

# Case Study: Gender-Sensitive BER and Informality



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This Case Study was commissioned by the Donor Committee for Enterprise Development (DCED) Working Group on Business Environment Reform. Katherine S. Miles is the principal author. Feedback is welcome and should be sent to [Admin@Enterprise-Development.org](mailto:Admin@Enterprise-Development.org)

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## Table of Contents

1. Introduction .....	4
2. Context.....	7
3. An Overview of Programmatic Objectives and Approaches .....	11
4. Results Measurement .....	18
5. Success Factors and Lessons Learned.....	22
6. Overview of Resources .....	25

### Abbreviations of Donor Programme Names

Alliances Lesser Caucasus Project	ALCP
Promotion of Economy and Employment Programme	Eco-Emploi
Facility for Investment Climate Advisory Services	FIAS
Gender-Responsive Economic Actions for the Transformation of Women Project	GREAT Women
Growth and Employment in States 3 Programme	GEMS 3
Women's Entrepreneurship Development and Economic Empowerment Programme	WED-EE
The Philippine - German Private Sector Promotion Program	PSP SMEDSEP
Trade Mark East Africa Phase 2	TMEA
Women, Business and the Law (WBL)	WBL

## 1. Introduction

The formalization of business activity is desirable. Yet many male and female entrepreneurs, whether through choice or compulsion, do not comply with local regulations and register their businesses or self-employed status. These entrepreneurs, enterprises and their employees contribute to the informal economy. The ILO estimates that its share exceeds 50 per cent of non-agricultural employment in more than half of 47 developing countries/territories and economies in transition.<sup>1</sup> In this context, a gender-sensitive business environment reform (BER) can play a valuable role in changing the factors and conditions governing business activities that stimulate the informal economy, such as labour regulations, taxation, fraud, startup costs, ignorance and social norms. As such, BER can reduce the overall levels of informality and unfair competition for registered firms, drive tax revenues and regulatory oversight, as well as support the graduation of women's and men's enterprises and employment into the formal economy.<sup>2 3</sup>

Enterprise formalization can create economic growth and bring productivity, safety and social protection benefits for business owners and their informal workers, who are excluded from or insufficiently covered by formal work arrangements and social protection.<sup>4 5</sup> The benefits of formalization can have a transformative impact, in particular for women. For instance, an ILO analysis on employment in the informal economy from 47 medium and low-income countries found that in 30 of the 41 countries with sex-disaggregated data, the share of women in informal employment in non-agricultural activities outnumbered that of men.<sup>6</sup> Given the higher concentration of women's economic participation within the informal sector relative to their overall labour market participation, formalization can enhance their income generation and asset accumulation, as well as their agency. Therefore, tackling informality through gender-sensitive business environment reform can create jobs, generate income and alleviate poverty, as well as contribute to advancing women's economic empowerment and gender equality.

### What is gender –sensitive business environment reform?

**Gender-sensitive business environment reform (BER)** refers to changes in policy, legal, institutional, and regulatory conditions that govern business activities in ways that account for the dynamics of socially constructed relationships between men and women. It has the potential to positively impact women's economic empowerment and support the fight against poverty, but also to contribute to jobs, incomes and poverty alleviation. This is in a context of a global commitment to achieve gender equality and empower all women and girls, as set out in the UN's Sustainable Development Goal number 5.<sup>7</sup> At the same time, from an economic perspective, it is argued that advancing women's equality could add an estimated 12 trillion USD to global GDP by 2025.<sup>8</sup>

Gender-sensitive BER may target those barriers specific to only women (or only men), or constraints that women are more vulnerable to because of their gender. As such, donor interventions to change the conditions that govern business activities may not solely focus on women beneficiaries. However, they may involve interventions **explicitly focused on women** (and girls) to redress existing imbalances in society whereby they have been disadvantaged due to discrimination and social norms. This is in a context where social norms and structural barriers in society have impacted

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<sup>1</sup> ILO, 2013.

<sup>2</sup> DCED, 2011.

<sup>3</sup> DCED, 2009.

<sup>4</sup> UN, 2016.

<sup>5</sup> DCED, 2011.

<sup>6</sup> ILO, 2012.

<sup>7</sup> UN, 2015.

<sup>8</sup> McKinsey Global Institute, 2015.

women's access to economic opportunities, and asset accumulation, as well as agency, namely the ability to make choices about their own lives.

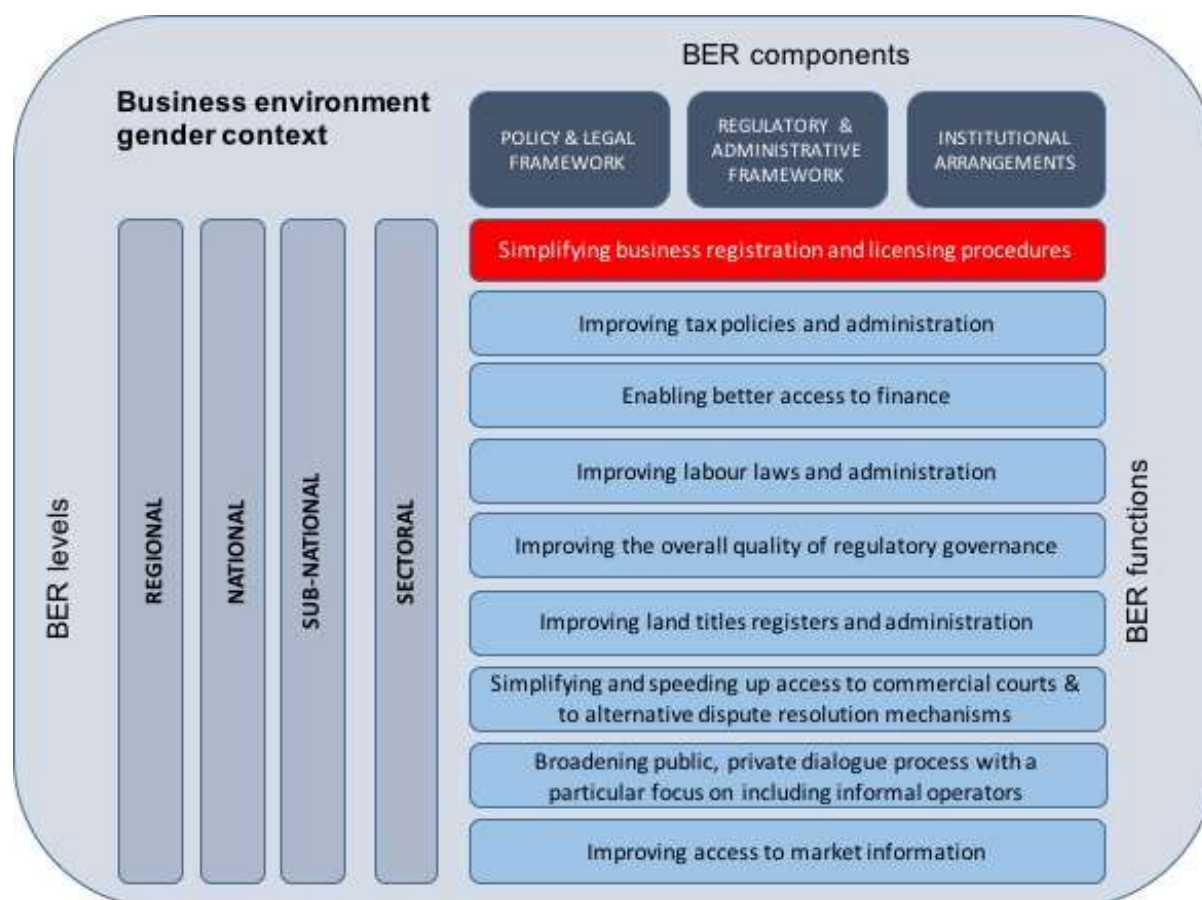
To tackle these constraints, interventions may address one or more **components of the business environment** – the policy legal framework, the regulatory and administrative framework, and institutional arrangements. Furthermore, these reforms may take place at **different levels of the business environment**, at the national, sub-national, and /or sectoral levels within a country or at a regional (or international) level. (See figure 1)

#### **Business registration and licensing – a function of the business environment**

Business registration and licensing is a function of the business environment (see figure 1). Women and men entrepreneurs require operating conditions that allow them to legally engage in their business activity without recourse. In turn, they can receive many benefits including infrastructure and services funded through their taxes, while boosting their profitability. Accordingly, it is necessary to address constraints to business registration and licensing to reduce the levels of informal business activity in a country.

Simplifications to business registration and licensing procedures can be an outcome of a dedicated donor BER programme or incorporated into a set of interventions within programmes of broader focus. These interventions may target **direct constraints in the formalization of women's enterprises through business registration and licensing** as one of the nine **functions of BER** that affect business activity. Yet, many interventions target the **indirect constraints** to business registration and licensing such as **tax policy and administration, access to market information, labour laws and administration and broadening public, private dialogue processes**.

Figure 1: DCED BER Framework



It is in this framework, and drawing on research conducted in 2016 for a DCED technical paper on Gender and BER, that this case study provides an overview of the business environment constraints for women entrepreneurs to formalizing their business activity. Furthermore, it highlights from a limited sample, examples of gender-sensitive business environment reform programmes that have addressed the direct and indirect business environment constraints to business registration and licensing and details their approaches, success factors and lessons learned.

## 2. Context

### Overall Context

Of the 1 billion people living in poverty around the world, the majority are both working informally and women.<sup>9</sup> With this in mind, any efforts to address informality through gender-sensitive BER require a consideration of the specific barriers faced by women. Furthermore, they require analyzing women's greater vulnerability to the constraints also faced by men in the process of formalizing their activity.

ILO data suggests that the labour force participation rates (LFPR) of women are lower than male rates in all regions and almost every country of the world. Moreover, when women do work, it is more likely in the informal sector. For instance, in India alone, around 95 percent of women in paid work, work in the informal sector (approximately 120 million women). The ILO has further found that in the largest developing countries, the share of women in informal employment in manufacturing activities is usually much higher than that of men.<sup>10</sup> Conversely, in the formal sector, women form the minority of enterprises owners. When they do own enterprises, these are more likely to be smaller, employ fewer workers and be home based, as is the case in Lao PDR.<sup>11</sup>

Women's ability to participate in the formal economy is restricted by multiple contributing factors. These factors include time poverty due to unpaid caring responsibilities related to housework as well as child and elderly care. According to the Overseas Development Institute (ODI), across 37 countries covering 20% of the global population, women typically undertake 75% of childcare responsibilities. Furthermore, women spent on average between 45 minutes to 2 hours more than men daily on paid and unpaid work with an estimated value up to \$10 trillion yearly, or about 13% of global GDP. The UN highlights that women undertake three times more unpaid work than men and spend about half as much time in paid work.<sup>12</sup> As such, women often look for income generation opportunities which they can balance with these commitments. Yet these are often unavailable in the formal sector and so women may resort to informal strategies to earn a living.

Another contributing factor is that women face greater restrictions than men in terms of their economic participation. The World Bank's Women Business and the Law reports 100 that of the 173 economies it surveyed for its 2016 report, restrict non-pregnant, non-nursing women from pursuing the same economic activities as men.<sup>13</sup> Furthermore, women's lower levels of education and literacy in some parts of the world can be a barrier to their economic opportunities. Additionally, social norms and safety concerns may mean that women face restricted mobility, which can impact on their opportunities for entrepreneurship and employment.

Operating informally exposes women and men to a range of risks. These include health and safety risks, including exposure to harassment from working in an unregulated work environment, with consequences for their health and wellbeing. Other risk factors include: the lack of fundamental labour rights, employment contracts or legal employment status; lower and less stable incomes; a lack of social protection in particularly during pregnancy and old age; restricted access to formal financial services, infrastructure and training opportunities; and a lack of freedom of association and collective bargaining.<sup>14</sup>

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<sup>9</sup> UN HLP, 2016.

<sup>10</sup> ILO, 2012.

<sup>11</sup> ADB & World Bank, 2012.

<sup>12</sup> UN HLP, 2016.

<sup>13</sup> World Bank, 2016.

<sup>14</sup> UN HLP, 2016.

Informal employment and entrepreneurship have negative implications for women and men's ability to accumulate saving to cushion themselves from economic shocks and meet their financial needs at different stages of their respective life cycles. In turn, this has poverty implications for them and their families and negative repercussions for the wider economy and society.<sup>15</sup>

**It is in this context that the formalization of women's employment and enterprise activity has been receiving increasing attention in the global policy agenda.** Most recently, in its Call to Action for Gender Equality and Women's Economic Empowerment, the UN Secretary General's High-Level Panel on Women's Economic Empowerment has drawn attention to the issue of women high level of participation in the informal sector. Further, it firmly highlighted women's unpaid care work as a priority and the need to destigmatize and decriminalize informal workers to ensure that they receive the rights and protection they are entitled.

The High-Level Panel considers expanding opportunities for women in informal work as integral to realizing the Sustainable Development Goals (SDGs). In turn, it elaborates further on the issue in its paper 'Expanding the Economic Potential of Women Informal Workers'.<sup>16</sup> Further, the High-Level Panel considers women's unpaid work in the core of its framework detailing the drivers to expand women's economic opportunities and principles for a transformative agenda for women's economic empowerment.<sup>17</sup>

#### **Business environment constraints to women's formality**

Gender-sensitive BER is critical to advance the formalization of women's entrepreneurship and employment, which in turn can contribute to women's economic empowerment. These reforms can directly or indirectly address a wide variety of constraints to business registration in turn restricting women's entrepreneurship and employment. Unaddressed these constraints impede women's ownership and access to assets and resources, power and ability to make decisions about their own life, and their decent work or employment as employees or entrepreneurs including as SME owners.<sup>18</sup>

Figure 2 highlights examples and evidence of the constraints and enablers for the formalization of women's enterprises related to each component of the business environment. While some constraints may affect both women and men, such as the length of the procedure to register a business, social norms (e.g. their mobility constraints due to child care) mean women may face greater vulnerability to these barriers compared to men. As such social norms cross-cut each of these constraints.

**Figure 2: Examples and evidence of the constraints for business registration and licensing for women's enterprises**

<b>Policy and legal framework</b>
<b><i>Legal right to register a business</i></b>
<b>Married women are still not able to register a business in the same way as men.</b>
✓ This is still the case in Bhutan, the Democratic Republic of Congo, Pakistan and Suriname. <sup>19</sup>
<b>The regulatory and administrative framework</b>
<b><i>Business registration procedures</i></b>
<b>Women often lack information and are less aware about the procedures than men. In addition,</b>

<sup>15</sup> UN HLP, 2016.

<sup>16</sup> UN HLP, 2016.

<sup>17</sup> UN Women, 2016.

<sup>18</sup> DFID, 2008.

<sup>19</sup> World Bank, 2015.



they may be less likely able to afford the procedures, have the necessary personal identity documents, a lack of collateral or funds to contribute towards high start-up capital requirements, less time available for completing lengthy procedures in part due to the burden of domestic responsibilities, and greater difficulty accessing registration facilities. All of these barriers may negatively affect women contributing to their choice to not formalize their businesses.<sup>20</sup> There are also knock on implications. For example, the lack of formal business registration influences a woman's credit history and ability to borrow.<sup>21</sup> It can restrict enterprise growth and legal responsibilities, rights and protections as employers,<sup>22</sup> and access to business development services.<sup>23</sup>

- ✓ Countries with more cumbersome business environments have smaller shares of women entrepreneurs and vice versa. Accordingly, simplifying business processes can create more first-time female business owners at a rate 33% faster than that for their male counterparts.<sup>24</sup> Indeed research in Ghana found that regulatory reforms were implemented with the intention to make it easier, cheaper and quicker to start a business for women in the country.<sup>25</sup>
- ✓ A study in the Middle East and North Africa found that lengthy procedures for starting a business can also have gender differentiated effects in the region. It states that regions with lower startup capital and lower exit barriers have higher shares of female entrepreneurs in the formal sector.<sup>26</sup>
- ✓ Gender and investment climate assessments undertaken in Africa and the Pacific, indicate women face greater constraints in registering businesses due to their overall lower skill, experience, and ability to navigate the system. They also note other inhibiting cultural factors restricting women's mobility and interaction with male officials and the burden of domestic responsibilities.<sup>27</sup>
- ✓ Country specific evidence from Tanzania found that women who are time poor are even more likely to be deterred by the business registration process. More than three quarters of the respondents (79.3%) did not have a license for their business and two thirds (66.8%) of respondents stated that they were unaware of the legal procedures related to business registration.<sup>28</sup>
- ✓ In Kyrgyzstan a survey found that awareness of the procedures for the enterprise registration influenced the decision of one third of women entrepreneurs to register their company. Conversely, the factors that prompted women entrepreneurs not to register their businesses included the absence of state support (41% respondents), high costs (38%), and the extensive time required to complete the registration procedures (37%).<sup>29</sup>
- ✓ A study on the business environment in Ghana found that regulations on starting a business, paying taxes, registering property and obtaining credit are more or less gender-neutral. Yet women face disadvantage in starting and running a business due to strong traditional values and gender bias.<sup>30</sup>

#### ***Corruption, harassment and sextortion by officials***

<sup>20</sup> World Bank, 2010; Chamlou, 2008; ADB, 2014; DFID, 2013.

<sup>21</sup> ADB, 2014, ILO, 2011, AfDB and ILO, 2007.

<sup>22</sup> AfDB and ILO, 2007.

<sup>23</sup> ILO, 2011.

<sup>24</sup> Chamlou, 2008.

<sup>25</sup> Hampel-Milagros, 2011.

<sup>26</sup> Chamlou, 2008.

<sup>27</sup> IFC & GPFI, 2011.

<sup>28</sup> Equality for Growth, 2009.

<sup>29</sup> ILO, 2009.

<sup>30</sup> Hampel-Milagros, 2011.

**Women are at greater vulnerability to corruption and harassment in the process of business registration and licensing.**

- ✓ A survey from Bangladesh found that government clerks were more likely to target women to charge “speed payments” to process claims and that pregnant and ill women were more likely to be subject to such “informal payments”. The impact of this is acknowledged as contributing to women remaining in the informal sector.<sup>31</sup>
- ✓ In Central Asia, a survey in Kyrgyzstan concluded that women in the country were choosing to operate informally to avoid “under the table payments”; were more often exposed to cases of bribery extortion and harassment by inspectors; and almost 10% of women entrepreneurs experienced some type of harassment by state officials during the two years preceding the survey – although it is not known how many men faced such harassment as a comparison.<sup>32</sup>

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<sup>31</sup> World Bank, 2010.

<sup>32</sup> ILO, 2009.

### 3. An Overview of Programmatic Objectives and Approaches

There are a range of gender-sensitive BER donor programmes that have addressed the simplification of business registration and licensing for women's enterprises, at different levels of the BE and diverse BE components, as well as multiple functional areas. This section sets out examples of such programmes (see figure 3) and how gender-sensitive business environment reform programmes can address the informality of women's enterprises at different levels, components and functional areas of the BE.

**Figure 3: Examples of gender-sensitive BER programmes addressing business registration and licensing**

Name	Donors	Country	BER Component			BER Function								
			POLICY & LEGAL FRAMEWORK	REGULATORY & ADMIN FRAMEWORK	INSTITUTIONAL ARRANGEMENTS	BIZ REGISTRATION / LICENSING	TAX & ADMIN	ACCESS TO FINANCE	LABOUR LAW	QUALITY REG GOV	LAND TITLES	ACCESS TO COURT	PP DIALOGUE	ACCESS MARKET INFO
Alliances Lesser Caucasus Project (ALCP)	SDC	Georgia			✓								✓	✓
Promotion of Economy and Employment (Eco-Emploi) Programme	BMZ	Rwanda	✓	✓	✓	✓			✓				✓	✓
Facility for Investment Climate Advisory Services (FIAS)	World Bank/ Multi	Global	✓	✓		✓	✓	✓			✓	✓		
Gender-Responsive Economic Actions for the Transformation of Women Project (GREAT Women)	Global Affairs Canada	Philippines	✓	✓	✓	✓	✓	✓	✓				✓	✓
Growth and Employment in States (GEMS) 3 Programme	DFID	Nigeria	✓	✓	✓	✓	✓				✓		✓	
Women's Entrepreneurship Development and Economic Empowerment Programme (WED-EE)	ILO/ Irish Aid	Multi	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓
The Philippine - German Private Sector Promotion (PSP) (SMEDSEP) Program	BMZ/ GIZ	Philippines	✓	✓	✓	✓	✓	✓	✓				✓	✓
Trade Mark East Africa (TMEA) Phase 2	Multi		✓	✓	✓	✓	✓	✓	✓				✓	✓
Women, Business and the Law (WBL)	World Bank/ Multi	Global	✓				✓	✓	✓		✓			

**BER level of the intervention (regional, national, subnational, sectoral)**

An example of an international women-targeted gender-sensitive BER intervention addressing women's business registration and licensing focused at the **regional level** is **Women, Business and the Law** (box 1). While economic groupings can be an entry point for regional business environment reforms this is not currently the case on the informality of women's enterprises. As such, it is worth reflecting on whether there would be value for future donors programmes to engage at a regional level through such bodies on the topic of women's enterprise formalization, or if the topic is irrelevant for regional level interventions.

**Box 1:**

**Women, Business and the Law (WBL)** is an international women-targeted gender-sensitive BER intervention focused at the regional level. As a programme, it collects data related to seven indicators on laws and regulations constraining women's entrepreneurship and employment to form an internationally and regionally comparative data set, with the aim for policy makers and regulators at a national level to undertake reforms in these areas. It includes data for the indicator 'Can a woman register a business in the same way as a man?' identifying which countries still have gender discriminatory laws related to women's business registration and licensing. Other indicators capture data on indirect constraints to women's enterprise formalisation including 'Can a woman sign a contract in the same way as a man?'.

The nature of national standardised laws, policies and procedures for business registration and licensing lends itself to **national** level donor interventions within gender-sensitive BER programmes, such as through the Facility for Investment Climate Advisory Services (FIAS) (box 2) or through the ILO's Women's Entrepreneurship Development Programme (WED) as it addresses the broad business environment constraints for women-owned enterprises. (box 3). However, while national level interventions predominate donor interventions in gender-sensitive BER, this is not the case with the sample of programmes analysed.

**Box 2:**

**Facility for Investment Climate Advisory Services (FIAS)** is a women-targeted gender-sensitive BER programme with interventions at a national level. It is a funding vehicle administered by IFC which is used to support governments interested in implementing investment climate reforms. FIAS funding aims to facilitate reforms in developing countries to foster open, productive, and competitive markets and unlock sustainable private investments in sectors that contribute to growth and poverty reduction. Its activities are supported through the application of a gender and investment climate methodology, which is set out in the World Bank publication the Gender Dimensions of Investment Climate Reform Practitioners' Guide. Further, it draws on legal issues identified through the Women, Business and the Law report to support specific interventions.

**Box 3:**

The **Women's Entrepreneurship Development and Economic Empowerment Programme (WED - EE)** is working towards enhancing economic opportunities for women by supporting women who are starting, formalizing and growing their own enterprises. A key activity is the application of the ILO WED Assessment Tool. This tool supports the situational assessment of the environment for growth-oriented women entrepreneurs in a given country for the purpose of identifying critical forms of support that can enable women to grow and expand their enterprises, and in the process to create jobs and income for themselves and others. The process of applying the tool involves collaboration between governments, policy makers and other stakeholders to identify and in turn remove the specific gender barriers, including access to finance constraints, that women entrepreneurs may face.

**Subnational level** interventions with specific groups of women entrepreneurs are the most popular choice within this sample for targeting the formalization of women's enterprises, even if the programmes also have interventions at the regional level such as Trade Mark East Africa (TMEA) (box 4) and at the national level such as GREAT Women (box 5), The Philippine - German Private Sector Promotion (PSP SMEDSEP) Program (box 6) and the Promotion of Economy and Employment (Eco-Emploi) Programme (box 7). The Alliances Lesser Caucasus Programme (ALCP) (box 8) is an

example of a programme that focuses primarily at the sub-national level in all its interventions including those related to business registration and licensing for women.

**Box 4:**

**Trade Market East Africa (TMEA)** is funded by a range of development agencies with the aim of growing prosperity in East Africa through trade. The programme works with the East African Community (EAC) and other stakeholders to with three main programme objectives: increasing physical access to markets; enhancing the trade environment; and increasing business competitiveness. The programme works in 6 countries – all EAC member states and South Sudan. The programme aims to ensure that men, women, boys and girls equally benefit from the TMEA initiatives designed to promote regional trade and regional integration in East Africa. As such, gender is mainstreamed into the scope of TMEA activities on increasing physical access to markets, enhancing the trade environment and improving business competitiveness.

**Box 5:**

**GREAT Women** took place in the Philippines from 2007-14. The aim of the programme was to create an enabling environment for women's economic empowerment by building the capacity of government agencies to develop, implement, monitor gender-responsive legislation, policies, programs, and services. It was anticipated that this would ultimately improve the economic well-being of women, particularly women micro entrepreneurs (WMEs). The programme was funded by Global Affairs Canada (GAC) and run in partnership with the Philippine Commission on Women (PCW) as Local Executing Agency, key national government agencies with mandates for economic development and selected local government units. The programme budget was Cdn\$6 million. There were three components to the programme: PCW Capacity Development for Women's Economic Empowerment; the National Enabling Environment for Women's Economic Empowerment; and the Local Enabling Environment for Women's Economic Empowerment. The GREAT Women project focused on North Cotabato and Metro Naga for the initial two years of the programme, and thereafter it was extended to six other provinces: Ifugao, Quezon, Iloilo, Bohol, Leyte, and Davao del Sur.

**Box 6:**

**The Philippine - German Private Sector Promotion (PSP SMEDSEP) Program** was implemented by GIZ from 2003-2011 in partnership with the Department of Trade and Industry in the Philippines and focused on small and medium-sized enterprises (SMEs) in the Visayas a group of islands. It aimed to facilitate the development and replication of sustainable models for improving the local business climate (especially for SMEs) in the area. While the programme focused on the Visayas — experiences related to gender constraints to women's entrepreneurship were shared at the national level to promote and replicate good practices in other regions of the country.

**Box 7:**

**The Promotion of Economy and Employment (Eco-Emploi) Programme** is a BMZ commissioned, GIZ implemented programme in Rwanda to support the development of the capacity of both public and private institutions to increase sustainable employment. The programme was established in 2013 and ran until 2016. The three main components to the programme included: fostering a demand-driven Technical Vocational Education Training (TVET) system – essentially skills development, working with sector skills councils and strengthening the TVET institutions; promoting a favourable business environment including delivering demand-oriented training and counselling services for SMEs and enhancing the service delivery of the private sector federation and its chambers and association; and supporting labour market development and information, for example through advising on the development and implementation of the National Employment Programme and Rwanda's first employment service centre, Kigali Employment Service Centre (KESC).

**Box 8:**

**The Alliances Lesser Caucasus Programme (ALCP)** is a Swiss Agency for Development and Cooperation market development project implemented by Mercy Corps Georgia. The goal of the programme is to contribute to poverty alleviation and the transition to a durable market economy for the livestock sector in the selected Southern Georgian regions of Kvemo Kartli (KK), Samtskhe Javakheti (SJ) and Ajara (AJ).

### **BER components addressed (policy and legal framework, regulatory and administrative framework, institutional arrangements)**

An example of a donor intervention focused on business registration and licensing reforms at the **policy and legal framework component** of the BE is **Women Business and the Law** (box 1). It specifically focuses on the legal aspects of the framework conditions. However, while a focus on the legal and policy component is a natural entry point for donor BER programmes, there are few country exceptions where gender-discriminatory laws exist related to business registration and licensing. Instead, the focus is more at the policy level, to address issues such as women entrepreneurs sometimes experiencing greater disadvantage in the availability of assets to register their business in line with the required registration and license fee. This may be due to legal constraints, customary practices or social norms which may restrict women's access to assets through inheritance or land and property ownership, but also their opportunities for employment and entrepreneurship.

Several programmes incorporate measures to address barriers to women's enterprises formalization within the scope of their contributions to formulate national level gender-sensitive and women-targeted SME policies and strategies, such as the Philippine - German Private Sector Promotion (PSP) (SMEDSEP) Program (box 9) and the ILO's Women's Entrepreneurship Development Programme (WED) (box 10).

#### **Box 9:**

**The Philippine - German Private Sector Promotion (PSP) (SMEDSEP)** Program implemented by GIZ conducted a policy analysis on the status and role of men and women in micro, small and medium enterprises in the Philippines in 2010. This analysis formed the base for providing policy advice to the Department of Trade and Industry and the Philippine Women's Commission. In turn this influenced gender mainstreaming in the national Micro, Small and Medium Enterprise Development Plan for 2011 to 2016 and in the Philippine Development Plan 2011 to 2016 and the Women's Empowerment, Development and Gender Equality Plan, 2013- 2016 (Women's EDGE Plan).

#### **Box 10:**

The **Women's Entrepreneurship Development Programme (WED)** is a programme that uses the ILO WED Assessment Tool to support the situational assessment of the environment for growth-oriented women entrepreneurs in a given country. This is for the purpose of identifying critical forms of support that can enable women to grow and expand their enterprises, and in the process to create jobs and income for themselves and others. The tool is applied in broader ILO country level assistance funded by both ILO core funds, supplemented by bilateral donor support, as well as an integrated activity within the ILO's Women's Entrepreneurship Development Programme (WED).

This programme produced an assessment of the environment for women entrepreneurship in Montenegro in 2013 in collaboration with the Montenegrin Employers Federation (MEF). This in turn informed the 2015 national strategy for development for women's entrepreneurship in Montenegro. Meanwhile, since 2010 the ILO has worked in El Salvador and as part of its technical assistance to the country, it applied the WED assessment tool to understand the constraints facing women entrepreneurs in the country. Specifically, it has supported the Ministry of Economy in El Salvador, through the National Commission for Micro and Small Enterprises (CONAMYPE) and the resultant report and process influenced the development of the subsequent MSMEs law in the country which addressed gender specific constraints to doing business.

Multiple gender-sensitive BER donor interventions have focused on business registration and licensing within the **regulatory and administrative framework component** of the business

environment. At a generic level this involves ensuring that the process set out in a country's laws and policies is administered and enforced in practice. It may involve hand-holding specific groups of women through the process, for example GREAT Women (box 11) and GEMS3 (box 12). Both incorporate programme interventions focused on **the institutional arrangements component** of the BE. In doing so, they illustrate the complementary nature of engaging at both the regulatory and administrative, as well as the institutional component during programming. It should be added that this is true of all gender-sensitive donor BER programmes and not specific to those with a focus on enterprise formalization. Furthermore, there is value to incorporate a focus on multiple components of the business environment in any business environment and gender programme.

**Box 11:**

The **GREAT Women programme** tackled high levels of informality among women's enterprises in a context where business registration procedures and tax codes were complex and where women lacked representation in local policy making. The programme supported the creation of women's organizations and in turn enabled their engagement with local government to discuss local policies on their needs: to simplify how to register and obtain their license to operate from a local government office, as well as reforms on the local tax code to enhance the delivery of services to them. As a result, some of the local policies and procedures that were restricting their formalization were addressed. Moreover, additional services were provided to women including basic business training, support for business registration and access to credit. For instance, these consultations influenced Local Government Units (LGU) to issue certificates certifying the woman as a business owner, which supported their access to credit.

**Box 12:**

The **Growth and Employment in States (GEMS)** is a seven-year programme, jointly funded by the World Bank (£105 million) and DFID Nigeria (£91 million). The programme, running from 2010-2017, aims to increase growth and employment across six sectors of the Nigerian economy, as well as through business environment reform. The GEMS 3 programme component is designed to address key issues in the business enabling environment, particularly in relation to increased employment and incomes for the poor and women. The programme mainstreams gender as it addresses business environment reform in the areas of land, investment and tax harmonization and in doing so enhances women's public participation.

### **BER directly or indirectly targeting women's business registration and licensing**

Several gender-sensitive BER programmes **directly target business registration and licensing constraints** or seek to enable the formalization of women's enterprises through their activities at different levels and components of the business environment. These include Women Business and the Law and Trade Mark East Africa (TMEA). However, it is common for some programmes to both target the **direct and indirect constraints**, to women's business registration and licensing. One such indirect constraint is tax. Tax and business registration are two BE functions that go hand in hand in donor gender-sensitive BER programming. This may be due to the connection between simplifying taxes and the formalization of businesses. Examples of such programmes are the World Bank's FIAS programme (box 13), GREAT Women (box 11), and the Growth and Employment in States (GEMS) Programme (box 14).

**Box 13:**

**Facility for Investment Climate Advisory Services (FIAS)** is a funding vehicle administered by IFC which is used to support governments interested in implementing investment climate reforms. FIAS funding aims to facilitate reforms in developing countries to foster open, productive, and competitive markets and unlock sustainable private investments in sectors that contribute to growth and poverty reduction. Its funding has established a business registration automation system in Nepal that supports gender tracking to help



address implementation gaps experienced by women, even when at face-value, laws appear to require equitable treatment of women. Meanwhile in Cambodia, it identified the constraints for women entrepreneurs and advocated the reduction of import duties and suspension of the value-added tax for 20,000 female silk weavers in Cambodia. Through another FIAS funded intervention, the World Bank Group established a “Female Business Registration Department” in the Republic of Yemen, which began receiving applications from women entrepreneurs.

**Box 14:**

The **Growth and Employment in States (GEMS)** 3 programme collaborated with the Corporate Affairs Commission in Nigeria, business membership organizations and women’s groups to provide training to women working in special crop processing zones, in order to encourage them to formalize and register their businesses and form cooperatives. The intention is that these steps can support their participation as “outgrowers” in contract farming activities.

The programme’s baseline data found that there was greater harassment of women than men during the process of tax collection. As such its tax- related activities have sought to address this through training women, including members of the Kano Cooperative Federation on the tax they are required to pay, as well as a complaints mechanism if they experience any harassment.

It has supported one state to mandate in local law the participation of 43% of market/business women on the Local Government Council committee on tax-for-service and the Revenue committee. Moreover, the programme has worked to harmonize taxes and reduce the number, and decrease harassment and “leakage” within the system. Activities have included supporting the establishment of state level task committee of both officials and business representatives including a public private engagement mechanism (PPE) and a complaints mechanism for cases of harassment to be reported. An impact assessment of the programmes tax related interventions identified that the tax harmonization was beneficial in terms of reducing harassment in the process.

The programme has also established a framework for the discussion within the taskforces to require a focus on women specific constraints during each meeting. The programme has addressed women’s participation in PPE on issues such as tax and business registration through the establishment of women-only consultations where they can table their constraints e.g. the lack of toilets or crèches in the marketplaces where they operate, directly to the head of the local public PPE.

Other indirect constraints to women’s enterprise formalization (i.e. they are not constraining women in the process itself) include their access to information about the process and participation in public private dialogue on their general business constraints to inform policy making. For instance, the Alliances Lesser Caucasus Programme (ALCP) (box 15) and the Promotion of Economy and Employment (Eco-Emploi) Programme in Rwanda (box 16) both addressed access to information and public private dialogue on the theme of women’s enterprise formalization through their activities.

**Box 15:**

The **Alliances Lesser Caucasus Programme (ALCP)** established “women’s rooms” as resource and information centres in local communities where the programme operates. One of these has been established with a local women’s organization, the Ajara Businesswomen’s Association. This space is used to offer women training and advice on taxation and business registration. This engagement has sought to increase the association’s membership. Furthermore, efforts by the programme to boost women’s participation in annual community meetings, mean that as a result and community led budgetary decisions are increasingly reflecting the women’s priorities such as infrastructure and childcare.



**Box 16:**

The **Promotion of Economy and Employment (Eco-Emploi)** Programme in Rwanda collaborated with district administrations to support women street vendors to organize and formalize themselves, in order to use local markets and improve cross border trade. Additionally, the programme supported the women's chamber of women entrepreneurs to develop and pilot specialized entrepreneurship (CEFE) training for women provided by the Kigali Employment Service Centre, and established a women's mentorship programme in cooperation with the chamber of women entrepreneurs. Further to this, they supported women entrepreneurs' participation in public private dialogues to identify and understand gender specific business constraints.

## 4. Results Measurement

The reviewed sample of programmes have measured and achieved their outcomes and impacts, related to enhancing women's business formalization using various approaches. This section sets out examples of these approaches and related results from some of these programmes.

### **Business registration and licensing resulting from donor interventions is measurable**

Donors can and do track the numbers of businesses owned by men and women that have registered their business, for instance, in the case of the GEMS 3 Programme in Nigeria (box 17) and ILO WED-EE programme (box 18). Despite this, the quantitative figures of businesses registered resulting from programme activity are not always captured in programme results frameworks and reporting, such as in the case of the Alliances Lesser Caucasus Programme (ALCP) (box 19) where enhancing business registration among women may have been a potential unintended consequence of one of its interventions. Instead, the programme captures data on the numbers of women who have instigated livelihoods. Yet, ALCP does not disaggregate the number by status of the women's enterprise, which would be of value to understand the potential constraints they may face in their livelihood activities. In another example, TMEA does not include indicators in its results framework capturing the number of cooperatives formed/ or entrepreneurs formalized through its activities. However, it does report output and impact level data related to this in its qualitative reporting (box 20).

Greater levels of output data could be shared on the number of women's businesses formalized from interventions related to business registration and licensing. For example, FIAS (box 13) gives examples of its interventions but does not provide any data on the number of women who have used the processes established through the programme.

#### **Box 17:**

At the outcome level the **(GEMS) 3** programme aims to achieve sustained business environment improvements that are important for the poor, including land, taxation and investment systems. The associated indicators at this level are sex-disaggregated.

The intended impact of the Growth and Employment in States (GEMS) 3 programme is to 'increase growth, income and employment especially for poor men and women in selected states nationally. At the impact level the programme has indicators to track:

- Number of people recording positive change in incomes. (# of poor, female, formal/ informal);
- Aggregated change in cumulative income (GBP) (# of poor, female, formal/ informal);
- Change in Employment (FTE Jobs) (# of poor, female, formal/ informal);

At the intermediate level of impact the programme gathers sex-disaggregated data on the basis of the gender of the management and ownership of the enterprise:

- Firm growth (outreach): Number of firms with increased sales (male /female managed or owned firms)
- Firm growth (investment): Increase in sales amongst targeted firms (disaggregated by: male /female managed or owned firms; formal /informal)

At the outcome level the programme aims to achieve 'Sustained business environment improvements that are important for the poor, including land, taxation and investment systems'. A related outcome indicator is:

- Number of land registration, tax or other relevant targeted certificates received by target group (male /female managed or owned firms).

The programme aims to achieve the following outputs:

- Value adding business services and "products (i.e., policies, strategies)" addressing "Investment" constraints for target firms and enterprises are identified and strengthened;
- Quality of new policies, practices and services; and
- New policies, practices and services are in use.

The associated indicators are:

- # improved processes, services, regulations and other "products" related to investment (DBI investment related (starting a business: procedures (#), time, cost (%income); closing a business (time, cost etc.); information services, advocacy and PPD services, BDS related services
- Enterprises and MDAs satisfaction with level of services and products initiated by the programme (1=not satisfied, 3=very satisfied)
- Average percentage of representative sample of firms using a given product, practice or service

#### Box 18:

The goal of the **ILO WED-EE programme** is that more women-led businesses contribute to job creation, economic growth and gender equality. The main intended outcome is that the national policy environment is improved for women entrepreneurs. Specific outcomes include that: women-led businesses increase their performance; selected policies and programmes are reviewed by policymakers to mainstream WED; and that selected WED tools and approaches are available beyond the project's lifespan. Indicators within the log frame focus on women only and are not sex-disaggregated. The log frame from the WEDGE III programme is not available, although the evaluation report provides details of some of the key indicators

Indicator examples include:

- Number of women-led businesses served by the project who report increase in sales of at least 10%;
- Number of new businesses started by women entrepreneurs following project support;
- Number of female trainers accredited by ILO in Get Ahead, IYES, Famos or WEA capacity building;
- Percentage of women entrepreneurs served by WED-EE who submit a proposal for financial services to one of the WED-EE financial partners;
- Number of position papers or recommendations developed by trained WEAs and/or constituents on key policies and programmes in favour of WED;
- Number of action plans developed by WED stakeholders following a WED assessment validation workshop and based on the assessment findings and recommendations;
- Number of WED-EE partners trained on advocacy training; and
- Level of satisfaction of WED stakeholders trained on advocacy and their strengthened capacity to advocate for WED.

#### Box 19:

**Alliances Lesser Caucasus Programme (ALCP)** does not capture the outcomes or impacts of the women who have received training through business associations at the women's room services. It captures the number of women using the women's room services and the number of women that have instigated community/livelihoods without distinguishing between whether this is formalized or informal entrepreneurship activity.

ALCP's captures output data on women's engagement in community decision-making related to budget allocations; % women representatives involved in consultation fora and the number and the percentage of women participants in community meetings. These results contribute to supporting women overcome indirect barriers to their economic participation.

**Box 20:**

**Trade Mark East Africa (TMEA)** aims to promote regional trade and regional integration in East Africa. The TMEA theory of change is that three necessary key 'trade competitiveness' elements contribute to increasing trade: increased physical access to markets; enhanced trade environment; and improved business competitiveness. In turn, increased trade is believed to contribute to increased economic growth and subsequently reduce poverty. The programme does not refer to gender at the impact /outcome level but gender indicators and sex-disaggregated indicators exist for several components of the programme related to increased market access and the enhanced trade environment. Where indicators require data to be sex-disaggregated, in some instances they require data to be disaggregated by whether traders are formal or informal. For instance:

- Percentage of border post and port users are satisfied or more than satisfied with infrastructure facilities at targeted borders. (Disaggregated by type of user e.g. border official, informal trader; gender);
- Percentage of border post and port users are satisfied or more than satisfied with application of cross-border regulations and procedures at targeted borders (disaggregated by type of user e.g. border official, informal trader; gender).

TMEA reports in an annual public report that it has worked with the NGO ProFemmes/TweseHamwe (PFTH) in Rwanda, to support the creation of women's cooperatives among women involved in cross-border trade across the EAC and the DRC borders. It highlights that through the project, 414 people (355 women and 58 men) trading across Rwanda's borders have been trained and formed into 9 cooperatives. Moreover, the time taken to register a cooperative reduced from 90 to 30 days. It further notes the monthly trade volumes generated by cooperatives of 7,000,000 RWF (USD 10,500) and the maximum monthly profit generated by each trader 300,00 RWF (USD 450).

Notably one of the activities that the programme has enhanced the level of representation of women on border committees responsible for the coordination of immigration, health, customs and other matters. As a result of programme activities women are now represented in two border committees, between Uganda and Rwanda and at one of the Tanzanian borders. However, this information is not captured within the log frame. Women's inclusion in these committees has been credited with transforming these borders. The aim is to repeat this inclusion of women in the border committees across 12 borders.

**Qualitative evidence is used to communicate the impact of business formalization on women**

GEMS 3 (box 21) uses a story telling approach to sharing experiences of its programme beneficiaries who have since registered their business. This approach sheds light on some of the perceived or actual constraints experienced by these women in registering a business, such as the cost and the need to go through an intermediary. Furthermore, it highlights the impact of formalization for one these women as being able to open a bank account. Trade Mark East Africa used a similar approach to share the results of its work on the border in Rwanda supporting the formalization of women and men into cooperatives (Box 22).

**Box 21:**

The **GEMS 3** programme cites a member of the Kakara Women Initiative Kaduna who attended the first of the series of nationwide Corporate Affairs Commission (CDC) business campaigns, which promoted the business registration processes for the country. The woman was quoted as saying that she found it a miracle to access the CDC and start the registration process instantly and by herself. The women noted that for many years she had hoped to register her business but couldn't afford to pay. However, through the meeting she was able to ask the CDC officers what to do to register her business. As a result, she discovered that to get any assistance from the government, the business had to be registered and the cost of registering the business had been reduced.

In another example, a woman from Lagos noted how having to pay an agent to register her business had discouraged her in the past. Through the sensitization and marketing campaign she became aware of the simplified business registration procedure allowing individuals to register directly by themselves. The woman

who runs a beauty salon noted that previously she had used her personal savings account for her business but now she has been able to open a business bank account with her business registration certificate.

**Box 22:**

**TMEA** reports in an annual public report that it has worked with the NGO ProFemmes/TweseHamwe (PFTH) in Rwanda, to support the creation of women's cooperatives among women involved in cross-border trade across the EAC and the DRC borders. It highlights that through the project, 414 people (355 women and 58 men) trading across Rwanda's borders have been trained and formed into 9 cooperatives.

The report highlighted some of the barriers to formalization for the women, e.g., women's fear that the taxes resulting from their transition from informal to formal trade would lower their revenues to the point where they could no longer operate their businesses. It also shared a programme strategy of working with taxi drivers, immigration officials, the police, local authorities and other stakeholders aware of border activities to identify these informal women entrepreneurs. Furthermore, it explained that the impact of the formalization into cooperatives has been to eliminate illegal trade, reduce gender-based violence including harassment at the border and improve the security for women and their products, in turn contributing to women's profits and household livelihoods. Specifically, the case study drew attention to the enhanced access to finance among the traders who formalized into cooperatives.

## 5. Success Factors and Lessons Learned

Gender-sensitive BER programmes that have encouraged the formalization of women's enterprises as part of wider donor gender-sensitive BER interventions, have inspired a series of considerations for donors seeking to address the question of informality through future BER programmes. The learnings are set out in this section of the paper based on the programmes reviewed.

As donors seek to integrate these learnings, they should further consider implementing the recommended actions for government and business to address informality proposed by the UN's High Level Panel on Women's Economic Empowerment. These include: following the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) adopted by the ILO. This mean to reform legal frameworks to protect informal workers and their livelihoods as a key pathway to formalization; to extend legal recognition and identity to informal workers, especially women; to support legal advocacy and strategic public interest litigation—by organizations of informal workers and their supporters—aimed at protecting informal workers' rights; to support efforts aimed at providing training or information that can empower informal workers, including “know your rights” campaigns; and to invest in childcare for the children of informal workers, and to improve the working conditions of paid childcare providers who are informally employed.<sup>33</sup>

Considerations for donors seeking to address the constraints women's enterprise formalization and encouraging women to formalize as part of programmes are applicable at all stages of the programme cycle from the diagnostic, solutions design, implementation and evaluation and sustainability phase as set out in figure 4.

**Figure 4: Considerations for Implementing Gender-Sensitive BER interventions by program phase**

Diagnostic Phase	Solutions Design Phase	Implementation Phase	Evaluation and Sustainability Phase
<p>1. Conduct a gender analysis of existing SME policies and Women Business and the Law Data to identify legal and policy constraints related to <b>business registration and licensing</b> to inform areas for reform. Specifically, check the Women Business and the Law indicator 'Can a woman register a business in the same way as a man?'. 2. Consult to establish the level of informal business activity among women and men entrepreneurs at a national level. Are there any estimates on the number of unregistered MSMEs operating overall and disaggregated by the gender of the MSME</p>	<p>1. Design interventions focused on stream lining and simplifying the business registration and licensing process and approaches to building awareness among women of the process and the benefits for them to formalize their enterprises. Complement these interventions with activities that engage women entrepreneurs and their associations and cooperatives in communication with policy makers to tackle the causes of their enterprise informality. 2. Consider whether tax related BER interventions can accompany any efforts to boost the formalization of women's enterprises. For instance:</p>	<p>1. Factor in women's socio-cultural constraints in designing consultations and trainings (e.g. child care responsibilities and personal safety) on the process and benefits of business registration and licensing. 2. Consult with women's business associations to assess the level of policy implementation of business registration and licensing or those policies that present indirect constraints to their enterprise formalization, such as tax policy or business skills on the financial management of their enterprise. 3. Consider requiring women's enterprises to be formally registered to obtain project support.</p>	<p>1. Conduct interviews and women-only focus group discussions, to understanding social norms affecting the implementation and unintended effects of BE policies and laws aimed to enhance the formalization of their enterprises.</p>

<sup>33</sup> UN HLP, 2016.

<p>owner? How does this relate to the number of formal enterprises overall and disaggregated by the gender of the MSME owner?</p> <p>3. Identify evidence of what policies work for women to incentivize their business registration in specific sectors within the country or in general from other countries.</p>	<p>enhancing the consultation and involvement of women in tax spending decisions; increasing women's participation in the workforce of tax collectors; and promoting avenues for redress if subjected to harassment during tax collection.</p> <p>3. Pilot gender-sensitive BER related to addressing women's constraints to the process of business registration at the subnational and sector level to later scale up if successful.</p> <p>4. Incorporate subnational engagement in the design of national reform programmes to support policy implementation of business registration and licensing.</p>		
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Figure 5 sets out considerations for gender-sensitive BER interventions to encourage the licencing of women's enterprises relates to interventions focused on each business environment level.

**Figure 5: Summary of gender-sensitive BER business registration and considerations by BE Level**

<b>Regional</b>	
<b>Considerations:</b>	
✓	Incorporate the aggregation of data on the number and proportion of formal and estimate numbers of informal MSMEs owned by women and men in different countries within the region and on laws that discriminate against women in the process of business registration and signing a contract.
✓	Create incentives for countries to make regional or global commitments to enforce the formalisation of business and reward such commitments with programme support.
<b>National</b>	
✓	Provide the technical capacity and infrastructure support to enable centralized business registries to collect sex-disaggregated data on the owner of enterprises.
✓	Support the integration of the constraints and enablers for women's enterprise formalisation into the development and implementation of national SME plans.
✓	Coordinate stakeholders from diverse government departments with a shared interest in enhancing women entrepreneur's enterprise formalization, namely the SME Ministry, the Central Bank and Ministry of Finance, and any national gender coordination mechanism or ministry of women.
<b>Sub-national</b>	
✓	Build the capacity of local governments to engage with women entrepreneurs to understand the constraints to the formalisation of their enterprises.
✓	Conduct research at the sub-national level to gather data on the estimated level of informal business activity among women and men entrepreneurs.
✓	Engage with women entrepreneurs locally to support them register their enterprise and obtain the necessary permits and licenses to operate, and where appropriate support them to form associations or cooperatives.

Furthermore, there are considerations set out in figure 6 for gender-sensitive BER programmes stimulating the formalization of business activity which are relevant to each BE component.

**Figure 6: Summary of gender-sensitive BER financial inclusion considerations by BE component**

<b>Policy and legal framework</b>	
<b>Considerations:</b>	
✓	Assess whether existing or new business registration and licensing policies and laws have a differential impact (positively or negatively) on enterprises led or managed by women versus men.
✓	Evaluate whether business registration and licensing laws and policies specifically discriminate against either women or men. and discourage the formalisation of their enterprise activity and/or level of engagement in entrepreneurship activity.
✓	Where appropriate incorporate provisions in policies, laws and regulation that address barriers to business registration and licensing that are either uniquely experienced by women or men, or that they face greater vulnerability due to their role, social norms and customary law and practices in society.
<b>Regulatory and administrative framework</b>	
✓	Ensure that the way in which business registration and licensing laws and policies are implemented and enforced by government agencies is the same for both women and men SME owners and entrepreneurs.
✓	Incorporate both women and men in the workforce of ministries responsible for business registration and licensing and taxation policy making, and the agencies that enforces business registration, and tax evasion.
<b>Institutional arrangements</b>	
✓	Ensure the participation of both women and men representatives of SME ministries, ministries of labour, central banks, ministries of finance and the agencies that enforce business registration, licensing and taxation, during communications with each other on related policies. This is to ensure that diverse gender perspectives (i.e. the views of both women and men) representing each stakeholder group is expressed, given their differences in perspectives and experiences of individuals based on their gender.
✓	Promote gender diversity at all levels within the workforce of those agencies responsible for business registration, licensing and taxation.

By integrating these considerations in gender-sensitive business environment programmes – both those that mainstream gender or target women – these programmes can serve to enhance the formalization of women’s businesses and micro enterprises, with benefits for their ability to access formal sources of finance to scale their activity and productivity, and income earning potential. Furthermore, this will support the collecting of tax revenues for the government to bolster its infrastructure and services, contribute to job creation and the alleviation of poverty and contribute towards women economic empowerment.



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