



# Effectiveness of Gender Inclusion Mechanisms in Kenya's External Trade Policy Development on Kenya Busia Border

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## Abstract

Many countries have implemented gender-inclusive mechanisms to develop responsive national trade policies that address gender issues. However, Kenya's external trade policy is yet to effectively incorporate gender considerations, particularly regarding women, who remain a vulnerable group at both national and regional levels. Women are predominantly concentrated in the informal sector, where they account for 70 to 80 percent of those engaged in petty and informal trading, compared to their male counterparts. This study aimed to assess the effectiveness of gender inclusion mechanisms in Kenya's external trade policy development, specifically along the Kenya-Uganda Busia border. The research was grounded in feminist foreign policy, international trade theories, and a descriptive survey research design. The target population consisted of 558 individuals, from which a sample of 211 respondents was selected using simple random, purposive, census, and stratified sampling techniques. Data was collected through questionnaires, interview schedules, focus group discussions, and content analysis of both primary and secondary sources. Descriptive statistics, including frequencies and percentages, were used to present data in tables and pie charts. Findings revealed that 59% of respondents identified the executive as the primary actor in trade policy formulation, while women's underrepresentation in international trade negotiations and the informal sector highlighted gaps in gender-responsive trade policies. The study recommended expanding gender structures, providing capacity support to the informal sector, and increasing women's representation in political leadership and the formal trade sector to ensure a more inclusive external trade policy. The conclusion underscored that the lack of robust gender-inclusive structures had led to an unresponsive trade policy in Kenya.

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## Subject Areas

Sociology

## Keywords

Gender, Gender Inclusion Mechanisms, External Trade Policy

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## 1. Introduction

World Bank and World Trade Organization Report [1] indicate that for workers, increased trade causes some sectors to expand and others to contract, with women workers employed in sectors that are more vulnerable to trade shocks like the COVID-19 pandemic. Although, on average globally, exporting firms employ higher shares of women workers than non-exporting firms, their employment is often lower-paid and in worse working conditions. Moreover, they often lack social protections, job security and advancement opportunities compared to male workers. This is due to discriminatory social norms, laws and practices, including restrictions on jobs women are legally allowed to work, fewer opportunities for skill acquisition and disproportionate responsibilities for unpaid care work [1].

UNCTAD [2] report places culture at the center of international trade, it indicates that gender represents a system of norms and practices that ascribe particular roles, characteristics and behaviors to males and females. These differences structure economic, social and political power relations within the market, society and the household: understanding economy as a “gendered structure”. Nevertheless, the relationship between trade and gender is complex, as “gender disparities tend to impact trade, and trade impacts the relative economic position of men and women” [3]. This has not been deeply analyzed, especially in African context.

Internationally, donor agencies, for example, the Canadian International Development Agency (CIDA), have developed trade-related capacity building (TRCB) initiatives that include a gender component, and multilateral agencies such as the International Labour Organization (ILO) have implemented gender mainstreaming policies in their activities to strengthen the rights of workers. The ILO, the International Finance Corporation (IFC) and the International Trade Centre (ITC) are all involved in measures to promote women’s entrepreneurship and support their entry into international markets. There are also associations of businesswomen being established in many countries to support networking, training and market access [4].

Several international agreements and frameworks underscore the importance of gender inclusion in trade policies. For example, the United Nations Sustainable Development Goals (SDGs), particularly Goal 5 (Gender Equality), emphasize the need to eliminate gender disparities in all sectors, including trade. Additionally, the World Trade Organization (WTO) recognizes the role of trade in promoting development and has emphasized the importance of ensuring that trade policies

benefit all members of society. One significant mechanism for enhancing gender inclusion is mainstreaming gender considerations within trade agreements. This involves a deliberate effort to integrate gender-specific provisions and considerations into the text of trade agreements. For example, clauses that address the differential impacts of trade policies on men and women or promote women's economic empowerment are increasingly becoming integral parts of trade agreements.

Japan and the United Kingdom have signed a Comprehensive Economic Partnership Agreement with a standalone chapter titled "Trade and Women's Economic Empowerment". This includes declarative statements on the importance of enhancing opportunities for women in the domestic and global economy. It also contains parties' affirmations on cooperation activities aimed at improving the access of women to markets, technology and financing, and developing women's leadership and business networks. Parties have also committed to work on activities related to the WTO's Joint Declaration on Trade and Women's Economic Empowerment. Japan and the United Kingdom have also agreed to establish a Working Group to oversee and implement the cooperation activities mentioned in the chapter. The agreement's preamble is gender-explicit, and states that the parties seek to 'increase women's access to and ability to benefit from the opportunities created by this Agreement and to support the conditions for women to participate equitably in the domestic and global economy'. Such provisions in a trade agreement are unique in this region [5].

Armel [6] study focuses on African where diverse economies coexist alongside unique socio-cultural landscapes, the intersection of gender and trade introduces both challenges and opportunities. This background explores the African perspective on mechanisms aimed at enhancing gender inclusion in external trade policies, considering the continent's rich diversity and the imperative for equitable economic growth. African economies are characterized by a complex web of gender dynamics that influence trade patterns, access to resources, and economic opportunities. Traditional gender roles often determine the extent to which men and women participate in various sectors, with women frequently facing barriers in accessing markets, finance, and trade-related information. The African Union (AU), as a continental body, has emphasized the importance of gender equality in its Agenda 2063 framework. This agenda recognizes that empowering women is central to achieving sustainable development, and it calls for the integration of gender perspectives into all aspects of policymaking, including trade. At the regional level, the African Continental Free Trade Area (AfCFTA) represents a landmark initiative that seeks to create a single market for goods and services on the continent. In the context of gender inclusion, AfCFTA presents an opportunity to adopt progressive policies that address gender disparities and promote women's active participation in cross-border trade [6].

In Kenya, the World Bank Enterprise Survey reveals that only 15% of firms have female top managers. This clear indication of ineffective trade policy on inclusiv-

ity and gender diversity. Underrepresentation is worsened by ownership challenges, low skill development, and managerial experience shortfalls for women compared to men. The study indicates that female top executives were more likely to be found in women-owned firms than male-owned ones. Thus, gender biases seem to perpetuate a vicious cycle of female underrepresentation in firm leadership. This study fails to mention the importance of political representation where decision making informs trade policy.

However, Kenya's new constitution and inclusion of several gender sensitive articles also paved the way for mainstreaming gender in the newly formed National Trade Policy. The last part of section D, Chapter 6 of NTP i.e. on Complementary Support Policies and Measures, is reserved for Gender Equity and Youth Inclusive Approach to trade. The section acknowledges the challenges faced by the women and identifies inadequate legal framework and inadequate access to capital as principle challenges to women's participation in trade. The allocation of one whole section (6.11) towards Gender Equity and Youth Inclusive Approach to Trade Development places the Kenya NTP very high in terms of mainstreaming gender in National Trade Policy [7]. Other documents on gender include, the National Policy on Gender and Development also purposes to attain equal treatment for men and women in the economic, political, social and cultural spheres of life. The National Development Vision, 2030 endeavors to uplift the socioeconomic status of women through a series of targeted program. An example of this is the Uwezo Fund, a flagship program of Vision 2030 that aims at enabling women, youth and persons with disabilities to access finances to promote businesses and enterprises at the constituency level, thereby enhancing economic growth. The Fund seeks to expand access to finances and promote women, youth and persons living with disability led enterprises at the constituency level. The Kenya national trade policy with specific reference to external trade lacks provision on how trade liberalization affects women negatively. It is silent on participation structure for both genders and participation by civil society is minimal.

### **1.1. Statement of the Problem**

Today, women make up 47% of the labour force. However, only 9% of firms are women-owned, and women tend to own smaller firms. Only 3% of large businesses are owned by women compared to 15% of small enterprises. The average size of women-owned firms is 25 persons compared to 46 persons for men-owned firms. Women-owned enterprises in Kenya also tend to be concentrated in specific sectors such as food and beverage services, and other generally low value-added activities. With such type of firm ownership, women participation in export/import trade is lower compared to men. This can be attributed to absence of gender-responsive policies within Kenya External Trade Policy of 2017. Many existing trade policies do not adequately consider the differentiated impacts on men and women with regard to free trade. This oversight hampers the development of effective strategies to address gender-specific obstacles and leverage the unique

contributions that women can make to the trade sector. Further, women are concentrated in the informal sector and account for 70 to 80 percent of persons engaged in petty and informal trading in Kenya. UNCTDA [7] report indicate that across Kenyan trading companies, men employees accounted for about 65% of the total employees. And men on average were paid 21% to 27% more than women. Further, men accounted for 72% of the total number of owners of trading companies involved in cross border trade such as Kenya-Uganda border. Therefore, this study will focus on Kenya Busia border to interrogate the effectiveness of the mechanisms of gender inclusivity in Kenya's external trade policy development in the context of East African Community.

## **1.2. The Objective of the Study**

The Objective of the Study was to investigate effectiveness of gender inclusion mechanisms in Kenya's external trade policy development along Kenya-Uganda Border.

## **1.3. Research Question**

How effectiveness is gender inclusion mechanisms in Kenya's external trade policy development along Kenya-Uganda Border?

## **1.4. Justification of the Study**

### **1.4.1. Policy Justification**

There is limited linkage, specially to trade policy research, and many actors (CSOs) are looked upon with suspicion by bureaucrats and therefore are not incorporated in the formal decision-making process. Apart from habitual rent-seeking, private sector and civil society inputs in the trade policy process are minimal if not hardly evident [8]. Trade policy decision-making lacks inclusivity while independent and well-informed public discussion on crucial trade policy choices is conspicuous by its absence [9]. The study findings will strengthen gender inclusive policy and specifically on external Kenya trade policy.

### **1.4.2. Academic Justification**

From an academic perspective, research in this area focuses on free trade area without much consideration to gender as an aspect on trade. Thus, there is research on gender representation of women in international politics without much focus to gendered trade policy. This area within political economy yet to be exhausted. Many studies in this area have been on the political economy of trade in general and not gender as a factor.

## **2. Literature Review**

### **2.1. Empirical Literature Review**

#### **Gender and Trade Policy**

Gender inclusion within the realm of trade policy has gained increasing attention as scholars and policymakers recognize the need to address gender disparities in

economic activities. Sida [9] acknowledges the historical neglect of gender dimensions in trade policy. Despite progress, trade policies often lack explicit mechanisms to address gender inequalities and thus the gender aspect is not taken care of. Karuhanga [10] has special focus on trade policies that address the distinct needs of women in various sectors. These policies aim to bridge gaps in access to resources, employment, and market opportunities. Intersectional perspectives. On the other hand, Davis [11] highlights the need to consider how gender intersects with other identity markers. Barrientos *et al.*, [12] underscores the potential of trade policies to empower women economically. In as much as these studies are relevant, they leave a thematic gap where the element of gender means only women.

Baumgartner & Jones [13] argue that gender-based violence, discriminatory laws, and cultural norms that impede women's participation in trade. These barriers necessitate targeted policy interventions. Trade agreements play a significant role in shaping gender dynamics. While some argue that trade agreements can exacerbate gender inequalities, others suggest that strategic provisions can mitigate adverse effects. Despite advancements, there are notable gaps in the literature. Firstly, there is a need for more empirical studies assessing the actual impact of gender inclusion mechanisms embedded in trade policies. Existing research often relies on theoretical frameworks without robust empirical validation [14]. Secondly, the role of women-owned businesses in international trade requires more attention. Studies tend to focus on women as workers rather than entrepreneurs or business owners [14]. Thirdly, the intersectionality of gender with other factors, such as race and class, remains underexplored. Future research should adopt a more nuanced approach to understand how multiple identity markers intersect within the context of trade policy. Fourthly, the effectiveness of gender mainstreaming strategies in trade policy implementation needs further examination. While policy frameworks often incorporate gender considerations, their translation into tangible outcomes remains uncertain [14]. As gender inclusion mechanisms in trade policy continue to evolve, addressing these identified gaps is crucial for developing effective and equitable policies. The literature provides a foundation for future research that delves deeper into the complexities of gender dynamics within the context of international trade, ultimately contributing to more informed and impactful policy-making.

UNCTAD [2] argues, for example, at the macro level, gender gaps in markets may attenuate if the expanding sectors are more female-intensive than the contracting sectors; at the meso level, public provision of social services, that commonly favor women, may be undermined if the loss of government revenue from reduced tariffs leads to cuts in services such as education and health; lastly, at the micro level, female household spending control may be extended or reduced, taking into consideration if trade liberalization generates or destroys sources of independent income for women. A permanent deficit is that gender-disaggregated data are missing in various cases; therefore there is a prevalent need and more research is required.

To assess the impact of each policy on women's and men's wellbeing; is funda-

mental to formulate and implement trade policy in a gender-sensitive manner. If we consider for example gender equality in labor market, as UNCTAD [3] states, the evidence shows that international trade tends to increase formal but low-skilled, value added, and labor-intensive jobs in developing countries; which are mainly occupied by women. In fact, women workers are particularly employed by the export-oriented industry because they have lower bargaining power regarding their working conditions and wages.

In summary, as Fontana [8] states, the liberalization of goods does not automatically increase employment opportunities for women, as this is highly dependent on the sector that expand or contract in each country. the forgoing discussion, foreign trade policy affects men and women differently and thus gender inclusion at policy formulation stage is important for favorable trade outcomes in particular for the venerable groups such as women. In as much as some nation-states have incorporated gender aspects in their foreign trade policies, majority still lack behind since decision making process is male-dominated.

From this discussion, trade liberalization can either uplift both genders but not equally. Partner states therefore need to entrench gendered trade policies nationally and in their trade agreements so as to realize gains of trade liberalization. To have gender responsive trade policy depends on inclusive process in formulating the policy where women are underrepresented in many leadership areas.

## **2.2. Theoretical Framework**

### **2.2.1. Feminist Foreign Policy Theory**

One of the main arguments for a Feminist Foreign Policy theory is that gender equality is not only a goal in itself but that it will lead to inclusion of women in trade, development and human security [15]. In this manner, the Feminist Foreign Policy is highly relevant to the field of gender developmental studies. Concepts that are central to the Feminist Foreign Policy are central also to external trade and development. The concepts of equality, freedom, peace and human and trade rights in the concept of human security, which is related both to the Feminist Foreign Policy and to development.

FFP recognizes that gender intersects with other social categories such as race, class, and ethnicity. This intersectional approach allows for a more nuanced and comprehensive analysis of how various identities shape individuals' experiences in trade-related activities. By considering the interplay of multiple identities, FFP ensures that gender inclusion mechanisms address the specific challenges faced by diverse groups of women, acknowledging that the impact of trade policies varies across different contexts. FFP challenges the notion of gender neutrality in policies, highlighting that seemingly neutral policies may disproportionately benefit or harm specific genders. Applying FFP to external trade policies ensures that gender is not treated as a monolithic category. Instead, policies are designed to actively counteract existing gender inequalities and promote substantive gender equality in trade-related opportunities and outcomes. FFP prioritizes women's



economic empowerment as a key component of foreign policy. This extends to trade policies, emphasizing the need to create an enabling environment for women's active participation in economic activities. By integrating FFP into external trade policies, there is a deliberate focus on measures that facilitate women's access to markets, credit, and entrepreneurship opportunities. This, in turn, contributes to economic growth and poverty reduction [9]. FFP advocates for increased inclusivity in decision-making processes, promoting the representation of women in all levels of governance and policy formulation. External trade policies shaped by FFP principles prioritize the inclusion of women in trade negotiations, policymaking, and implementation. This theory is relevant to the current study for it highlights discriminative or unresponsive trade policies in Kenya's external trade policy. Women as agender are disadvantaged in cross border trade as discussed in this section. However, this theory does not focus on aspects of international trade such as specialization of states in certain sectors in which they have comparative advantage. This may also apply to gender since either gender is represented in some sectors and not the others. The theory also focuses only on one gender that is women and thus leaves out certain aspects of free trade.

### **2.2.2. International Trade Theory**

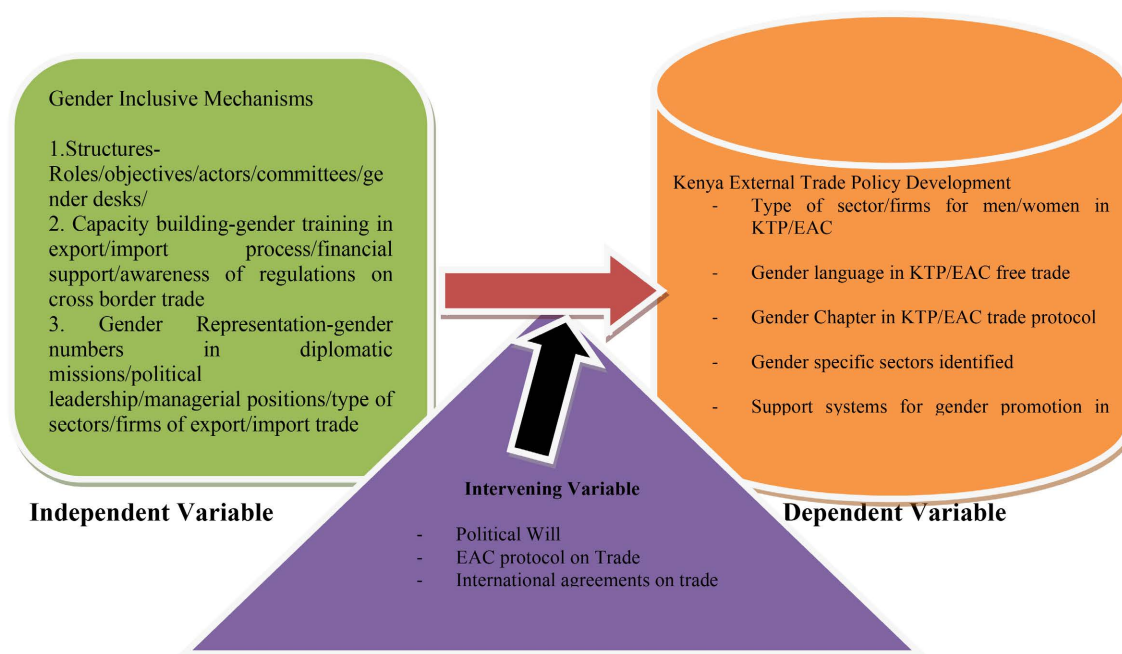
The international trade theory, as presented by Paul Krugman, emphasizes economies of scale and product differentiation as drivers of international trade. It suggests that in certain industries, having a larger market share can lead to cost advantages. This tenet underlines the importance of crafting gendered trade policies based on a given genders' strengths. For instance, women are found mostly in agricultural sector, informal sector thus need to strengthen their position can only be viable through gendered policies.

In economic sense, trade is gender-neutral since factors of production include "land", "labour" and "owners of capital" but not "men" and "women" seem most important. However, in gender lens, trade enhances some activities and diminishes others; creates opportunities for some sectors and destroys others without regard for the gender of those employed therein or reliant thereon. Thus, trade theory recognizes that different groups are affected differently by changes in trade policy.

Gender becomes of concern to the trade policymaker if the fact of being a man or a woman somehow affects the person's relationship to widgets, that is, if the impact of the trade policy action in "gendered." If being a man makes an individual more likely to fall into the category of displaced widget workers, this is necessary information to the policymaker at any level. If women as a group benefit more from consuming more widgets, or if they are the group more likely to have previously benefited from government services financed by widget tariffs, this is also important information for the policymaker [16]. As a fact, economic models do not consider whether the winners or losers are male or female, data and anecdotal evidence suggest that there may be some characteristics inherent to or related to



each gender that will cause these groups to react differently to trade policy changes. If policymakers are able to better understand the gender-related constraints and advantages, they can better anticipate the results of trade policy changes and work to construct policies and programs that can address the consumption, wage, and employment effects in their country. This can help policymakers reach their goals of promoting gender equity and effecting a successful transition to free trade at any level be it regional or international [3]. **Figure 1** shows the conceptual framework model.



**Figure 1.** Conceptual Framework model. Source: Researcher, 2025.

### 3. Research Methodology

#### 3.1. Research Design

The study used descriptive survey research design focusing on collecting data, examine gender structure, assess capacity building initiatives and gender representation in the context of Kenya's external trade policy. Descriptive research facilitates the collection of data through interviews or administration of a questionnaire to a sample of individuals.

#### 3.2. Study Area

The study was conducted in Kenya, Nairobi County and Busia border, Kenya. Nairobi is the capital city where political and diplomatic institutions exist. The research was interests in men/women numbers in parliament trade committees, government political offices. Generally, despite the one third rule on gender and exclusive seats for women like women reps, no gender balance has been realized in these institutions. Despite women being the majority in Kenya, data shows that

majority of the firms in the country are owned by men. For instance, the 2016 MSME Survey shows that out of the 24,164 firms surveyed, 49.38 per cent (11,932) were male-owned, 26.94 per cent (6509) were female-owned, while 23.68 per cent (5723) were owned by both males and females. Whereas only 26.94 per cent of MSMEs were owned by females in 2016, the 1999 National MSEs Baseline Survey shows that female-owned firms accounted for 47.4 per cent of all MSEs in the country. Busia border is chosen since women constitute a larger proportion of small scale informal cross-border trade. In spite of efforts to promote trade integration among EAC partner states and specifically between Kenya and Uganda, formal trade links are still facing several constraints. Some of the restrictions push traders into smuggling but there are also exclusive incentives or advantages that promote the existence of smuggling [6].

### 3.3. Target Population

The target population for this study comprised of 558 individuals engaged in various aspects of Kenya's external trade along the Busia border. This included business owners, trade association members, policy actors, and key institutional figures. Among the target population were small and large-scale traders, with both male and female entrepreneurs equally represented.

### 3.4. Sample Size and Sampling Techniques

The sample used in this study is representative of the broader population involved in Kenya's external trade along the Busia border. A simple random sampling technique was employed to select 30% of 530 businesses engaged in various aspects of external trade, resulting in a sample of 159 businesses, ensuring both male and female traders were equally represented. This approach minimizes bias and enhances the generalizability of findings for grassroots-level actors. Additionally, census sampling was used to select 7 members from the Committee on Foreign Affairs, 7 members from the Committee on Trade and Commerce in the National Assembly, 1 director from the Ministry of Trade, 1 director from the Ministry of Foreign Affairs, 1 director at the Trade Desk at the East African Community, 5 chairpersons of registered trade associations, 1 in-charge at One Border Post, 1 Regional Manager from Kenya Revenue Authority, 1 director from KEPSA, 1 director from EU-funded KEPLOTRADE, and 1 director from Trademark East Africa (TMEA), resulting in a total of 25 key policy and institutional actors. The total sample size is 211. While the sample size is adequate for a qualitative study, generalizability to other border regions may be limited due to differences in socio-political and economic dynamics. Nonetheless, for the specific context of the Busia border, the sample offers a valid reflection of gender inclusion in external trade policy and practice.

### 3.5. Data Collection Instruments

Primary data was collected by use of interview schedules and questionnaires

which will yield primary data. Use of secondary sources of data entailed analysis and review of published books, journals, papers, periodicals, reports and unpublished works, Government documents, including policy documents, the constitution of Kenya, media sources and the internet will be employed. Documents such as journals, books and other scholarly documents were used to get the secondary data on gender and Kenya external Trade policy.

### **3.6. Data Analysis and Presentation**

Data was checked for completeness and cleaned, edited, counter-checked for accuracy. Quantitative data from the questionnaires was entered into a computer database designed using SPSS version 26 application. Descriptive analysis was computed using means, standard deviation, proportion/percentages and frequency calculated all variables. Descriptive statistics was used for analyzing quantitative data on status of gender structures and capacity development establishing influence of gender representation on formulation of trade policy. The findings were presented using tables and pie charts.

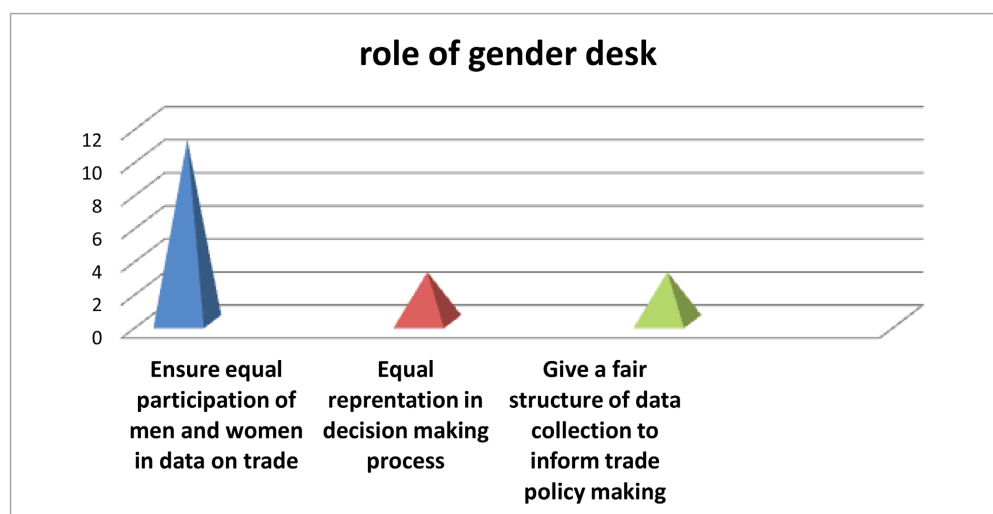
## **4. Results and Discussion**

This section presents data by examining the role of gender desks in Kenya's external trade policy, analyzing indicators of gender-insensitive policies and the factors influencing gendered structures within trade development. It explores gender capacity-building initiatives, focusing on how they impact women's participation in trade. The research also delves into gender representation in various trade sectors, highlighting the barriers women face in formal trade participation. Additionally, it investigates the role of political representation and how it influences gender inclusion in trade policy development. It is important to note that, the findings aimed to assess how these elements shape the effectiveness of gender inclusion mechanisms in Kenya's trade policy. The results are discussed and presented as follows.

### **4.1. Role of Gender Desk at Ministry of Foreign Affairs in Kenya External trade Policy Development**

This section presents findings on the role of the gender desk at the Ministry of Foreign Affairs in Kenya's external trade policy development. It highlights respondent views on its significance in promoting equal participation, representation, and inclusivity in trade negotiations and policy formulation, drawing comparisons with regional experiences. The findings are presented in **Figure 2** as shown below:

As shown in **Figure 2**, 64% (11) respondents agreed that the gender desk is important in ensuring equal participation of men and women in external trade activities as enshrined in the trade policy. On the other hand, 17% (3) respondents agreed to equal representation in decision making process and data collection to inform formulation of trade policy respectively.



Source: Field Data, 2024.

**Figure 2.** Role of gender desk in Kenya Trade Policy Development.

As findings in **Figure 2** indicate, gender desk at the ministry is important to ensure equal participation of men/women in trade development and representation in trade negotiations. In an interview, a director at the ministry of trade indicated that gender desk importance as an inclusive gender decision making process. It was found that the gender desk is merely an office which receives opinions on trade and gender.

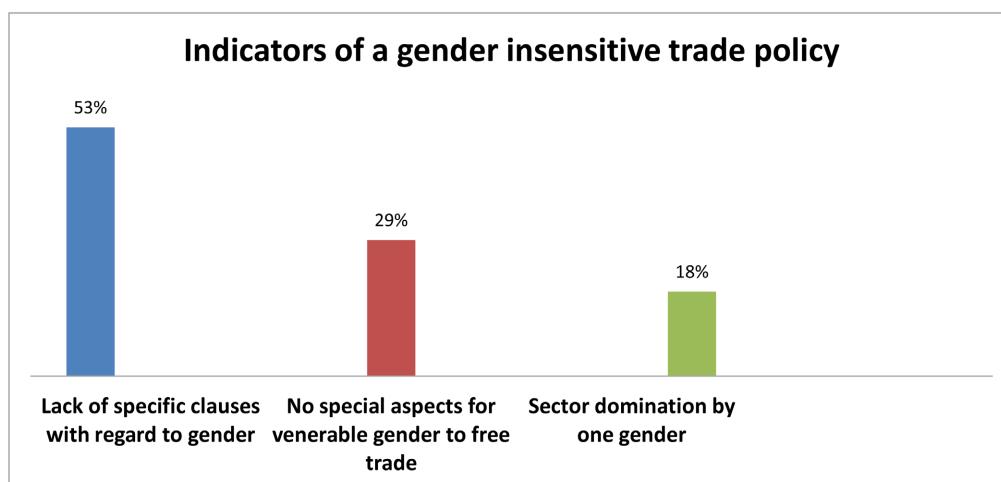
This finding does not concur with Karuhanga [10] argument that within ministries of trade in the United Republic of Tanzania, Uganda and Kenya, gender ministries are not part of the national monitoring committee on non-tariff barriers. Even though some ministries of trade established gender desks within the ministry or one of its departments, those desks are inactive.

The importance of gender desks cannot be underestimated. Instead of the desk being stationed at the ministries, they can be cascaded to trade unions, industry associations (including agricultural associations) of farmers. It is in these associations that greater representation of women's grassroots organizations.

#### 4.2. Indicators of Gender Insensitive External Trade Policy

This section explores indicators of gender insensitivity in Kenya's external trade policy. It presents views on the absence of specific gender clauses, limited protection for vulnerable groups, and inadequate sectoral focus. The findings reveal gaps between policy intentions and actual inclusivity measures in international trade frameworks. These findings are presented in **Figure 3** as shown below:

As shown in **Figure 3**, 53% (9) of the respondents agreed that lack of specific gender clauses in the policy is a reflection of a gender insensitive trade policy while 29% (5) agreed to absence of clauses to guard the venerable gender in trade. Further, the policy does not identify sectors that need to be supported to realize gender balance in external trade.



Source: field data.

**Figure 3.** Gender clauses in Kenya External Trade Policy.

Findings in **Figure 3** collaborate with statements in National Trade Policy where under a sub section on Gender Equity and Youth Inclusivity, the policy states policy objective and measures for Gender and Youth Inclusivity in Trade but not specifically international trade. The policy states that the government will mainstream gender issues in trade development while also pursuing the following specific policy measures: develop laws, regulations and eliminate those that hinder women's access to financial assistance including credit; capacity building on national and regional associations of women in business; and develop education program to eliminate prejudices against women and promote gender equality.

The policy lacks explicit clauses/chapters on gender with respect to international trade. In an FDG discussion, a member asserted:

We are not aware of any supportive gender clauses that balances interest of either gender. However, cross border trade we are guided by customs border post on regulation (FDG interview, Busia Border, 2024).

However, the policy states that trade plays a significant role in the country's growth and development through its linkages with all the sectors of the economy [1].

#### 4.3. Factors Negatively Affecting Gendered Structures towards External Trade Policy Development

The researcher requested members of committee in parliament and chairpersons of trade organization to identify factors negatively affecting gendered structures in Kenya foreign policy development. The total count of participants was 20. The return of three questionnaires was absent.

As shown in **Table 1**, 41.17% (7) of the respondents agreed to level of leadership as critical to type of trade policy while 35.29% (6) to poorly designed policy and 5.88% (3) agreed that different roles of men and women affect their participation in Kenya external trade development.

**Table 1.** Factors influencing Kenya External Trade Policy Development.

Valid	Aspects of Gender in KTP	Frequency	Percent	valid	Cumulative Percent
	Poorly Designed Trade Policy	6	35.29	35.29	35.29
	Level of Leadership Position for men/women	7	41.17	41.17	73.46
	Different Role of Men/women	3	21.42	21.42	94.86
	Cultural Perception	1	5.88	5.88	100.0

Source: Field Data, 2024.

Participation in trade is also linked to the culture and tradition of a country. As in many other sectors, women face horizontal and vertical segregation. While men typically occupy a broad range of positions, women tend to be clustered into low-skill, low-paid segments [17].

Zarrilli [17] studies confirm that the impact of trade on women is ambiguous and differs between sectors, territories, socioeconomic and educational levels. On the one hand, trade liberalization can generate increased exports and with them new jobs and income, facilitating the empowerment of women. In an FDG discussion a member asserted:

The gender gap in education, skills and training undermines women's ability to engage in and to move up to higher value activities within trade-related work

Education levels affect participation in trade as stated in this statement. To increase number of women in trade activities at border areas, there is need to improve education levels. This means that trade policy provisions on training on trade regulations or information is an important component to have women in board.

From this discussion, it is clear that culturally women are disadvantaged in trade because of their general roles and perception in society. Unlike their male counterparts, women are tied to motherly roles and thus may not have time and space for entrepreneurship. They are also affected by low level of education compared to men.

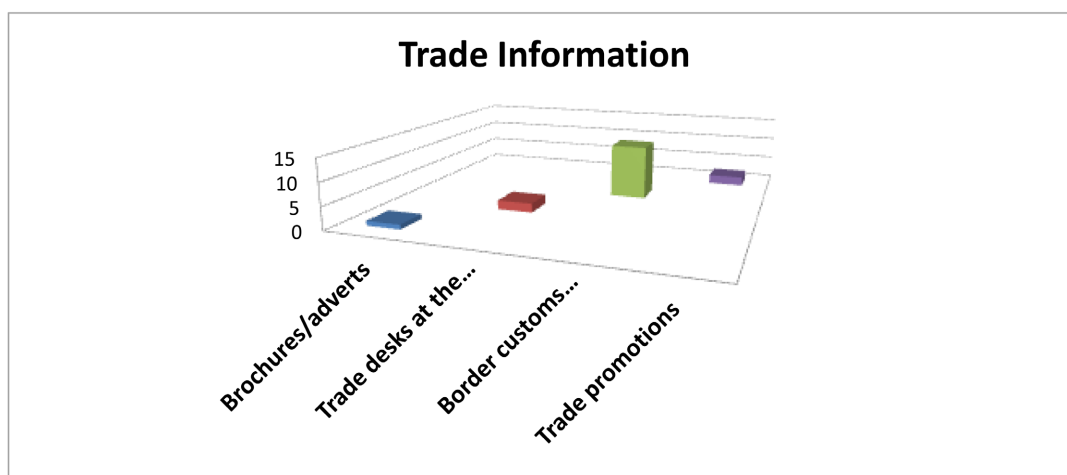
#### 4.4. Gender Capacity Building Initiatives in Kenya External Trade Policy Development

Gender capacity building initiatives in Kenya's external trade policy, always focuses on empowering stakeholders through training and information dissemination. One key aspect is access to gender-responsive trade information on exports and imports.

##### Gender Trade Information on Export and Import Trade

This subsection illustrates the respondents' views on access to trade information, particularly in relation to gender inclusion in export and import trade. The data captures perceptions on the importance of customs regulations, availability of trade desks, and promotional activities in empowering women traders. It high-

lights how access to accurate and timely trade information is a critical gender capacity-building initiative, yet remains uneven across genders. This figure sets the foundation for understanding how information gaps disproportionately disadvantage women, affecting their participation and competitiveness in cross-border trade under Kenya's external trade framework. The findings are presented in **Figure 4**:



Source: Field Data, 2024.

**Figure 4.** Access to trade information.

As shown in **Figure 4**, 70.58% (12) respondents agreed that information on custom regulations is important in promotion of gender interests while 11.76% (2) agreed to trade promotions and having trade desks and trade promotions respectively at the border to build capacity for gender balance in trade.

In as much as traders are aware of regulations, women traders are less literate than male traders, they often don't know which documents they need and how to get them. In a recent UNCTAD report, only 15.5% of the surveyed women traders had completed secondary school or more, while 11% had no schooling [5]. The lack of education, combined with gaps in knowledge regarding paperwork, leads to officials taking advantage of women traders by demanding small gifts or what is locally termed as "chai" in return for stamping or providing their documents, which are otherwise available for free. However, in an FDG interview, a female trader confirmed:

The Customs office sensitizes us on cross border regulations and other important requirements. The only problem is that there is lack of training on increasing value for our trading in cross border trade which affects us negatively (FDG, Busia Border).

This statement indicates that Kenya External Trade policy does not identify specific sectors to support so as either gender dominant in them has a competitive age. In terms of the EAC region specifically, informal traders are responsible for producing certificates of origin, as well as an export permit, depending on the



goods traded. In an interview, a director alleged that these are generally only obtainable from government departments located in the capital and that traders are often unable to provide such certificates when at the border, goods that in principle should cross the border duty-free are subject to duties when their origin cannot be demonstrated.

This finding brings into question how Kenya external trade policy has been set out in assisting both registered and un-registered cross border traders. A sound policy needs to have gender competitive clause as a way of achieving comparative advantage. In an FDG, a member observed:

The cross-border communities interact quite often and smuggling is mainly between 5 am and 9 am and also between 3 pm and 9 pm at Busia town. The choice of the time depends on how well it works for individual traders (FDG, Busia Kenya, 2024).

The smuggling culture has been necessitated by lack of participation of important stakeholders in Kenya external trade policy such as cross border traders. Further, inadequate information on regulations and ill preparedness when it comes to international trade is to blame for rampant smuggling at Busia Kenya border. This finding concurs with Armel [6] findings that the war against smuggling has remained a tough one for Kenya Revenue Authority (KRA) and the Kenya Bureau of Standards (KBS) due to the porous Busia border point. A lot of counterfeit products are smuggled into Kenya from Uganda every day across the borders denting the taxman revenue [6]. In an FDG discussion, a member observed:

We as small-scale traders find existing EAC information channels to be inaccessible; therefore, traders often cannot independently retrieve or confirm the validity of demands made on them at the border by different agencies and officials (FDG, Busia Border, 2024).

There is need for a regional strategy on information dissemination. Focus group participants also raised concerns about the lack of transparency surrounding trade information, which would empower small-scale traders to manage more profitable cross-border operations through informed decision-making. There is general ignorance on provisions of Kenya trade policy among informal sector players.

In particular, small-scale traders at have no method for independently verifying information presented to them by informal currency exchange agents at Busia Border and thus left vulnerable to economic exploitation. Currently, traders have no reliable external source of information on exchange rates other than asking in these agents who often each provide a different figure that allows them to skim some of the profits.

It was noted that limited access to finance has stopped women traders from transitioning to formal trading channels. For example, women own 38% of all registered enterprises but can access only 9% of formal finance – and the chances of getting finance when one operates on the margins of informal trade are even lower. Deficiencies in the formal banking sector and currency exchange services

at most border sites mean informal money changers regularly inflate the exchange rates, thus reducing traders' profit margin. In an FDG discussion, a member observed:

Our businesses are small, less competitive compared to imported items across the border. Smuggling is a way of evading border regulation so that we get cheap products for more profit margins. FDG, Busia Border, 2024

#### 4.5. Gender Representation in Kenya External Trade

This section specifically examines the participation of both genders in trade-related activities, identifying key challenges and barriers to achieving gender parity. The following subsection is addressed.

##### 4.5.1. Gender Representation in Sectors/Firms

This subsection analysis delves deeper into gender representation within specific sectors and firms, shedding light on the factors that influence women's involvement in formal trade structures. The findings aim to highlight the disparities and provide recommendations for improving gender balance in external trade practices. **Table 2** below indicates ownership and employment in Kenya.

**Table 2.** Indicators of female ownership of firms and employment in Kenya.

Indicator	Proportion %
Proportion of firms with female participation in ownership	47.5
Proportion of firms with majority female ownership	13.2
Proportion of firms with a female top manager	18.1
Proportion of permanent full-time workers that are female (%)	31.6
Proportion of permanent full-time production workers that are female (%)	26.8
Proportion of permanent full-time non-production workers that are female (%)	38.3

Source: World Bank (2018) Enterprise Survey: What Business Experience.

**Table 2** indicates that majority of firms are managed by males since only 18.1% (3) of firms had a female top manager. Inequality is also seen in terms of the proportion of permanent full-time workers where only 31.6% (5) of firms had full time female workers implying that most women work as casuals with no benefits at all. In terms of full-time production workers, the proportion of female workers stands at 26.8% while those that are employed on full-time bases but considered nonproduction were 38.3% (7).

With these statistics, few women participate in international trade of whatever nature. The policy is not gender responsive and thus one gender suffers in terms of benefits that come with international trade such as employment and start-up businesses. Women in such stations are pushed into informal sector where benefits diminish.

This finding concurs with Sida [9] study that women are more likely than men to be in informal employment, and they form a relatively higher share of informal

employment overall. The contributing factors are quite a number where the gender gap in education and the mismatch between women's skills and those demanded by the labor market, along with institutional and cultural barriers, are among the factors behind higher informality among female workers [7]. The share of non-agricultural informal employment is estimated to be about 66 per cent of total female employment on average in SSA based on survey data for 2004-2010 [7].

Armel [6] argues that cross-border trade among various sub-regional economic blocks in Africa is primarily informal which directly or indirectly escapes from the regulatory framework and often goes unrecorded or incorrectly recorded onto official national statistics of the trading countries accounting for more than 60% of the GDP [6]. Evidence suggests that women account for more than 60% of I CBT players among the various economic blocks in the Sub-Saharan Africa Region [2]. In the SADC region, women comprise about 70 percent of those involved in ICBT while in Western and Central Africa nearly 60% of informal traders are women [18].

From this discussion, trade activities across the border are informal which means women are dominant compared to men. Informal cross border trade is even more chaotic since majorities are ignorant of custom requirements and due to negligible profit margins, tax evasion is likely.

#### 4.5.2. The Nexus between Political Representation and External Trade Policy Development

**Table 3.** Proportion of Women in selected Decision-making Positions in the Public Sector, 2019-2023.

<b>% of Women</b>					
<b>Level/position</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023*</b>
<b>National</b>					
Cabinet Secretaries	29.2	33.3	35.0	35.0	33.3
Principal Secretaries	22.7	22.0	23.8	23.1	23.1
Senators <sup>1</sup>	30.4	30.4	31.9	30.4	30.4
Members of National Assembly <sup>1</sup>	21.7	21.4	21.7	23.1	23.4
Supreme Court Judges	28.6	33.3	33.3	42.9	42.9
Court of Appeal Judges	36.8	36.8	50.0	52.6	36.7
High Court Judges <sup>2</sup>	48.8	45.7	44.2	52.3	44.8
Magistrates	53.5	53.2	53.2	55.0	57.5
<b>Devolved units</b>					
Governors	4.3	6.4	6.4	14.9	14.9
Deputy Governors	17.4	16.3	20.0	17.0	17.0
CEC Members <sup>2</sup>	31.6	30.6	29.6	31.1	30.5
Members of County Assemblies <sup>1</sup>	33.6	32.5	31.5	32.5	32.3

Source: KBS, 2024.

**Table 3** indicates institutions that influence trade policy formulation and implementation in Kenya. In the senate as well as national assembly, women numbers are still very low compared to men. Further, women numbers are low even in the executive where most trade policy decisions are made. This means that women numbers even in diplomatic service are low and thus their involvement in international trade negotiations may not make a great impact. As discussed, earlier, trade policy development is an actively exclusively for government agencies and the private sector and particularly trade association do not directly influence trade policy formulation.

However, in efforts to attain gender parity and women empowerment, Article 27 (3) of the Constitution of Kenya 2010 upholds the principle of equality and non-discrimination by guaranteeing fair treatment for both sexes. Further, the same constitution as provided for by Articles 27 (8) and 81 (b) bars the holding of government seats either elective or appointive beyond two-thirds of the same gender. Hence, the Constitution of Kenya encourages engagement of women in politics and in leadership, targeting the historical exclusion of women in politics and contributing to the efforts that commenced in the 1980s on gender mainstreaming. Still with these constitutional provisions, Kenya is yet to implement one third rule in order to achieve gender parity in political and managerial positions.

Therefore, women's underrepresentation in policymaking institutions means that their interests are also underrepresented (this goes the same for other vulnerable and marginalized groups in the country). Studies argue that there is a relationship between women's concerns being addressed and their presence in the legislature, Barrientos *et al.*, [12], as women legislators are perceived to represent the necessities and wishes of the women in a country. In the Kenyan context, this shortcoming has been addressed by Article 100 of the Constitution, which empowers Parliament to pass laws that advance the representation of marginalized groups.

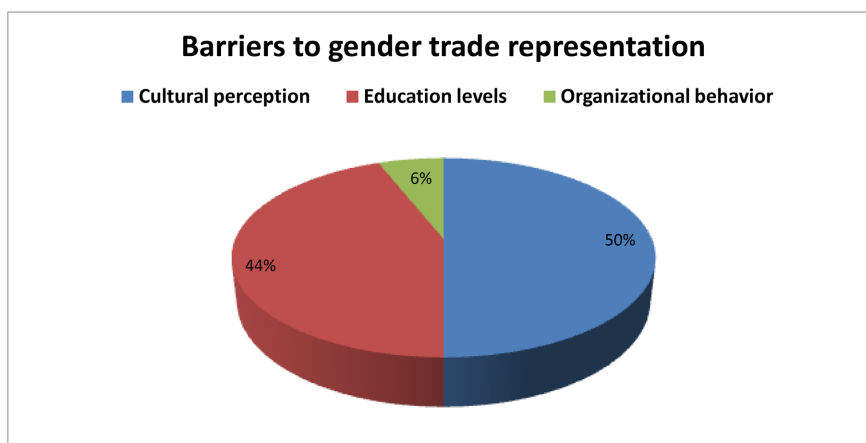
The persistent exclusion of women in Kenya to engage in politics is instigated by numerous factors that promote the prevailing standards of social, political, and economic barriers across the forty-seven devolved governments. Although the gender principle was partly implemented in the 2013 and 2017 general elections, still, it appears that the Kenyan society does not acknowledge the rights and capabilities of women in leadership, since the constitutional minimum of one-third female representation was not achieved in most governmental institutions.

To find out on gender barriers, the researcher requested members of committee in parliament and chairpersons of trade organization to identify barriers to gender representation in export/import trade. The total count of participants was 20. The return of three questionnaires was absent. Findings are presented in **Figure 5**:

As shown in **Figure 5**, 50% (8) men/women are limited in trade activities by cultural perceptions while 44% (7) agreed to education level being a factor.

Within Kenya, efforts to promote gender equality in various sectors have been emphasized. However, literature focusing explicitly on the challenges hindering

women's representation in foreign trade policy formulation is limited, creating a gap in understanding the unique dynamics at play. Existing research points to common barriers that hinder women's participation in decision-making, such as stereotyping, lack of mentorship, and limited access to resources. However, understanding how these barriers manifest in the specific context of foreign trade policy in Kenya is crucial for developing targeted interventions [6].



Source: Field Data, 2024.

**Figure 5.** Barriers to trade representation.

Women diplomats are mentioned in the newspapers as they are appointed to hold diplomatic offices, however the role in promoting the foreign policy of the nation is hardly a central factor. His study does not indicate low participation of women in policy making process but points out how women are underrepresented in diplomatic circles and thus their impact on Kenya foreign policy may be ineffective; it falls way below focusing on foreign trade policy and inclusion of gender.

This study has found that low political participation of women in Kenya politics has an effect on their participation at policy level. Consequently, with a less gender responsive external trade policy, women participation in international trade too is low given concentration in informal sector.

Politically, Kenya has been challenged to live up to its Constitutional representation of gender rights since its promulgation of the current Constitution in 2010. Parliament has managed for a decade to subvert the duty to enact legislation in order to deliver a gender structure in the elective and appointive bodies that are constructed in the constitution. These include Article 27(8) of the Bill of Rights in the Constitution which states that not more than two thirds of the members of the elective or appointive bodies shall be of the same gender. Further supported in Article 81(b) on the principles of the electoral system or simply known as the gender principal [10]. Therefore, gender is viewed in its basic terms of measuring through the number of women versus their male counterparts.

From this discussion, political representation for either gender is a determinant for nature of trade policy and how interests of gender are taken care of. Given the

low political representation in Kenya for women, their voices are limited in trade policy formulation and thus benefits accrued from international trade are unlikely to come their direction. Low women representation in political scene is due to cultural perceptions among other factors.

## 5. Summary and Conclusion

The aspect of gender is captured at gender desk whose main objective is to ensure a gendered trade policy. The policy statements on gender exist within the policy in sections where women and youth are encouraged to participate in trade for equality. Raw data shows that 41.17% (7) of the respondents agreed that a gendered external trade policy is reflected in interests of both genders while 35.29% (6) agreed to inclusion of gender language in the trade policy. On the other hand, 21.42% (3) agreed to building capacity for both gender while 5.88%, (1) to making both men and women competitive in export/import trade. On gender capacity building initiatives towards Kenya's external trade policy development along Kenya Busia Border. Raw data shows that 70.58% (12) respondents agreed that information on custom regulations is important in promotion of gender interests while 11.76% (2) agreed to trade promotions and having trade desks and trade promotions respectively at the border to build capacity for gender balance in trade. On gender representation in Kenya's external trade policy development along Kenya Busia Border. Findings indicate that majority of firms are managed by males since only 18.1% (3) of firms had a female top manager. Inequality is also seen in terms of the proportion of permanent full-time workers where only 31.6% (5) of firms had full time female workers implying that most women work as casuals with no benefits at all. In terms of full-time production workers, the proportion of female workers stands at 26.8% (4) while those that are employed on full-time bases but considered nonproduction were 38.3% (7). The study concludes that; gender desk as the only structure at the ministry of trade is not adequate to collect data, information that informs the policy. The policy lacks deliberate clauses on gender as a result of little participation of gender and in particular women in policy formulation level. There is inadequate capacity support for informal sectors in terms of training, financial and technical know-how on international trade. Cross border trade involves small scale traders who belong in this category and majority of them are women compared to men. Unlike the formal sector where capacity support is guaranteed, informal sector players are ignorant, ill-prepared for international trade and thus hardly enjoy benefits that come with it. Furthermore, women are underrepresented in firm ownership and also in political leadership compared to their male counterparts.

## 6. Recommendation

The inclusion of women in trade policy development is not merely a matter of equity but a prerequisite for sustainable economic growth and social transformation. Across Kenya, especially along border regions like Kenya–Busia, women

remain vital players in cross-border trade, yet they are systematically marginalized in key decision-making processes. Their voices are often absent from policy tables, and their potential contributions to economic development remain untapped due to structural and institutional barriers. In light of these realities, strategic and deliberate interventions are urgently required to reverse this trend and promote gender-responsive trade policies. One of the most critical steps involves the inclusion of extensive gender structures at both the formulation and implementation stages of trade policy. These structures should be designed to recognize and address the specific needs of women, ensuring their challenges and aspirations are reflected in trade-related decisions. Furthermore, there is a compelling need to provide increased financial and technical support to the informal trade sector, where women dominate but continue to face systemic disadvantages such as limited access to credit, market information, and capacity-building opportunities. Supporting this sector is a pathway to unlocking greater female participation and benefits in international trade. Equally important is the need to promote women's representation in political leadership and managerial positions. This would enable them to influence policy directions and actively engage in trade negotiations, ensuring their perspectives are not only heard but embedded in the fabric of economic decision-making. These combined strategies are essential in creating an inclusive trade environment that values and uplifts the contributions of women.

### Conflicts of Interest

The authors declare no conflicts of interest.

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