrastructure development; investment promotion and private sector development; information and communication; gender and environment; health and HIV and AIDS; peace and conflict resolution; and COMESA institutions.

4.5.2 COMESA HIV and AIDS frameworks and policy

The COMESA **Framework for the Multi-Sectoral Programme on HIV & AIDS (2012–15)** adopted a rights-based perspective, although the emphasis could have been stronger on the rights of women and girls. The Framework pinpointed risks that certain environments cause in terms of human rights violations in child labour, trafficking in human beings and commercial sexual exploitation of children and adolescents, which are all potential vehicles for HIV transmission. It identifies among its strategies the need to lobby member states to intensify education on women and girls' rights; to enforce domestic violence bills; to improve access to information on GVAW, human trafficking and women and girls' rights; and to train female traders and various other actors on the rights of women and girls.

The Framework is backed up by a regional **HIV AIDS Policy (2016)**, which responds to continental and global frameworks in trying to prevent and end HIV deaths by 2030. COMESA seeks to move in tandem with the AU Catalytic Framework to End AIDS, Tuberculosis and Malaria by 2030. The COMESA Secretariat targets trade corridors and border posts to raise awareness on relevant policies and strategies to combat HIV. It has conducted capacity-building with cross-border and customs officials and female traders, although it is not able to cover all 19 member states. The Secretariat assists member states to implement the HIV Multi-Sectoral Programme and work on awareness and behavioural change.

COMESA has an **HIV AIDS Policy Tracking Plan**, which elaborates policy measures for each of the sub-themes in the HIV AIDS Policy, with targets to be achieved in the medium and long term by member states by 2020 and 2030, respectively. The plan is in draft form, since the policy was only recently adopted. The various measures are to be addressed at regional and national level. The draft Tracking Matrix identifies possible interventions at regional level. In future, this may extend to harmonisation of policy measures such as on age of marriage, through regional consultations.

Women cross-border traders experience violence and COMESA is holding dialogues with them.^{xlv} However, there is need for a regional guide to handle GBV related to cross-border trade and for COMESA to set a standard at regional level to drive convergence towards best practices in this area.

Box 4.8. Cross-border trading and women's rights

The majority of cross-border traders are women working in the informal sector, where they are unprotected and face rampant GVAW. GVAW has many causes and effects, criss-crossing SRH, harmful practices and HIV and AIDS. These communities also suffer from harmful practices that affect women disproportionately.

A project conducted by the COMESA Secretariat in the Great Lakes Region showed that border communities in remote areas lacked basic services such as those related to family planning and reproductive health. COMESA is advocating for a comprehensive programme along borders to respond to these needs. Different service providers could target the border management committees already in existence. There is a strong need to look at the plight of the male and female traders in a holistic manner, addressing issues of GBV and access to family planning. The Gender Directorate has done a great deal of work in the corridors and seeks to leverage itself strategically based on its mandate to deepen its work on addressing the rights of women and girls.

4.5.3 Gender institutional arrangements

The 2002 Gender Policy established the COMESA **Technical Committee on Gender** to be constituted in line with the COMESA Treaty and to facilitate operationalisation of the Policy.

In 2009, the **Division of Gender and Social Affairs** in COMESA was established.³³ The Gender Directorate works on various areas including HIV, harmful practices, GVAW and family planning and reproductive health. The Division in the COMESA Secretariat coordinates and oversees implementation of the COMESA Gender Policy in member states and at the Secretariat.

The 2016 Revised Gender Policy calls for the establishment of gender management systems in the Secretariat and at member state levels, and for a gender mainstreaming accountability system at the management level of the Secretariat and member states. There are five staff members in the Gender Directorate with gender mainstreaming expertise.

The 2016 Revised Gender Policy calls on states and the Secretariat to ensure the availability of sex-disaggregated data at national level. Member states submit performance reports to the COMESA Secretariat based on COMESA's Guidelines for Preparing Country Progress Reports on the Implementation of the COMESA Gender Mainstreaming Strategic Action Plan and Council Decisions.

³³ In line with its initial focus on women in business, the first institutional structure for gender equality was the COMESA Women in Business Unit, established in 1991.

The 2016 Revised Gender Policy notes that funding for gender-related programmes in COMESA has largely been constrained by low funding owing to the low prioritisation of gender in national budgeting frameworks. The Policy urges member states to recommit themselves to improved monetary and other resource contributions to the Secretariat's Gender Division and to proactively leverage resources from cooperating partners. In October 2017, the Secretariat noted with concern the decline in the proposed 2018 annual budget for the COMESA Secretariat and its agencies by US\$10 million dollars as several cooperating partners grants concluded.^{xlvi} This may affect the work of the Directorate, which is already overseeing 19 countries as per its mandate.

At regional level, COMESA Secretariat is trying to strengthen the knowledge bases of member states in the various implementation areas through research and capacity-building to address issues at service provision or policy level. The Secretariat serves as a channel for experience-sharing among member states on the replication of good practices and the elimination of bad practices. The Gender Directorate is well positioned to use advocacy at high-level policy organs, undertaking advocacy in partnership with COMESA first ladies and organising roundtable meetings around COMESA summits. In July 2016 in Addis Ababa, Ethiopia, the theme was 'Economic Empowerment of Women: A Pathway to Child and Maternal Health and Prevention and Management of Cervical, Breast and Cancer in Africa'.^{xlvii}

Despite an existing framework for accrediting **civil society** actors, there has been limited involvement of CSOs in COMESA activities. **The Federation of Women in Business (FEMCOM)** is composed of national chapters of women in business. FEMCOM supports business and technical training and the acquisition of equipment.³⁴ It promotes value addition by supporting the formation of national and regional clusters in agro-processing as a vehicle for boosting job creation and intra-regional trade and contributing to the achievement of development goals. FEMCOM is a foundation under COMESA and is regarded as a COMESA institution and not necessarily as a CSO.

Since 2012, the Secretariat and FEMCOM have been jointly implementing the Business Incubator for African Women Entrepreneurs³⁵ This supports women entrepreneurs by increasing the capacity of small and medium-sized enterprises (SMEs) run by women in Africa, especially in the area of agro-processing, handicrafts and information and communication technology (ICT), by providing credit guarantees, among other things. Additionally, in 2013, a Women's Economic Empowerment Fund (WEEF) was established.³⁶ The aim of this is to alleviate the challenges faced by women to access financial resources, including access to credit to enhance their businesses.

The Gender Directorate is mapping out where the key players are and what they do with a view to developing a database on this. It has been collaborating with regional CSOs on reproductive health and worked with regional and international NGOs to develop the Framework for the HIV Multi-Sectoral Programme.

4.5.4 Strengths, opportunities and challenges

COMESA's normative framework on gender equality and women's rights has evolved considerably in recent years, especially with the Revised Gender Policy and its accompanying implementation plan. These recent gender equality frameworks not only have a stronger rights focus but also cover a wide range of highly relevant women and girls' rights areas, including SRHR, maternal health, HIV and AIDS and adolescent SRH as well as minorities, people living with disabilities and critical issues such as human trafficking. In addition, COMESA has a fairly elaborate framework on HIV and AIDS. Overall, the dual membership of COMESA countries with SADC has also provided an opportunity for member states to benefit from the evolving foundation of a strong women and girls' rights approach in SADC, which will hopefully influence COMESA going forward.

The Revised Gender Policy has also pushed for further development of the gender infrastructure and mechanisms, most notably the gender management system and a gender mainstreaming accountability mechanism. The limited resourcing of gender equality continues to be a challenge, however. The anticipated stronger engagement with CSOs offers an important emerging opportunity for regional and national NGOs and civil society across the region, given that their involvement has been limited so far.

³⁴ Mainly through capacity-building in commodity processing and production, post-harvest handling of cassava, improvement of finished textile products and management of waste related to raw 115 'Inclusive and Sustainable Industrialisation' materials in the textiles and garments clusters.

³⁵ Under the NEPAD Spanish Fund for African Women's Empowerment.

³⁶ The Convergence Committee of the Central Bank and Ministers of Finance included the WEEF on the agenda of the Central Bank Governors and Ministers of Finance Meeting held in Nairobi in November 2014, and adopted the recommendation that the PTA Bank should manage the WEEF to accelerate its implementation.

Table 4.10. COMESA: strengths, opportunities and challenges

| Strengths | Opportunities | Challenges |
|---|---|--|
| <ul style="list-style-type: none"> • Recognises importance of gender equality and women and girls' empowerment, mostly within the trade and services paradigm • Has policy instruments and programmes on GVAW, HIV and AIDS and harmful practices; these are mainstreamed within its programmes • The Gender Directorate is committed to undertaking advocacy, research, capacity-building and documentation and monitoring from a gender equality perspective | <ul style="list-style-type: none"> • Revision of key documents has been undertaken and resulted in more rights language and approaches, to reflect international norms and standards • The Gender Directorate is developing a database of CSOs in the region with a view to engagement with them on diverse issues • The Gender Directorate has worked with a few regional and Zambian-based NGOs and with international organisations | <ul style="list-style-type: none"> • Reluctance of some member states to engage with a more rights-based approach paradigm • Limited resourcing of gender equality; drop in funds for 2018 at the Secretariat • Limited involvement of CSOs |

Table 4.11. COMESA: key documents and institutional infrastructure for women's rights and gender equality

| | |
|--|---|
| Mandate and history | |
| 1981 | PTA Agreement |
| 1994 | COMESA Treaty |
| 2000 | Free Trade Area formed |
| 2011 | COMESA Social Charter |
| Women and girls' rights/gender equality commitments | |
| 2002 | COMESA Gender Policy |
| 2008 | COMESA HIV and AIDS Workplace Policy |
| 2011 | AU Protocol on Gender Parity endorsed |
| 2011 | Regional Strategy on Gender Mainstreaming in Agriculture and Climate Change |
| 2012 | Framework for the Multi-Sectoral Programme on HIV & AIDS for COMESA (2012–15) |
| 2015 | Gender and Social Development Communication Strategy |
| 2016 | COMESA Gender Policy (Revised) and Gender Mainstreaming Strategic Action Plan (replaced 2002 Gender Policy) |
| 2016 | COMESA HIV AIDS Policy |
| Forthcoming | Draft Gender Policy Implementation Plan and Monitoring Tracking Matrix |
| Unknown | HIV AIDS Policy Tracking Plan |
| Gender infrastructure (institutional) | |
| Gender and Social Affairs Division | Mainstreaming gender in all COMESA programmes and projects to ensure equitable access to resources, opportunities, services and benefits for women, men and youth |
| Regional and/or REC-level CSO networks | |
| COMESA Federation of Women in Business (FEMCOM) | |

4.6 ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES (ECCAS)

During the 1981 Head of States Summit of the Central African Customs and Economic Union, it was agreed to create a larger Economic Community of Central African States. On 18 October 1983, this Economic Community of Central African States (ECCAS) (or the Communauté Economique des Etats de l'Afrique Centrale) was formed in Libreville, Gabon.

ECCAS: created in 1983

Member states: Angola, Burundi, Cameroon, CAR, Chad, Republic of Congo, DRC, Equatorial Guinea, Gabon, Rwanda and São Tomé and Príncipe



Art. 4 of the Treaty establishing ECCAS articulates that the aim of the organisation is 'to promote and strengthen harmonious cooperation and balanced and self-sustained development in all fields of economic and social activity... in order to achieve collective self-reliance, raise the standard of living of its peoples, increase and maintain economic stability, foster close and peaceful relations between Member States and contribute to the progress and development of the African continent.' Cooperation and development are particularly focused on industry, transport and communications, energy agriculture, natural resources, trade, customs, monetary and financial matters, human resources, tourism, education, further training, culture, science and technology and the movement of persons. Art.

60b of the Treaty speaks to the promotion of collaborative research on women's empowerment. This collaborative research on the economic, social and cultural empowerment of women in rural and urban areas is expected to contribute to furthering the integration of women in development.

ECCAS became inoperative between 1992 and 1998 as a result of social and political unrest and conflict in the region, namely in the Great Lakes area. This was coupled with a financial pitfall, with member states not paying their membership fees.^{xlviii} In February 1998, a decision to reactivate ECCAS was taken in Libreville. In response to the various conflicts in the region, the issue of peace and stability received close attention in the *Programme of Revival and Revitalisation*, which was adopted by the Head of States in 1999 in Malabo, Equatorial Guinea.^{xlix} Although ECCAS has been reactivated, it continues to face challenges in its regional cooperation.ⁱ

The re-establishment of ECCAS stemmed from the political will of member states to enable successful sub-regional cooperation in the Central African region. A **Strategic Integration Plan and a Vision for 2025** was adopted in 2007 to ensure the region was peaceful and stable and to facilitate the free movement of people, good and services.ⁱⁱ To attain this, Heads of State and Government agreed to retain three main focuses:

1. Peace, security and stability, including the functioning of the Peace and Security Council in Central Africa
2. Infrastructure, including transport, energy, water, IT and communication
3. The environment, including management of the Congo Basin ecosystems

The Secretariat was set up in Libreville in 1985. ECCAS has the following **infrastructure**: the Conference of Heads of State and Government, the Council of Ministers (the executive organ of the Community), the Advisory Committee and Specialised Technical Committees. The Court of Justice is not yet operational.ⁱⁱⁱ There is also a Gender Unit in the Secretariat.³⁷

In 2004, a **Declaration on Gender Equality** was made during the 11th Conference of the Heads of States of ECCAS, in Brazzaville in 2004. The declaration emphasised the need to ensure that women and men's particular needs and concerns were taken into account in policy formation and programmes to ensure lasting peace and stability in the region.ⁱⁱⁱⁱ

In 2006, ECCAS in partnership with ECOWAS developed a *Multilateral Agreement on Regional Cooperation to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*. The objective of this is 'to develop a common front to prevent, suppress and punish trafficking in persons through international cooperation' (Art. 2). This explicitly includes (1) to protect, rehabilitate, reintegrate and reintegrate victims of trafficking into their original environment, when necessary, and (2) to help each other in the investigation, arrest and the prosecution of offenders through the competent central authority of each state party. The agreement also seeks to promote friendly cooperation between the parties with a view to achieving these objectives.

³⁷ No further details could be established regarding the mandate, resources and activities of this unit.

More recently, on 1 September 2013, the ministers of health of ECCAS member states met at a roundtable and adopted the *Strategic Plan 2014–18 on the Fight against HIV & AIDS*.^{lv} The theme of the meeting was shared responsibility and regional solidarity, and the Strategic Plan offered a new framework for the region to address HIV and AIDS. It comprises five main pillars, which include mother-to-child transmission as well as the supply and availability of ARVs.

In April 2014, a two-day forum was organised by the Chadian Parliament in collaboration with ECCAS. Parliamentarians from the Central Africa region adopted the **Ndjamena Declaration** to reaffirm their regional and international commitments to women, peace and security. They committed to 'promoting leadership and women's political participation, integration, gender equality and women's empowerment in the range of activities of their respective parliaments; and strengthening institutions for good governance as an important factor for conflict prevention in the sub region'.^{lv}

This two-day forum of ECCAS parliamentarians noted that the social and political instability and conflict in ECCAS countries had been a major setback in terms of achieving gender equality in the region. Women are victims of sexual violence as well as discrimination, are excluded from the decision-making sphere and have limited access to resources.^{lvi} In order to bring peace, security and stability in the region, it is paramount for member states to include women in peace negotiations, and that they are equally represented with men in decision-making bodies, with their needs taken into account when developing legislation, policies and programmes.

Table 4.12. ECCAS: key documents and institutional infrastructure for women's rights and gender equality

| Mandate and history | |
|---|--|
| 1981 | Treaty establishing the Economic Community of Central African States |
| 1999 | Programme of Revival and Revitalisation |
| 2007 | Strategic Integration Plan and a Vision for 2025 |
| Women and girls' rights/gender equality commitments | |
| 2004 | Declaration on Gender Equality |
| 2006 | Multilateral Agreement on Regional Cooperation to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa |
| 2013 | Strategic Plan 2014–18 on the Fight against HIV & AIDS |
| 2014 | Ndjamena Declaration |

4.7 ARAB MAGHREB UNION (UMA)

In February 1989, the Heads of State of Algeria, Libya, Mauritania, Morocco and Tunisia established the Arab Maghreb Union UMA by approving the Treaty instituting the Arab Maghreb Union. Member states agreed to coordinate, harmonise and rationalise their policies and strategies in order to achieve sustainable development in all sectors of human activity. The headquarters of UMA are situated in Rabat, Morocco.

UMA: created in 1989

Member states: Algeria, Libya, Mauritania, Morocco and Tunisia

Art. 3 of the **Treaty instituting the Arab Maghreb Union** states that the Union aims to (1) reinforce the fraternal links [sic] that unite the member states and their peoples; (2) realise the progress and prosperity of member societies and the defence of their rights; (3) contribute to the preservation of a peace founded on justice and equality; (4) pursue a common political policy in different domains; and (5) work towards the progressive realisation of the free movement of persons, services, goods and capital.

In light of these objectives, the Treaty also articulates economic and cultural goals to be achieved. The economic goal is 'to achieve industrial, agricultural, commercial and social development of member States'. The cultural goal is 'to establish a cooperation aimed at promoting education on its various levels, at safeguarding the spiritual and moral values emanating from the tolerant teachings of Islam, and at preserving the Arab national identity'. With respect to the latter, emphasis is placed on the importance of exchanging teachers and students and creating joint university and cultural institutions as well as joint institutions specialised in research.

The Treaty of 1989 instituted the UMA **infrastructure**.³⁸ The Presidency Council comprises the Heads of States and constitutes the main authority of UMA. In addition, the Presidency Council has set up four specialised ministerial committees, which are responsible for the focus areas of the Union: (1) food security, (2) economy and finance, (3) human resources and (4) infrastructure.

UMA has not been able to achieve much progress. The Union's state of inactivity and inefficiency can be seen in the fact that no summits have taken place between Heads of State since 1994.^{lvii} This lack of progress owes to economic and political tensions between member states; one of these relates to tensions between Morocco and Algeria over the status of Western Sahara. The 'Arab Spring' has more recently affected political stability and encouraged the political aspirations of Islamic movements. This has created more uncertainty regarding UMA's future since 2011. In this context, UMA has not been able to establish substantial economic and political progress, nor has it developed commitments and/or initiatives on gender equality and women's rights in the region.



³⁸ UMA's infrastructure is composed of the Presidency Council, a Consultative Council, a Secretariat, a Monitoring Committee, a Meeting of the Prime Ministers, a Council of Foreign Ministers, specialised ministerial commissions, a judicial organ, the University of Maghreb and the Maghreb Bank for Investment and Foreign Trade.

4.8 COMMUNITY OF SAHEL-SAHARAN STATES (CEN-SAD)

In February 1998, following the Conference of Leaders and Heads of States of six countries³⁹ in Tripoli, Libya, the Community of Sahel-Saharan States (or Communauté des Etats Sahélo-Sahariens, CEN-SAD) was established. It was not until July 2000 that CEN-SAD became a REC, during the 36th Ordinary Session of the Conference of Heads of State and Government of the Organisation of African Unity in Togo. The REC has been given observer status in the UN General Assembly in 2001 by virtue of Resolution 56/92.^{lviii}

CEN-SAD: created in 1998

Member states: Benin, Burkina Faso, Cape Verde, CAR, Chad, Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo and Tunisia



Art. 1 of the Treaty establishing CEN-SAD articulates the objectives of CEN-SAD as to (1) establish a comprehensive economic union with a particular focus on the agricultural, industrial, social, cultural and energy domains; (2) adopt measures to promote free movement of individuals and capital; (3) promote measures to encourage foreign trade, transportation and telecommunications among member states; (4) promote measures to coordinate educational systems; and (5) promote cooperation in cultural, scientific and technical fields.^{lix}

CEN-SAD covers an area greater than half of the African continent, with states all directly connected to and affected by the Sahara Desert. In light of this, CEN-SAD is mandated to establish a knowledge-based economic union to face drought and aridity. This is reflected in its specific focus areas of programming, which include infrastructure, transport, environment, water, mines, energy, telecommunications, the social sectors, agriculture and animal health. The CEN-SAD region experiences a fair level of instability linked to migration, political unrest, conflict and presence of jihadist movements. Strengthening peace, security and stability are a key focus for CEN-SAD, in addition to achieving global economic and social development.

Key elements in CEN-SAD's **infrastructure** are the Conference of Heads of State and Government, the Executive Council and the General Secretariat.⁴⁰ The Conference of Heads of State and Government normally meets once a year. Among its specialised agencies is the Special Solidarity Fund, which is set up for humanitarian purposes; this Fund has drafted the **Free Trade Area Treaty**.^{lx}

The most recent conference of Heads of State and Government, held in February 2013 in Ndjamena, Chad, was held to restructure and revive CEN-SAD. A **Revised Treaty** was established and adopted, in order to make up for the institutional capacity gaps and imbalances prevailing across CEN-SAD as reflected in the original Treaty. This Revised Treaty is currently in the process of being ratified by member states; 13 states have ratified it⁴¹ and it will enter into force when it has reached 15 ratifications.

However, efforts towards achieving CEN-SAD's objectives have been weak, and the REC has been inefficient in economic and political integration, as a result of various socioeconomic, political, security, environmental and humanitarian challenges.^{lxi} Some examples of challenges for CEN-SAD are emigration to Europe, weak institutional bodies caused by political instability, overlapping REC memberships and unwillingness of member states to pay CEN-SAD membership fees. CEN-SAD is also challenged by poor infrastructural bodies. One example is that the CEN-SAD Secretariat experiences a lack of resources, meaning it is unable to effectively coordinate regional programmes.

³⁹ Burkina Faso, Chad, Libya, Mali, Niger and Sudan.

⁴⁰ The infrastructure also includes the Permanent Peace and Security Council, the Permanent Council for Sustainable Development and the Committee of Ambassadors and Permanent Representatives. In addition, CEN-SAD has specialised agencies including the Economic Social and Cultural Council, mandated to assist all organs of CEN-SAD in the design and preparation of related programmes, and the Sahel-Saharan Bank for Investment and Trade.

⁴¹ Benin, Burkina Faso, Chad, Côte d'Ivoire, Djibouti, Eritrea, Guinea, Mali, Morocco, Niger, Senegal, Sudan and Togo.

Currently, the Free Trade Area Treaty drafted by the Special Solidarity Fund has yet to be implemented. The overlap in REC membership, and the more significant progress in trade integration made by other RECs, has led to a lack of political will to improve integration for CEN-SAD and has affected implementation of the Free Trade Area Treaty.^{lxii} The overlapping REC memberships have also led to successes and provided opportunities, especially in the establishment of macroeconomic and financial policies and interregional free movement of persons schemes. For example, states overlapping in membership with ECOWAS are far more progressed in terms of liberalisation of cross-border mobility.^{lxiii}

As CEN-SAD's work has largely been focused on, and challenged by, achieving peace, security and stability, less priority has been given to other areas. There was no information available on the establishment of commitments and/or initiatives for women and girls' rights/gender equality. Nor was their information regarding a specific **gender infrastructure** in the CEN-SAD.

Table 4.13. CEN-SAD: key documents and institutional infrastructure for women's rights and gender equality

| Mandate and history | |
|---|---|
| 1998 | Treaty establishing CEN-SAD |
| 2013 | Revised Treaty (has not yet entered into force) |
| Women and girls' rights/gender equality commitments | |
| 2000 | CEN-SAD Security Charter |
| 2003 | Niamey Declaration on Conflict Prevention and Peaceful Settlement of Disputes |
| 2009 | Revised Draft Protocol on Conflict Prevention, Management and Resolution Mechanism |
| 2009 | Sharm-El-Sheikh Declaration |
| 2009 | Draft Protocol for future establishment and operation of the Permanent Peace and Security Council |

Chapter 4

ENDNOTES

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