

# The Gender Turn in Trade Policy: Beyond Inclusive Neoliberalism

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June 2023

## Abstract

This discussion paper examines the turn to *inclusive* trade policy, with a focus on Canada's initiatives to mainstream gender chapters and gender-based analysis (GBA) in international trade and investment policy. The authors argue that Canada's efforts to make trade policy responsive to gender-based economic and workplace differences, while promising, cater largely to domestic entrepreneurial interests and reinforce rather than present a serious challenge to neoliberal trade orthodoxy. A case study of the GBA of a proposed Canada–Indonesia Comprehensive Economic Partnership Agreement (CEPA) helps demonstrate the role that trade-and-gender initiatives play in promoting “inclusive neoliberalism” (Rückert 2006) in a way that obscures but does not completely rule out more inclusive internationalist alternatives.

## Introduction

Recent years have seen increased attention both by policy makers and scholars to the possible role international trade agreements could play in promoting greater gender equity and women's economic empowerment. Governments and academics have increasingly recognised that the impact of liberalised trade is not gender neutral but has a differential impact on women and men (van Staveren et al 2007; Hannah et al 2021; Macdonald and Ibrahim 2022).

Governments and international bodies like the World Trade Organization have explored a range of policy interventions to address these inequities, including dedicated gender chapters in trade agreements, the mainstreaming of gender analysis and provisions across other chapters in trade agreements, and other measures to ensure that the benefits of trade reach women owned businesses, such as the extension of credit, the organisation of trade missions, promotion of exports of women owned businesses, and sharing of best practices across trading partners.

Most of these efforts have focused, however, on the needs of women entrepreneurs, as well as the need to include women in STEM sectors and in leadership positions in the economy (Macdonald and Ibrahim forthcoming). They also predominantly identify governments and private sector firms as the parties responsible for addressing inequalities and ignore or downplay the role of civil society actors, including trade unions.

In contrast, civil society organisations and critical feminist scholars have expressed concerns that such efforts to rectify the gender inequities in the global trade regime address only the priorities of a small segment of the female population while ignoring the needs of more marginalised women, including women workers in labour-intensive sectors of the economy. As argued by Hannah et al (2022:1379), existing trade and gender initiatives tend to “reproduce and further entrench the existing trade orthodoxy,” rather than contributing to fundamental transformation, particularly for the world’s most vulnerable peoples.

In this discussion paper, we argue that Canada’s efforts to make trade policy responsive to gender-based economic and workplace differences cater largely to domestic entrepreneurial interests and aim to foster new constituencies in support of an only modestly reformed trade orthodoxy. A case study of the gender-based analysis plus (GBA+) of the proposed Canada–Indonesia Comprehensive Economic Partnership Agreement (CEPA) helps demonstrate the role that trade-and-gender initiatives play in promoting “inclusive neoliberalism” (Rückert 2006) in a way that obscures but does not completely rule out more inclusive internationalist alternatives.

## The gender turn in trade policy

The inclusion of new gender provisions in trade agreements and promotion of other strategies to reduce the gendered inequalities associated with trade follow decades of efforts to include other so-called “non-trade issues” (NTIs) in trade agreements, especially labour and environmental provisions. These changes in trade policy reflect widespread recognition, particularly after the post-2007 global financial crisis, that a rising tide does not lift all boats.

Debates about trade’s contribution to global and domestic inequalities have been especially vociferous and politicised in recent years (Baccetta et al 2022: 238). In response to these populist and anti-globalization moves, trade policy officials have sought to design new and innovative mechanisms to spread the benefits of trade liberalisation further. While labour and environmental provisions have been included in

trade agreements since the signing of NAFTA, other types of social and political provisions, including on gender, can be found in a wide range of newer agreements.

Western nations assume much of the credit for the current gender turn in trade policy. This is not to say they deserve it. There is no doubt that Canada, the European Union, and more recently the United States, have taken leading roles, in various ways, to mainstream gender in international trade policy and negotiations. But the impetus for this shift, and indeed the pioneering trade treaty language on gender, came to the Global North from the Global South.

The first regional trade cooperation initiative that began to incorporate a gender perspective was the Asia-Pacific Economic Cooperation Forum (True 2008; Frohmann 2017). The adoption of a gender perspective on trade was inspired by the APEC Network of Women Leaders, a network made up of NGOs and business groups that was created in 1996 and brings together professional women from government, business, universities, civil society, scientists, etc. A *Framework for the Integration of Women in APEC* was signed in 1999, which advocated for the importance of gender analysis of the unequal impact of APEC policies, the development of sex-differentiated data, and the participation of women in APEC institutions (Frohmann 2017: 10).

It was Chile, an active member of APEC, that then led the shift toward the inclusion of separate gender chapters in new or modernised PTAs. This initiative began during the second administration of post-neoliberal president Michelle Bachelet (2014-2018). The Chile–Uruguay FTA was the first such free trade deal to include a separate gender chapter. Subsequently, a gender chapter was included in the 2017 modernization of the Canada–Chile Free Trade Agreement (CCFTA), which was copied nearly word for word from the Chile–Uruguay deal.

Even if Chile was the first to promote the inclusion of gender chapters, Canada was an early and enthusiastic advocate of the incorporation of gender concerns into trade policy. Canada played a leading role in pushing for incorporation of gender-based analysis into global trade policies in the 1990s, in both APEC and at the World Trade Organisation (WTO). These efforts were not just state initiatives but the product, in part, of pressure from a highly active and critical Canadian women's movement.

The current Liberal government of Justin Trudeau (2015– ) has adopted a Feminist International Assistance Policy, is currently developing a feminist foreign policy document, and has committed itself to an “inclusive” trade policy, including the mainstreaming of gender concerns (Macdonald, Ibrahim and Sinclair, 2018). The Trudeau government has also formally adopted an intersectional approach, through the

requirement of GBA+ in all elements of Canadian public policy, including trade. In 2019, then Canada's Minister of Trade Diversification Jim Carr stated that the government's so-called progressive trade agenda "has been modernised to reflect the Canadian economy of today, including the dynamic leadership that women continue to demonstrate as entrepreneurs and innovators" (Government of Canada 2019)."

The Trudeau government began to include gender chapters in trade agreements with the Canada–Chile Free Trade Agreement (CCFTA) of 2017. Canada was an important actor in promoting the 2017 [Buenos Aires Declaration on Trade and Women's Economic Empowerment](#). More recently, the government has expanded its efforts by attempting to mainstream gender provisions into other chapters of its trade agreements (when it has a willing partner). For example, Canada included a trade and gender chapter in the modernised free trade agreement with Ukraine.

During the renegotiation of NAFTA that led to the signing of CUSMA in 2018, the Trump administration rebuffed Canadian demands for distinct chapters on Indigenous Peoples and Gender. However, gender-specific language was included in several CUSMA chapters including those covering investment, services, competitiveness, small and medium-sized enterprises, and in several parts of the labour chapter. In contrast to the Trump administration, the worker-centred trade agenda of Katherine Tai, current United States Trade Representative, has gone to some lengths to mainstream discussions of gender, disability, race, and class in trade policy development. U.S. efforts to amass data on the differential impacts of trade on these groups have, so far, been participatory and somewhat more open to qualitative as well as quantitative analysis than in Canada.

For example, in October 2022, the United States International Trade Commission published a [report](#) on distributional effects of trade that USTR Tai had requested a year earlier. The 250-page study included detailed descriptions of civil society roundtables held in March 2022 on race and ethnicity, gender and orientation, disability, and a number of other areas. Though participants in these roundtables most often mentioned barriers to equal labour force participation (e.g., lack of access to child care and transportation, discrimination at work, lack of unionised jobs) rather than trade-related barriers, the report acknowledges how the two are connected.

In the report's section on gender, the lack of gender/identity-segregated data is emphasised. Notably, a literature review, separate from the roundtable exercises, found "inconclusive effects of trade liberalisation on labor force participation by gender" and a greater impact of trade liberalisation on men in import-sensitive/competing sectors. The emphasis in the report on a lack of data (e.g., on differentiated impacts on services

production and trade) should moderate claims of gender-related benefits to trade liberalisation where evidence for this does not exist.

The Canadian approach also attempts to incorporate civil society perspectives into policy making on gender and trade through a Gender and Trade Advisory Group (GTAG). The group operates under Chatham House rules, making it difficult for us to discuss its functions or contribution to transparency in trade policy. The trade division of Global Affairs Canada has also pioneered new efforts to measure the gender impact of existing and prospective trade agreements, as discussed below.

While some states continue to resist the inclusion of gender elements in trade agreements, they are becoming increasingly common globally. A WTO database shows that, as of 2022, there were 101 preferential trade agreements (PTAs) out of the total of 353 PTAs notified to the WTO that include at least one explicit reference to gender issues. In addition there were four PTAs in force that had not yet been notified that included a gender provision, and five PTAs that have been concluded but were not yet in force that included such provisions (WTO 2022:3).

How do we interpret this “gender turn” in international trade policy? We adopt the concept of “inclusive neoliberalism” developed by Arne Rückert to explain the introduction of Poverty Reduction Strategy Papers (PRSPs) by the international financial institutions in the 1990s. According to Rückert, inclusive neoliberalism involves policies based on “tendencies originating within neoliberalism that nevertheless deviate from earlier policy prescriptions in a number of (partly progressive) ways and could potentially further destabilise the existing paradigm.” These policies represent attempts to resolve some of the contradictions arising from neoliberalism, and address its legitimacy problems, while also imposing “new forms of domination through inclusion” (Rückert 2006: 37-38).

The gender turn in global trade policy similarly contains these contradictory elements of progressive reform combined with aspects that act to reinforce existing power relations and inequities in the global economy. As we explain in the next section, with respect to measuring the gendered impacts of trade and investment liberalisation on different groups, including women, the Canadian approach largely sustains, rather than challenges, neoliberal trade orthodoxy while remaining mostly blind to the impacts of trade on women in other countries.

# Entrepreneurial bias in Canada's gender-and-trade initiatives

The gender chapter in the Canada-Chile FTA, on which all of Canada's subsequent gender chapters are based, reflects the liberal framing of gender and trade provisions as an issue related to women as entrepreneurs and as economic actors. The elements of the agreement focus heavily on combating obstacles to women's participation in trade and on expanding the role of women-owned businesses. It assumes that increased trade and growth are clearly positive objectives, and that all that is necessary is to remove some superficial barriers to women's incorporation into those benefits. The chapter largely ignores women's care work and other roles women play in the economy, whether as workers or as consumers, and elevates women's "economic empowerment," framed in neoliberal terms.

Specifically, the CCFTA gender chapter includes commitments to cooperate in such as areas as "encouraging capacity-building and skills enhancement of women at work, in business, and at senior levels in all sectors of society (including on corporate boards), "improving women's access to, and participation and leadership in, science, technology and innovation, including education in science, technology, engineering, mathematics and business; "promoting financial inclusion and education as well as promoting access to financing and financial assistance," "advancing women's leadership and developing women's networks," and "promoting female entrepreneurship." To be fair, further down the list are such measures as "advancing care policies and programs with a gender and shared social responsibility perspective," "conducting gender-based analysis," and "sharing methods and procedures for the collection of sex-disaggregated data, the use of indicators, and the analysis of gender-focused statistics related to trade" (Government of Canada 2017).

However, the chapter includes no mechanisms for enforcement of any of these commitments and does not attempt to develop shared standards. It thus follows the soft law approach common to European and APEC methods of accounting for non-trade issues (NTIs). Canadian feminists interviewed by Macdonald and Ibrahim (2021) were encouraged by the recognition in the CCFTA of the uneven effects of trade deals on men and women, but raised concerns about the largely symbolic nature of a separate gender chapter, as well as the focus in such chapters on promoting women-owned businesses' participation in the benefits of international trade (see also Hannah et al, 2022).

We can also locate entrepreneurial bias in Canada's gender-based analysis-plus (GBA+) of recent trade agreements and negotiations. For example, we have located

three major omissions from Canada's initial GBA+ of a pending free trade agreement with Indonesia: i) an over reliance on problematic econometric modelling to determine impacts on women in Canada; ii) the assumption of trade gains where econometric evidence of gains or losses is not clear, and iii) a lack of concern for the impacts of liberalisation on women in trading partner countries.<sup>1</sup> We look at each of these omissions in detail here.

## i) Conventional methodologies limit the analytical scope of Canada's GBA+ model

As feminist analysts have argued, measurement is not a neutral process. Which indicators we choose, what methods we adopt, who is included in consultation processes, and what assumptions we make when undertaking our analyses all affect the outcomes. Canada's GBAs of new trade deals are largely built upon quantitative projections of potential changes to trade and investment flowing from a successful agreement. Economists use a complex computable general equilibrium (CGE) model to simulate the impact of reductions in tariffs and so-called non-tariff barriers to trade (e.g., investment restrictions or regulatory differences) on key economic variables.

It is not surprising that Canadian policy-makers have attempted to revise the CGE model rather than replace it with a more heterodox approach, since it has been a go-to tool for trade policy making in liberal economies for decades. The method has been hotly criticised, however. Economist [Jim Stanford](#), among others, [points out](#) that CGE modelling is only as good as the assumptions you plug into your equations. The underlying utopian assumption of CGE modelling in the trade world is that absent barriers in the form of tariffs, differences in regulations or standards between countries, or other state interventions (e.g., SOEs), "the economy achieves 'Pareto optimality', and welfare is maximised," according to a [2006 report from Oxfam](#) (Taylor and von Arnim). Generally, the results of CGE forecasting are positive, which is convenient for governments wanting to show gains from a trade deal with any country plugged into the equation.

As Stanford says, "This approach simply wishe[s] away all the problems of unemployment, job loss, inequality and stagnation that are now bedevilling trade policy." Basing your GBA+ primarily on this quantitative prediction will naturally lead to suspect outcomes. Global Affairs Canada has, to some extent, responded to this criticism of CGE models by including labour market modelling in their assessments of new deals

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<sup>1</sup> What follows draws from the authors' joint submission to the federal government on its initial GBA+ of the Canada-Indonesia CEPA.

that recognizes the unreality of the full employment assumption. Instead, the department now factors in “frictional unemployment” that occurs when workers shift jobs, and other dynamic elements of contemporary labour markets (Global Affairs Canada, 2020).

This new method does not, however, include considerations of women’s work in the care economy. Such quantitative approaches also use gender-disaggregated data based on gender binaries, failing to take into account the impact on gender-diverse individuals. Global Affairs Canada economists have included data on youth labour force participation in the recent analysis of the Canada-U.S.-Mexico Agreement (CUSMA), but the GBA did not include data on race or ethnicity, disability, or other dimensions of inequality (Global Affairs Canada, 2023).

Global Affairs Canada’s evaluations of new trade and investment agreements do include some qualitative assessment methods to analyse other trade provisions, like those covering intellectual property (IP) rights. Unfortunately, excessive reliance on CGE techniques limits the value of the GBA for considering broader welfare impacts on a wide variety of women or other marginalised groups.

## ii) The GBA+ assumes benefits without showing them

On top of the overreliance on unrealistic CGE modelling of trade outcomes, Canada’s GBAs to date tend to assume benefits or equal outcomes where there does not appear to be sufficient evidence to do so. The following section from the summary of the initial GBA+ of the Canada–Indonesia CEPA summarises this point (emphasis added):

*Notably, the [economic impact assessment] found that the manufacture of metal products, electrical products, and equipment are expected to see job gains as a result of increased exports to Indonesia. While men hold more jobs than women in these sectors, increased demand for labour could also benefit women. Increased agricultural exports under a Canada-Indonesia CEPA may also have a positive economic impact (e.g. greater employment opportunities) for women and visible minority groups employed in the food manufacturing sector, as well as Indigenous peoples operating livestock farms in the primary agriculture sector.*

It is not obvious how the proposed CEPA will affect men and women “almost equally,” as the GBA+ asserts, simply because, quantitatively speaking, the total potential job gains will be split about evenly between both groups. What are the conditions of work in the most affected sectors? Is there a gender pay gap and how wide is it? With respect



to agricultural commodities exports, which are expected to grow due to a successful negotiation, are there gendered impacts related to the wide use of temporary foreign workers on Canadian farms? These questions are not answered if, indeed, they are considered.

Where it is not clear how the CEPA may affect men and women differently, as with respect to sanitary and phytosanitary standards and technical barriers to trade chapters, the GBA+ may assume positive outcomes for women or, as in the case of sanitary and phytosanitary standards (food safety policy disciplines), say nothing. As a concrete example of the problems of this approach, consider Canada's meat and fish processing sectors, which are both hoping for market access gains in Indonesia under the CEPA. Employees in these sectors are frequently overworked, underpaid, and can be exposed to dangerous working conditions. Many have experienced wage freezes and cuts in recent years. We cannot assume that adding more work at these plants, which employ high numbers of women, is a net benefit to the workers.

Likewise, where the economic impact assessment of the CEPA estimates possible job losses, such as in apparel and leather manufacturing in Canada, the GBA+ takes for granted the government's assumptions that these impacts will be minor. "Furthermore," it states, "any potential negative effect on employment would be offset by gains in other sectors. When looking across the Canadian economy, the overall effect of a Canada-Indonesia CEPA is expected to be positive and result in job gains, with a slightly larger increase in jobs for women."

The potentially acute effect of imports on some workers and their communities—an important feature of the current debate about the uneven effects of globalisation—are glossed over with a promise of broad-based, if extremely small, overall economic benefits to Canada. ("Real wages could appreciate by 0.015%...across all 8 occupational groups," notes the GBA+.) This is especially important, and problematic, given the lack of analysis of the impact of acute potential job losses in Indonesia as well.

### iii) GBA+ only considers the impact on Canadian women.

In the European Union, sustainability impact assessments (SIAs) take into account the potential impacts of EU trade and investment treaties on labour, the environment, and sustainable development in both Europe and the prospective trading partner country. Canada's GBA+ model, on the other hand, only considers the potential impacts of trade

liberalisation on female employment in Canada, which is then taken as a proxy for welfare.

The United States Trade Representative [report on foreign trade barriers](#) is an example of the kind of detail we might expect in a GBA of Canada's trade agreements, at least one that accounts for gender-based impacts abroad as well as in Canada. The 2022 U.S. report's section on Indonesia is 18 pages long, covering perceived barriers to U.S. companies and investors—including technical regulations and testing requirements for toys, food inspection measures, local content requirements on foreign franchises, SOE laws and regulations, etc.—that CEPA-like free trade deals set out to address.

The GBA+ could helpfully draw attention to perceived barriers to Canadian companies that Global Affairs Canada hopes to address in the CEPA and how both Indonesian women employed in those sectors or who consume those sectoral goods and services may be affected. Not doing this legwork results in an unambiguously positive assessment of every part of the proposed CEPA, including its investment rules and investor-state dispute settlement process (ISDS). This is odd given the [prevalent use of ISDS by Canadian mining firms](#) to attempt to force governments' hands with respect to often highly controversial and contested resource projects.

In contrast, the [final sustainability impact assessment](#) (SIA) of the proposed EU-Indonesia CEPA, using a different methodology to Canada's GBA+, acknowledges potential negative impacts of trade liberalisation because it is likely to increase jobs that: "in sectors historically less likely to meet decent working conditions including textile, wearing apparel and leather industry. Concerns also arise that vulnerable groups, including women and children, would bear the brunt of poor working conditions." The SIA also recognizes potential negative effects of the proposed FTA because of problematic human rights conditions in Indonesia: "For example, considering Indonesia's rather weak implementation of laws on indigenous peoples' land rights, increasing trade in sectors where concerns on land rights are relevant, such as forestry and wood products, could run the risk of increased human rights violations."

Again, we are puzzled that the potential of trade and investment liberalisation to worsen conditions for Indigenous Peoples in Indonesia is not a matter of concern for Canada's GBA+ of the CEPA. Instead, the GBA+ rather blithely asserts the intention of the government "to remove barriers to participation in trade and enhance the ability of Indigenous peoples and businesses to benefit from the opportunities created by an FTA, including by facilitating cooperation activities and information sharing." Any agreement that fails to include strong labour protections similar to those in CUSMA or a commitment by both governments to respect the UN Declaration on the Rights of

Indigenous Peoples, risks worsening the conditions of women, Indigenous Peoples, and other marginalised groups in the Indonesian economy, as the EU's SIA suggests. The Canadian government's current approach to integrating gender concerns by analysing the impact solely on Canadian women, and ignoring the impact on women and other marginalised groups in its trading partner, is not an acceptable approach to promoting a feminist foreign or trade policy.

These serious human rights concerns, including abuses committed against women and other marginalised groups, make it less likely that these groups will be able to benefit from any new opportunities that liberalised trade may create.

## Beyond inclusive neoliberalism, toward feminist internationalism

While the cumulation of international agreements including requirements to cooperate on gender is a step forward, the inclusive trade agenda is limited to what it considers important, i.e., what it measures in exercises like the GBA+ and whom it brings most closely into the policy-making sphere: currently women-owned companies and female entrepreneurs. As a result, current gender provisions in trade agreements can be seen as an example of an "inclusive neoliberal" framework: governments following this route seek ways to legitimise trade policies and expand their benefits beyond the usual suspects without examining the structural biases of trade policy that end up reinforcing rather than undermining existing inequalities.

Still, actors like Canada, Chile, and the European Union have created important new precedents for more progressive trade policies by integrating gender concerns. A more transformational approach requires moving beyond traditional methods for evaluating trade policy so that we can break the biases that persist in the global trading order. Europe's long-standing sustainability impact assessments and fledgling U.S. inclusive trade research, which employ both qualitative as well as quantitative analysis, provide tools that could be incorporated into gender-transformative trade policy in the future.

Canada was also a leader in the establishment of a new [Global Trade and Gender Arrangement](#) (GTAGA), which permits cooperation and standards-setting with trade partners outside of bilateral or regional free trade agreements. Expanding this group may spark the potential for approaches to trade policy that are not linked to the neoliberal assumptions that underpin most last- and current-generation North-South FTAs.

Most crucially, trade policy-makers must find a way to incorporate women's movement participation in both the Global North and South in a substantive way. Existing consultation mechanisms often lean toward inclusion of women business leaders, feminist economists and others who attempt to "add women and stir" when devising trade policy. Women's movements, especially in the Global South, are often dismissive of existing efforts like the Buenos Aires Declaration, and understandably reluctant to engage in consultations related to trade and gender. Efforts to incorporate some of the recommendations in this paper might cultivate greater confidence and wish for engagement on the part of civil society actors.

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