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COMMENTARY

IPA III: MISSED AND REMAINING OPPORTUNITIES FOR FURTHERING GENDER EQUALITY

INTRODUCTION

The Instrument for Pre-Accession Assistance (IPA) is a financing instrument of the European Union (EU), through which the EU supports reforms in the Enlargement region, which includes Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, and Turkey. IPA funds aim to build the capacities of Beneficiaries throughout the EU Accession process, towards progressive, positive developments in different sectors, including public administration reform, rule of law, sustainable economy, agricultural and rural development.[1] Considering the significant gender inequalities that persist in the Western Balkans (WB), furthering gender equality in all sectors is essential for progress on reforms and towards development more generally. Indeed, gender equality is a fundamental value of the EU, upheld within the EU Gender Action Plan (GAP) III and EU commitments to furthering gender equality through its external financing. Thus, EU external financing through IPA III should include requirements and accountability mechanisms for furthering gender equality. This brief examines the extent to which the IPA III Regulation, published in September 2021,[2] has upheld EU commitments to furthering gender equality in the WB through its external financing.[3] This includes examining the extent to which the EU has implemented recommendations put forth by women's rights organisations (WCSOs) to the Commission and TACSO in 2020 to inform the drafting of IPA III,[4] calling for the EU to learn from the previous Common Implementing Regulation (CIR), which was largely gender blind.[5]

EXISTING GENDER PERSPECTIVE WITHIN IPA III

This section summarises where IPA III has included a gender perspective, following KWN and other WCSOs' previously submitted recommendations, among others'. IPA III includes:

- Gender equality as a specific objective in Article 3, paragraph 2, following KWN's recommendation that IPA III should include this. This is perhaps the most important commitment, as it should contribute to implementation and reporting on progress, despite some shortcomings outlined in the next section.

[1] IPA III Civil Society Consultation Feedback Report, April 2020.
[2] Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III).
[3] This Commentary was written by Valmira Rashiti for KWN as part of the EQUAPRO Coalition, cofunded by the EU and Sida
[4] Kosovo Women's Network (KWN), "*Following through on EU Commitments: Recommendations for Gender Mainstreaming IPA III*", 2020. WCSOs' input on IPA III represented the concerns of 170 WCSOs; see: IPA III Civil Society Consultation Feedback Report, April 2020, p. 25.
[5] Amid preparations for drafting GAP III and IPA III, KWN also sought to assess the extent to which GAP II has contributed to mainstreaming gender in EU programming in WB under IPA II (see, KWN, "*How Well has the EU Implemented the Gender Action Plan II in Western Balkans Programming? An analysis of Instrument for Pre-Accession II programming in 2014-2019 based on EU Gender Action Plan II indicators*", 2020.

- Increased attention to EU GAP III and UN Security Council Resolution 1325 on Women, Peace and Security, seeking a gender transformative approach,[6] marking improvement compared to the prior CIR where GAP II was not considered related to external financing.[7]
- A requirement that IPA III programmes and actions are gender mainstreamed.[8]
- Gender equality, as an area of intervention, including: "establishing a more enabling environment for the fulfilment of women's and girls' rights and achieving real and tangible improvements in gender equality in strategic policy areas such as freedom from all forms of gender-based violence; sexual and reproductive health and rights; economic and social rights and the empowerment of women and girls; equal participation and leadership; women, peace and security; and the gender dimension of green and digital transformations, including through supporting gender budgeting."[9] These interventions are in line with the thematic priorities of GAP III.
- Targeting women in employment and access to the labour market: "Interventions in this area shall aim at tackling high unemployment and inactivity by supporting sustainable labour market integration in particular of […] women."[10]
- A requirement that indicators should be disaggregated by gender and age, where relevant, possible, and data is available.[11]

IPA III: Lost Opportunities in Ensuring a Gender Perspective

Although IPA III has an improved gender perspective compared to previous regulations on EU external financing, unfortunately it did not address some key recommendations made by WCSOs:

- Although IPA III includes gender equality as a specific objective under **Article 3**, the language used remains weak, encouraging "the promotion of gender equality" rather than requiring the "strengthening" of gender equality. "Strengthening" is used in reference to other areas like rule of law, democracy, and human rights, but softer language is used in reference to gender equality. This misses the opportunity for the EU to emphasise clearly that WB governments must use IPA III to make progress towards gender equality as a fundamental value of the EU.
- The need for ex-ante gender impact assessments to inform *all* action documents was not included in Chapter II, Article 6 of Strategic Planning, though environmental impact assessments are required. As WCSOs have observed in prior recommendations, Article 6's requirement that IPA III programmes mainstream gender equality is insufficiently clear without *explicitly* requiring ex ante gender impact assessments for all actions.
- Annex II does not explicitly mention the need to reflect differences among women and in employment and to address the currently widespread gender-based discrimination. Aside from GAP III, nor are any other specific gender inequality issues mentioned explicitly.
- The Regulation does not reference intersectionality, although GAP III explicitly adopts intersectionality as one of the three guiding principles for the EU's support to gender equality in external action.[12] IPA III provisions refer neutrally to persons of different ethnicities, ages, abilities, religions, and sexual orientations. Different, intersecting needs of diverse women and men are not considered. The rural/urban location of women and men is not mentioned.
- IPA III does not include a specific indicator for measuring strengthened gender equality among the key performance indicators in Annex IV. Nor does the composite indicator include gender. KWN had proposed that a single, specific indicator (not as part of a broader index) should be used for measuring strengthened gender equality. Article 13, on monitoring, audit, evaluation and protection of the Union's financial interests, states that "the annual report

[6] Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III), Introduction, paragraph 27.
[7] KWN, "*Following through on EU Commitments on Gender Equality, Lessons learned from GAP II to inform GAP III*", 2021.
[8] Ibid, Article 6 on Policy framework and general principles.
[9] Ibid, Thematic Priorities for Assistance, Paragraph (j), Annex II.
[10] Ibid.
[11] Ibid, Annex IV, List of Key Performance Indicators.
[12] Joint Communication on GAP III, p. 2.

shall contain information on the commitments for specific objectives referred to in Article 3". As gender equality is in Article 3, there should be reporting on gender equality. However, the absence of a corresponding indicator poses a challenge to adequate reporting. This is a concerning omission, as experience suggests that unless clear indicators are established, gender equality tends not to be adequately addressed, monitored, or evaluated in IPA programming.

- IPA III does not contain a provision that requires the allocation of funds towards gender equality, despite KWN's recommendation for an article on gender equality expenditures similar to that on climate change,[13] as currently required in paragraph 23 of the Regulation. Nor does it contain sufficient requirements for gender-responsive budgeting, despite KWN's recommendation that IPA III require gender-responsive budgeting. Given that the European Parliament has repeatedly urged gender budgeting to be applied to all EU budget lines, this is a disappointing and important omission.[14] Accurately tracking expenditures towards gender equality is essential to facilitate transparent reporting to taxpayers, among others. While briefly mentioning "supporting gender budgeting" in reference to the gender dimension of green and digital transformations, the Regulation should have included stronger obligatory commitments to gender responsive budgeting in Chapter VI.

Recommendations for Furthering Gender Equality through IPA III

Based on lessons learned from implementing IPA II programming, the European Commission can take these steps towards ensuring that WB governments deliver on commitments to gender equality.

- Require ex ante gender impact analyses for all IPA III actions, in accordance with the OECD DAC criteria for gender marking, to ensure that all actions are designed to address the potentially differing needs of diverse women and men. Ensure IPA III programming aligns with and furthers implementation of GAP III Country Level Implementation Plans. Ensure adequate, meaningful consultations with WCSOs in planning programming across sectors.
- Ensure that at least 85% of all EU-funded programmes include at least one objective that will contribute to gender equality, accompanied by an indicator to measure progress towards gender equality, as committed to in GAP III.
- Require that IPA III programs undergo gender review, following the best practices of EU Member States like Sweden and Austria, and of the EU Office in Kosovo, towards ensuring they meet minimum criteria for attending to gender differences within their original design. This should include attention to intersectionality, as among the EU's guiding principles. Require reporting on attention to identified gender issues as part of regular reporting.
- Require gender-responsive budgeting in all programmes, and not only those focused on public finance reforms, towards planning and implementing more effective, efficient, equal, and transparent expenditures towards gender equality in external financing.
- Install improved data management systems for tracking actual expenditures on furthering gender equality and WCSOs (as key instigators of transformative change), respectively, as per recommendations made in prior research.[15]
- Require that Terms of Reference for ROM missions and external evaluations, respectively, include requirements for evaluators to attend to how the programme has contributed to gender equality, or not.
- Continue tailored training and mentoring for EU staff, as per GAP III, towards furthering their capacities to ensure that all programmes integrate a gender perspective; as well as to ensure appropriate gender marking of programmes.

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[13] KWN, "*Following through on EU Commitments: Recommendations for Gender Mainstreaming IPA III*", 2020. The IPA III Regulation currently requires: "Paragraph 23: IPA III should contribute to mainstreaming climate action in the Union's policies and to the achievement of an overall target of 30 % of Union budget expenditure supporting climate objectives and the ambition of 7,5 % of the budget reflecting biodiversity expenditures in 2024 and 10 % in 2026 and 2027".

[14] For example, see: EU Parliament Resolution on Gender Budgeting in the EU Budget – The way forward, Article 9.

[15] See KWN, *Where is the Money for Women's Rights: Funding Trends in the Western Balkans*, 2020.