



FONDATION POUR LES ÉTUDES  
ET RECHERCHES  
SUR LE DÉVELOPPEMENT  
INTERNATIONAL

# Gender Considerations in Trade Agreements

Workshop Co-organized by Botswana, Iceland and UNCTAD

Remarks on Gender in the Trade Facilitation Agreement (TFA)

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## The New Face of Regionalism

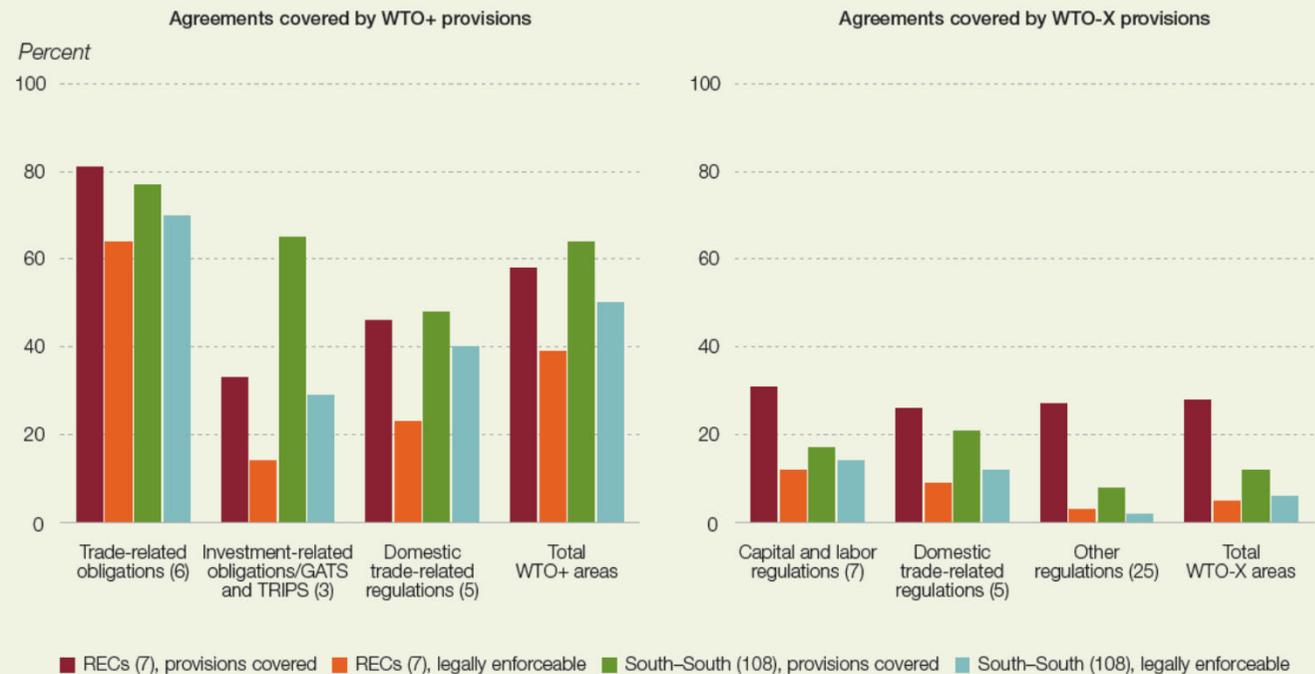
- Regional Trade Agreements (RTAs) no longer about an exchange of market access (at the expense of third countries) but about attracting FDI in exchange of unilateral reductions in trade barriers
- Depth: Prior to 2000, 90% of RTAs notified to WTO only dealt with provisions covering trade in goods. From 2000 to 2015 64% of 194 RTAs notified to WTO include provisions on services trade.

# The New Regionalism extends beyond the WTO Agenda....

.... But few WTO-X measures are deemed legally enforceable (less than 10% for capital and labor regulations)

Source: ADB, AEO2019, chapter 3

**FIGURE 3.5** Coverage of provisions covered by the World Trade Organization and provisions not covered by the World Trade Organization in seven African regional trade agreements and South–South regional trade agreements, by legal enforceability



GATS is General Agreement on Trade in Services; TRIPS is Trade-Related Aspects of International Property Rights.

Source: de Melo, Nouar, and Solleder (2019) with data from Hoffman, Osnago, and Ruta (2017).

Note: African regional trade agreements included are CEMAC, COMESA, EAC, ECOWAS, SACU, SADC, and WAEMU. Percentages are by category of provisions covered distinguishing those that are legally enforceable. For example, for agreements covered by WTO-X provisions, for the 7 African RECs, of the 49 (7 × 7) provisions for capital and labor requirements, 31 percent (15) are covered, with 12 percent (6) deemed legally enforceable.

## All RTAs will have an effect on gender outcomes

- Recognition of complementarity of goods trade and services trade: labor mobility is increasingly covered in African RTAs (e.g. free movement of persons protocols in African RECs)
- In any case, RTAs will have an effect on gender outcomes even if protocols are gender neutral if only because trade openness can affect men and women differently because of composition effects related to changes in prices and taxation

# RTAs as forum for addressing gender issues?

- Discrimination or «market failures» like lack of information/awareness according to gender should first be addressed at national level.
- If RTAs are means to address these market failures because of the insistence of one of the partners imposing its «superior» standards/regulations, then RTAs are a way to address gender issues.
- Gender issues easier to negotiation and verify in small-group RTAs (e.g. EAC)
- The Trade Facilitation Agreement (TFA) is the first multilateral agreement since WTO in 1994. Has the promise to address gender issues, especially through the Trade Facilitation Support Programme that provides funds for developing countries.

# Trade Facilitation Support Programme (TFSP)

- From start, TFA was gender-neutral approach with implicit assumption that TFA would have gender-positive impacts by creating more transparent and efficient trade facilitation systems. Women traders would benefit disproportionately from TFSP.
- WCO [3] is working towards gender equality in customs administrations. This should help business women and women traders. It has developed a 'WCO Gender Equality Organizational Assessment Tool'
- ITC [2] has published a study covering 20 developing countries showing large disparities between men and women participation in trade and 3 areas for improvement: (1) regulatory biases; (2) procedural obstacles; (3) cultural biases
- UNCTAD [4]. Study on women involved in cross-border trade. Shows that lack of awareness about trade rules and customs procedures is a main driver of informality and an impediment to move from subsistence to sustainability

# Efficiency of TFSP

- According to WB annual report for 2017-18 [4] , 3 gender assessments are about to be completed with as outcome indicators:
  - Number of in-country gender assessments
  - Percentage of female participants in events
- This is a start, but not likely to be very informative
- More promising: take a target population (women-owned, women-managed firms exporting/importing) and compare their performance with male-owned firms. Requires design to get a good control group or a «natural experiment» and a sufficiently large sample (firms and countries) to generalize.

# Challenges ahead

- Separate chapter on gender in RTAs to get transaction and visibility?
  - Beware of “Xmas tree” outcome that plagues structural adjustment lending in the 1980s.
  - Try to keep to measures that are “verifiable” (as in the TFA)
  - If possible, concentrate on measures that are legally enforceable
- Alternative: Adopt a “charter” as in the case of the management of natural resource put up by the Natural Resource Governance institute
- See the charter for cross-border traders proposed by Brenton et al. (2013)

## References (1)

[1] Brenton, P. E. Gamberoni, Sears (2013) «Women and Trade in Africa: Realizing the Potential»,

[http://siteresources.worldbank.org/WBEUROPEEXTN/Resources/268436-1322648428296/8288771-1389898637163/9446820-1389898649017/9446821-1390811158315/Women\\_and\\_Trade\\_in\\_Africa-Geneva.pdf](http://siteresources.worldbank.org/WBEUROPEEXTN/Resources/268436-1322648428296/8288771-1389898637163/9446820-1389898649017/9446821-1390811158315/Women_and_Trade_in_Africa-Geneva.pdf)

[2] ITC (2016) «How does gender affect the participation of SMEs in international trade?» Keynote by Arancha Gonzalez, Queens University, Kingston, Canada-16 October 2016, International Trade Centre:

<http://www.intracen.org/news/How-does-gender-affect-the-participation-of-SMEs-in-international-trade/>

## References (2)

[3] WCO (2013) «WCO promotes Gender Equality and Diversity, World Customs Organisation» <http://www.wcoomd.org/en/topics/capacity-building/activities-and-programmes/gender-equality.aspx>

[4] UNCTAD (2019) Borderline: Women in informal cross-border trade in Malawi, the United Republic of Tanzania and Zambia, [https://unctad.org/en/PublicationsLibrary/ditc2018d3\\_en.pdf](https://unctad.org/en/PublicationsLibrary/ditc2018d3_en.pdf)

[5] World Bank (2018) *Annual Report 2017-2018: Trade Facilitation Support Programme*, World Bank.