



THE INTERFACE OF RESEARCH ON GENDER AND
TRADE

WITH THE NEGOTIATIONS OF TRADE
AGREEMENTS AND

TRADE POLICY-MAKING

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Abbreviation

| | |
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| AOA | Agreement on Agriculture |
| ATC | Agreement on Textile and Clothing |
| AWID | Association for Women's Right and Development |
| CAFTA | Central American Free Trade Agreement |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| DAWN | Development Alternatives With Women for a New Era |
| DDA | Doha Development Agenda |
| ECA | Economic Commission on Africa |
| ECLAC | Economic Commission for Latin America and the Caribbean |
| ECE | Economic Commission for Europe |
| ESCAP | Economic and Social Commission for Asia and the Pacific |
| FAO | Food and Agricultural Organization |
| FTAA | Free Trade Area of the Americas |
| GATS | General Agreement on Trade in Services |
| GTIA | Gender Trade Impact Assessment |
| HDIA | Human Development Impact Assessment |
| IGTN | International Gender and Trade Network |
| IGO | Inter- governmental Organization |
| ILO | International Labour Organization |
| ITC | International Trade Centre, UNCTAD/WTO |
| LA-GTN | Latin American Gender and Trade Network |
| MDG | Millennium Development Goals |
| MERCOSUR | Southern Common Market |
| MFA | Multi-Fibre Agreement |
| MTS | Multilateral Trading System |
| NAFTA | North American Free Trade Area |
| NAMA | Non-agricultural Market Access |
| NEPAD | New Economic Partnership for African Development |
| NTB | Non-Tariff Barriers |
| NTAE | Non-traditional agricultural export |
| SDT | Special and Differential Treatment |
| SIA | Social Impact Assessment |
| SME | Small and Medium-sized Entrepreneurs |
| SPS | Sanitary and PhytoSanitary |
| SP | Special Products |
| TNC | Transnational Corporation |
| TRIMs | Trade-Related Investment Measures |
| TRIPs | Trade Related Aspects of Intellectual Property Rights |
| UR/URA | Uruguay Round Agreements |
| UNCTAD | United Nations Conference on Trade and Dev. |
| UNDP | United Nations Development Program |
| UNIFEM | United Nations Development Fund for Women |
| WTO | World Trade Organization |

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I. Introduction

Bilateral, regional and multilateral trade negotiations have tended to pursue trade liberalization focusing on market access and the reduction of restrictions on the movement of goods and services across border without significant attention to how this impacts different sectors of an economy. Though purportedly the intentions of these negotiations are to promote development, the reality as evidenced from the outcomes of existing trade agreements, such as under the World Trade Organization, is that development would appear to have been sidetracked. Dissonance between expectations and outcomes and a high degree of frustrating with the systemic responses to these divides have led to the stalemate of the negotiation agenda of the WTO Fifth Ministerial Meeting at Cancun, Mexico, September 2003 as well as the slowing down of the FTAA (Palley 2004). However, there has been no abatement in trade negotiation at bilateral and sub-regional levels, such as the recently completed CAFTA, (DR-CAFTA), Mercosur-EU etc.

These mixed implications indicate in one sense the unraveling of certain myths and misconceptions about trade liberalization, the WTO and the Multilateral Trading System, which it is supposed to supervise, as well as disagreements about the substantive content of the trade negotiations agenda, especially in the areas of agriculture, intellectual property and non agricultural market access. All of this has brought to the fore the issue of the nature of economic growth, the contributing factors and key determinants of economic development and the role and impacts of broad-scale liberalization on the processes of social and economic development in developing countries. This debate about the critical intertwine between trade liberalization, growth and development has been simmering in the international political economy since the debacle of the Seattle Ministerial (1999).

WTO Ministerial meetings tend to produce ministerial declarations (such as the Doha Declaration), which lay out guidelines for the priority areas and conduct of future negotiations. More, specifically, the Doha Declaration by making development the centre piece of multilateral trade negotiations, through promulgation of itself as the Doha Development Agenda (DDA), has generated more willingness on the part of developing countries to push the edges of the current trade agenda. It has also strengthened their hands in pressing for changes in negotiations framework that is supportive of broad long-term development goals; and, hence, when such changes are not readily forthcoming, has lead to the withdrawal of explicit consensus on WTO negotiations framework. This was certainly the case with the Cancun Ministerial (2003) and with the FTAA. Because of the impasse at Cancun, the timeline for ending negotiations on the DDA, which was slated to conclude in 2005, has to be shifted to 2006-2007.

Extension of the Doha Round deadline presents opportunities and challenges for downscaling the broad and rapid trade liberalization agenda of the rich countries and refining and deepening the processes that would enhance development as well as promote poverty eradication and environmental protection. It would certainly assure space for renewed emphasis on, and more focused attention to civil society and development

practioners call for a slowing down of the trade liberalization agenda and the undertaking of comprehensive gender, social and environmental assessments of the impacts of the implementation of the Uruguay Round of Trade Agreements (1986-1994).

Likewise, slowdown in the momentum of the FTAA process presents opportunities for re-thinking the ambitious scope, depth and speed of hemispheric wide trade negotiations. It therefore presents some space for undertaking policy-oriented research that can be usefully channeled to influence the results of the negotiations. However, at the same time, ongoing trade negotiations in other forums are resulting in agreements (i.e., CAFTA) that will be ratified or agreed upon through a variety of in-country mechanisms. The speed and rapidity of bilateral and sub regional negotiations processes increases the danger of further constriction of domestic policy space as well as lessen flexibility around broader future regional and multilateral negotiations¹. In the latter case, there are important linkages to the wider WTO process. In as much as the substantive content of these bilateral and regional processes include the same content being proposed for negotiations at the multilateral levels, or about which there are intense disagreement and contentions, when these bilateral and regional agreements finalize, they may impacts both the environment and content future of, or on-going, multilateral processes. While the reverse is also true, cross linkages coming from the multilateral level often seem more benign as they have often, hopefully, been thoroughly discussed in a less tense atmosphere and among a broad cross sector of stakeholders. At the bilateral level, the overwhelming presence of a dominant trading partner, such as the U.S. or the EU, may generate lopsided results, such as has occurred with the 'TRIPs plus' provisions in US bilaterals. More importantly, some of these bilaterals and regional agreement may include either in full or in part aspects of competition policy or investment liberalization (see for example, the FTAA negotiations) around which there is no consensus at the multilateral level.

There is clearly a need for further analysis and evaluation of trade liberalization and trade negotiations, at the national, regional and multilateral levels from the perspective of human development, human rights and gender equality. What are the social implications of trade rules and adjustments to trade policy instruments? What is the scope for non-trade concerns in the bilateral, regional and WTO? WTO Trade rules already have specific provisions regarding some subsets of non trade concerns such as Sanitary and Phyto Sanitary (SPS), technical barriers to trade (TBT) and intellectual property rights (IPRs). However, to-date, there has been no significant recognition of wider social and environmental related non-trade concerns including gender issues.

The rest of this paper will attempt to highlight in broad strokes how gender concerns have thus far been configured (or not) in the current trade negotiations agenda. Section I will highlight some of the gender dimensions of trade liberalization and how this prefigures into trade policy in general. Section II will explore how a gender and trade research agenda can explicitly influence the trade negotiations environment. The subsequent section will examine the political environment of trade negotiations and the possibilities for the integration of gender analysis and perspectives. Given this background, section IV sketches out possible scenarios for re-configuring Phase II of the research program of the

¹ The U.S alone is slated to engage in bilateral trade arrangement with 13 countries in the region.

Latin American Gender and Trade Network (LA-GTN). The paper concludes with recommendations and strategies. A set of supporting annexes highlights the gender dimensions of some of the key WTO agreements as well as the key issues on the agenda of the upcoming WTO (Hong Kong) Ministerial Meeting (December 2005).

II. Trade liberalization, trade reform and gender

Trade liberalization is a process that generates changes in the domestic economy, which can bring about positive or negative impacts on men and women. Trade liberalization and measures to promote it can impact the already tenuous and often unequal situation of women vis à vis men in terms of access to land, credit, training, technology, domestic and household responsibilities. When a society ignores the gender dimensions, its growth and development may be severely retarded.² This is so for at least three reasons. First, it is a waste of its human resources.³ Second, it is over (and unsustainable) exploitation of its human resources. So, even if, in the short run there appears to be benefit from a strategy of exploiting women's labor, over the long run it is not sustainable as women's health, morbidity worsens. However, it is also the case that in the long run, dependency on low wage as a development strategy can impoverish the nation, as the international value of its goods relative to its trading partners turns against it. It must therefore produce more while not necessarily increasing its relative income—ultimately systematic lowering of women's wages will keep other wages low in the economy. This is not conducive to promoting better standard of living. Third, there is great benefit to be had from the moral imperative of equality—happier, healthy and creative individuals who can contribute to the maximum of their human potential, fostering a society of dignity, security and creativity.

While trade liberalization does not create these structural gender inequalities, the trade reform that it engenders can impact for better or worse conditions in the labour market, relative prices in the product and resources market and governmental revenues. Thus, trade reform can lead to either increase employment or decrease employment and livelihoods, higher or lower prices for inputs and cuts in government social expenditures. All of this may affect women more than men. Trade liberalization creates winners and losers. Winners include those in the export expanding sectors who will find increased employment opportunities. Here evidence shows that women are the likely candidates and as such are likely to have access to higher wages than they would normally received in any domestic sectors.⁴ Positive impact of trade expansion on women's employment, earnings and ultimately their 'quality of life' have occurred in Brazil, Mexico (factory

² Gender inequality seems to account for 15-20% of the difference in growth performance between Sub-Saharan Africa (SSA) and East Asia (Klasen 1999). Between 1960-92, gender differences in education and employment in SSA, 1960-92, appeared to be responsible for reduction in the annual per capita growth by 0.8 percentage points. It is argued that this could have doubled economic growth over the last 30 years.

³ It is also argue that a country such as Uganda could gain up to 2%-5% points of GDP growth per year through addressing structural gender based inequalities in education (total years of schooling) and in formal sector employment (Klasen and The 2004 PEAP of Uganda).

⁴ Worldwide there is a strong positive correlation between female intensity of manufacturing (the number of female workers per 100 male workers) and export growth (Woods 1991, cited in World Bank 2004). There is also a rising trend of women employment in non-traditional agricultural export areas in Latin America and elsewhere.

jobs), and Ecuador (in the flower industry)⁵. Losers include those in the contracting import competing sectors, which will experience loss of market shares, forced downsizing or outright loss of businesses. This has been the case in the traditional agricultural sectors and even in the rural subsistence economy when faced with cheap imports, most often highly subsidized by northern governments and dumped in developing countries markets.

Those, such as women who are acutely dependent on social services or have high employment attachment to the public sector, may also be negatively affected by shortfall in government revenues due to declining trade taxes where there is significant fiscal sensitivity to trade reform induce budgetary shifts. Rao 1999, Khattry 2001 found that declining government revenue in 32 developing countries, in the period 1970's to 1990s, coincided with trade liberalization under structural adjustment; that is to say trade tax as percentage of total government revenue fell. More importantly, this shortfall was not offset by rising inflow from trade and in some cases resulted in declining social expenditure. If loss in trade taxes is compensated for by the imposition of regressive value added taxes this will also be felt more acutely by women who constitute a disproportionately large part of the poor in many developing countries. Floro 2001 and Barnett and Grown 2004 argue that indirect (commodity type taxes) act as a double burden on women, especially poor women as it exerts negative pressures on both the household budget and social sector budgets. In a context in which 'women...consume goods and services that benefit family nutrition, health and education, in contrast to men, who direct more of their income to personal consumption items, such indirect taxes can result in gender bias' UNCTAD 2004, p. 369)

Given the contrary and often contradictory impacts of trade liberalization-induced trade reform, then very careful attention must be paid to how trade policy measures are reformed and fine-tuned. Since, increasingly trade reform implemented at the national level is driven by multilateral and regional negotiated agreements, the mandate underpinning trade negotiations must be determined by and responsive to national development, industrial and social policy issues and concerns. Trade rules negotiated at the multilateral level tend to focus primarily on market access. But market access concessions are grounded in reciprocity and embedded in the 'single undertaking' framework that binds national governments and constraints the flexibility of governments to undertaken domestic adjustment that caters to the particular needs of different and clearly differentiated sectors within the economy. It is therefore, important that such negotiations are grounded in and extremely responsive to a gender equality based development cantered approach.

Over the last eight years, developing countries attempting to implement the Uruguay Round of Agreement have faced many significant untoward developmental issues in implementing the agreements. These so called implementation problems (issues)⁶ along

⁵ Gladwin and Thompson 1995 and Newman 2002.

⁶ Implementation Issues refers to over 100 issues related to the South difficulties and challenges with implementing the Uruguay round agreements. Many of these challenges and difficulties, it is argued, are due to inequities in the WTO Agreements, as well as, the fact that the North has not followed through on

with the push for wider coverage of policy areas such as competition policy, government procurement and expanded and deeper sectoral coverage of water, health, education, and non agricultural market access (in natural resources, fishing) have created a growing divide between the ‘trade agenda’ as distinct from the ‘development agenda.’ Since the development agenda is central to poverty reduction and the social and economic empowerment of women there is the question of what are the dangers and challenges that this tension between the ‘trade agenda’ and the ‘development agenda’ poses for gender equality

Why is gender important in trade policy/agreement?

‘Gender’: the rules, norms, customs and practices by which biological differences between males and females are translated into socially constructed differences between men and women and boys and girls. This results in the two gender being valued differently and in their having unequal opportunities and life chances.’ Kabeer, p. 2

The legitimacy for integrating gender and gender analysis into economic policy is to be found in the set of rules that the ‘global community’ has worked hard for and evolved a consensus on, especially over the last twenty years. Most governments have signed and made commitments with regard to gender equality objectives and gender mainstreaming as enshrined in CEDAW, the Beijing Platform for action (See annex 1) and Beijing plus five. Further, most governments are also explicitly committed to social equity and social development objectives of the World Summit for Social Development and the evolving set of human rights instruments. More recently over 180 heads of state made commitment to a set of Millennium Development Goals (MDGs) to be achieved by 2015.⁷

However, despite these commitments, trade agreements (at the bilateral, regional and multilateral levels) tend to be gender blind. To date, across the board there is no policy goal related to gender equality nor are there overall program goals to promote gender equality and social development dimension of trade policy.

In general, there are at least four reasons why gender issues are generally not addressed in trade agreements:

their commitments. It covers a broad array of issues including problems, which have been on the WTO agenda since 1998, relating to aspects of the Agreement on subsidies and countervailing duties, anti-dumping, SPS, AOA, export credits, textiles, TRIPs, and TRIMS.

⁷ The Millennium Declaration (189 governments, including 147 heads of state), September 2000, UN Millennium Summit: “No individual and no nation must be denied the opportunity to benefit from development. The equality rights and opportunity of women and men must be ensured.”

The other MDGs are: Goal one--eradication of poverty/hunger, Goal two--achieving universal primary education, Goal four--decrease in child mortality, Goal five--Improved maternal health, Goal six--Control HIV/AIDs, malaria and other diseases, Goal seven--Ensure environmental sustainability and Goal eight-- Develop a global partnership for development. Specific targets relative to each goal were established to be substantially achieved by 2015. Other conferences and arenas in which women’s role in development and gender equality have been affirmed include: the Earth Summit 1992, the International Conference and population and Development (ICPD)—Cairo 1994, the World Summit on Social development—Copenhagen 1995, the UN Conference on Human Settlement, Habit II, 1996.

1. Gender issues are seen as ‘political or philosophical’ in the context of trade discussions and thus overlooked.
2. Most issues are couched in gender-neutral terms—‘people’, ‘farmers’, target groups or beneficiaries. These are easy formulas for gender blind treatment in development and trade issues.
3. Lack of data and statistics on women and the economy, especially as it relates to imports and exports.
4. Policy makers and negotiators are not interested in gender equality.

(Adapted from Sarah Longwe’s Gender analysis of NEPAD)

In spite of these problems, gender analysis and gender perspective are important in trade agreements and in the trade (liberalization) negotiations process. Gender analysis offers a more comprehensive, in-depth and deeply integrative approach to look at trade and development. Gender analysis as developed within the body of feminist economic analysis focuses on the intertwinement between the household sector, the productive sector and the informal sector. It seeks to explicitly pinpoint the transfer costs and adjustment burden associated with trade liberalization-induced trade reforms on the household economy, unpaid labor, and the overall economic empowerment of men and women. Furthermore, it highlights the feedback effect between gender inequality and the performance of trade reform geared towards the promotion of trade liberalization.

Current research on gender and trade, highlight a two-way intertwinement between trade liberalization and gender: trade liberalization can increase or decrease gender inequality and gender inequality can lead to trade liberalization not achieving the desired results. For example, a government may enact a particular trade reform measure thinking that it will increase trade but find that the result is not what was expected. Such outward results may occur because policymakers were gender unaware and thus did not consider who were the dominant group in the sector and what their responses to the policy change might be. Women, who are restricted by childcare and household duties or who do not have access to credit due to gender biases in credit and land allocation, may not be able to bring forth increase in labor time need for expansion of production, or have the resources and training to take advantage of emerging opportunities for export expansion.

Recognition of the underlying and existing gender realities in the economy should compel policy makers to also develop gender sensitive and anti-poverty complementary policies or flanking measures in the context of trade reform. Measures that will be supportive of gender equality and women’s social and economic empowerment would include day care/child care provisions, changing or revising land and property rights, providing incentives that allow credit institutions to lend to women borrowers and or building infrastructure (road, storage facilities) closer to where women producers are located.

The issue is therefore not about ‘over emphasis on women or pushing men out.’ Gender is about men and women—their relationship to power, resources and decision-making—at the household, community and national levels. Gender is already at the table. But

currently, it is a one-sided discussion. Policies are made from the perspective of the male—the male head of household, the male worker, the male entrepreneur, and the male farmer, the male student. This is implicit. The challenge is to first de-mystify this and bring the perspectives, concerns and interest of the other gender to the table. This is not to push men's concerns off the table—to replace one inequality with another set of inequality; rather the concern must be to bring balance—gender equality and to improve the lives and conditions of children, women and men. In addition, where there has been historical and systematic inequality and mistreatment over time this must be remedied by special programs, change in laws/legislation and redistribution of tangible and intangible resources and access to such.

Good practices that will promote benefits for women from trade (liberalisation) policy must start with a trade policy that is oriented towards poverty elimination and the promotion of gender equality as explicit objectives. It must be centred in a gender aware model of the economy that specifically incorporates the reproductive and informal sectors of the economy. This means that attention must be paid to the institutional factors that affect the supply and demand for women's labour. These would include:

- men's and women's time allocation,
- Women's bargaining power and control of household resources: land and income.
- Recognise and take action to mitigate the fact that the economic activities of women are constrained by technological disparities, factor market rigidity, information bias, and the inter sectoral mobility of resources.

The above points to the need for supportive policies at national and sector levels to create and enabling condition for women and men to adjust to price incentives and other changing economic circumstance brought about by trade liberalisation. This would include mechanisms to promote more gender sensitive expenditure allocations for skill development, and skill upgrading, day care and family assistance etc.

However, these policies will not come forth automatically unless the case is made for them and there is a ground swell of advocacy calling for them. This process of advocacy and lobbying can be helped by case studies and advocacy oriented research.

III. Research on gender and trade: implications and impacts for trade negotiations

How can a gender analytical approach make a difference in trade negotiation/policy-making?

First, a gender analytical approach to trade policy making calls into question the particular approach to promote efficiency and sidling of transfer cost and welfare burden of the processes critical to and underlying trade liberalization: commodification, privatization, commercialization and trade intensification bias. This raises and gives prominence to the conceptual framework of economic and social development underlying a country's trade and development strategies.

Second, a gender analytical approach seeks to add the voice of, and gives visibility to women and other under represented actors in the economy in trade negotiations and trade policy formulation. Ultimately, strengthening the voices and presence of often ignored or overlook actors will widen the scope for participation, democracy and transparency in economic decision-making.

Third, a gender analytical approach has the potential of engendering the development of new set of broader and more effective policy targets and policy instruments. It can also generate new content and value added to the substantive agenda. For example, in the areas of special products discussion in the agricultural negotiations, the unearthing of the deeply embedded equity issues in services liberalization or in exposing to greater scrutiny the public health aspect of the TRIPs agreement.

Fourth, there is urgent need for a critical examination of the process of coherence being implemented between the IMF, the World Bank and the WTO around implementing the trade liberalization agenda.

What is the purpose of gender and trade research and how will it help with trade negotiations and vice versa?

As noted by Underhill-Sem of DAWN, we already know a lot about the gender social and economic dimensions of current economic systems. Undoubtedly, we can use more research and analyses on everything. But, what is the purpose of this research? As Underhill also points out, such research should not simply aim at impact assessments that then aim to promote better safety nets for addressing the most negative impacts—the so-called collateral damages of trade reform. Such a pathway while important and necessary in the short run, if it stops at that goals will only work to brings the inevitable social costs in line with the current dogma--in harmony with global trade processes. Rather, such research, if undertaken from a critical feminist standpoint, should be grounded in a political context and from a political commitment to value social justice and gender justice. Future research and analysis should seek to re-define policy tools, evaluate the extent to which national governments are meeting their commitments and highlight the range of diverse economies that exists within and across different developing countries countries.

Over the last many years are so we have learnt a lot more about the gender dimensions of trade such that there are certain aspects that we can speak more confidently about. This is true about the broad cross cutting themes of liberalisation, export promotion and market access. It is also true with regard to specific sectors such as agriculture. However, with other aspects of sectoral analysis such as for example with services, non agricultural market access and the overall development dimensions of trade related intellectual property rights (TRIPs) and trade related investment measures (TRIMs) there are quite different degrees of comfortability.

Increasingly, as a result of the glaring and persistent gaps between expectations and outcomes of trade agreement and in recognition that such agreements may have untoward

development, environmental, gender and social impacts, there has been a focus on developing assessment methodologies for investigating the quantitative and qualitative economic, environmental and social impacts of trade agreements and policy. It is generally hoped that such assessment tools will inform the decision-making process as well as provide guidelines for promoting mitigating and enhancement (flanking) measures that could accompany trade agreements and policy. Assessment methodologies range from those designed to examine the effects of poverty policy, in general, (Schmidt 2002) to a set of frameworks designed specifically to explore trade related issues. Examples of such models/frameworks ranges from those that focus on the social and environmental effects of trade policy, generally referred to as social impact assessment (SIA), to those that are focused on particular paradigmatic approach to economic development such as the human development Impact Assessment (HDIA), and Gender Trade Impact Assessment (GTIA).

SIAs, in use by European Commission since 1999, were developed to better define trade position/mandate and to determine needed flanking measures. Ideally, they should identify sustainable development trade off and help to decrease social, environmental and economic resources shock (European Commission, 2003).

GTIAs are distinct from HDIA or SIA in that they focus on the development of gender aware assessment and modeling techniques for assessing the ex ante and ex post impacts of trade agreement provisions on gender equality and on men's and women's well-being. GTIAs, such as discussed in Van Staveren (2002), WIDE (2001) and Women's Edge (2002), are relatively new and still in developmental stages. But for the most part the conceptual framework underlying these approaches are grounded in concerns around the sexual division of labor, labor market segmentation/discrimination, asymmetric rights and responsibilities, reproduction and motherhood, gendered social norms, time poverty and political, economic, and social rights.

Drawing on the works of Wood 1991, Fontana et al 1998, Armah 1994, Kucera and Millberg 2000, Dijkstra and Hammer 2000 among others, Van Staveren and WIDE explore the development of 'trade elasticities for gender equality (cited in Van Staveren 2002 and Van Staveren and Espino 2002).' Impact analysis performed with gender and situational analysis indicators is utilized to obtain snap shots of the direct and indirect effects of changes in trade policy (as engendered by, for example, the EU-MERCOSUR and EU-Mexico trade agreements) on gender relations in Argentina, Brazil, the EU and Mexico.

Women's Edge attempts to construct a framework that explores both the economic and legal effects of trade and investment agreements on women and men. The core of the assessment model is an expanded Heckscher Ohlin Samuelson trade model, "modified to include a 'feedback loop' that describes how a change in trade policy may affect relative prices, labor demand and ultimately real wages and consumption." The framework thus provide the scope for examining issues such as the impact of trade agreements on tax receipts and the provisioning of public sectors services. In addition, legal and regulatory dynamics, based on content and conflict analysis, also featured in the model, aim to

capture as much as possible the gender differentiated effects of trade and investment and agreement.

Box 1: What advocacy oriented gender and trade research must aim to do:

- Develop a strong macroeconomic and gender analytical framework to support the advocacy needs of gender and trade advocates and other CSOs.
- Design and implement country, regional/inter/intra-regional and global research agendas that focus on particular sectoral issues and priorities issues on the negotiations agenda of bilateral and intra-regional processes as well as at the level of the WTO.
- Help further our understanding of what is happening in the economy at the macro, meso, and micro levels
- Help to illuminate gaps in research, analysis, and policy
- Help to provide data and documentation for deeper analysis of:
 - the impact of trade liberalization, and
 - the interconnections between trade and other macro-level policies and processes
- Help to contribute to the further articulation of an alternative macroeconomic framework including alternative and different indicators and other ways of measuring and monitoring the economy, especially with regard to trade liberalization
- Identify a common set of indicators for gender impact assessment and for monitoring women's progress relative to men's as trade liberalization proceeds.

What should be the key feature of a gender and trade research agenda?

The Fundamental Principles of a gender and trade research agenda should include the following key imperatives:

- As much as possible, the research effort should integrate other factors that are critically important to people's lives, including: environmental/ecological concerns; food security; linkages to the informal economy; and the implications for sustainable livelihood activities of men and women.
- The research should also aim to challenge the limited and limiting 'market access' perspective that is dominating the views of Southern and Northern governments. Therefore, it should not simply be about impact assessment. While it seeks to examine or isolate particular trade impacts, the research and its findings should be conducted and presented in terms of the broader macroeconomic context. The

researchers should include the human and social development perspectives, as well as seek to examine the nexus of trade, social welfare and other macro policies.

- The research effort should be both policy-oriented and alternatives-driven. The research effort (design, data collection/interpretation, etc.) should be conducted in as participatory a manner as possible including collaboration with civil society organizations working at the grassroots, in the labor movement and other social movements, and incorporating where possible participatory research techniques. Where appropriate, the research should be collaborative between regions (for example, researchers from North America and Latin America working together on NAFTA, FTAA, etc.).

In general, gender and trade advocates posit that a central goal of trade policy should be to achieve the maximum possible gender equitable, social and human development in the context of environmental/ecological sustainability and food security. Successful achievement of this goal with regard to gender equality requires that policy-makers understand and take actions on at least four broad inter-relationships underlying trade, gender and the economy. These four intertwining and reinforcing inter-relationships that should be at the core of a research agenda on gender and trade⁸:

- Trade measures impact and are impacted by historical and structurally reinforced gender rigidities existing in the economy.
- Trade measures impact the multiple, interconnected and interdependent aspects of the economy at the meso, micro and macro levels.
- Changes and directional shifts in trade policy and measures may introduce new opportunities and challenges that impact men and women differently.
- Changes and directional shifts in trade in trade policy and measures impact the process of public and private accumulation that may have different implications for livelihood opportunities for different groups in the economy.

These four inter-relations can be expanded as indicated in box # 2.

⁸ Draws on Williams 2003.

Box 2: Four broad inter-relationships underlying trade, gender and the economy

I. Trade measures impact and are impacted by historical and structural reinforced gender rigidities regarding:

Entitlements/rights: food, land, medicines and other social and cultural assets.

Capabilities: education, skills, training, access to technology etc.

Functioning: health, nutritional status, access to essential services and participation in decision-making and governance.

II. Trade measures impact the multiple, interconnected and interdependent aspects of the economy:

A. Unpaid labour/social reproduction

B. Labour, commodity and other resource markets

C. Credit and access to economic resources

D. Production/distribution

Exchange (monetary)

Non-monetary exchange/gift

E. Domestic law, policies and programs (government services) and Taxation/expenditures

III. As a result of I and II above, changes in trade policy direction may introduce:

F. New opportunities and new areas of involvement for men and women, firms and government.

G. Expansion of some areas of opportunities for men and women, firms and government.

H. Contraction of some existing opportunities for men and women, firms and government.

I. Destruction of some existing opportunities for men and women, firms and government.

J. New legal framework that changes entitlements, rights and responsibilities and access to assets and government services.

IV. As a result of I, II and III above, changes in trade policy direction impact:

K. Accumulation/growth (national and private)

L. Livelihood/provisioning

M. Poverty (exacerbation/creation/eradication)

N. Social and human development

O. Gender equality/equity

P. Environment/ecology

It must be noted that a thorough examination of the workings of the relationships identified in box 2 imply very broad, long-term objectives and goals of multiyear dimensions. In retrospect, these needed to be detailed and broken down into discrete elements specified for the immediate, short, medium and long term. The methodological aspects of this alone is quite ambitious and it presumes a certain level of technical capacity around the conceptual and methodological issues of a new and emerging field as well as the capacity to handle data, design questionnaire and generate indicators and other potential policy tools.

In terms of the specific tasks of a research oriented programs, there is need for much clearer analysis on the independent, interacting and collinear impacts of these issues on the economic and social lives of men and women. For example, how do WTO trade policy impact social policies and the availability of essential services (water, energy etc)? What is the effect of this on the daily burden that women shoulder in carrying out their tasks of caring for children and families in the household and communities?

IV. Gender analysis and the political environment of trade negotiations: A SWOT assessment

Since the Uruguay Round, global trade negotiations has become a key strand of the organizing and monitoring activities of many women's organization and feminist economists, including Development Alternatives with Women for a New Era (DAWN), Women Development Organization (WEDO), Network Women in Development Europe (WIDE) and the International Gender and Trade Network (IGTN). These groups have paid particular attention to the negotiation processes at country and regional levels, in Geneva, and at the premier decision-making forums of WTO, the Ministerial Conferences, from Singapore to Cancun. In recent times, larger membership organizations such as the Association for Women's Rights and Development (AWID), the Women's Edge Coalition have also taken on the WTO Trade agenda debate. In addition, large NGOs such as Christian Aid and Oxfam are including gender and trade in their agendas.

Over the last five years, there has been an increasing presence of well-known international institutions focusing attention to gender and trade. Women's machinery such as Status of Women Canada and research-based institution such as IDRC are also becoming engaged in gender and trade work. There is also now the intervention of inter-governmental organizations such as the United Nations Committee for Trade and Development (UNCTAD) and the Commonwealth Secretariat. UNCTAD, which was one of the first IGOs to host an expert group meeting on the subject of Gender and Trade (1999), is now the focal point of the UN Inter Agency Task Force on Gender and Trade (which includes UN agencies, all the regional commissions, the OECD, the World Bank, the WTO and the Commonwealth Secretariat). The task force is part of the UN Inter-Agency Network on Women and Gender Equality The 'ultimate objective of the inter-agency task force is to sensitize agencies within and outside the UN system, as well as

governments on issues / policies identified by the Task Force, and possibly to develop technical assistance activities in this area’.

Currently, there is an on-going process of deepening the activities of gender and trade advocacy in terms of analysis, research and policy interventions on the trade agenda from a gender analytical perspective. However, while there are new opportunities for strengthening both the research and advocacy there are some existing areas of weaknesses as well as significant challenges ahead.

Strengths

The main strengths in the future development of gender analysis are at least threefold: 1) the ongoing work focused on case studies and country level research by women’s groups and other NGOs; 2) the potential of IGO’s such as UNCTAD and the Commonwealth Secretariat to extend their analysis of gender equality in the context of trade into the ‘hard’ areas of investment, competitiveness and the work of the various, trade policy boards etc; and 3) the work of UN agencies such as FAO in the area of agriculture/food security.

In terms of the potential impact of gender and trade advocates on the policy space/environment of Gender and trade, the strengths here are threefold: 1) the intervention of highly recognized and influential players among gender and trade advocates; 2) the slow and incremental exposure of the WTO and trade officials to the gender equality dimension of trade; and 3) the growing influence of women’s and feminist groups on gender and trade.

The Commonwealth Secretariat has organized three international seminars with policy makers, women’s machinery and trade negotiators on the subject of gender and trade. In addition, the Commonwealth Secretariat has produced a handbook on gender mainstreaming in the MTS. Other International agencies weighing in significantly on the importance of global trade rules and the workings of the MTS on gender are the ILO, which has for sometime now been involved in exploring the impact of global production processes on women workers, and the International Trade Centre, which is exploring the impact of trade rules on women entrepreneurs. In addition, the Commonwealth Business Council/Business Women’s Network has also begun to explore gender, trade and SME’s.

Along with the interventions of IGOs interested in the gender equality dimensions of the multilateral trading system, the subject is also slowly making its way into the WTO orbit. The subject of gender and development/trade was a major subject area for the first time at the WTO yearly public Symposium in June 2003. The Director General of the WTO, who was the keynote speaker at the plenary, ‘Women as Economic Players in Sustainable Development,’ acknowledged by his presence and in his remarks the importance of women’s contribution to development and global trade. In addition, the Women Ambassadors were actively involved with bringing the event to the WTO. At the same time, there is a strong and controversial debate, being led by a few European based

philanthropic organizations and some women organizations, on different modalities for the mainstreaming of gender into the WTO institutional and decision-making process.

Weakness

There are ostensibly at least four main weaknesses in the political process of incorporating gender perspective into the multilateral trade system.

First, to-date the focus on gender and trade, though growing, is still relatively small and often tends to be segregated within the larger programs of the institutions discussed above. For the most part, efforts at exploring the linkage between gender and trade are maintained within the gender and social manpower area with not much significant interactions or linkage to and between the major economic analysis divisions or departments of these institutions. In addition, trade negotiators tend to be resistant to the idea of gender seemingly on two grounds. In the first, case many do not understand gender and how it fits analytically into their negotiations mandate. In the second instance, many negotiators worry that gender may become another political football that is used by the major powers to further circumscribe national policy-making. The first case may be reflective of lack of awareness and lack of, or, inadequate sensitization to gender and gender analysis within national trade departments (as well as finance ministries) and signals to some extent a failure of gender mainstreaming. The latter reaction is symptomatic of a lack of understanding and the perpetuation of misconceptions about gender. Many trade negotiators will argue that trade is gender neutral or gender blind so trying to incorporate gender is adding yet another variable to an already crowded agenda. In any event, they argue, that trade will benefit or hurt every one the same, meaning, 'poor people', 'farmers', 'workers'. However, what they miss is that gender is implicitly at the table, since trade policy analysis almost universally assumes the point of view, perspectives and concern of the male gender. There is also an implicit assumption by economic decision-makers that the adjustment cost that is necessitated by trade policy reform will be borne by women, who will adjust their time and energy to make up for whatever shortfall trade liberalization engenders in household budget and losses or gains in employment, livelihoods and community services.

Second, the political acceptance of gender and trade is also constrained by the fact that gender machineries of various governments, with the exception of few, do not seem to be well informed about the application of gender analysis to trade. They, therefore, are not able to make appropriate interventions, assuming the political space will allow it, into national trade policy decision-making and mandates. This is a continuation of the macro policy analysis deficit within gender mainstreaming.

Third, gender and trade, as with much of macro policy decision-making, in the final analysis, final results exhibit what Helen Derbyshire has identified as 'policy evaporation of gender priorities'⁹ and lack of follow through (Derbyshire 2002).

⁹ Commitments to gender equality tend to evaporate in planning and implementation process. Helen Derbyshire 2002. Gender Manual: A Practical Guide for Development Policy Makers and Practitioners. UK, DFID, Social Development Division.

Opportunities

Opportunities for better integration of gender perspective into the trade policy space are at least fourfold: 1) the emergent work of UNCTAD, other IGOs, and national level efforts and in the direct WTO environment; 2) Social and Gender Impact Assessments; 3) the regional trade arrangements and 4) trade related capacity building/technical assistance.

To the extent that UNCTAD/ the UN Task Force and the Commonwealth Secretariat can deepen and broaden their sensitization efforts among Member governments this will open up the political space at many levels. The possibility of more seminars on gender at WTO Sponsored event makes it more likely that trade ministers and trade negotiators will have exposure to the subject matter. More coordination and deepening of relationship between Women's machinery and national trade policy making decision-makers (Ministries of Trade, Ministries of Finance, Ministries of Commerce, Permanent Secretaries and National Parliaments) will also facilitate greater openness towards the consideration of the gender equality dimensions of trade.

Opportunities for increasing research on gender and trade existing with regard to the UNCTAD task force, IDRC and women machineries and agencies that deal with health care, education, entrepreneurial development pushing the envelop on trade and gender in these areas.

In addition, the legitimacy of gender as a critically important analytical and policy variable in economics and economic policy analysis has been consolidated in the work of the World Bank and Feminist Economists (Berik et al 2003, Cagatay 2001, Elson 1999, Fontana et al 1998, Ozler 2001, Sequino 2000 and Williams 2003). The World Bank's publication on Engendering Development (2001), two volumes of the World Development Journal devoted to the subject matter and the gender Chapter of the World Bank's Sourcebook for PRSP have provide a solid background for leveraging the analysis on gender and trade.

Another potential plus for advancing the analytical work and hence generating more research and policy outputs are the many studies on gender and export oriented models and on gender and FDI. The developing work by feminist economists on gender and fiscal policy, which has parallel the practical application of women's budget projects, can be a useful base for examining the trade dimension of the fiscal budget.

The empirically based emphasis of the MDGs (in particular goal 3 and 8) and the poverty reduction strategy papers are also potentially positive areas for adding data and new indicators to bolster the work on gender and trade.

The responses of some Northern governments to claims by civil society about the negative impacts of trade liberalization on key areas of economic development in many Commonwealth Countries have led to the emergence of Social Impact Assessment of

trade policy. However, developing countries have not paid much attention to this for their national economies. At the same time, gender advocates have been creating their own methodologies for gender trade impact assessment (GTIA) of trade policy. SIA/GTIA, though still in developmental and experiential stages, are gaining currency among some policy makers. More utilization of these methodologies will help to make trade policy makers more able to credibly speaking about the developmental impacts of trade as well as to better define trade positions/mandate, technical assistance and capacity building programs. The use of GTIA also presents another possible set of tools for research, informing trade mandate and developing guidelines for implementing trade reform strategies.

Some regional trade arrangements (such as SADC and COMESA) have, or are in the process of developed gender policy statements. Others are strengthening or incorporating gender mainstream tools and processes. At present the focus of RTA's are broadly on gender and development or in the well-accepted area of gender, science and technology. But, overtime more attention is being paid to gender and trade, even if the initial entry point is via women SMEs. Trade, gender and development was also an agenda topic at the Second Ministerial Meeting Advancement of Women of Organization of American States (April, 2004). As these regional processes develop, especially, if they are not externally driven, they may present possibilities for opening much broader and deeper awareness, dialogue and action on the gender equality dimension of trade agreements.

According to the WTO, trade capacity building must "create an enabling environment for increasing the volume and value-added of exports, diversifying export products and markets and increasing foreign investment to generate jobs and trade." In addition, the activity should "enhance the ability of enterprises to participate in international trade, or increase national capacity to participate in the multilateral trading system." To this end, there is a rapid growth in TRCB coupled with traditional forms of technical assistance. Currently, much of these activities seem to be externally driven. However, given their growing importance and the operations at the micro and meso levels, they present the scope for bringing on board concerns about the economic empowerment of women as business entrepreneurs and workers in the export sector. There is therefore need for a serious survey of the nature, scope and instrumentalization of TRCB/TA in developing countries with a focus on its scope and role for promoting poverty eradication and gender equality outcomes.

Threats

Threats to gender and trade at the political level are at least threefold: 1) the high potential for instrumentalizing gender to promote trade liberalization by, for example, perpetuating the myths of unambiguous benefits for women and 2) the potential for misuse of gender and gender mainstreaming by rich country in such a way that it becomes a too controversial and discredited idea. This could happen, for example, if gender is promoted as a clause or conditionality and hence ends up in the same vein as the social or labor clause debates. Clearly, there are very real concerns about extended the power of

the WTO into areas beyond its mandate and giving it even more control over developing countries policy-making.

A third threat to the political operationalising of gender and trade is the overwhelming nature of the multiple and highly involved trade negotiation agenda with which many governments are already involved. The danger here is that developing country negotiators are already seriously challenge by time, human and financial resources and trying to manage the day-to-day minutiae of a multitude of pre-existing and rapidly proliferating of issues. Therefore, gender analysis needs to be integrated in a very user friendly and value-added way in order for it to be taken on board.

This tentative SWOT analysis points to a clear need for further analysis and evaluation of trade liberalization and trade governance at the various levels of the MTS. Increasingly there is a growing consensus that such processes must be grounded in and accountable to the perspectives of human development, human rights and gender equality. What are the social implications of trade rules and adjustments to trade policy instruments? As indicated in the Doha mandate, there is certainly scope for the WTO to consider more carefully the implication between trade rules and non-trade concerns, especially with regard to food security, rural development and sustainable livelihood. Furthermore, the UN Human Sub-Commission on the Promotion of Human Rights in its 2001 report has also highlighted the potential human rights implications of the liberalization of trade in services and reaffirmed that governments must play a role in ensuring the availability, accessibility and quality of basic social services.

V. Towards Re-configuring LA-GTN research?

To date the overriding concerns of LA-GTN research have been to stimulate country level research on gender and trade and to stimulate critical analysis on the links between gender and trade. A central guiding theme of that research has been that it should help to guide the economic literacy and advocacy programs of the network. A third leg has been to raise questions that stimulate the development of macro, meso and micro level data.

Are these still relevant? Yes, nothing in the evolution of the trade debate has changed significantly to warrant a shift from this broad commitment. But, how can researchers hold firmly to these broad imperatives without losing track of the political moments and the unfolding negotiations drama, especially around the new issues, which would indicate the addition of new directions to the research, such as on investment, competition policy, government procurement and trade facilitation issues.

This begs the question: What is the fundamental purpose of LA-GTN future research?

Is it to be about highlighting the negative impacts of adjustment, the so-called collateral damage so to speak, or , will it offer something much deeper? Of course, at a certain level, researchers must be interested in undertaking the former enquiry as a first step in the process, because attention must be paid to those factors that affect the immediate short-term survival of men and women in the society. But, ultimately, the research should

be in service to network's political commitment to social and gender justices. Thus even as researchers investigate the 'nitty gritty' of the impact of a particular trade liberalisation posture or measure on x, y and z sectors, they must also work to make the research and analysis redefine policy tools, evaluate the extent to which national governments are meeting their commitments to gender equality and poverty eradication, as well as highlight the range of diverse economies that exists in the economy.

Hence the key goals of an interlinked advocacy driven gender and trade research must include:

1. Furthering our understanding of what is happening in the economy at the macro, meso, and micro levels in terms of the transmission of trade policy and trade related capacity building and technical assistance programs.
2. Illuminating gaps in research, analysis, and policy
3. Providing data and documentation for deeper analysis of
 - a. The impact of trade liberalization, and
 - b. The interconnections between trade and other macro-level policies and processes
4. Contribute to the further articulation of an alternative macroeconomic framework including alternative and different indicators and other ways of measuring and monitoring the economy, especially with regard to trade liberalization

It is important to note that sectoral approach will be determined by country and sub-regional variations and differentiation which will also give rise to different sub sectoral priorities. For example, under services, education or health care or social services; under TRIPs, public health or Traditional knowledge and technology transfer. Already some countries and sub-regions seem to be developing expertise and preference for at least beginning work in specific sector and sub-sectors

Latin America is a region where there is focused attention on regional trade arrangement/integration—Mercosur, NAFTA, FTAA etc. Hence a LA-GTN research project must also investigate the nature and instruments of integration or product coverage, the nature of trade creating and trade diversion— especially in terms of investment coordination, fiscal incentives, taxation, agricultural market access; beyond the border measures and non trade concerns of these agreements. Additionally, the type of safeguards and trade remedies that are necessary given social and gender consideration to protect and jobs as well as to offer adjustment assistance and ensure the process of economic diversification and human resources development are critical areas of enquiries for research. Which internal sectors will gain and which will lose? Where are women located? What are the scope for non-trade concerns, whether in the main agreements or in side agreements?

The extent to which these agreements can positively or negatively influence gender equity goals as well as sustainable development depends on the scope of bargaining, the nature of rules versus the constraint it implies on policy space; the degree of constraints and flexibility in the agreement.

VI. Recommendations and strategies

Activities that would comprise a minimum set of actions to be undertaken by a gender and trade research project that would support advocacy in trade negotiations must be geared at ensuring some amount of responsiveness to the needs of the different stakeholders who are promoting gender and trade framework in multilateral trading systems. This spans a wide range of actors from core gender and trade civil society actors, to gender machineries, national governments and regional trade and related institutions.

CSO and Women's/Gender Machinery

Gender & Trade research can provide input into national consultations with key stakeholders on gender and trade focused on specific topic areas such as how directional shifts in trade policy affect:

- Entitlements/rights: food, land, medicines and other social and cultural assets.
- Capabilities: education, skills, training, access to technology etc.
- Functioning: health, nutritional status, access to essential services
- Domestic law, policies and programs
- Trade-related fiscal revenue effect/expenditures

Gender & Trade research can provide a framework that can support Women's Machineries, who are interested in developing partnerships with sector ministries such as agriculture, commerce/industry, health and labour around the areas of social and gender impact assessment with particular focus on exploring:

- What are the new opportunities and new areas of involvement for men and women, firms in international trade?
- What are the areas of expansion for opportunities for men and women, firms and government? In addition, what policy mechanisms are needed to promote women's effective participation?
- What are the areas of contraction of some existing opportunities for men and women, firms and what policies and mechanisms need to be developed?
- In regards to competition policy, investment rule change, government procurement, how will these affect the legal framework in terms of entitlements, rights and responsibilities and access to assets and government services?

The output from the research project can be tailored to assist women's machineries to take part in trade policy review of their national trade policy by the WTO's Trade Policy Review Division. Women's machineries may have a double role: First, as participants/contributor to the WTO staff research for the Secretariat's report. Second, as contributor to the national government's preparation of its country report. Women's machineries, where possible, should seek to inform the research and data collection with guidelines and briefing papers as well as responding to questionnaires sent to government. They may also prepare their own gender chapter for the country report. Fact finding missions from the WTO Secretariat also presents a possible entry point for gender machineries to present studies and policy briefs.

Governments

Gender & Trade research output can become valuable input to National governments in assisting them to recognize and accept that trade liberalization is an inherently political process that generates winners and losers internationally and nationally and thus poses particular dilemmas for men and women even in spite of the existing gender relations and local patriarchies.

Gender & Trade research input can be made useful to government in helping government to undertake social/gender impact analysis to assess and monitor the consumption, production, fiscal revenue, Balance of payments and poverty/equity effects of the decreasing tariffs and non-tariff barriers, elimination of behind the border measures, competition policy, Intellectual monopoly privileges in the form of (IPR) etc.

Gender & Trade research can also support the intervention by government to develop protective strategies in trade negotiations as well as in national policy to protect and ensure national food security/sufficiency; carve-out and protect essential public/social services such as water, energy, and primary health care.

At the national level, trade policy and other economic decision-makers should focus on macro, meso and micro level programs to assess the transaction costs, imperfect information, gender biases, market inter-linkages, asymmetric property rights and gender segmentation of markets

Regional Trade and related Institutions.

Research output of gender and trade could also be useful in providing strategic input to regional trade institutions who coordinate, regulate and monitor trade in their respective regions to support them in:

- Developing Policy framework for mainstreaming gender. In addition, where these already exist, they should be updated to reflect concerns and commitment regarding gender and trade.
- Ensure that there are gender analytical capability at all sector levels in their trade work areas.
- Assist with gender and social and gender impact assessment of RTA's trade negotiations and programs; and provide background documentation at convenes of expert Group Meeting on Gender and trade.

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Annex 1

The Beijing Platform for Action (Strategic objective F.1, para 167, UN 1995 and Strategic Objective F.4 (b) para 176, UN 1995).and the Beijing+5 document adopted in July 2000 places responsibility on multilateral organizations as well as governments in achieving equality goals. It states that: *“Organizations of the United Nations system and the Bretton Woods institutions, as well as the World Trade Organization, other international and regional intergovernmental bodies... are called upon to support government efforts ... to achieve full and effective implementation of the Platform for Action”* (para. 49).

The **Platform for Action** adopted at the UN’s Fourth World Conference on Women (Beijing 1995) specified several actions by governments that are relevant to multilateral and regional trading arrangements:

165(k) *Seek to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women’s new and traditional economic activities.*

165(l) *Ensure that all corporations, including transnational corporation, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws*

Annex II

This Annex will focus on some of the pressing problems, constraints and challenge for gender equality in the sectors and sub sectors as well as highlight specific research questions/or guidelines.

Agriculture

Agricultural liberalisation turns on the key issues of 1) the three pillars of protection for agriculture—market access, export (competition) subsidy, domestic support and 2) tariffication of non-tariff barriers. The AOA negotiated under the Uruguay Round of trade negotiations attempted to impose conditions on domestic subsidy and domestic support for agricultural production. However, the final outcome was lopsided in that the rich countries were able through a variety of mechanisms, the peace clause, amber, green and blue boxes to protect their agriculture.

The basic outstanding issues to be dealt with in future negotiations—the so-called built-in agenda of the WTO include: 1) Elimination of subsidies (export and domestic), improved market access and tariffication of non-tariff barriers (NTBs); 2) Special and differential treatment (SDT) for developing countries; 3) expiration of the Peace clause and 4) special safeguard mechanisms.

The Doha Ministerial set the stage for more developmental friendly outcomes on these agenda items as well as promoted discussion on mechanisms to promote rural development and adequately address the food security concerns of developing countries. It was hoped that the Cancun negotiations would have solidified the modalities for negotiations in these areas.

The Cancun ministerial was meant to undertake stocking taking of the outcomes of the Doha Work Programme as well as provide guidance for the negotiations of specific agenda items. Resolution of the imbalances in the AOA through elimination of domestic subsidies, was a central issue at Cancun. The debate became intensely heated when the August 13, 2003 text of the EU and the US, which appeared to simply maintain the Uruguay Round status quo, became firmly entrenched as **the** negotiating text. Developing countries argued that the text's proposal of a blended (UR and Swiss Formula) approach to tariff reduction would not produce significant tariff reduction on products of export interest to the South. In addition, the EU-US text would only shift domestic support between categories (amber boxes, green boxes and blue boxes) but would not engender an overall reduction in this support. Thus, it would undermine Doha. Moreover, there was no commitment to a phase-out date for export subsidies and the text was weak on special and differential treatment (SDT).

The General Agreement in Trade and Services (GATS)

The GATS sets rules on how countries treat foreign service providers and seek to eliminate 'all measures affecting trade in services (including government laws, policy and regulatory and administrative rules such as grants, subsidies, licensing standards and qualifications, limitation on market access, food safety rules, economic needs texts and local content provision, nationality requirements, residency requirements, technology transfer requirement, restriction on ownership of property or land; and tax measures which affect the foreign provision of services).

The conclusion of the URA left much unfinished business in the services area that was slated to be dealt with as part of the built-in agenda for future negotiations. These issues including safeguards, subsidies, and government procurement and expansion of trade rules to other services sectors were to be dealt with through negotiations under GATS 2000. Developing countries also had concern regarding 1) the right to regulate services to meet national development policy objectives, 2) Better market access; 3) The creation of symmetry between the movement of capital and labor through re-opening the negotiations on movement of natural persons; 5) Negotiations on emergency safeguards (especially the process for addressing 'material injury' to domestic service providers due to market opening in service) and 6) 'Full and faithful commitment to article XIX of GATS (deals with progressive liberalization and provide for successive rounds of negotiations such as GATS 2000).

The Doha Development Agenda did not add substantively to the terms of debate on the GATS 2000 negotiation. However, it exhorts members to pay more focus on Development concerns (Article IV:I of GATS).

As with the AOA, the major challenges for both Doha and Cancun in the services, was to formulate modalities for negotiations as a basis for the negotiations. Services, unlike agriculture, was not as riddled with conflict and controversies. For the main part as identified above the main tasks was to clarify the scope and modalities to be covered. There was also disparities in the nature and extend of 'request and offers' made by rich countries to poor countries to further liberalize critical services areas such as health care, water and its distribution, and education.

Competition policy

Competition policy is the set of laws and regulations designed to maintain a fair degree of competition by eliminating restrictive business practices by private enterprises (UNDP). Competition policy has many aspects including anti monopoly (anti trust) provisions, provisions for regulation of state aid (subsidies and subsidies like measures to industry), and provision for dealing with restrictive or anti competitive or unfair business practices such as those limiting entry to a market.

In the run up to the Cancun Ministerial, there was a strong push for a Multilateral framework on trade and competition (MFTC). Though by the end of the Cancun Meeting

Competition policy was removed from the table (a decision reinforced formally by the withdrawal of three of the Singapore issues in the July-August 2004 Framework agreement reached at the WTO), since the main demandeurs of such an agreement are the EU and many OECD nations who seek market access for their firms in developing countries, these issues will be feature prominently in bilateral and regional agreements with these countries. The core principles that were being debated for inclusion in a MFTC were: hard-core cartel rules, transparency and the application of core WTO principle (most favoured nation (MFN), national treatment (NT, etc) to this area. Other issues include whether or not there should be ‘harmonization of domestic competition law’ (thus far not required); whether industrial policy should be based on a public benefit test, the inclusion of Special and Differential Treatment as a core principle and ‘flexibility and progressivity’ for LLDCs.

At Cancun, Ministers were asked to take a decision on modalities, which would launch negotiations at Cancun on a binding multilateral framework for competition policy in the WTO. Modalities and the resulting framework would cover the four issues in para 25 of the Doha Declaration. This MFCP would include element such as horizontal competition law, a competition agency, dispute settlement non-discrimination principle, in particular national treatment. This would have implications for areas key to gender and development such as industrial, developmental and social policies, especially “as the principle is proposed to cover a country's competition law in general, including such areas as merger review, rather than only the area of hard core cartels,” (Jenny 2003. Furthermore, missing or not adequately specified are: precision on scope, export cartels, implications for government mandated practices, the elements of flexibility, progressivity, and Special and Differential Treatment (Jenny 2003 and TWN)

Ultimately, competition policy based upon “the doctrine of ‘contestability of markets’ is likely to erode the freedom of developing countries to pursue domestic policy for social and economic development.” All of these outcomes are inimically to the attainment of women social and economic advancement and the goal of gender equality.

A MFCP is likely to have adverse impacts on governments’ ability to design and implement industrial policy that promotes SMEs and local capital as part of long term sustainable and gender equalizing economic development. Women, historically disadvantaged minorities and other small and medium-sized firms that are often under capitalized in developing countries will not be able to compete with the unrestrained and unregulated presence of giant TNCs from developed countries. A MFCP is likely to impact adversely government mandated practices (unless these are exempted) which will impact areas such as affirmative action for SME, especially women owned business. Reciprocity would have a chilling effect on government practices and programs that are designed to remedy historical economic injustices and promote gender and other forms of equality.

Government procurement

Government procurement refers to the purchasing of intermediate goods and services by national, municipal and other levels of local government. These goods and services are purchased for physical infrastructure, defence equipment, public goods (health and education) and government administration (UNDP 2003).

As with competition policy, as a result of the Cancun stalemate, government procurement was formally withdrawn from the Doha rounds of negotiations, however it is still an agenda item in many bilateral and regional negotiations framework and thus is still an important area for gender considerations. The debate, as set by the Doha Ministerial Conference, focused on 'transparency' in government procurement including publication of information on national legislation and practices. Under the terms of the mandate, market access commitments and trade relations among Members are not to be part of the discussion. Thus, governments may discriminate in favour of national suppliers and domestic preferences are to not be challenged.

However, there are quite subtle differences among and between these governments as well as between and among opponents to an agreement on transparency in government procurement. These differences including divergences and disagreements on the meaning and significance of transparency, the possible coverage (goods and services, or goods only, level of government and threshold values of procurement activities), suppliers' rights versus government obligations, enforcement and compliance mechanisms (domestic review process versus dispute settlement, the nature of interaction between the two and challenges to national procurement provisions). Furthermore, developing countries, who are at best suspicious of the entire debate and at worst oppose to it, see transparency as but an initial step towards full-scale inclusion of government procurement under WTO discipline and subject to dispute settlement.

In summary, the debate on transparency is wide and far reaching ranging from what would seem to be a simple call for publication of laws, regulations, measures on procurement methods to more complicated issues of fuller information on tender process (acceptance and grievance procedures), equal access for information, guidelines, limitation on criteria for awards, technical specifications, tendering procedures, qualifications of suppliers, invitation to tender, publication of awards and reasons why tender failed and the appropriateness or inappropriateness of the dispute settlement process.

At the national level, transparency which focuses on fair and clear rules of procedures for government purchases of goods and services is beneficial to all citizens. This is so because there is fewer opportunities for corruption, more possibility for public (government) savings and better quality of resource allocation.

At the international level, the gains from transparency to developing countries are not so clear. Proponents of transparency argue in favour of a six fold benefits to be had from the agreement: 1) enhanced efficiency and competition leading to increased innovation

among suppliers; 2) decreased public expenditures (due to low levels of bidding); partnership between foreign and local suppliers; decreased corruption; good governance and 6) increased level of legal certainty (from a minimum set of global rules. However, there a lot of debate about just how much of these presumed benefits will accrue positively to individual developing countries.

In the first case, if the scope and definition of transparency goes beyond the availability of information on rules and procedures to towards harmonization and overhauling of procurement practices then very little benefits will be achieved (UNDP 20003). As noted by UNDP, too broadly defined transparency will impact domestic policy space.

In the second case, transparency at the multilateral level is not free; its implementation can be quite costly for developing countries. Implementing policies rules and norms determined at the MTS incurs logistical cost, bureaucratic cost.

In the third case, there maybe significant equity and efficiency losses. For example, Small and medium-sized enterprises (SMEs) may loss preferences with regard to lower price and purchase threshold. There may also be employment effect as foreign bidders out compete domestic firms. Thus, jobs are lost to overseas workers. Furthermore, government loses a key macroeconomic stabilizing tool.

Trade Facilitation

Of the set of four new issues on the WTO agenda, trade facilitation is the only one that will be include in the current round of Doha negotiations.

Broadly speaking trade facilitation refers to activities, practices and formalities relating to the movement, release and clearance of goods that crosses national borders (WTO). This include rules and regulations for collecting, presenting, communication and processing data required for the movement of goods in international trade such as customs or licensing procedures, transport formalities, import and export procedures, insurance, payments and other financial requirements (WTO 2000a).

There are many claims made regarding the potential of a trade facilitation policy to simplify and harmonize international trade procedures involving the collecting, presenting, and communication and processing data for the movement of goods. Yet as noted by UNDP (2003), there has been no hard evidence of additional economic benefits of such activities for developing countries. In fact, the extra budget spending, potential loss of revenue and unexpected costs potentially will increase developing countries vulnerabilities. Evidence for caution in this regard can also be found in the estimated cost of implementing the WTO agreement on customs and valuation. Countries' experience with implementing different aspects of such an agreement has ranged from an estimated US\$16.2 million in Tunisia to a US\$38.5 million in Bolivia.

Reforming and modernization of facilities and building institutional capacity to accomplish this is quite costly and comes with high opportunity cost. Government must decide what spending trade offs must be made from national budgetary resources.

Furthermore, it can impact either positively or negatively on government revenues. For example, Pakistan, which switched to pre-shipment inspections (1995-97) before it had developed information system and full documentation on its economy, experienced substantial under and over valuation by traders resulting in a fall in revenue collection. Ultimately, this put a great strain on budgetary resources (Pirzada 2002). On the other hand, there can be 'increase efficiently due to simplification of documentation requirement and import and export formalities, resulting in absolute gains to the nation. Gutierrez 2001 noted that Bolivia's custom reform, which cost US\$38.5 million, led to increase in revenue collection. And in Singapore, implementation of an electronic declaration system for traders generated savings estimate at 1% of GDP or 0.4% of external trade expected to cover cost in three years (Woo and Wilson 2000). But in the Philippines, as noted by Jeros (cited in UNDP 2003) a new trade facilitation system initially increased revenue (by about 2%) but the 'cost of sustaining the new system led to an immediate budget crisis and a cessation of funding for the system'. While other countries are reported to have gained from improved trade facilitation, many of these reports do not capture the gender, equity and development dimensions.

Annex III: Towards the Upcoming Hong Kong Ministerial and a possibly revamped FTAA

From the perspective of influencing both the WTO-post Cancun-Doha Agenda and the FTAA processes, the delay created by the breakdown of the Cancun meeting as well as the cooling of the Brazilian momentum and the resulting lack of time table for the resumption of talks on the FTAA presents a critical moment for the research to develop and create intermediate outputs that can have timely impact on the future negotiations trajectory of both processes. Clearly, both the WTO and the FTAA processes are substantial off their timetable.

In the case of the WTO, what is at stake is the nature, scope and depth of the Doha Development Agenda—how much can it be made to take on real development concerns including gender equality outcomes. The DDA placed development at the center of WTO trade negotiations. It gave primacy to public health over IPRS, market access for agriculture for the south and allowed for non-trade concerns to be taken into account. The Cancun stalemate foreshadows a delay in the completion of the round which was originally scheduled for January 2005. However, that was fortuitous as the developmental aspect of Doha was being sidetracked with the developed countries emphasis on developing multilateral rules for investment, competition policy etc.

The July-August 2004 WTO Framework agreement that ended the Cancun deadlock has not moved significantly towards a pro-development pro-gender sensitive direction. That agreement, as presently constituted, and which sets the tone for Hong Kong 2005, provide for the establishment of modalities for special products and special safeguard mechanisms (paras 41 &42) as part of special and differential treatment in order to protect the vulnerable sectors of developing countries agriculture from further tariff reductions. It also would seem to re-affirm the critical importance of non-trade concerns (food security, livelihood security and rural development); it also brought to the issue of trade distorting domestic support high on the negotiating agenda. However, in other areas, such as none agricultural marketing access (NAMA), there are clear and present dangers to industrial development in developing countries.

Many of these issues are also the key areas of concern in the FTAA process as set out in the Miami Declaration, which identified a common set of nine areas to be negotiated: market access; agriculture; services; investment; government procurement; intellectual property; competition policy; subsidies, antidumping, and countervailing duties; and dispute settlement around which there was to be agreement.

While ostensibly the FTAA process reached an impasse over farm subsidies, the nature and scope of a ‘common set’ of areas to be negotiated and the US’s demand for a ‘second tier’ of agreements on WTO plus rules in services, investment and intellectual property rights¹⁰ were sticking points as to why the movement towards securing an agreement on

¹⁰ Brazil was unwilling to agree to a US proposal that gives private firms the right to take the Brazilian government to international arbitration over investment issues. Brazil is also resisting US demands that Brasilia tighten its patent

rights and obligations came to a standstill even after the consensus on a so-called 'FTAA-lite', the Miami Declaration (Miami, 2003).¹¹ Other contentious issues included divergences of opinion on the relevance and importance of language on labor and environmental protection, the US's demand for entry to (Brazil's) services sector. Like Doha, the FTAA was set to be completed in 2005 and is now not going to reach that deadline.

The negotiations agendas of both the WTO and the FTAA present challenges for gender sensitive approach to trade. With regard to the area of agriculture, there are already skirmishes around the key issues of trade distorting subsidies, export subsidization, market access, SD&T and non-trade concerns. In order to be faithful to development objectives the negotiation must pivot around flexibility for developing countries in the area of domestic support. This is quite a crucial area from a gender perspective as promoting the interests of poor farmers; rural development and food policies will require a great deal of flexibility.

The gender dimension of the classification and definition of 'special products (SPs)' and 'special safeguard mechanisms (SSMs)' is a matter for urgent attention. Currently the discussion is being framed in terms of production capacity and income level. These are not gender neutral not do they take on board other dimension of SPs conceptualization such as its contribution to nutritional and food security needs of children, men and women or the sectors and products that are dominated by women laborers and women farmers. Some other outstanding research issues include the type and nature of gender sensitive indicators that can be integral in this discussion in the classification and definition period.

Urgent attention is also needed in exploring the gender dimensions of nonagricultural market access (NAMA). NAMA includes "everything not covered by the Agreement on Agriculture." But sectors such as electronics & electrical goods, fish and fish products, footwear, leather goods, motor vehicle parts and components, stones, gems, and precious metals and textiles and clothing have been targeted for zero-zero tariff initiative. Clearly, the attempt to eliminate tariffs and NTBS on all areas not presently included in agriculture and services, if achieved, may lead to a shift from the emerging international division of labor that developing countries have been aiming at--industrialization and

rights to protect US pharmaceuticals, saying the requirement would hobble Brazil's AIDS programs, which dispense cheap knockoffs of US drugs.

¹¹ There were two reasons why this stance was adopted. "First, we did not want to constrain our capacity to adopt scientific, industrial, health and educational policies that are fundamental to foster development. We know the effects of some WTO agreements such as TRIPS and TRIMS on our ability to legislate in some very specific and sensitive areas, such as our capacity to produce generic drugs, and there was no reason why we should accept to deepen this experience in the Hemisphere." Speech by Ambassador Adhemar Bahadian Brazilian Co-Chair of the FTAA negotiations. The Business of Americas Hemispheric, Inc. and the Council of the Americas Atlanta, Georgia - May 20, 2004

backward movement towards greater reliance on low valued primary products etc. Draconian tariff cuts on the NAMA targeted sectors have already occur in some African countries under structural adjustment with the long-term result of de-industrialization. Some of the targeted sectors now account for high proportion of women's employment in some developing countries. While in some sectors, women are just beginning to make their mark as workers and entrepreneurs. This is therefore a critical area of for further study from a gender perspective.

Likewise, the Doha Declaration on TRIPS was supposed to have clarified the TRIPS and public health provision. However, there is still debate over paragraph 6 and the flexibility to undertake compulsory licensing by countries without out domestic productive capacity. Additionally, the impact on women's access to technology and protection of traditional knowledge has not been resolved in many countries formulation of new IPR legislation. The gender implication of the process and outcome of the present 'request and offer' stage of the services negotiation needs to be interrogated, especially for its impact on water, energy and the environment.

Research and analysis on gender and trade facilitation is also urgently needed as well as the construction of ex ante and post trade agreements gender sensitive indicators and monitoring tools.