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World Trade Organization

Economic Research and Statistics Division

**THE EVOLUTION OF GENDER-RELATED PROVISIONS
IN REGIONAL TRADE AGREEMENTS**

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Manuscript date: January 2021

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THE EVOLUTION OF GENDER-RELATED PROVISIONS IN REGIONAL TRADE AGREEMENTS

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Manuscript date: January 2021

ABSTRACT: Regional Trade agreements (RTAs) are sometimes considered as laboratories in which new types of provisions are negotiated to address recent trade-related issues. Although the inclusion of gender-related provisions in RTAs is not a recent phenomenon, only a limited but increasing number of RTAs refer explicitly to gender-related issues. These gender-related provisions are highly heterogeneous and differ in terms of location in the RTA, language, scope and commitments. Some of the most detailed gender-related provisions are found in stand-alone chapters on gender. Cooperation provisions on gender-related issues, including labour, health and social policy, remain the most common type of gender-related provisions found in RTAs. The remaining types of gender-related provisions, included in a relatively limited number of RTAs, cover different issues, including upholding domestic gender-policies, implementing international gender-related agreements and instruments, and establishing institutional arrangements to oversee the implementation of the gender-related provisions and resolve issues through consultations. The first Global Trade and Gender Arrangement (GTGA), negotiated by Canada, Chile and New Zealand in 2020, builds on many of the gender-related provisions found in RTAs but sets out also new types of gender-related provisions, such as the principle not to weak or reduce the protection provided in gender equality laws and regulations to promote trade or investment.

KEYWORDS: Regional Trade Agreements, Gender, Women, Equality, Inclusiveness.

JEL CLASSIFICATIONS: F13, F15

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1 INTRODUCTION

An important aspect of the debate about trade and sustainable development is how to ensure trade liberalization is inclusive, including by improving women's access to trade and investment opportunities. Although this issue has, in recent years, gained increasing attention at the international level, discussions on trade and gender in international and regional organizations and fora are not new.

The Beijing Declaration and Platform for Action, adopted unanimously at the United Nations (UN) Fourth World Conference on Women in 1995, calls on governments to ensure that national policies related to international and regional trade agreements (RTAs) do not have an adverse impact on women's new and traditional economic activities. The UN General Assembly followed the recommendation of the Fourth World Conference on Women and called on the World Trade Organization (WTO), as well as the World Bank Group (WBG) and other international and regional intergovernmental bodies, to support government efforts and, where appropriate, develop complementary programs of their own to achieve full and effective implementation of the Beijing Declaration and Platform for Action to advance women's rights. The UN Commission on the Status of Women (CSW) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) expert committee have also discussed gender concerns in trade and investment policies, as well as the need to formulate and monitor economic policies, including trade policies, in a gender-sensitive way, with inputs from the women most impacted by these policies.

While no WTO agreements include any provisions referring explicitly to gender or women, different trade-related gender issues have recently been discussed in the WTO. At the 2017 WTO Ministerial Conference, 118 WTO members and observer countries endorsed the Joint Declaration on Trade and Women's economic empowerment. The declaration calls for collaboration to make trade and development policies more gender responsive, including by sharing experiences relating to policies and programmes aimed at encouraging women's participation in domestic and international trade. As a follow-up, in September 2020, a group of WTO members agreed to establish an Informal Working Group on Trade and Gender to intensify efforts to increase women's participation in international trade.

Along with discussions of trade and gender in the WTO and other international and regional forums, a limited but increasing number of RTAs have set out different provisions making explicit reference to gender (Monteiro, 2018; WBG-WTO, 2020). An updated detailed analysis of 577 RTAs, including 305 agreements currently in force and notified to the WTO (as of December 2020), reveals that 83 RTAs include at least one provision mentioning explicitly gender or women. This figure rises to 257 agreements, when provisions referring implicitly to gender issues, such as human rights, social dimension of sustainable development and vulnerable groups, are considered. In addition to the increasing number of RTAs with gender-related provisions, the number of detailed gender-related provisions included in RTAs continues to increase.

Like other provisions addressing cross-cutting issues, such as small and medium-sized enterprises (SMEs), gender-related provisions remain highly heterogeneous (Monteiro, 2016). They not only differ considerably in terms of structure and location in RTAs, but also in terms of language, scope and commitments. Many of these gender-related provisions are often found in a single or couple of RTAs. A limited number of agreements incorporate specific provisions in dedicated articles or even chapters on gender. Most gender-related provisions are formulated in best endeavour language. Cooperation on gender-related issues, including labour, health and social policy, remains the most common type of gender-related provisions included in RTAs.

In addition to RTAs, explicit gender-related provisions are found in few bilateral investment treaties (BITs) and in a couple of non-reciprocal preferential trade access schemes.¹ More recently, the first Global Trade and Gender Arrangement (GTGA) was launched by Canada, Chile and New Zealand at a ministerial meeting of the Inclusive Trade Action Group (ITAG) in August 2020. This new global agreement not only replicates and builds on existing gender-related provisions found in RTAs but also establishes new types of gender-related provisions. For instance, the ITAG is the first agreement to explicitly recognise the importance of not weakening or reducing the protection provided in gender equality laws and regulations to promote trade or investment.

¹ Although not reviewed here, digital economy agreements negotiated by Singapore with Australia, Chile and New Zealand also include some gender-related provisions.

The remainder of the paper is structured as follows. Section 2 presents the methodology used to identify gender-related provisions in RTAs. Section 3 provides an overview of the evolution and trends of gender-related provisions RTA. The structure, location and scope of gender-related provisions in RTA is presented in section 4. Section 5 discusses in detail the main types of gender-related provisions found in RTAs. Section 6 discusses gender-related provisions found in non-reciprocal preferential trading schemes. Finally, section 7 concludes.

2 METHODOLOGY

The UN Entity for Gender Equality and the Empowerment of Women defines the concept of gender as the roles, behaviours, activities, and attributes that a given society at a given time considers appropriate for men and women (...). Given its broad socio-cultural context, there is no single approach to define what constitutes a provision related to "gender" in RTAs.

Following the approach adopted in Monteiro (2018) and WBG-WTO (2020), unless specified otherwise, gender-related provisions are defined as any provisions mentioning explicitly women and gender-related issues. The following keywords have been used to identify gender-related provisions: Beijing Declaration (Platform for Action); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); diversity; female; gender; girl/boy; inclusive; male; maternity; mother; pregnancy/pregnant; sex; and woman/women.² In order to capture the cross-cutting nature of gender issues, the following additional keywords were also used to identify other provisions referring potentially and implicitly to gender-related issues: corporate social responsibility; (cultural) diversity; disadvantaged (groups); ethical trade; fair trade; human rights; labor/labour discrimination; minority (group); vulnerable (group).³ The identification of explicit gender-related provisions follows a bottom-up approach, where each provision identified in a given RTA is compared in terms of structure, location, language and scope to the other provisions found in other RTAs.

Besides explicit provisions on gender, other provisions in RTAs may be relevant to gender-related issues, even though they do not make explicit reference to gender or women. Most RTAs negotiated in the last two decades include detailed provisions on trade and investment that can improve women's access to trade and enhance women's participation in international trade. A mapping of such provisions is, however, outside the scope of this paper.

The updated systematic analysis of provisions addressing explicitly gender-related issues covers 573 RTAs.⁴ Out of these 573 RTAs, 305 agreements are currently in force and notified to the WTO (as of December 2020).⁵ 199 other RTAs have been notified to the WTO but are no longer in force. Besides notified RTAs, the analysis covers some RTAs that have entered into force but have not been notified. Similarly, the analysis includes newly signed RTAs that have not yet entered into force and/or not been notified, such as the RTA between Japan and the United Kingdom. Other RTAs analysed include signed but not ratified text, such as the Regional Comprehensive Economic Partnership (RCEP). Unless specified otherwise, accessions to an existing RTA are excluded from the analysis. Conversely, amended and modernised version of existing RTAs are included and analysed separately, such as the amended Canada-Chile RTA. Although not a RTA, the provisions of the GTGA have also been mapped.⁶

The main text of the RTAs, but also side documents, such as protocols, annexes, communication letters and other documents associated with the RTAs at the time of their negotiation and signature have been reviewed.⁷ As discussed below, a few years after the entry into force of some RTAs, the parties have adopted specific agreements, directives or resolutions on gender or established gender-related institutions. While these types of post-RTAs documents will be considered in the analysis, a detailed comparative analysis of these side documents falls outside the scope of the study.

² The French and Spanish translations of these keywords have also been used.

³ A detailed analysis of these implicit gender-related provisions is outside the scope of this study.

⁴ Covered non-notified RTAs are listed in Table A1 in the Annex.

⁵ The figure of 305 notified and in force RTAs excludes notified enlargements of existing RTAs (see the WTO's Regional Trade Agreements database (<http://rtais.wto.org>)).

⁶ Although not reviewed here, gender-related provisions are also found in a number of non-preferential trade agreements, such as the cooperation agreements negotiated by the European Union with India, Kazakhstan and Sri Lanka. Similarly, regional trade initiatives, such as the Asia-Pacific Economic Cooperation Forum (APEC) have developed an agenda to promote gender equality.

⁷ The schedules of tariff commitments are excluded from the analysis.

Although expressing gender-related qualitative information into comparable quantitative information is challenging, different criteria can be used to classify gender-related provisions. Provisions in RTAs can be analysed through their location in the agreement (e.g. main text or side agreement), structure (e.g. specific article or chapter), language (e.g. hortatory or mandatory), and enforceability (through the RTA's dispute settlement). The combination of these criteria makes it possible to carry out an exhaustive bottom-up analysis of the different types of gender-related provisions and determine their number and depth in each RTA (Monteiro, 2018).

Gender-related provisions can take different forms. The term gender can be mentioned in the RTA's preamble or in an article covering various issues, including gender. Similarly, a chapter covering various issues can include a specific article dedicated to gender. Conversely, a specific chapter can be integrated in the RTA with different articles addressing exclusively gender. Next to the main text of the RTA, gender-related provisions can also be found in the annexes to the RTA or in side agreements negotiated in parallel to the RTA. However, a comparative analysis of the language of gender-related provisions of RTAs does not make it possible to assess their actual level of implementation, which is likely to be specific to each RTA.

3 OVERVIEW AND TRENDS OF GENDER-RELATED PROVISIONS

The inclusion of provisions referring explicitly to gender is not a recent phenomenon. The very first gender-related provision was found in the 1957 Treaty of Rome establishing the European Economic Community (EEC) requiring each member state to guarantee the application of the principle of equal pay for women and men. More than 25 years later, the 1983 Treaty establishing the Economic Community of Central African States (ECCAS) was the first RTA signed by developing countries to include a gender-related provision. The provision found in the article on cooperation in social affairs committed the parties to develop collective research aimed at improving the economic, social and cultural status of women in urban and rural areas and increasing their integration in development activities.⁸ Nine years later, the first gender-related provisions referring to the general principle of equality between men and women were found in the 1992 Maastricht Treaty of the European Union (EU). The same year, the North American Free Trade Agreement (NAFTA) established in its labour cooperation agreement a couple of provisions referring in more detail to gender-related labour principles, namely the elimination of employment discrimination based on sex and equal pay for women and men. As suggested by these four RTAs, and confirmed in greater detail below, gender-related provisions found in RTAs address various issues and remain highly heterogeneous.

3.1 Evolution of gender related provisions

Over the years, the number of RTAs with explicit gender-related provisions has increased slowly but relatively steadily, as highlighted in Figure 1. As of December 2020, 83 RTAs representing 14% of all agreements analysed, include at least one provision explicitly referring to gender or gender-related issues.⁹ Of these 83 agreements, 58 (70%) were negotiated between developed and developing economies (North-South RTAs), 13 (16%) between developing economies (South-South RTAs) and 12 (14%) between developed economies (North-North RTAs).¹⁰ In total, 67 RTAs with gender-related provisions have been notified to the WTO and are currently in force. 13 other RTAs with gender-related provisions have either not yet entered into force or been notified to the WTO. Three remaining RTAs with gender-related provisions are no longer in force.¹¹

⁸ The French version of ECCAS also includes a gender-related provision in the chapter on cooperation in education, training and culture, where the term "people" was translated by "men and women".

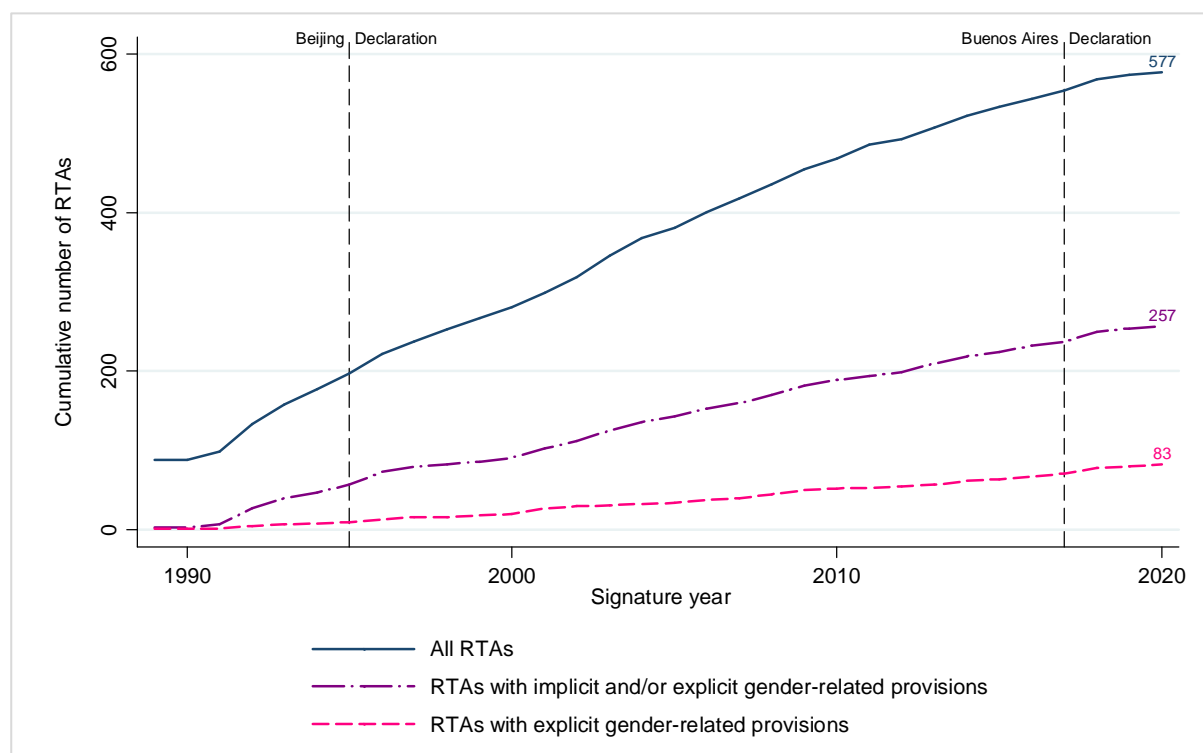
⁹ This number also includes RTAs that are no longer in force and RTAs that have been superseded, such as the Treaty of Rome and NAFTA. However, this number excludes the Central American Common Market (CACM), Southern Common Market (MERCOSUR), West African Economic and Monetary Union (WAEMU), and the Pacific Alliance. These RTAs do not include any gender-related provisions. However, the parties to these RTAs have subsequently adopted gender-related resolutions or decisions.

¹⁰ Unless otherwise noted, high income countries are defined as developed countries, while middle- and low-income countries are defined as developing countries according to the WBG's country classification.

¹¹ The three RTAs are the Stabilisation and Association Agreement between the European Communities and Croatia, the Agreement on the Foundation of the Eurasian Economic Community (EAEC) and NAFTA.

Gender being a cross-cutting issue, many more RTAs, namely 257 agreements, include provisions referring potentially and implicitly to gender-related issues, such as human rights, social dimension of sustainable development and vulnerable groups. The inclusion of implicit and explicit gender-related provisions is not mutually exclusive. In fact, most RTAs with explicit gender-related provisions include at least one implicit gender-related provision, as shown in Figure 2.

Figure 1: The number of RTAs with gender-related provisions has increased steadily



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

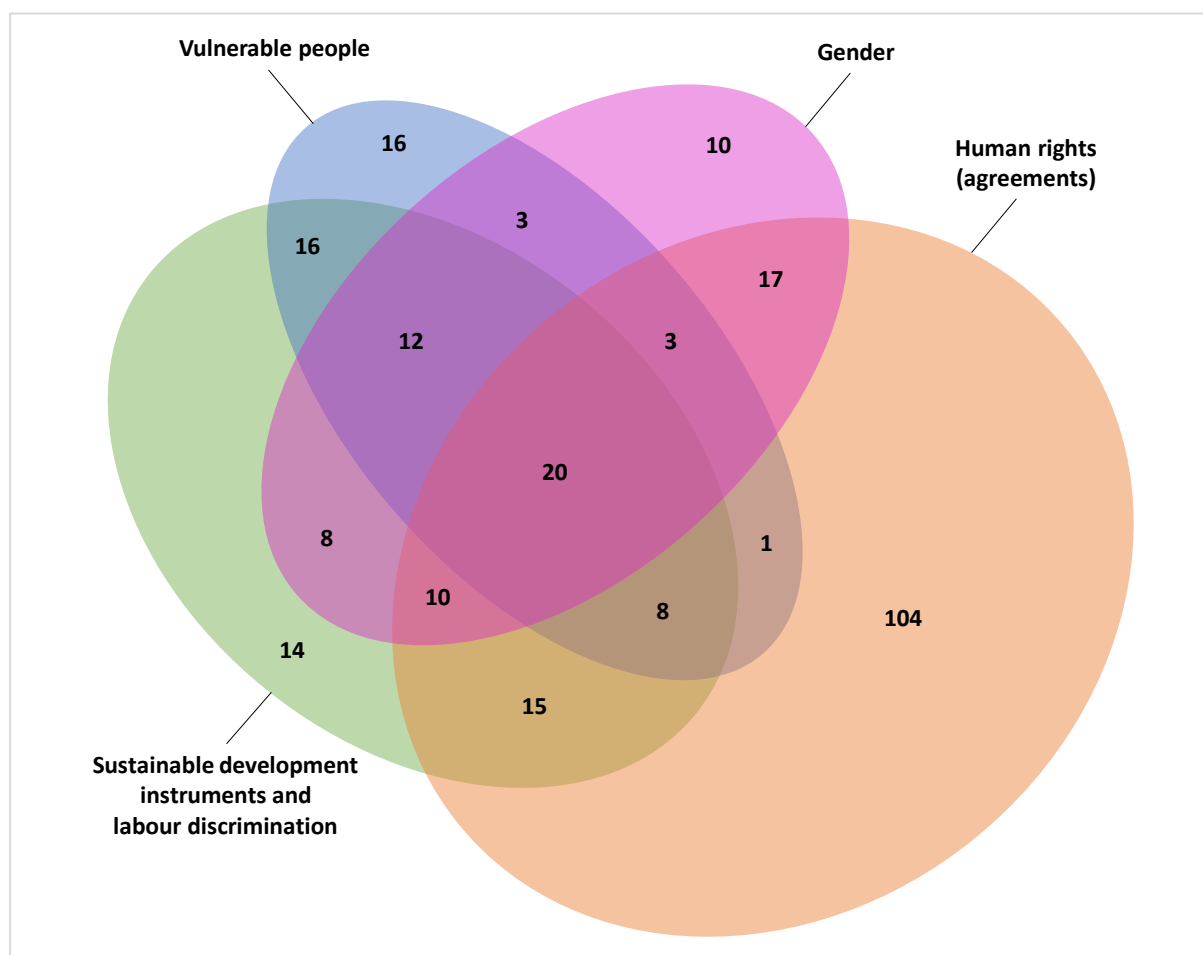
Note: Implicit gender-related provisions refer to provisions addressing human rights, vulnerable groups and the social dimension of sustainable development, including labour discrimination, fair trade and corporate social responsibility without any explicit reference to gender. The GTGA is excluded from the analysis.

Human rights are the most common issue covered by implicit gender-related provisions found in 178 RTAs. Human rights are multifaceted and include the right to equal treatment and non-discrimination on the basis of sex. While some RTAs refer to human rights or basic human liberties, some of these agreements and others refer also to international agreements or instruments addressing human rights, such as the Universal Declaration of Human Rights; the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe; the European Convention on Human Rights; the Charter of the Fundamental Rights of the European Union; the African Charter on Human and People's Rights; the American Convention on Human Rights; the Cairo Declaration on Human Rights in Islam and the Vienna Conference on Human Rights. Other international and regional instruments referring to human rights, among other things, and mentioned in RTAs include the UN Charter; the International Covenant on Economic, Social and Cultural Rights; the UN Declaration on the Right of Indigenous People; the Istanbul Declaration on Human Settlements; the Rome Declaration on World Food Security; the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe (OSCE) and the CSCE Bonn Conference on Economic Cooperation.

An increasing number of RTAs, namely 43 agreements, include provisions referring to different international instruments related to sustainable development that reaffirm, among other things, gender equality and women's participation, such as the Rio Declaration on Environment and Development; the Agenda 21: Programme of Action for Sustainable Development; the Copenhagen Declaration on Social Development; the Johannesburg Plan of Implementation on Sustainable

Development, the outcome document of the Rio+20 UN Conference on Sustainable Development of 2012 (The Future We Want); the Monterrey Consensus of the UN International Conference on Financing for Development; the Millennium Development Goals; and the 2030 Agenda for Sustainable Development.¹² A few RTAs also refer to certain multilateral environmental agreements that include a gender-related dimension, such as the Paris Agreement under the UN Framework Convention on Climate Change.

Figure 2: The inclusion of implicit and explicit gender-related provisions in RTAs is not mutually exclusive



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: This figure excludes RTAs with only gender-related provisions in post-RTA documents. Proportions not respected. The GTGA is excluded from the analysis.

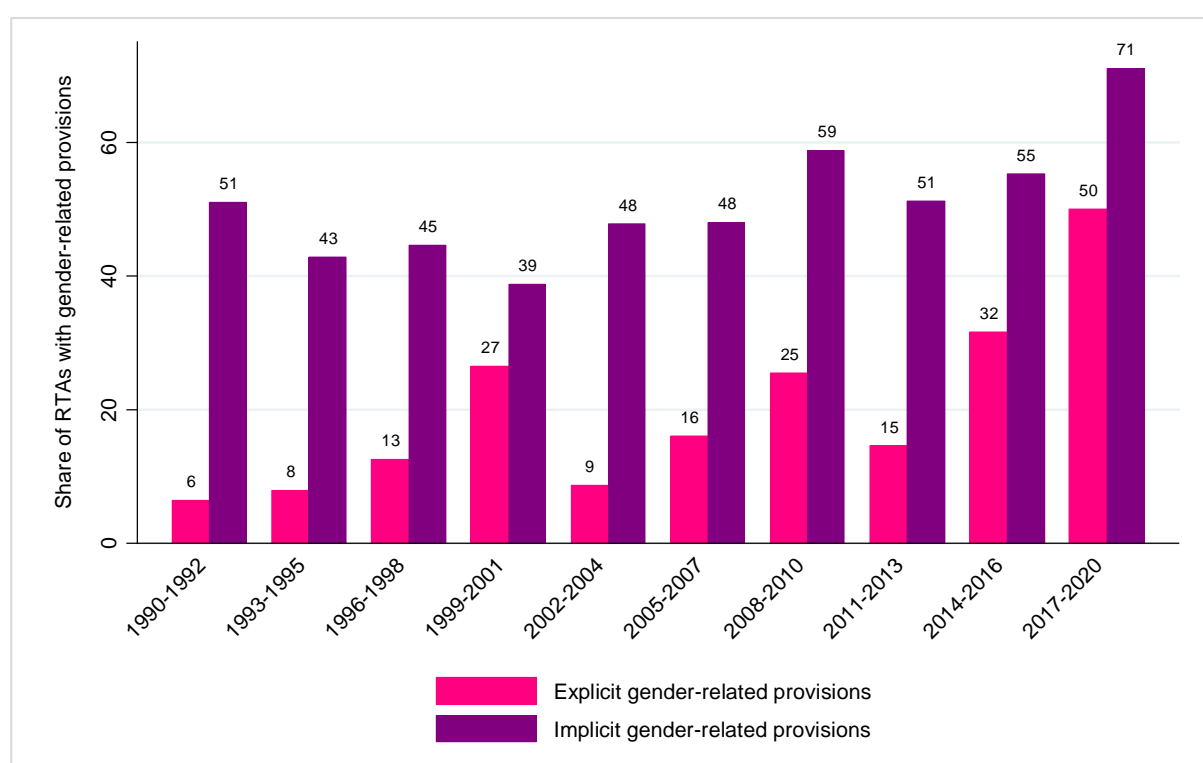
In parallel, many RTAs, namely 93 agreements, include provisions focusing specifically on the social dimension of sustainable development, which encompasses the prohibition of discrimination against workers on grounds of, sex, among other things. These implicit gender-related provisions often refer to labour discrimination, basic labour rights or international agreements or instruments, such as the International Labour Organization (ILO) Convention N° 111 on Employment and Occupation Discrimination; the ILO Convention N° 182 on the Worst Forms of Child Labour; the ILO 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up; the 2006 Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work; the ILO 2008 Declaration on Social Justice for a Fair Globalization; the ILO Decent Work Agenda; or the ILO Global Jobs Pact. Gender equality in the workplace is also one of the principles encompassed in the concept of corporate social responsibility, and fair and ethical trade schemes covered in a limited but increasing number of RTAs.

¹² This number only includes provisions referring exclusively to international instruments related to sustainable development that include gender-related language. See Monteiro (2016) for a discussion on provisions related to the environment and sustainable development in RTAs.

Another type of implicit gender-related provisions, mentioned in 79 RTAs, refers to socially or economically vulnerable, disadvantaged or minority groups, whose women have historically been part of. As discussed in detail below, the reservation for non-conforming measures according rights or preferences to socially or economically disadvantaged minorities and scheduled in relation to the chapters on cross-border trade in services and investment is the most common type of provisions on marginalised and vulnerable groups in RTAs.

In addition to the increasing number of RTAs with gender-related provisions, and as depicted in Figure 3, the share of RTAs incorporating gender-related provisions has been oscillating but trending upward to the point where gender-related provisions are included in more than 40 per cent of all the RTAs signed in the last four years (2017-2020). This trend is in line with the growing discussions on women's participation in international trade in the policy agenda of many regional and multilateral forums and organizations. In parallel with the upward trend in the number of RTAs with gender-related provisions, the evolution of the number of specific gender-related provisions included in those RTAs can be further characterized by two waves, as shown in Figure 4.¹³

Figure 3: A growing share of RTAs include explicit gender-related provisions



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

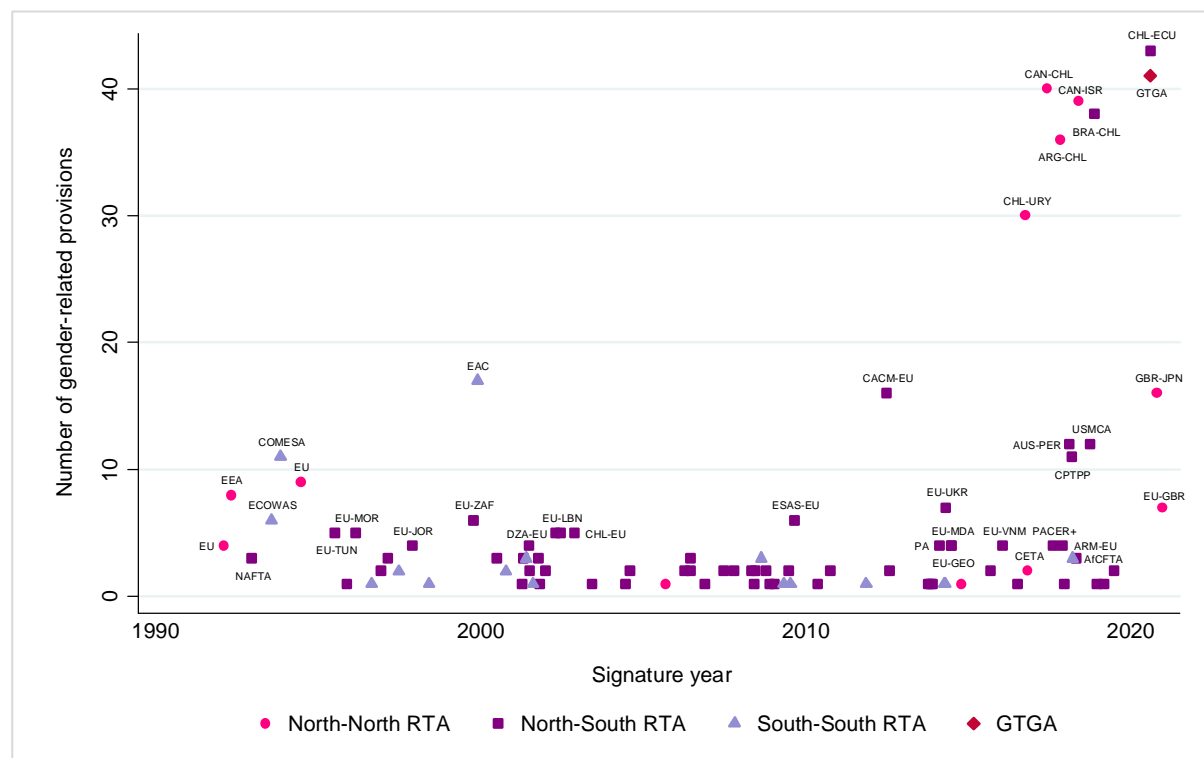
Note: The total number of RTAs with gender-related provision is the sum of RTAs incorporating gender-related provisions that were signed during a given period. Figures are not cumulative. Implicit gender-related provisions refer to provisions addressing human rights, vulnerable groups and the social dimension of sustainable development, including labour discrimination, fair trade and corporate social responsibility without any explicit reference to gender. The GTGA is excluded from the analysis.

Prior to the 1990s, only a couple of RTAs included gender-related provisions, including EEC and ECCAS. Between 1991 and 2001, the number of RTAs with gender-related provisions increased significantly, reaching a peak in 2001. During that period, the number of specific gender-related provisions included in a given RTA remained limited. One of the few exceptions was the Treaty of the Economic Community of West African States (ECOWAS) signed in 1993 and the first RTA negotiated by developing countries with an article dedicated to "women and development". This article laid out several commitments, including the adoption of all measures necessary to identify and assess all constraints that inhibit women from maximizing their contribution to regional development efforts. Other exceptions included the Treaties establishing the Common Market for Eastern and Southern Africa (COMESA) in 1993 and the East African Community (EAC) in 1999,

¹³ The complete evolution of RTAs with gender-related provisions is depicted in Figure A1.

which for the first time established, respectively, a chapter on "women in development and business" and on the "role of women in socio-economic development". The chapter in both RTAs specified detailed commitments to promote women's empowerment, integration and participation, including through appropriate legislation and other measures.¹⁴ The EAC treaty further established gender equality as a fundamental principle and required the EAC legislative assembly to represent gender as much as it is feasible.

Figure 4: The number of gender-related provisions in RTAs has increased in recent years



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: Original and amended RTAs are analysed separately. RTAs without explicit gender-related provisions are not shown. "North" is defined as high-income countries, whereas "South" is defined as middle- and low-income countries according to the WBG's country classification at time of signature.

Between 2002 and 2015, the signing of RTAs with gender-related provisions increased slightly, but the average number of specific gender-related provisions in RTAs decreased relatively and remained limited. One of the few exceptions was the RTA between the European Union and Central America, which established several gender-related cooperation provisions, some of them found in a dedicated article on gender. The agreement further laid down a couple of gender-related provisions on labour standards, including the ILO Convention N° 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

Since 2016, the number and share of RTAs with gender-related provisions has increased significantly, as did the average number of gender-related provisions. Although not the first RTA to include a chapter dedicated to gender, the 2016 RTA between Chile and Uruguay is the first agreement to incorporate a new generation of chapter on gender with detailed provisions on domestic policies, international agreements, cooperation activities and institutional arrangements, including the creation of a trade and gender committee and consultations procedures. The RTAs to which Chile is a party with Argentina, Brazil and Ecuador and the amended RTAs negotiated by Canada with Chile and Israel build upon the chapter on gender of RTA between Chile and Uruguay and in some cases clarify or establish new types of gender-related provisions. As highlighted in

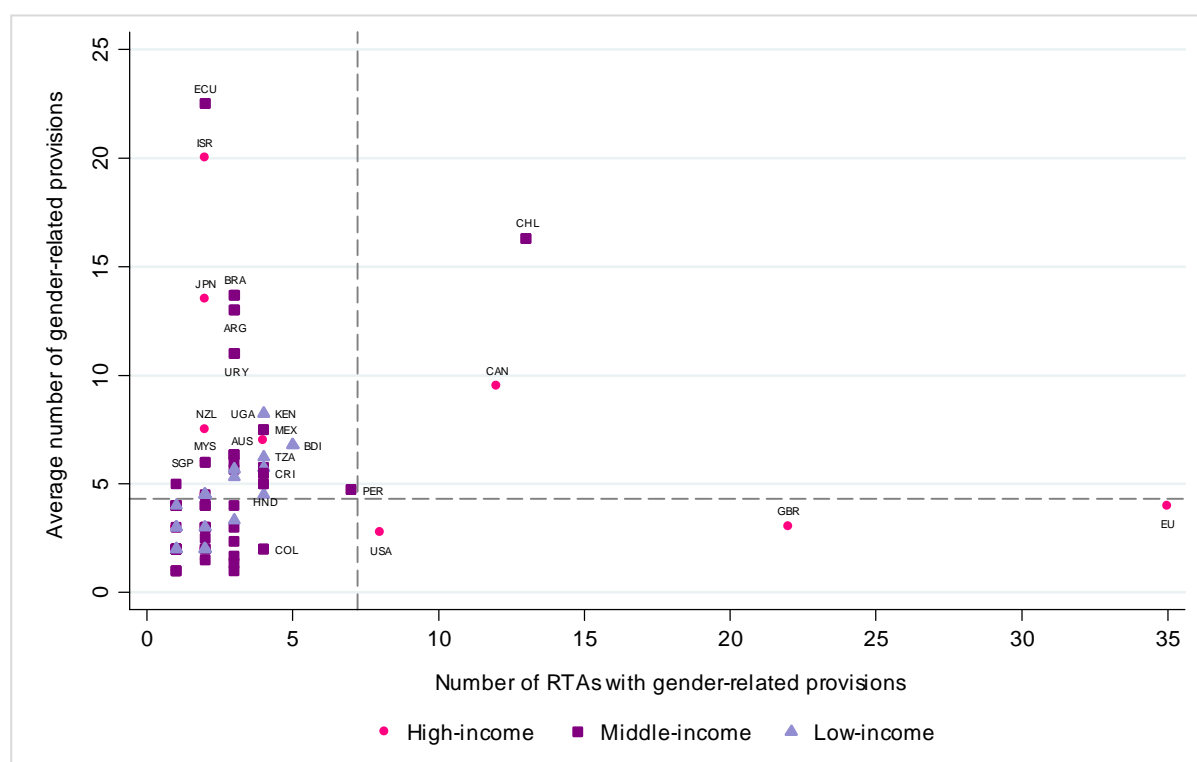
¹⁴ As discussed in section 4, the parties to COMESA and EAC have subsequently adopted other gender-related commitments, including COMESA Gender Policy and EAC Gender Equality and Development Bill.

Figure 4, these RTAs include the most detailed and comprehensive gender-related provisions to date. While most of these provisions are found in the chapter on gender, some gender-related provisions are also found in the preamble, the chapters on investment, labour, and cooperation, or the labour cooperation agreement in some of these RTAs.

In addition to including gender-related provisions in RTAs, Canada, Chile and New Zealand have negotiated the first stand-alone cooperation agreement on trade and gender. The Global Trade and Gender Arrangement (GTGA), signed in August 2020, replicates and builds on existing gender-related provisions found in RTAs, such as the commitments to apply gender equality laws and regulations and to implement cooperation activities aimed at improving women's access to international trade opportunities. The GTGA also establishes new types of gender-related provisions, not (explicitly) found in any RTAs, such as the importance of not weakening or reducing the protection provided in gender equality laws and regulations to promote trade or investment and the commitment to implement the Buenos Aires Declaration on gender and trade.

Although the number of RTAs with gender-related provisions continues to slowly increase, the choice to include detailed gender-related provisions remains limited to RTAs negotiated by a few high-income and some middle-, mostly upper middle-, income economies. Canada and Chile are the main proponents of including the most detailed gender-related provisions in RTAs, as depicted in Figure 5. Other countries that tend to incorporate relatively detailed provisions, at least in some of their recent agreements, include the European Union, Israel, Japan and the United Kingdom, and a few Latin American countries, such as Argentina, Brazil, and Uruguay. Several high- and low-income economies have not negotiated any RTA with detailed gender-related provisions in recent years.

Figure 5: RTAs with detailed gender-related provisions are mostly negotiated by some high- and upper middle-income economies



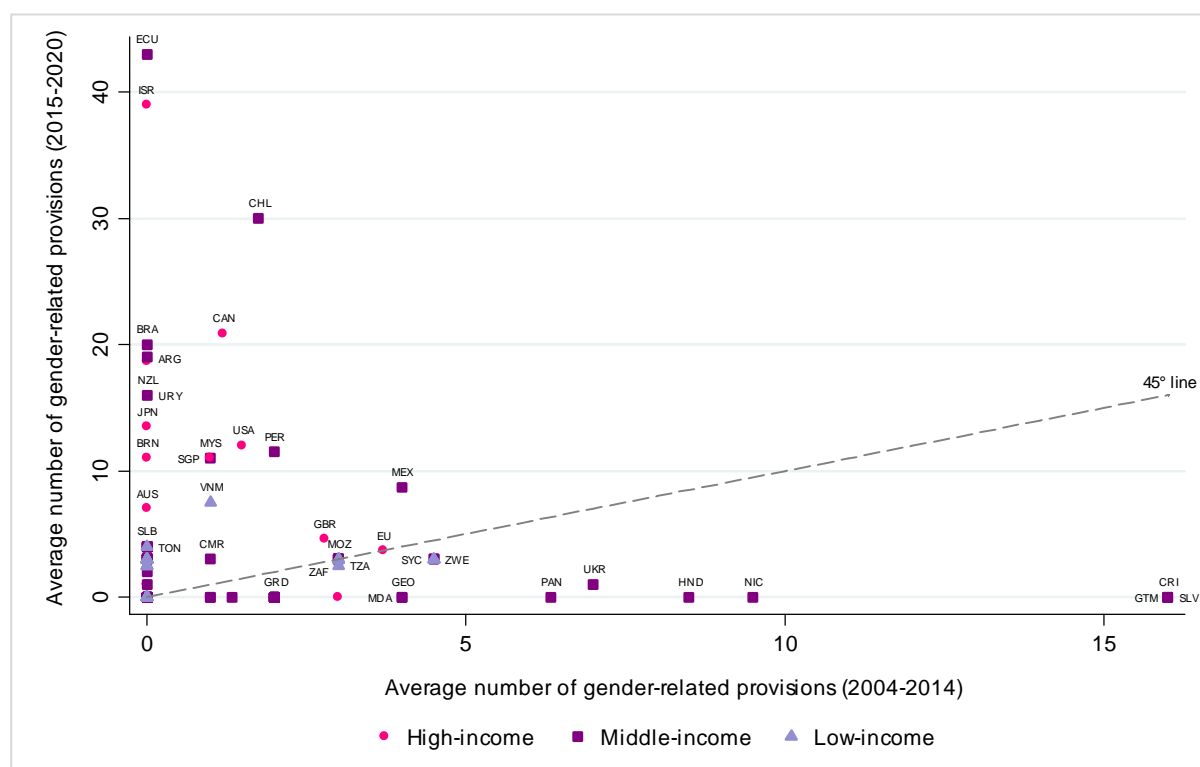
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: The definition of high-, middle- and low-income countries are based on the WBG's country classification at time of signature. The horizontal and vertical dashed lines represent the average number of gender-related provisions and the number of RTAs with gender-related provisions, respectively. The GTGA is excluded from the analysis.

3.2 Dynamic nature of gender-related provisions

As hinted above, a country's decision to include gender-related provisions in RTAs may change over time. As highlighted in Figure 6, the average number of gender-related provisions included in RTAs negotiated in the last six years (2015-2020) is larger for some economies having already included gender-related provisions in their RTAs negotiated before 2015. In particular, Canada, Chile, Mexico, Peru and the United States have significantly increased the average number of gender-related provisions in their respective agreements. A few other economies, that signed RTAs without gender-related provisions before 2015, such as Argentina, Brazil, Ecuador, Israel, Japan, New Zealand and Uruguay, have included some of the highest number of gender-related provisions in their respective RTAs.¹⁵

Figure 6: Most high-income economies have increased the average number of gender-related provisions in their respective RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: The definition of high-, middle- and low-income countries are based on the WBG's country classification at time of signature. The GTGA is excluded from the analysis.

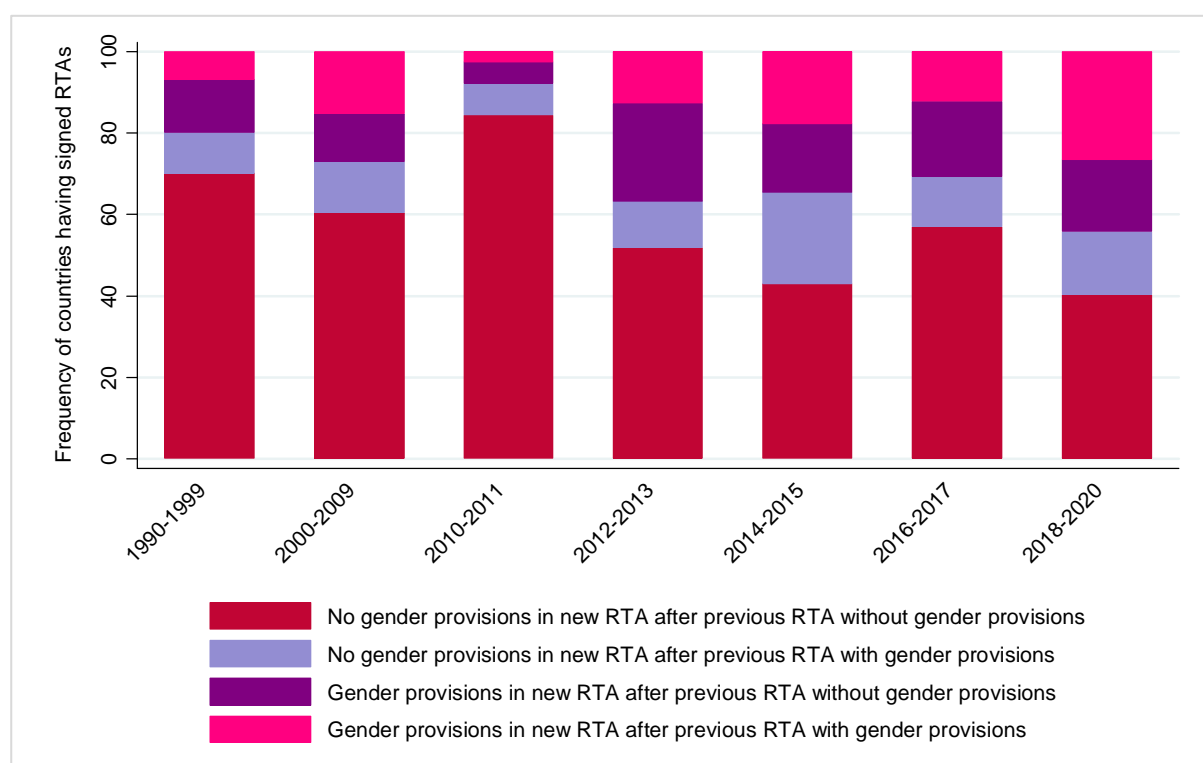
The decision to include gender-related provisions in RTAs depends on the trading partners that take part in the negotiation of the agreement. While many countries continue to not include any gender-related provisions, some other economies continue to negotiate a relatively limited number of gender-related provisions in their RTAs. A few other countries, such as Canada, Chile and more recently Japan and the United Kingdom, have opted to include more comprehensive gender-related provisions in some of their most recent agreements. Conversely, other countries, that have in the past incorporated several gender-related provisions in some of their RTAs, have later decided either to limit the number of gender-related provisions or not to include any explicit provisions. As a result, the relationship between the number of signed RTAs with gender-related provisions and the average number of gender-related provisions is non-linear.¹⁶

¹⁵ A chronological map representing the average number of gender-related provisions for each economy over the 1990-2020 period is depicted in Figure A2 in the Annex.

¹⁶ The dynamic relationship between the number of RTAs and the average number of gender-related provisions is depicted in Figure A3 in the Annex.

The decision to include gender-related provisions in RTAs has changed over time, as shown in Figure 7. More than 54% of the economies, that negotiated RTAs over the 2015-2020 period, have not included any gender-related provisions in their agreements. Conversely, 20% of the economies that negotiated RTAs during the 2015-2020 period, continue to negotiate gender-related provisions in their new agreements. In addition, 13% of the economies that negotiated RTAs during the same period chose to include gender-related provisions in their new agreement after not having done so in their previous agreement. While some of these economies, such as the European Union, continue to negotiate a relatively limited number of gender-related provisions in their RTAs, a few other countries, such as Canada, Chile and more recently Japan and the United Kingdom, have opted to include more comprehensive gender-related provisions in some of their most recent agreements. Indeed, 24% of the economies that signed RTAs during the 2015-2020 period have incorporated either the same or a higher number of types of gender-related provisions in their respective new agreements compared to their immediate previous agreements.¹⁷ Conversely, 24% other economies have reduced the number of gender-related provisions in their new agreements. In addition, 13% of the economies having negotiated RTAs over the same period decided not to include any gender-related provisions in their new agreement after having included some gender-related provisions in their previous agreement. This is the case of some Central Asian, Latin American and African countries.

Figure 7: Most economies do not follow a specific approach for including gender-related provisions in their RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
Note: The GTGA is excluded from the analysis.

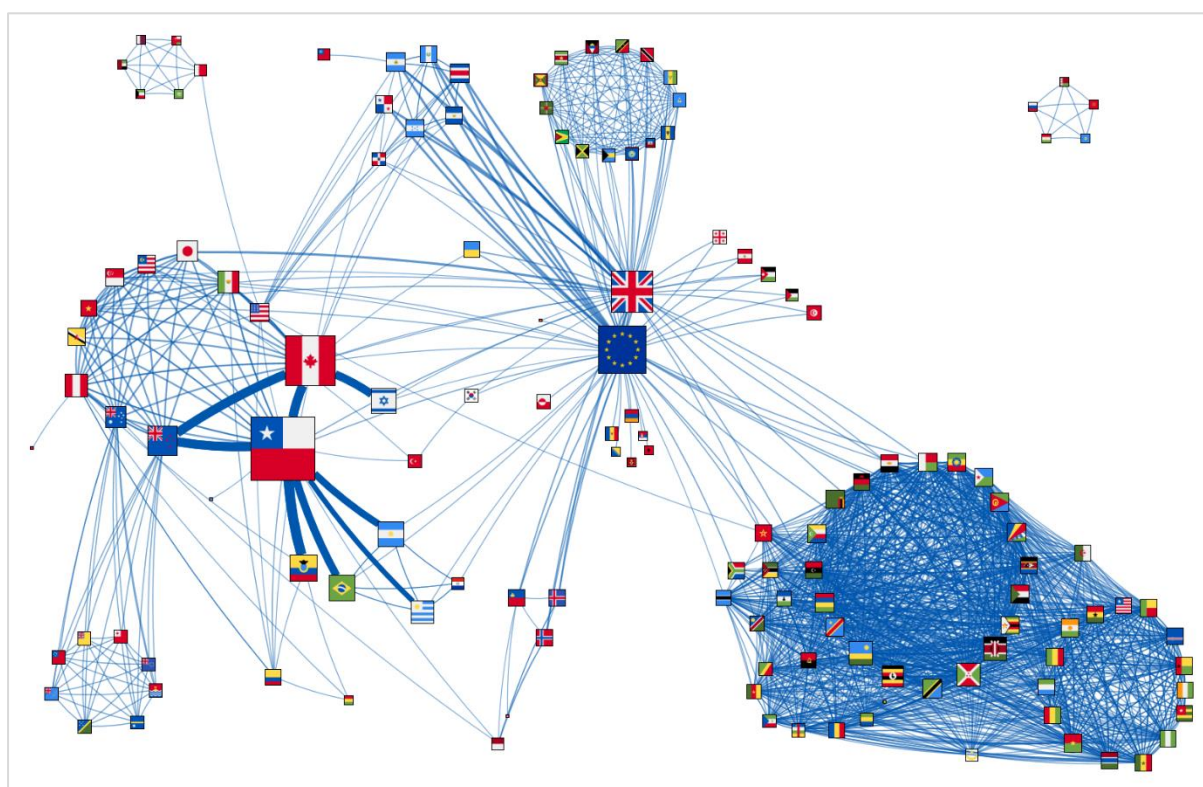
The evolution of the number of gender-related provisions in the process of amending or revising existing RTAs also follows different patterns. While the number of gender-related provisions included in some RTAs, such as the EAC treaty, has remained relatively constant, other agreements have increased their number of gender-related provisions with each revision. For instance, the number of

¹⁷ The evolution of the frequency of the decision to include or not gender-related provisions in terms of number of types of provisions is depicted in Figure A4 in the Annex.

gender-related in the RTA between Canada and Chile increased from two provisions (found in the 1996 side labour cooperation agreement) to 40 provisions in 2017 (found in the amended investment chapter, new chapter on gender and existing side labour agreement). Similarly, the Southern African Development Community (SADC) treaty amended the language and expanded the number of gender-related provisions with each revision. Conversely, in some RTAs, such as the RTA between the European Union and Overseas Countries and Territories (OCT), the number of gender-provisions decreased slightly with each revision.

Given the dynamic nature of the decision to include gender-related provisions, the universe of RTAs with gender-related provisions is continuously expanding and spanning multiple clusters, as shown in Figure 8. The main cluster is represented by the parties to the GTGA, and in particular Canada and Chile. As explained above, both countries have incorporated some of the most comprehensive gender-related provisions in their more recent agreements. Other clusters include the European Union (and the United Kingdom), the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the different African regional economic unions, such as COMESA, EAC and ECOWAS. A few other countries, such as India, Pakistan and Switzerland, have not included any gender-related provisions in their respective RTAs.

Figure 8: The universe of RTAs with gender-related provisions continues to expand

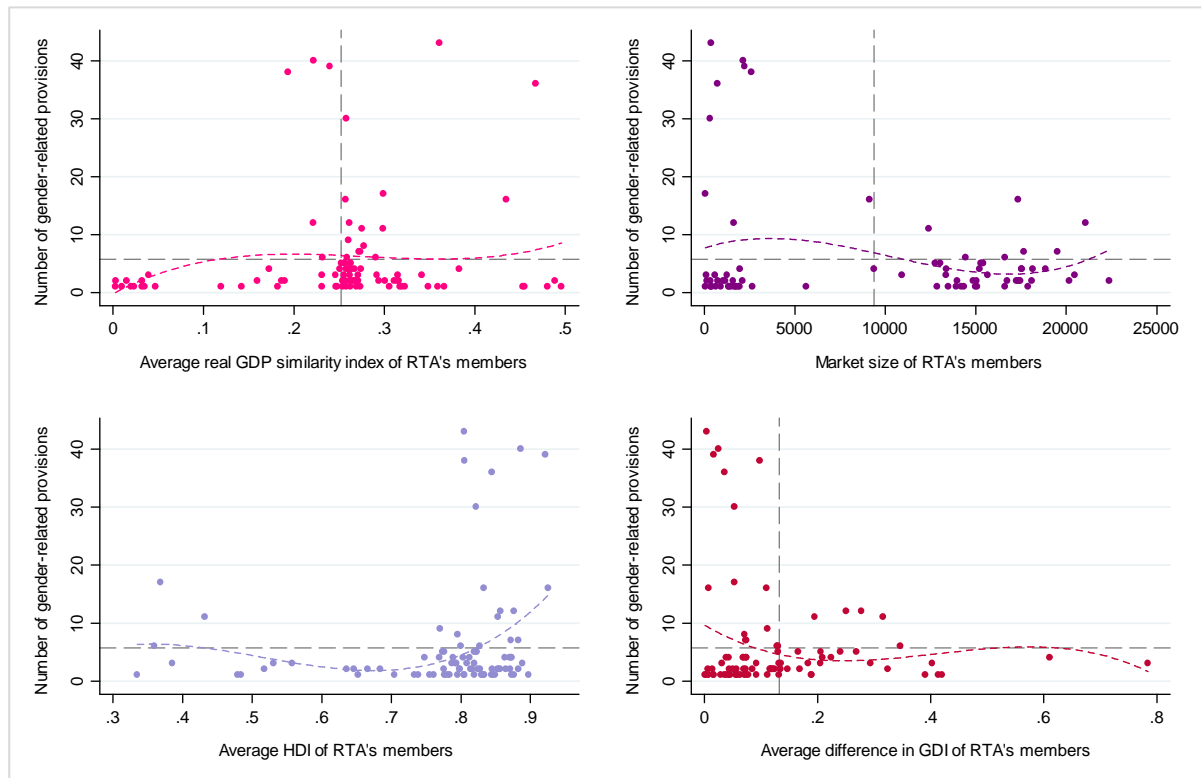


Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: The size of each node represents the cumulative number of gender-related provisions by economy. The width of each edge measures the number of gender-related provisions in the respective RTA. For the United Kingdom, only new RTAs and rolled-over EU RTAs are considered. The GTGA is included in the analysis.

As suggested above, the decision to include gender-related provisions depends on the countries that take part in the negotiations. As a result, the relationship between the number of gender-related provisions and the development level of the parties to the RTA is highly non-linear, as highlighted in Figure 9. In particular, the number of gender-related provisions tends to be relatively higher in RTAs negotiated by parties experiencing different but not too distant levels of economic development. Conversely, parties to RTAs with extremely large differences in economic development tend to negotiate a limited number of gender-related provisions. The number of gender-related provisions tends also to be greater in RTAs with a relatively limited market size. However, many other RTAs follow different patterns, highlighting important idiosyncratic features.

Figure 9: The relationship between gender-related provisions and development level remains highly non-linear



Sources: Author's calculations based on the mapping of gender-related provisions in RTAs and data taken from the World Development Indicators (2020); and UN Human Development Report (2020).

Note: The similarity GDP index between countries i and j is defined as $1 - [GDP_i / (GDP_i + GDP_j)]^2 - [GDP_j / (GDP_i + GDP_j)]^2$ and ranges from 0 (dissimilar) to 0.5 (similar). The market size is measured by the sum of the parties' real GDP (in US\$ billions). The Human Development Index (HDI) ranks countries' performance on life expectancy, education, and per capita income. Similarly, the Gender Development Index (GDI) ranks countries' performance in terms of gender-gaps in life expectancy, education, and per capita income. The GTGA is excluded from the analysis.

In addition, gender-related provisions tend to be much more comprehensive in RTAs negotiated by countries experiencing a relatively high level of human development in terms of life expectancy, education and per capita income, measured by the Human Development Index. Yet, a few countries having achieved a more limited level of human development have also negotiated a relatively high number of gender-related provisions in some of their RTAs, highlighting once again important idiosyncratic trends. The number of gender-related provisions tends also to be greater when the parties to the RTA face relatively similar levels of gender development, measured by the Gender Development Index, suggesting that the inclusion of a large number of gender-related provisions in a RTA goes beyond ensuring a level playing field in terms of gender equality and women's economic empowerment between the parties.

4 HETEROGENEITY OF GENDER-RELATED PROVISIONS

Like many other types of provisions found in RTAs, most gender-related provisions in RTAs are highly heterogeneous between agreements. The heterogeneity of gender-related provisions in RTAs takes different forms, from (1) their structure and location within the agreement to (2) their language and scope.

4.1 Structure and location of gender-related provisions

The heterogeneity characterising most gender-related provisions in RTAs is reflected in their structure and location within the agreements, as reported in Table 1. Gender-related provisions can be found in the preamble, in non-specific article on gender or in specific article and chapter on gender. Some gender-related provisions are also found in annexes as well as side documents. The choice of the structure of gender-related provisions varies significantly among RTAs, even among agreements negotiated by the same party. The inclusion of gender-related provisions with different structures is, however, not mutually exclusive, as depicted in Figure 10.

Table 1: Main structures of gender-related provisions

Structure of gender-related provisions	Number of RTAs
1. Main text of the RTA:	76
- Preamble	12
- Non-specific article(s) on gender	64
- Specific article on gender	10
- Specific chapter on gender	9
- Annex(es)	17
2. Side document(s) to the RTA:	12
- Side letters	1
- Joint statement(s)	1
- Protocol(s)	2
- Labour cooperation agreement	8
3. Post-RTA agreements/decisions on gender:	13
- Declaration(s)/recommendation(s)	4
- Decision(s)/resolution(s)/directive(s)	6
- Agreement(s)/Protocol(s)	3

Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: The GTGA is excluded from the analysis.

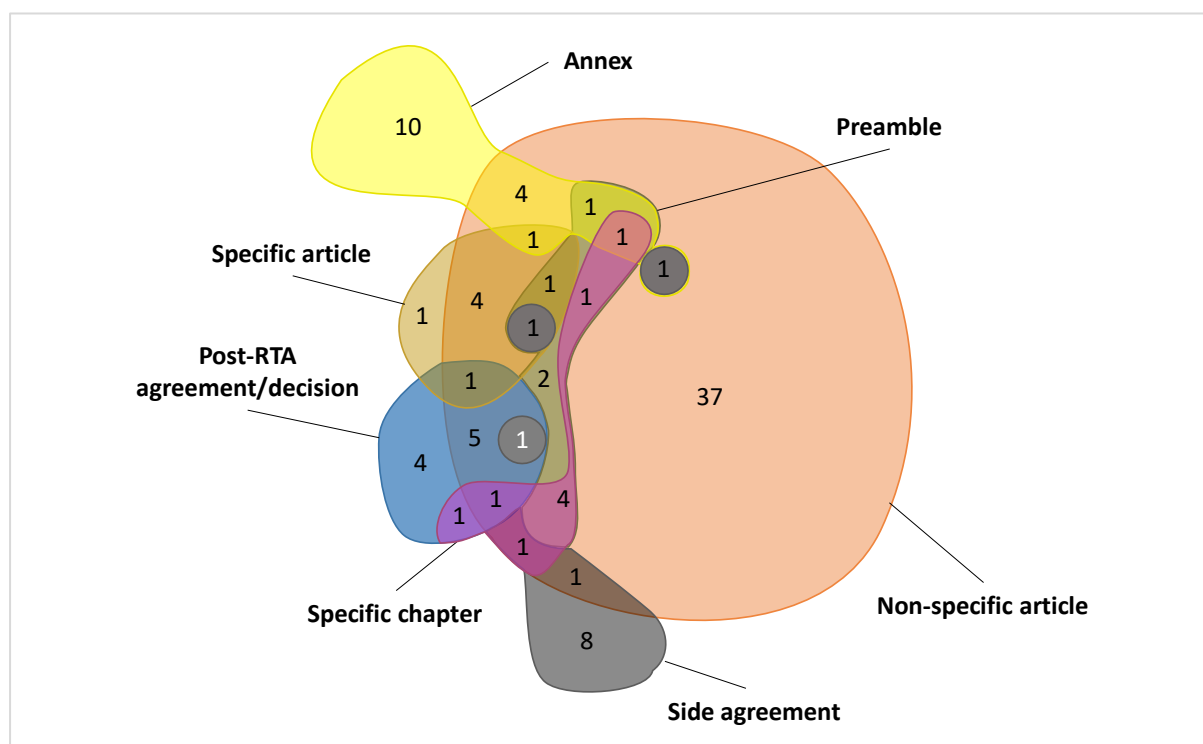
For a few RTAs, namely 12 agreements, the first reference to gender or women is found in the preamble. The preamble of a RTA can provide insights on the parties' intention as well as the objectives that led to the signature of the agreement. The gender-related issues covered in the preamble differ between some RTAs, ranging from gender equality and gender mainstreaming in international trade to references to international instruments related to gender. For instance, the preamble to the Interim Economic Partnership Agreement between the European Union and the Eastern and Southern Africa States (ESAS) reaffirms that advancing the development agenda requires the full implementation of agreed commitments made at different UN Conferences, including the Fourth World Conference on Women in Beijing.

Although a limited but increasing number of RTAs incorporate a specific article or chapter on gender, non-specific articles on gender are the most common structure of gender-related provisions, found in 64 RTAs. Such non-specific articles are any article referring to an issue or a broad range of issues that mentions gender as a particular case. For instance, several non-specific provisions on gender, found in the chapter on labour, sustainable development or cooperation, list gender, among other themes, as a (potential) cooperation area.

Even though not a recent development, only a limited number of RTAs, namely 10 RTAs, include a specific article on gender. These specific articles on gender are found in different chapters, such as community policy in social affairs; human resources; labour; cooperation; and development. For instance, the European Union's Lisbon Treaty includes an article on the principle of equal pays for male and female workers in the chapter on social provisions. Several cooperation provisions on gender are also included in an article on gender in the chapters on "social cooperation" and "social development and social cohesion" of the RTAs to which the European Union is a party with Chile and

Central America, respectively. Similarly, CPTPP as well as the RTA between Australia and Peru have established an article on "women and economic growth" in their respective chapter on development. More recently, USMCA includes an article dedicated to "sex-based discrimination in the workplace" in the chapter on labour.

Figure 10: The structure of gender-related provisions in RTAs is heterogenous



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: Proportions not respected. The GTGA is excluded from the analysis.

Gender-related provisions are also found in the annex of 17 RTAs. For instance, the annex to the government procurement chapter of several RTAs to which the United States is a party include a provision specifying that the government procurement chapter does not apply to preferences or restrictions associated with programs promoting businesses owned by women, among others.¹⁸ Similarly, the RTA between the European Union and the United Kingdom includes an annex laying down the rules on driving time, breaks and rest periods for drivers involved in the transport of goods by road. This annex sets out the obligation to provide protective employment measures for pregnant women and mothers drivers and to guarantee equality of treatment between men and women drivers. The annex also requires drivers to take regular weekly rest periods in suitable gender-friendly accommodation with adequate sleeping and sanitary facilities.

¹⁸ Provisions listing gender-related public institutions, such as the Ministry of Women and Vulnerable Population, as central government entities covered by the government procurement chapter are excluded from the analysis.

Besides the main text of the RTA and its annexes, several gender-related provisions are also found in agreements negotiated in parallel. For instance, the Agreement on the European Economic Area (EEA) include several protocols, including one on the EEA financial mechanism requiring, among other things, the application of the principle of gender equality in all implementation phases. Similarly, several RTAs to which Canada is a party include several gender-related provisions in their respective labour cooperation agreements. For instance, the labour cooperation agreement between Canada and Jordan commits the parties to ensure their labour law and practices embody and provide protection for the elimination of discrimination in respect of employment and occupation, including equal pay for women and men.

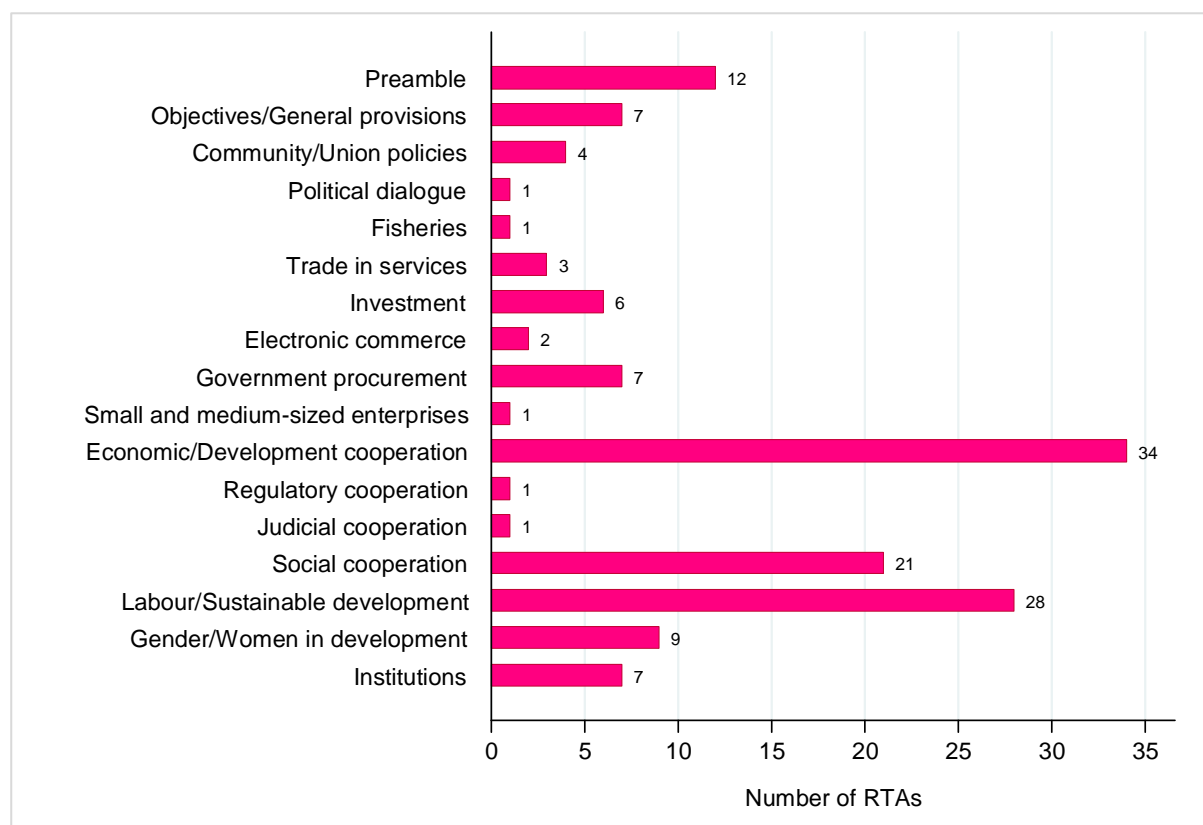
In addition to the side documents adopted at the time of the RTA's signature, the parties to several RTAs, typically establishing a customs union, have, a few years after the entry into force of the agreement, adopted specific declaration, directives, resolutions or agreements on gender or established gender-related institutions. The parties to the Southern Common Market (MERCOSUR) have issued a number of recommendations, resolutions and decisions on gender-related issues, including the creation of a Specialized Meeting of Women, MERCOSUR gender equality policy guidelines and recommendations and resolutions on international trafficking and domestic violence. Decisions or agreements have also been subsequently adopted by the Andean Community (e.g. Andean Council for High-Level Authorities for Women and Equal Opportunities); Central American Common Market (CACM) (e.g. resolution on gender, integration and development); Caribbean Community (CARICOM) (e.g. gender and development program); COMESA (e.g. gender policy); EAC (e.g. Gender Equality and Development Bill); ECOWAS (e.g. resolution on gender promotion); European Union (e.g. directives on anti-discrimination and gender equality); Pacific Alliance (e.g. joint declaration on technical group on gender); and SADC (e.g. Gender and Development Protocol).

More recently, the Joint Committee established under the RTA between Canada and the European Union (CETA) adopted a recommendation on trade and gender. This recommendation replicates or build on some of the provisions found in some chapters on gender found in recent RTAs. In particular, the CETA recommendation calls, among others, for the implementation of gender-related cooperation activities, the integration of gender-related considerations and activities into the work of other committees established under CETA, and the appointment of focal points for trade and gender. In this context, the parties to CETA also adopted a detailed work plan for implementing the recommendation, specifying different objectives and associated implementation plan and deliverable/expected results.

As highlighted above, gender-related provisions not only take different structures, but can also be found in various parts of the RTAs. As shown in Figure 11, provisions mentioning explicitly gender are mainly located in chapters on economic or social cooperation. The distinction between economic cooperation and social cooperation is not always made as explicit. Similarly, gender-related provisions on employment and social matters can be found in an increasing number of chapters on social cooperation or chapters on labour or sustainable development.

The remaining chapters with gender-related provisions are not only included in a limited number of RTAs but most of these gender-related provisions are particular to a single or couple of RTAs. For instance, a couple of investment chapters refer to gender equality in their article on fair and equitable treatment of investment and investors, while a couple of other investment chapters mention gender in their article promoting social corporate responsibility. Similarly, USMCA includes two provisions related to SMEs owned by women in both chapters on competitiveness and SMEs. Overall, and as discussed in greater detail in the next section, a different location in the RTA often implies a different type of gender-related provisions.

Figure 11: Gender-related provisions are found throughout the main text of RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: This figure only considers gender-related provisions found in the preamble and main text of RTAs. For analytical purposes, the title of certain chapters has been harmonised. The GTGA is excluded from the analysis.

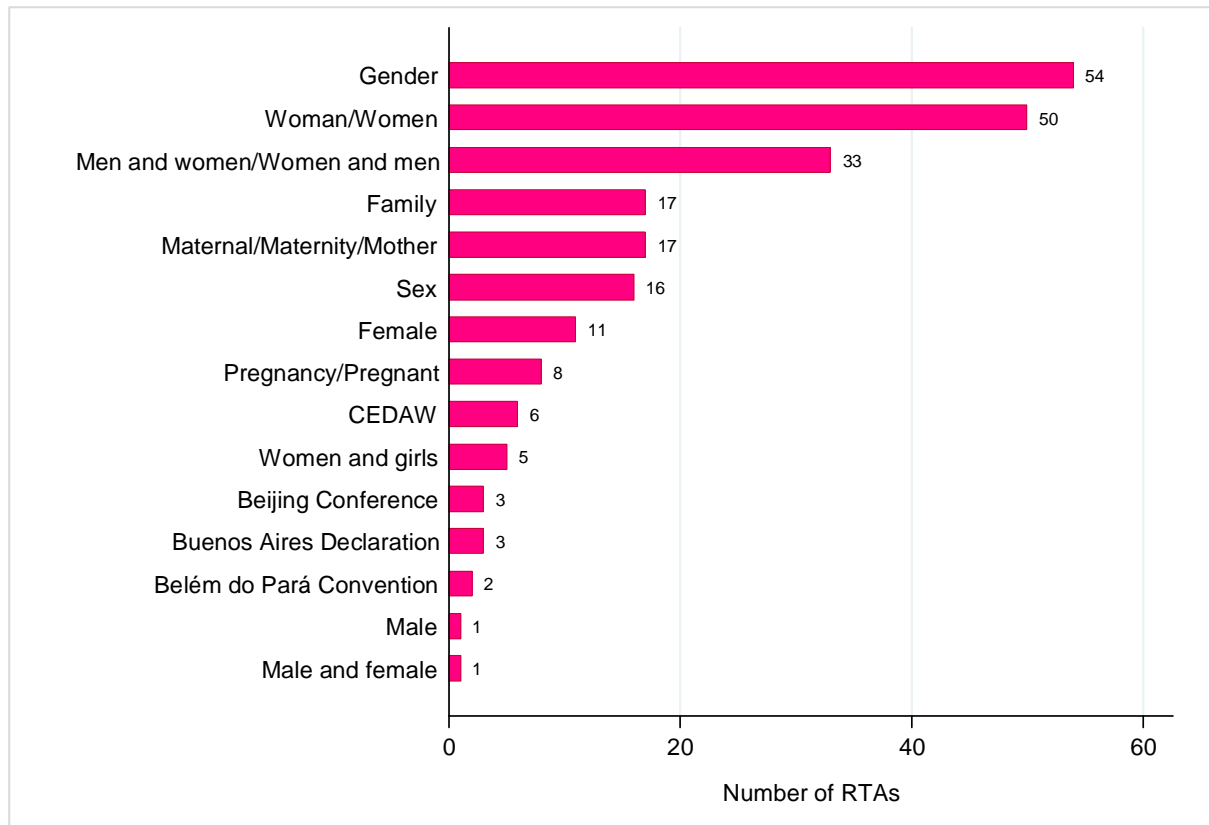
4.2 Scope and types of gender-related provisions

Provisions in RTAs are known to be heterogeneous across agreements, and gender-related provisions are no exception. The scope and language of gender-related provisions vary significantly between RTAs, even in most agreements negotiated by the same country. Two RTAs can incorporate a provision referring to the same issue but take a different structure (e.g. non-specific provision or specific provision), be found in a different part of the RTA (e.g. chapter on labour or cooperation) or be formulated differently (e.g. hortatory or firmer language).

The mapping exercise reveals that more than 280 different gender-related provisions, many of which are specific to a single or couple of agreements, have been included in RTAs over the years. This large number of gender-related provisions is partly explained by the terminology used to define gender-related issues. As shown in Figure 12, the scope of most gender-related provisions refers to "gender". However, this is a relatively recent phenomenon, even though the use of the term "gender" is not new. Up until 2014, most RTAs with gender-related provisions referred explicitly to "women" or "men and women".¹⁹ The scope of other gender-related provisions, found in more limited number of RTAs, covers specifically "motherhood", "family" and "pregnancy".

¹⁹ The evolution of gender-related terminology in RTAs is depicted in Figure A5 in the Annex.

Figure 12: Various gender-related terminologies have been included in RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: Total number of RTAs with at least one gender-related provision referring to the respective terminology. CEDAW refers to the Convention on the Elimination of all forms of Discrimination Against Women. Beijing Conference refers to the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women. Buenos Aires Declaration refers to the Joint Declaration on Trade and Women's Economic Empowerment. Belém do Pará Convention refers to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. The GTGA is excluded from the analysis.

Besides differences in terminology, most of the heterogeneity characterising gender-related provisions stems from the language used as well as the issues covered. This heterogeneity makes the task of identifying commonalities and differences in some of the gender-related provisions particularly challenging. Despite this difficulty, gender-related provisions can be broadly grouped into 13 main types of provisions related to gender and gender-related issues, as reported in Table 2. These provisions range from references to gender-related principles and international agreements to specific commitments on domestic gender-related policy, corporate social responsibility and cooperation activities. In addition, a number of gender-related provisions, typically found in a chapter dedicated to trade and gender, establish institutional arrangements as well as specific consultation procedures.²⁰ While some of these types of provisions are found in an increasing number of RTAs, other types of gender-related provisions are only included in a single or couple of, often recent, agreements.

The most common type of gender-related provisions, included in 69 RTAs (83 per cent of all RTAs with gender-related provisions), identifies gender and gender-related issues as a cooperation area. Cooperation provisions on gender are mainly found in the chapters on economic and social cooperation, but are also found in other chapters, such as development, gender, labour and sustainable development. While some provisions only list gender as a cooperation area, other provisions specify the precise areas and forms of cooperation. Similarly, while some RTAs identify gender as part of a non-exhaustive list of potential cooperation areas, other RTAs establish firmer cooperation commitments.

²⁰ Although not reviewed here, some RTAs include provisions on temporary entry for business persons committing the parties to grant, upon application, the right of temporary entry to the accompanying spouse or dependents of a business person that is granted temporary entry or an extension of temporary stay.

Table 2: Main types of gender-related provisions

Types of gender-related provisions	Number of RTAs	First year
1. Definitions	1	1999
2. Principles	19	1992
3. International agreements and instruments	10	1999
4. Domestic gender-related policies	40	1957
- Right to regulate	9	1992
- Adoption	19	1992
- Harmonization	8	1992
- Uphold	4	2006
5. Exemptions/Reservation measures	7	2003
6. Corporate social responsibility	5	2017
7. Cooperation	69	1983
- Cooperation principles	17	1992
- Political dialogue	1	2012
- Cooperation forms	8	2016
- Cooperation areas	68	1983
8. Transparency	6	2016
9. Public participation	1	2020
10. Institutional arrangements	11	1993
11. Relation with other chapters/agreements	3	2017
12. Consultations procedures	6	2016
13. Dispute settlement coverage	7	2016

Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: The column "First year" reports the year in which the first RTA incorporated a given type of gender-related provisions. Provisions on uphold include provisions on the enforcement of labour laws provided such provision explicitly refer to employment discrimination and equal pays. The GTGA is excluded from the analysis.

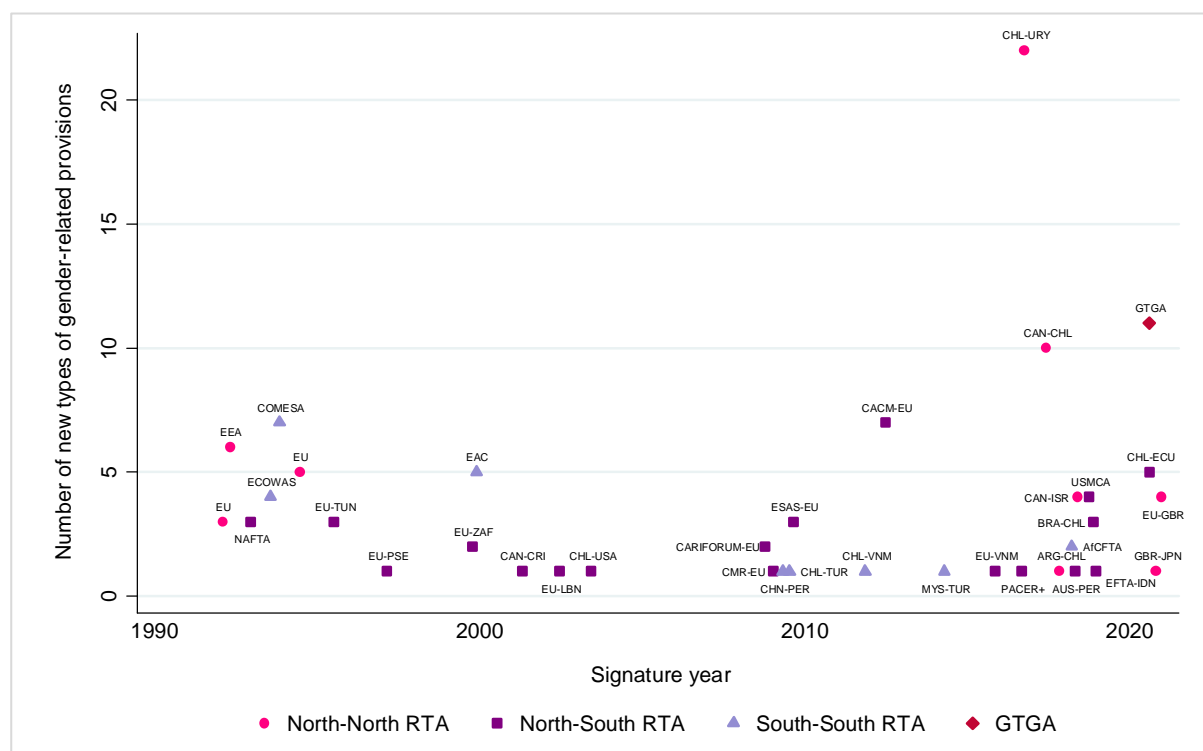
The second most common type of gender-related provisions, included in 40 RTAs (49 per cent of all RTAs), establish specific commitments on domestic gender-related policies. This type of provisions ranges from the right to regulate gender issues to the commitment to adopt, harmonize and effectively implement domestic policies and programmes on gender. While some of these provisions refer to gender-related policies in general, other provisions specifically address the gender dimension of education, labour and social policies.

The remaining types of gender-related provisions are only incorporated in a limited number of RTAs. Some provisions establish or refer to gender-related principles, such as gender equality. Other provisions refer to specific international agreements or international instruments related to gender, such as the UN CEDAW and the Beijing Declaration and Platform for Action on gender equality and women's rights. Some provisions specify that domestic programmes aimed at supporting women, including women-owned firms, are not covered by the obligations set forth in the chapter on government procurement or services. A few other provisions promote transparency and public awareness of domestic gender-related laws and policies. Similarly, a few provisions establish commitments to promote corporate social responsibility, which encompasses, among other things, gender equality in the workplace.

A limited number of RTAs establish institutional arrangements related to gender, such as the establishment of committee, to discuss and oversee the implementation of the agreement's commitments related to gender. Most chapters dedicated to gender also establish specific consultation procedures to address any issue arising under that chapter. These consultation procedures are further complemented by another type of provisions specifying whether the chapter on gender is covered or not by the dispute settlement procedures established under the RTAs. Most chapters on gender are excluded from the RTA's dispute settlement chapter.

As noted above, gender-related provisions in RTAs have evolved significantly and differently over the years, including in agreements negotiated by the same country. Part of the heterogeneity of many gender-related provisions stems also from the fact that a growing number of gender related provisions add clarification, modify some existing provisions found in previous agreements or create new commitments or disciplines. The number of these new types of gender related provisions continues to rise, as shown in Figure 13.²¹

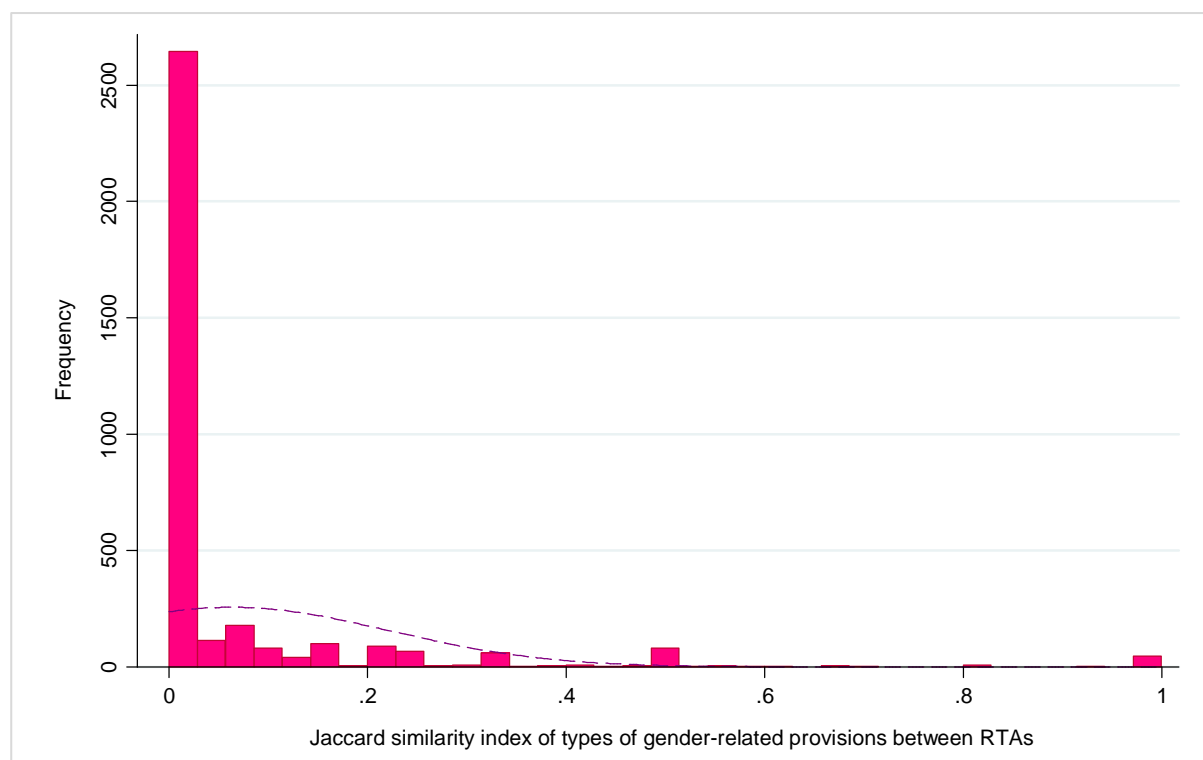
Figure 13: The number of new types of gender-related provisions continues to increase



Some of the most recent new types of gender-related provisions can be found in the GTGA as well as in the amended RTA between Chile and Ecuador and the RTAs negotiated by the United Kingdom with the European Union and Japan. The GTGA builds on the language of some environment- and labour-related provisions found in an increasing number of RTAs by acknowledging the importance of not weakening or reducing the protection afforded in gender equality laws and regulations to encourage trade or investment (Monteiro, 2016).²³ Other new provisions found in the GTGA include the explicit commitment to avoid discrimination on the basis of gender for licensing and certification in the services sector and to collaborate in international forums, such as the Asia-Pacific Economic Cooperation (APEC), the Organisation for Economic Co-operation and Development (OECD) and the WTO to advance trade and gender issues. The GTGA also calls on the parties to share their respective experiences relating to gender and trade-related policies through voluntary reporting during the WTO trade policy review mechanism as part of their national reports.

Most of the new types of provisions found in the amended RTA between Chile and Ecuador build on provisions on consultations and dispute settlement procedures found in the chapters on environment or labour of some RTAs. While most previous chapters on gender include a single provision requiring the parties to resolve any gender-related matters covered in those respective chapters through dialogue, consultations and cooperation, the amended RTA between Chile and Ecuador lays down in detail the consultation process, including the possibility to refer the matter at issue to the parties' relevant ministers when previous consultation steps have failed to resolve the matter. Building on some provisions on national consultative or advisory committees with civil society found in the chapter on sustainable development of certain RTAs, the amended RTA between Chile and Ecuador is also the first agreement to explicitly require the parties to set up a national consultative committee, comprising representatives of gender and business organizations as well as the general public, to provide advice on issues covered in the chapter on gender. Many other new types of gender-related provisions identify new types of cooperation activities.

Figure 14: Most RTAs share few to no gender-related provisions in common



Source: Authors' calculations.

Note: Histogram of the Jaccard index of 2,701 pairs of RTAs. The closer the Jaccard index is to one (zero), the more (less) both RTAs include the same type(s) of gender-related provisions. The GTGA is included in the analysis.

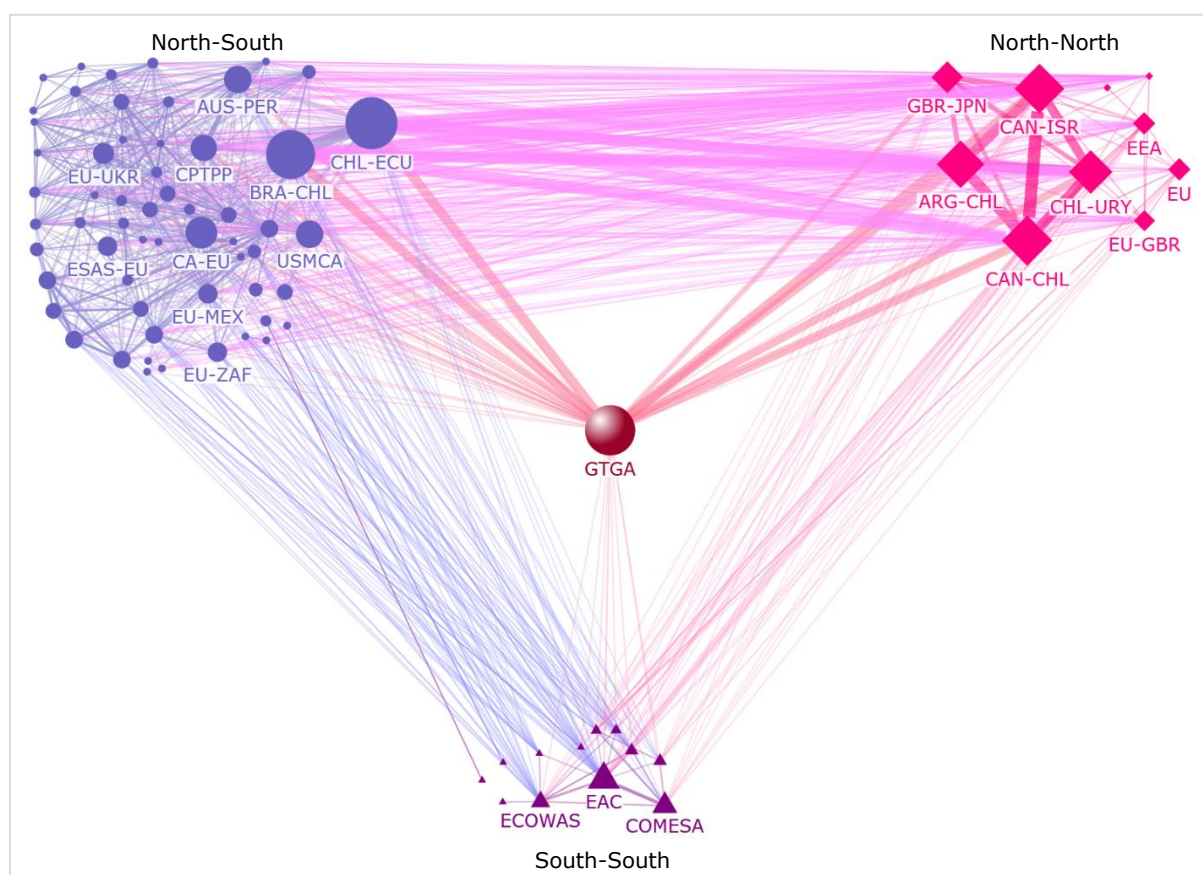
²³ Although no similar provision has been yet included in any RTA, the European Union is proposing in the context of the modernization of the RTA with Chile, to include a provision committing the parties not to encourage trade or investment by weakening or reducing the protection granted to equality of opportunities for women and men, under their respective laws (<http://trade.ec.europa.eu/doclib/html/156962.htm>).

While reviewing new types of gender-related provisions provides insight on the increasing heterogeneity of most gender-related provisions, a more comprehensive and synthetic approach to quantitatively measuring the heterogeneity of gender-related provisions in RTAs can be carried out by computing the Jaccard index, which compares and determines for each possible pair of RTAs the number of type(s) of gender-related provisions in common. The closer the index is to one (zero), the more (less) both RTAs include the same type(s) of gender-related provisions.

Even though the level of similarity between RTAs is higher for some pairs of RTAs, it tends to be much lower for most pairs of RTAs, as highlighted in Figure 14. Almost 88 per cent of all pairs of RTAs share very few, if any at all, similar types of gender-related provisions. Indeed, the level of similarity tends to increase with the number of common types of gender-related provisions, but this positive relationship tends to slow down beyond seven common gender-related provisions.²⁴ However, many pairs of RTAs do not follow this pattern, highlighting important idiosyncratic trends.

Despite the important heterogeneity in terms of language that characterizes most gender-related provisions, most RTAs with gender-related provisions share at least one main type of provisions with at least another agreement, often in the form of cooperation provisions. The universe of all RTAs with gender-related provisions is represented in Figure 15, where each symbol (i.e. square, diamond, and triangle) represents a RTA, where the size of the symbol (vertex) represents the number of gender-related provisions, while the width and opacity of the edges connecting the RTAs reflect, respectively, the number of common gender-related provisions and their level of similarity, measured by the Jaccard index. In other words, the larger and opaquer the edge connecting two RTAs, the larger number of similar gender-related provisions in those two RTAs.

Figure 15: Gender-related provisions remain highly heterogenous between most RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: "North" is defined as high-income countries, whereas "South" is defined as middle- and low-income countries according to the WBG's country classification. The size of the shape associated with each RTA represents the number of gender-related provisions. The width of each edge measures the number of similar types of gender-related provisions between two RTAs, while the opacity of each edge captures the level of similarity (measured by the Jaccard index) between two RTAs.

²⁴ The evolution of the similarity index of types of gender-related provisions in RTAs is depicted in Figure A8 in the Annex.

Overall, the average number of common types of gender-related provisions between RTAs is low, with just one common type of provisions. As discussed above, the most common type of gender-related provisions relates to cooperation. The number of common types of gender-related provisions has, however, increased relatively in the last four years. This relative increase is mainly due to the six RTAs with a chapter on trade and gender negotiated by Canada with Chile and Israel and by Chile with Argentina, Brazil, Ecuador, and Uruguay. In particular, the amended RTAs to which Canada is a party with Chile and Israel share the highest number of common types of provisions (namely 32 common types of gender-related provisions), followed by the RTAs to which Chile is a party with Brazil and Ecuador (31 common types of provisions), with Brazil and Canada (31 common types of provisions), and with Brazil and Canada, Canada and Ecuador, and Israel and Ecuador (30 common types of provisions). More generally, North-North RTAs tend to share more common types of gender-related provisions than North-South and South-South RTAs. Similarly, South-South RTAs tend to share more similar gender-related provisions with North-North RTAs than North-South RTAs, suggesting that the converge of the types of gender-related provisions included in RTAs remains very limited.

5 MAIN TYPES OF GENDER-RELATED PROVISIONS

As discussed above, gender-related provisions in RTAs remain particularly heterogeneous in terms of structure, language and scope, often specific to a single or couple of RTAs. Most of the main types of gender-related provisions discussed above tend to mask the large heterogeneity characterising many gender-related provisions. The next sub-sections review, in more detail, each of the main broad types of gender-related provisions found in RTAs.

5.1 Definitions

As explained above, there is no unique definition of the concept of "gender-related" provisions. Only one RTA provides an explicit definition of gender.²⁵ The EAC treaty specifies in the chapter on interpretation that "gender" means the role of women and men in society. A similar but relatively more detailed definition is found in the Protocol on Gender and Development established under SADC and the EAC Gender Equality and Development Bill, where "gender" is defined as the roles, duties and responsibilities which are culturally or socially ascribed to women, men, girls and boys.²⁶ The Protocol on the Establishment of the EAC Common Market further defines "vulnerable group" as groups of persons marginalised on grounds of stigmatised illness, gender, ethnicity, disability or age.

5.2 Gender-related principles

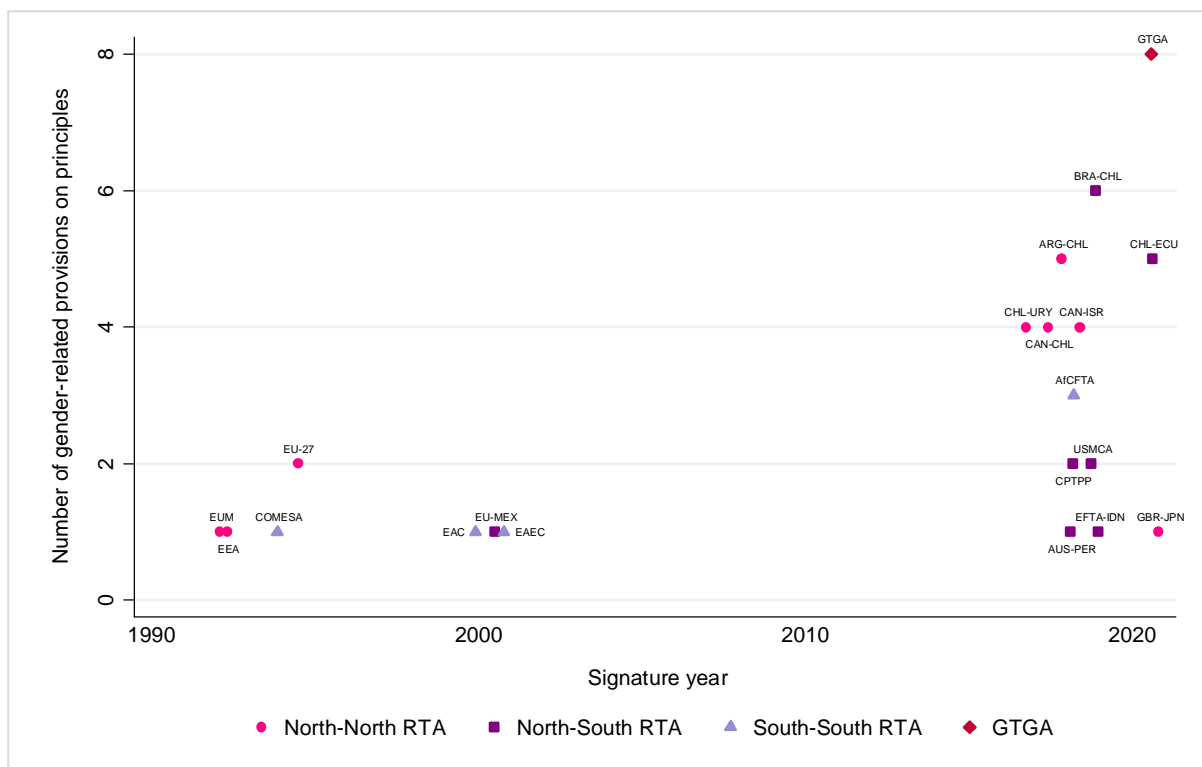
While the vast majority of RTAs with gender-related provisions do not provide an explicit definition of gender, a limited number of RTAs implicitly define the scope of the gender-related issues addressed in their respective RTAs by establishing and/or referring to different principles related to gender, as shown in Figure 16. Some of these provisions are located in the preamble to the RTA, while other are found in different chapters or side agreements. With a few exceptions, most provisions on gender-related principles are specific to a single or couple of RTAs, as highlighted in Figure 17.

Several provisions on gender-related principles refer to gender equality. For instance, the preamble to CPTPP and the African Continental Free Trade Area (AfCFTA) reaffirm the importance of gender equality. Similarly, the Agreement on EEA note the importance of the development of the social dimension, including equal treatment of men and women, in the EEA. The Maastricht Treaty of the European Union also stipulates that the values of respect for human dignity, freedom, democracy, equality, the rule of law and human rights, in which the European Union is founded, are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

²⁵ Although not reviewed in this subsection, many labour chapters provide a definition of labour laws or labour principles, which sometimes refers explicitly to the elimination of employment discrimination on sex grounds and equal pay for women and men.

²⁶ As explained in section 2, a detailed analysis of post-RTAs decisions and agreements is outside the scope of this paper.

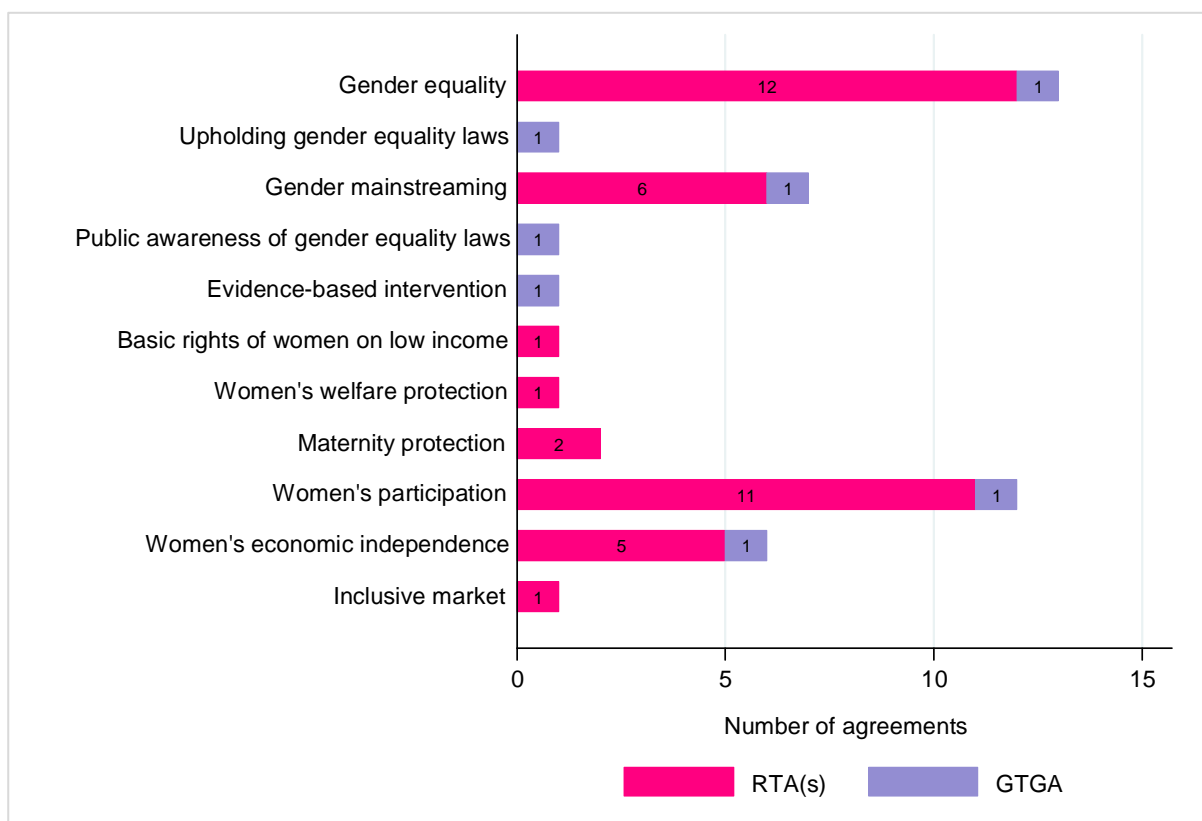
Figure 16: Provisions on gender-related principles are increasingly more detailed



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: "North" is defined as high-income countries, whereas "South" is defined as middle- and low-income countries according to the WBG's country classification at time of signature.

Figure 17: Most provisions on gender-related principles are found in a few RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Other provisions on gender-related principles are slightly more specific. The amended RTAs to which Canada is a party with Chile and Israel and the RTAs negotiated by Chile with Argentina, Brazil and Uruguay reaffirm the importance of promoting gender equality policies and practices, and building the capacity, including in non-government sectors, in order to promote equal rights, treatment and opportunity between men and women and the elimination of all forms of discrimination against women. A complementary provision, found in these and other RTAs, further acknowledges or recognises that improving women's access to opportunities and removing constraints in their countries enhances their participation in national and international economies, and contributes to fostering sustainable economic development. Similarly, the EAC treaty recognises that women make a significant contribution towards the process of socio-economic transformation and sustainable growth and that it is impossible to implement effective economic and social development programmes without their full participation.

In that context, another complementary provision, found only in the RTAs negotiated by Canada with Chile and Israel and by Chile with Argentina, Ecuador, Brazil and Uruguay, acknowledges or recognises the importance of incorporating a gender perspective in the promotion of inclusive economic growth, as well as the instrumental role that gender policies can play in achieving greater sustainable socioeconomic development. The preamble to the RTAs to which Chile is a party with Argentina, Brazil Ecuador and Uruguay further recalls the parties' decision to promote the incorporation of the gender perspective in international trade.

Several other provisions on gender-related principles refer to the labour market. The RTAs negotiated by Canada with Chile and Israel and the RTAs negotiated by Chile with Argentina and Brazil acknowledge that women's enhanced participation in the labour market and their economic independence and access to, and ownership of, economic resources contribute to sustainable economic growth. Other provisions address gender equality in the labour market. For instance, USMCA recognises the goal of eliminating sex-based discrimination in employment and occupation and supports the goal of promoting equality of women in the workplace.

A couple of other principles are only found in the GTGA. The cooperation agreement acknowledges that effective domestic coordination of trade and investment policies which take into account the importance of both women's and men's participation, and the different barriers they may face in accessing trade and finance, can further contribute to achieving sustainable economic growth. The agreement, building on some environment- and labour-related provisions found in some RTAs, recognises that it is inappropriate to waive or otherwise derogate from protection afforded in the parties' respective gender equality laws and regulations, in a manner that weakens or reduces the protections afforded in those laws and regulations so as to encourage trade or investment between the parties, or from any other economy. The GTGA also acknowledges the need to identify the range of barriers that limit opportunities for women in the economy and the need to deliver evidence-based interventions in response. Another explicit principle found in the GTGA refers to the importance of promoting public awareness of the parties' gender equality laws, regulations, policies and practices, including by making them publicly available.

5.3 International agreements and instruments on gender

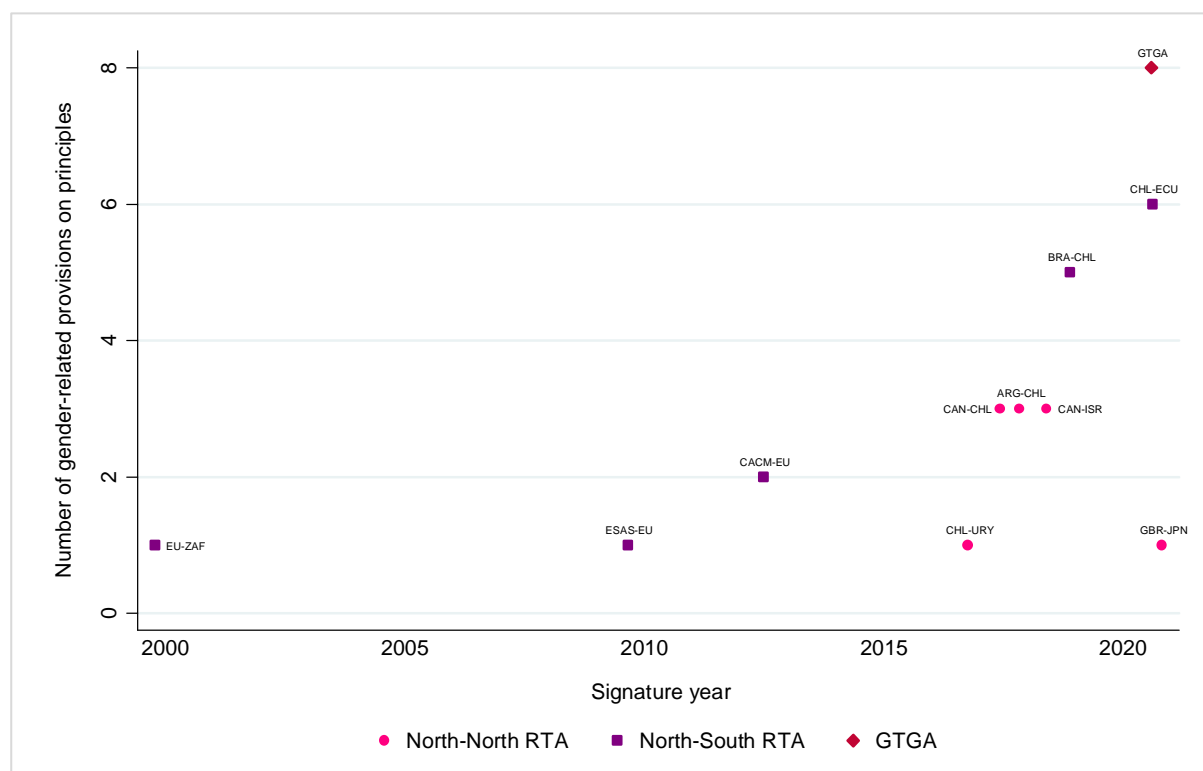
Over the years, international agreements have emerged as an important means for countries to tackle social and sustainability problems, particularly those regional or global in scope. A limited number of RTAs include provisions making explicit reference to international agreements and instruments dedicated to gender-related issues. However, some of the most recent provisions, typically found in chapters on gender, tend to increasingly be more detailed, as shown in Figure 18. In addition, and as discussed in section 3, a larger number of provisions refer to other international agreements or instruments addressing broader issues with a (potential) gender dimension, such as human rights, sustainable development and labour discrimination.²⁷

The amended RTAs to which Canada is a party with Chile and Israel and the RTAs negotiated by Chile with Argentina, Brazil, Ecuador and Uruguay reaffirm the parties' commitment to implement effectively, or intention to continue their efforts to implement, their obligations under international agreements addressing gender equality or women's rights to which they are a party. The amended RTA between Chile and Ecuador further specifies in particular international agreements related to equal pay, maternity protection, reconciliation of work and family life.

²⁷ Implicit gender-related provisions on international agreements are depicted in Figure A9 in the Annex.

As highlighted in Figure 19, most other provisions on international agreements refer to specific gender-related international agreements or instruments, including CEDAW, the Beijing Declaration and Platform for Action for Equality, Development and Peace, the UN 2030 Agenda for Sustainable Development and the Buenos Aires Declaration on Trade and Women's Economic Empowerment.

Figure 18: Provisions on gender-related international agreements and instruments are progressively more detailed



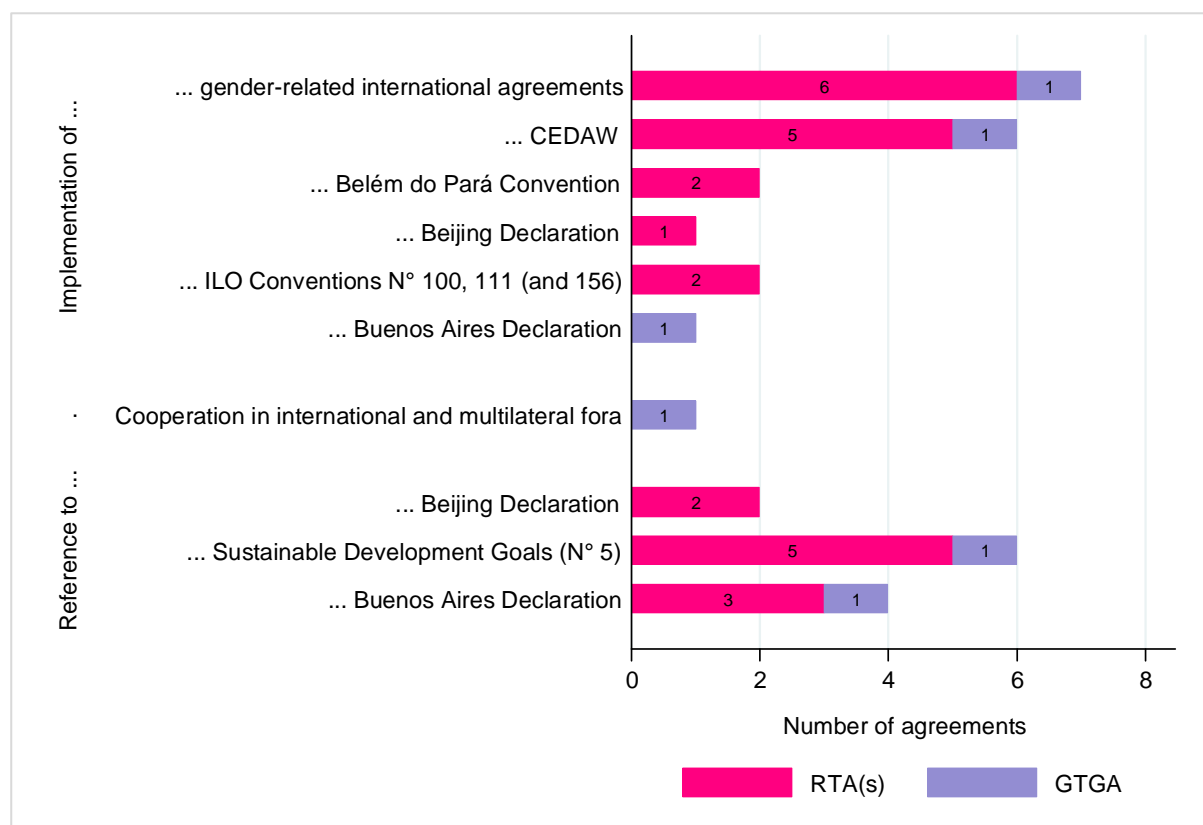
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: "North" is defined as high-income countries, whereas "South" is defined as middle- and low-income countries according to the WBG's country classification at time of signature.

The amended RTAs negotiated by Canada is a party with Chile and Israel and the RTAs negotiated by Chile with Brazil and Ecuador reaffirm the parties' commitment to effectively implement the obligations under CEDAW. The amended RTA between Canada and Israel further notes the general recommendations made under the CEDAW committee. The RTA between the European Union and Central America specifies that cooperation on gender aim at ensuring, improving and expanding the equal participation and opportunities for men and women in view of the effective implementation of CEDAW. CEDAW is often described as an international bill of rights for women. In that context, and more generally, a larger number of RTAs include, often in the preamble, provisions referring to international agreements and instruments on human rights, which encompass the principle of equality and non-discrimination, such as the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and the Vienna Conference on Human Rights.

The amended RTA between Chile and Ecuador is the only RTA to explicitly reaffirm the parties' commitment to implement the 1995 Beijing Declaration and Platform for Action on the rights of women and girls and their empowerment, particularly in the area of "Women and the Economy". Other provisions related to the Beijing Declaration are found in the preamble of a couple of RTAs. The RTA between the European Union and South Africa underlines the importance which the parties attach to the values and principles set out in the Final Declaration of the Fourth World Conference on Women. Similarly, the RTA to which the European Union is a party with the Eastern and Southern Africa States reaffirms that advancing the development agenda requires genuine international cooperation and the full implementation of agreed commitments made at the Fourth World Conference on Women, among others.

Figure 19: Few gender-related provisions cover specific international agreements



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: CEDAW refers to the Convention on the Elimination of all forms of Discrimination Against Women. Beijing Conference refers to the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women. Buenos Aires Declaration refers to the Joint Declaration on Trade and Women's Economic Empowerment. Belém do Pará Convention refers to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. ILO Conventions N° 100, 111 (and 156) refers to the ILO Conventions on Equal Remuneration (N° 100), Discrimination (N° 111) and Workers with Family Responsibilities (N° 156). Sustainable Development Goals (N° 5) refers to the 2030 Agenda for Sustainable Development.

Likewise, only a couple of RTAs refer to the Sustainable Development Goals (SDGs) of the UN 2030 Agenda for Sustainable Development. The RTAs to which Canada is a party with Chile and Israel and the RTAs negotiated by Chile with Brazil and Ecuador recall Goal 5 of the SDGs to achieve gender equality and empower all women and girls. Worded slightly differently, the RTA between Argentina and Chile reaffirm the parties' commitment to the UN 2030 Agenda for Sustainable Development, in particular Goal 5 of the SDGs. A few other RTAs refer to the SDGs, without making any explicit reference to gender. For instance, the RTA between the European Union and Japan recognises the importance of promoting the development of international trade in a way that contributes to sustainable development, for the welfare of present and future generations, taking into consideration the 2030 Agenda for Sustainable Development, among others. More generally, and as discussed in section 3.1, an increasing number of RTAs include provisions referring to different international instruments related to sustainable development that reaffirm gender equality and women's participation, such as the Rio Declaration on Environment and Development.

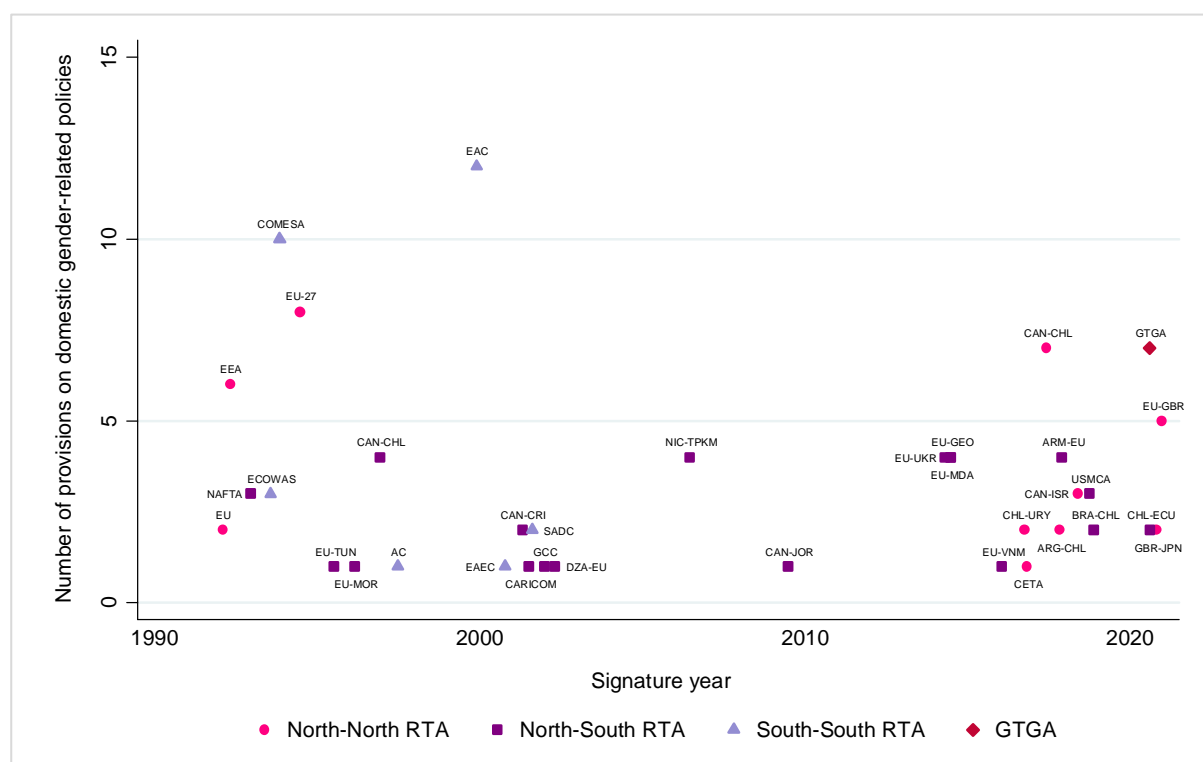
In addition to the commitment to the UN 2030 Agenda for Sustainable Development, the RTA between Argentina and Chile confirms the parties' intention to continue their efforts to implement ILO Conventions N° 100 on Equal Remuneration, N° 111 on Discrimination (Employment and Occupation) and N° 156 on Workers with Family Responsibilities. The RTA between the European Union and Central America reaffirms also the parties' commitment to effectively implement in their laws and practice the ILO Conventions N° 100 and N° 111, among other ILO conventions. Relatively similar provisions are found in several other RTAs but do not make an explicit reference to gender. In fact, an increasing number of RTAs include provisions referring to international agreements and instruments referring to labour discrimination without specifically mentioning or focusing on gender.

Other specific gender-related international agreements are found in the RTAs negotiated by Chile with Brazil and Ecuador. Both agreements reaffirm the parties' commitment to the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women, also known as the Belém do Pará Convention. Both RTAs also reaffirm the parties' made in the Joint Declaration on Trade and Women's Economic Empowerment at the WTO Ministerial Conference in Buenos Aires in December 2017. A similar provision is found in the GTGA, which further commits the parties to implement the Buenos Aires Declaration. The GTGA is also the only agreement to explicitly commits the parties to work together in international and multilateral fora to advance trade and gender issues and understanding, whenever possible, including at APEC, OECD and the WTO.

5.4 Domestic gender-related policies

Gender mainstreaming, as defined by the Platform for Action adopted at the Fourth World Conference on Women, is often considered as a relevant strategy for promoting gender equality by ensuring that gender perspectives are reflected in all social, economic and political activities, including policy development and legislation. The inclusion of provisions explicitly addressing domestic gender-related policies is, however, not a recent phenomenon. As explained previously, the very first gender-related provision included in a RTA can be found in the 1957 Treaty of Rome, which compelled each member state to guarantee the application of the principle of equal pay for women and men. Over the years, a limited but increasing number of RTAs have incorporated explicit provisions on domestic gender-related policies, as depicted in Figure 20. Some of these gender-related provisions build on existing environment- and labour-related provisions.

Figure 20: The inclusion of detailed provisions on gender-related domestic policies in RTAs is not a recent phenomenon



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

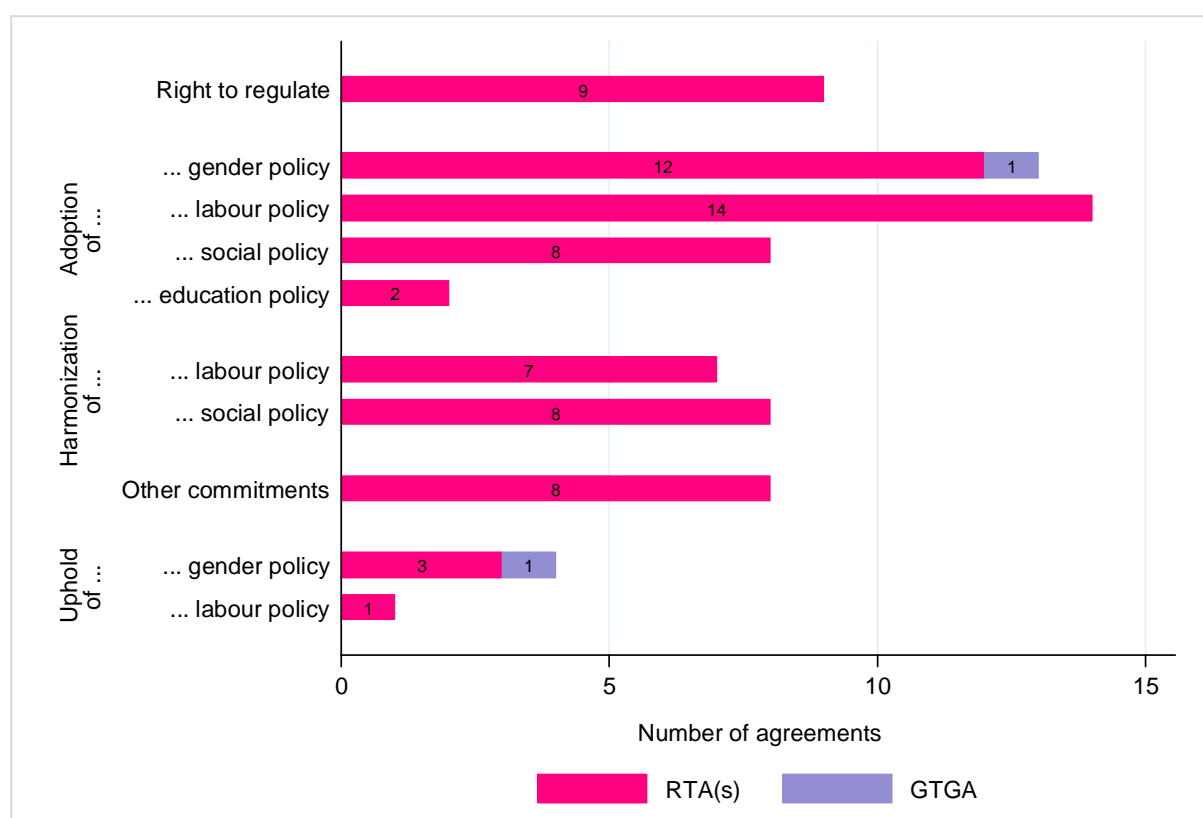
Note: "North" is defined as high-income countries, whereas "South" is defined as middle- and low-income countries according to the WBG's country classification at time of signature.

Like other types of gender-related provisions, the nature and scope of these provisions differ significantly across RTAs. While some provisions recognise the parties' right to address gender-related issues, other provisions call on or require the adoption and effective implementation of gender-related policies, as highlighted in Figure 21. A few other provisions also refer to the harmonization of gender-related policies. Some provisions cover gender-related provisions in general, while others specifically address gender-related labour, education or social policies.

The right to regulate gender-related issues is explicitly mentioned in a limited number of RTAs. The RTAs to which Chile is a party with Argentina, Ecuador and Uruguay stipulate that the parties reserve the right to establish, modify and supervise compliance with their respective gender policies in accordance with their priorities. Other provisions on the right to regulate refer exclusively to gender-related labour policies. For instance, the RTA between Chinese Taipei and Nicaragua recognises the parties' right to establish their own domestic labour standards, and to adopt or modify accordingly their labour laws, including on the elimination of employment discrimination on sex grounds and equal pay for women and men. As discussed in section 3.1, such type of labour provisions but without any explicit reference to gender is found in many other RTAs. In a different context, the European Union's Lisbon Treaty specifies that minimum rules concerning the definition of criminal offences and sanctions, including trafficking in human beings and sexual exploitation of women and children, may be established by the European Parliament and the Council.

A limited but increasing number of RTAs include provisions calling the parties to adopt gender-related policies. The EAC treaty commits the parties to take measures to eliminate prejudices against women and promote the equality of the female gender with that of the male gender in every respect. The parties are further committed to abolish legislation and discourage customs that are discriminatory against women. Relatively similar commitments are found in the treaty of COMESA. Both COMESA and EAC treaties also commit the parties to initiate changes in educational and training strategies to enable women to improve their technical and industrial employment levels through the acquisition of transferable skills. Similarly, the treaty of ECOWAS requires the parties to take all measures necessary to provide a framework within which the constraints inhibiting women from maximizing their contribution to regional development efforts will be addressed and to incorporate women's concerns and needs into the normal operations of the society. More recently, the amended RTAs to which Canada is a party with Chile and Israel and the RTA between Chile, Ecuador and Brazil affirm the parties' commitment to adopt gender equality laws, regulations, policies and best practices.

Figure 21: Gender-related domestic policies are found in a limited number of RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: Only provisions referring explicitly to gender-related labour, social and education policy are considered. Therefore, labour-related provisions referring broadly to employment and occupation discrimination are not considered here.

A few other provisions related to the adoption of gender-related policies concern labour policies. For instance, USMCA requires the parties to implement policies protecting workers against employment discrimination on the basis of sex, including with regard to pregnancy, sexual harassment, sexual orientation, gender identity, and caregiving responsibilities. Worded differently, the labour cooperation agreement associated with the RTA between Canada and Costa Rica requires the parties to ensure their labour law and practices embody and provide protection for the elimination of discrimination in respect of employment and occupation, including equal pay for women and men. Similar provisions but without any explicit reference to gender are found in a larger number of RTAs. More recently, the RTA negotiated by the European Union and the United Kingdom includes an annex specifying the rules on driving time, breaks and rest periods for drivers involved in the transport of goods by road, including the obligation to provide protective employment measures for pregnant women and mothers drivers, to guarantee equality of treatment between men and women drivers, and to allow drivers to take regular weekly rest periods in suitable gender-friendly accommodation with adequate sleeping and sanitary facilities.

The remaining gender-related provisions on adopting policies address social and education policies. For instance, the treaty establishing ECOWAS compels the parties to undertake to formulate and establish appropriate policies and mechanisms, for enhancement of the economic, social and cultural conditions of women. The treaties establishing COMESA and EAC also require the parties to promote, through appropriate legislative and other measures, effective education awareness programmes aimed at changing negative attitudes towards women. Both treaties further commit the parties to initiate changes in educational and training strategies to enable women to improve their technical and industrial employment levels through the acquisition of transferable skills offered by various forms of vocational and on-the-job training schemes.

A more recent provision refers to upholding gender-related provisions. Such provision, found only in the RTAs to which Chile is a party with Argentina, Brazil, Canada, Ecuador and Uruguay, reaffirms their commitments to maintain and (effectively) implement their gender equality laws, regulations, policies and best practices. The RTAs negotiated by Chile with Argentina and Uruguay extends this commitment to gender equity regulations, policies and good practices. Although worded differently a similar provision is found in the GTGA. As explained previously, this provision complements another provision recalling the importance of not weakening or reducing the protection afforded in gender equality laws and regulations in order to encourage trade or investment. Relatively similar labour provisions but without any explicit reference to gender are also found in several RTAs.

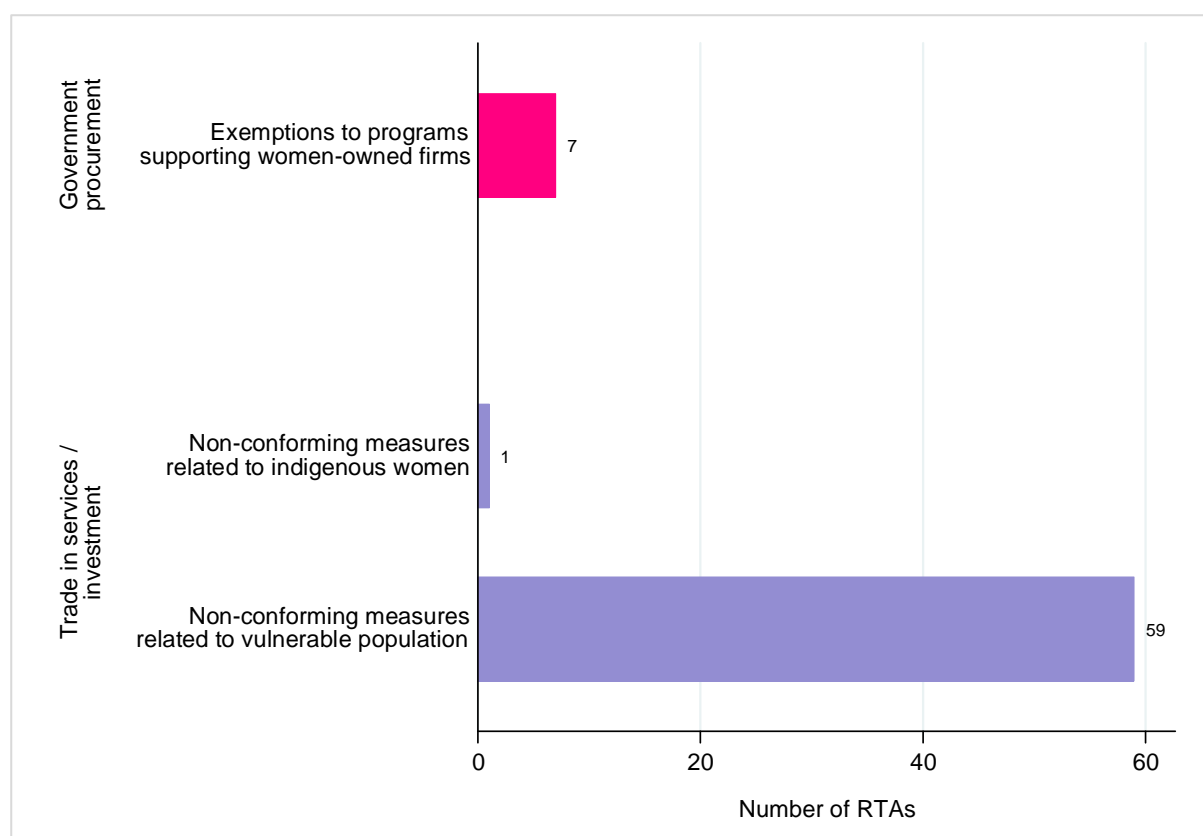
Harmonization of gender-related policies is a type of gender-related provisions incorporated in a limited number of RTAs. The EAC treaty requires the parties to coordinate and harmonise their social policies relating to the promotion of equal opportunities and gender equality. A couple of RTAs to which the European Union is a party, including with Georgia, Norway, the Republic of Moldova and Ukraine, include provisions committing the non-EU parties to gradually approximate their legislation regarding the equal treatment of men and women in employment and occupation and the equal treatment of men and women in access to and supply goods and services, among others.

Other provisions, many of which specific to a single or couple of RTAs, refer to commitments broadly related to domestic gender-related policies. The RTAs to which the EU is a party with Canada, Mexico and Viet Nam specify that a targeted discriminatory measure based on manifestly wrongful grounds, such as gender, breaches the obligation of fair and equitable treatment and full protection and security to the other party's investments and investors. Both COMESA and EAC treaties establish other commitments to enhance women's participation in the economy, including through special programmes for women in SMEs. Other commitments relate to gender-related labour and social policies. The RTAs negotiated by the European Union with Algeria, Morocco and Tunisia stipulate that non-EU workers and any members of their families living with them shall enjoy, in the field of social security, including maternity benefits, treatment free from any discrimination based on nationality relative to nationals of the parties in which they are employed. More generally, a couple of provisions found in relatively recent RTAs, reaffirms the parties' commitment to promote the development of international trade in a way that is conducive to full and productive employment and decent work for all, in particular women. More recently, the RTA between the European Union and the United Kingdom specifies that a party may refuse to execute an arrest warrant if there are reasons to believe on the basis of objective elements that the arrest warrant has been issued for the purpose of prosecuting or punishing a person on the grounds the person's sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced for any of those reasons.

5.5 Exemptions and reservation measures

Most RTAs establish exceptions and exemptions for measures, products, activities, sectors, that either are excluded altogether from the RTA's obligation or are subject to a differential treatment under the RTA. A limited number of RTAs include exemptions and reservation measures referring explicitly to gender, as highlighted in Figure 22. The RTAs to which the United States is a party with Chile, Colombia, Central America and the Dominican Republic, Morocco, Panama and Peru are the only agreements to explicitly specify in the annex to the government procurement chapter that the latter does not apply to preferences or restrictions associated with programs promoting the development of distressed areas, or businesses owned by minorities, disabled veterans, or women.

Figure 22: Explicit gender-related exemptions and reservation measures are only found in a few RTAs



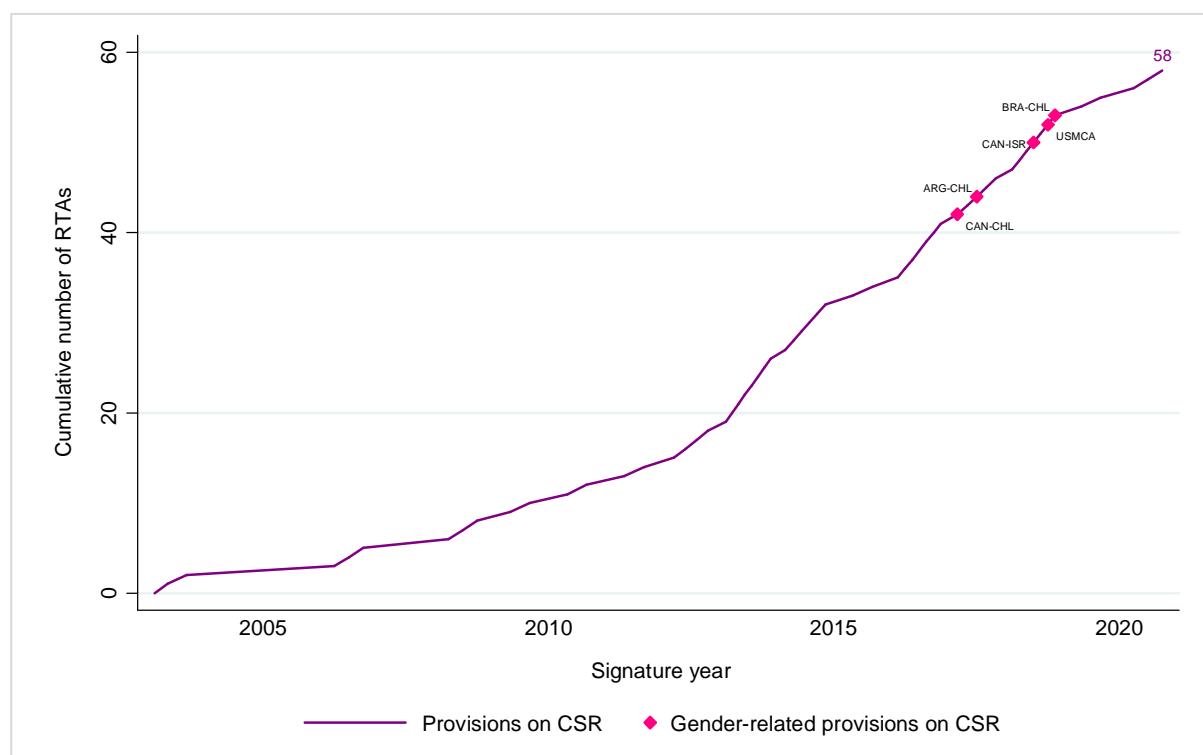
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

As explained previously, many RTAs include in their annexes to the chapters on cross-border trade in services and investment reservations for non-conforming measures on socially or economically vulnerable, disadvantaged or minority groups. Although women have historically been part of marginalised and vulnerable groups, most of these reservation measures do not make an explicit reference to gender. The only exception is found in USMCA, in which Mexico's cultural exceptions stipulate that concessions for indigenous social use shall be granted to indigenous people and indigenous communities of Mexico, with the objective of promoting, developing and preserving languages, culture, knowledge, traditions, identity and their internal rules that, under principles of gender equality, enable the integration of indigenous women in the accomplishment of the purposes for which the concession is granted.

5.6 Corporate social responsibility

Corporate social responsibility (CSR) is a management policy whereby firms integrate environmental and social dimensions in their business operations and interactions with their stakeholders. Although the inclusion of provisions promoting corporate social responsibility in RTAs is not a recent phenomenon, only five recent RTAs include a couple of provisions related to corporate social responsibility that make an explicit reference to gender equality, as highlighted in Figure 23. The language of these gender-related provisions, found in the chapters on investment and gender, differ between RTAs, as shown in Figure 24.

Figure 23: The inclusion of provisions on corporate social responsibility in RTAs is not a recent phenomenon

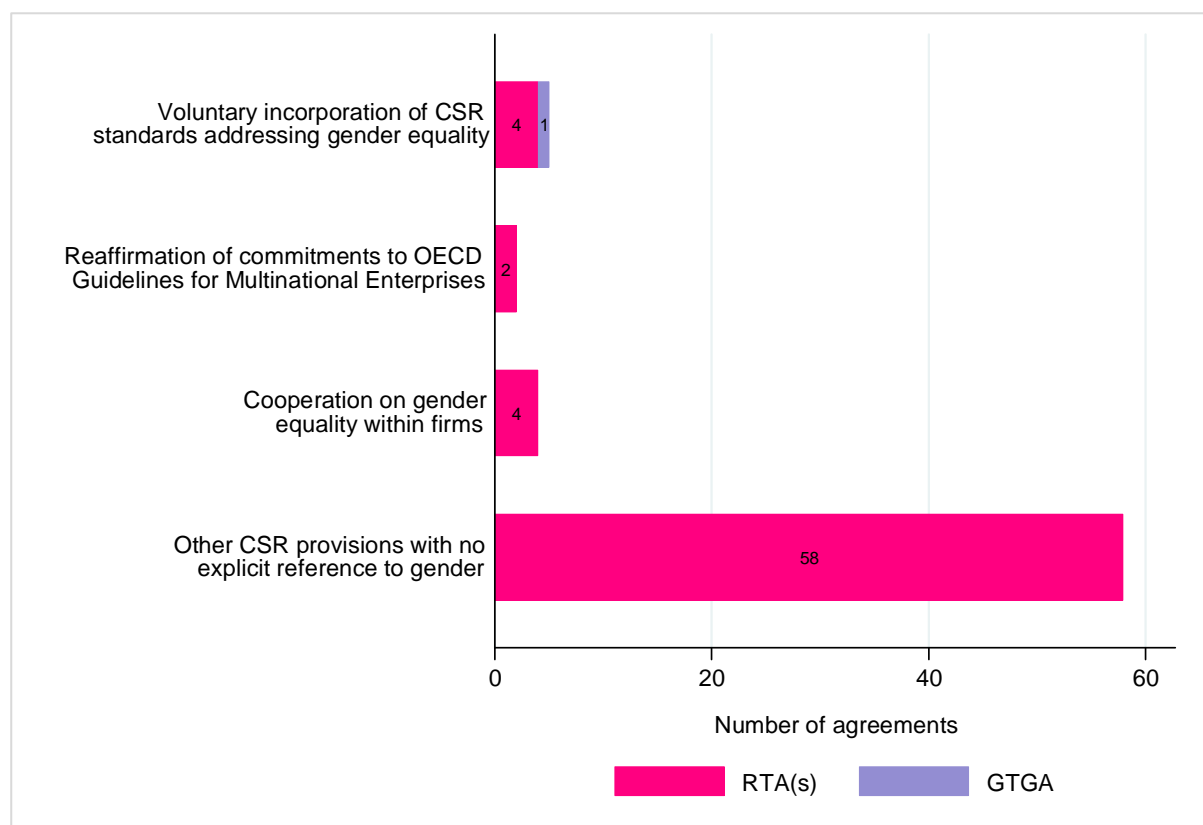


Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
Note: CSR refers to corporate social responsibility.

The RTA between Argentina and Chile and USMCA reaffirm the importance of encouraging enterprises operating within the parties' territory or subject to their jurisdiction to voluntarily incorporate into their internal policies internationally recognised standards, guidelines, and principles of corporate social responsibility, which address or may address areas such as gender equality. Worded differently, the RTAs to which Chile is a party with Argentina and Canada reaffirm the parties' commitment to internationally recognised standards, guidelines and principles of corporate social responsibility that have been endorsed or are supported by the parties, addressing issues such as gender equality. In addition, both RTAs stipulate that the parties should encourage enterprises operating within their territory or subject to their jurisdiction to voluntarily incorporate these standards, guidelines and principles into their business practices and internal policies.

The amended RTAs to which Canada is a party with Chile and Israel further reaffirm the parties' commitments to the OECD Guidelines for Multinational Enterprises, and the requirement under the OECD Guidelines to establish a National Contact Point. The OECD Guidelines provide multilaterally agreed non-binding principles and standards for responsible business conduct, including the principle of non-discrimination of workers on the basis of sex. These two agreements along with the RTAs negotiated by Chile with Argentina and Brazil also list developing better practices to promote gender equality within enterprises as a potential cooperation area.

Figure 24: Gender-related provisions on corporate social responsibility are limited



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
 Note: CSR refers to corporate social responsibility.

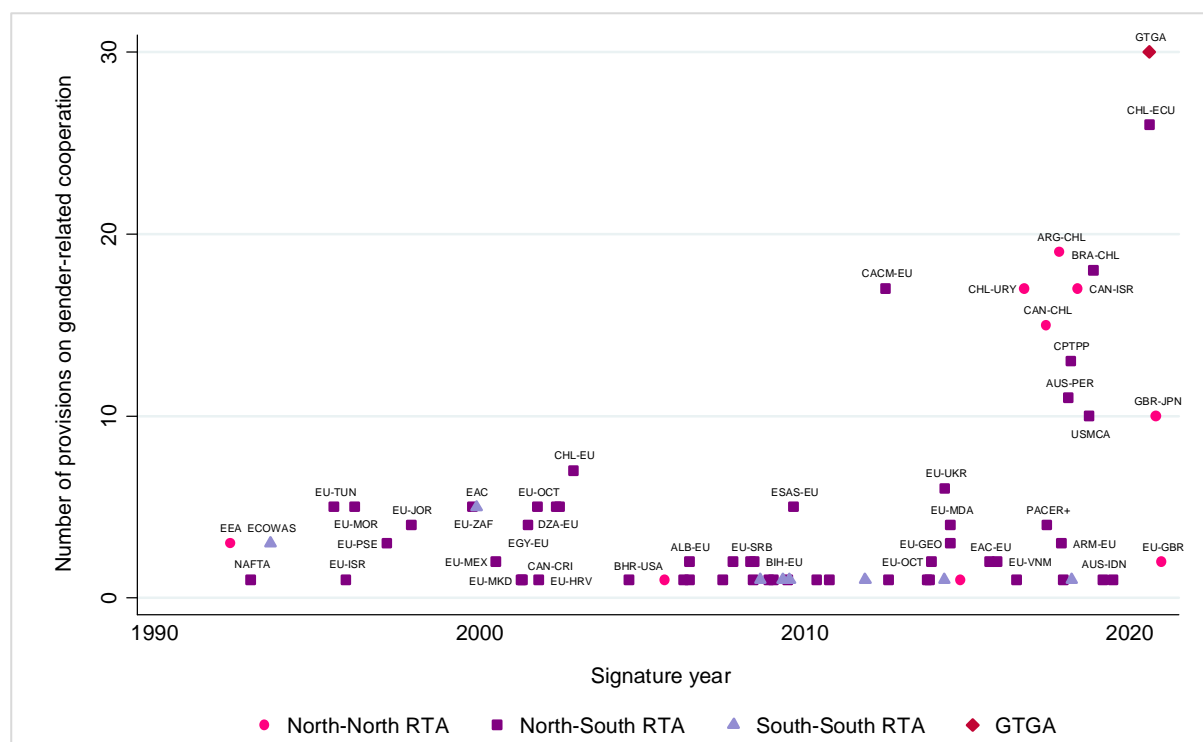
5.7 Cooperation

Cooperation, technical assistance and capacity building can be important means to facilitate the implementation of some provisions set out in RTAs, including by building institutional capacity to adopt and enforce laws and regulations. In some agreements, provisions on cooperative activities are also incorporated to address specific issues identified by the parties. As discussed in section 4.2, cooperation provisions are the most common type of gender-related provisions. 68 RTAs include at least one provision on cooperation referring to gender or gender-related issues.

Although the inclusion of gender-related cooperation provisions in RTAs is not a recent phenomenon, only relatively recent RTAs include comprehensive and detailed gender-related cooperation provisions, as highlighted in Figure 25. In particular, the most detailed gender-related cooperation provisions are found in agreements with an article or chapter on gender, such as the amended RTAs to which Canada is a party with Chile and Israel, CPTPP and the RTA between the European Union and Central America. In many of these agreements, the gender-related cooperation provisions are also included in other chapters. For instance, the RTA between Chile and Uruguay has established various cooperation provisions on gender in the chapters on gender, labour and cooperation. Other RTAs with several gender-related cooperation provisions include many agreements to which the European Union is party as well as USCMA and the Pacific Agreement on Closer Economic Relations Plus (PACER+).

Cooperation provisions are not only the most common type of gender-related provisions, but also the most heterogeneous type of gender-related provisions across agreements. Part of this high heterogeneity stems from the scope of these cooperation provisions, as shown in Figure 26. While some provisions establish cooperation principles, other provisions identify gender as a cooperation area or specify the different cooperation forms to deliver gender-related activities. Overall, gender-related cooperation provisions tend to be worded in best-endeavour terms.

Figure 25: Provisions on gender-related cooperation are increasingly more detailed



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: "North" is defined as high-income countries, whereas "South" is defined as middle- and low-income countries according to the WBG's country classification at time of signature.

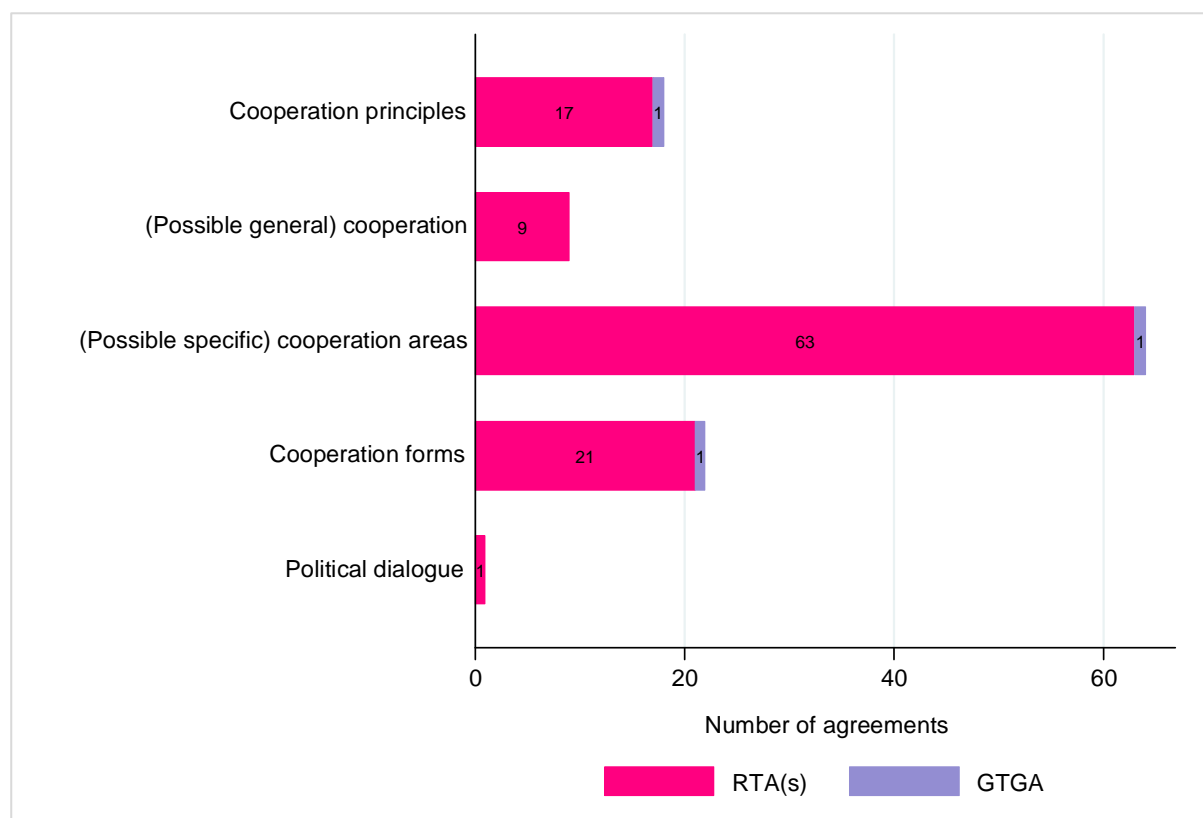
A limited number of RTAs include cooperation provisions establishing principles related to gender, which tend to differ across agreements. One of the most common cooperation principles related to gender refers to the integration of the gender perspective into all the relevant fields of cooperation. For instance, the RTA between the European Union and Central America requires cooperation between the parties to take into account cross-cutting issues such as gender. In some RTAs, such as EEA, the gender perspective refers specifically to gender equality. Worded differently, the RTA between the European Union and the Overseas Countries and Territories explicitly prohibits sex-based discrimination in the listed cooperation areas.

Other principles related to cooperation on gender are found in a couple of RTAs. Some RTAs, such as CPTPP, acknowledge the benefit of sharing the parties' experiences in designing and implementing programs to encourage women's participation in national and international economies. More recently, some of the RTAs with a chapter on gender point out that the establishment of priorities in cooperation activities has to be decided jointly by the parties based on their mutual interests and subject to available resources. Some of these RTAs further invite the parties to interact with their respective government institutions, businesses, labour unions, education organizations, and other non-governmental organizations to identify the topics of cooperation activities.

Some provisions identify gender as a general cooperation area, often as part of a non-exhaustive list of potential cooperation areas, without providing any additional details or defining any actions. For instance, the RTA to which Chile is a party with Thailand and Turkey list gender issues as a potential field of cooperation and capacity building activities. Similarly, the cooperation and capacity building activities undertaken under the RTA between Australia and Peru and CPTPP may include, but are not necessarily limited to, gender equality.

The remaining types of cooperation provisions are more specific and mentions explicitly the gender-related subject of cooperation. As shown in Figure 27, a broad range of issues, often interrelated, are explicitly addressed in an increasing number of gender-related provisions. Promoting the role of women in economic, political, and social development is one of the most covered issues in gender-related cooperation provisions. Many other cooperation provisions complement this objective by promoting women's access to education, finance, social protection, care policies and programs, health services, family planning, and media. The protection of sexual and reproductive health and the fight against gender-based violence are also covered by cooperation in some RTAs.

Figure 26: Most gender-related cooperation provisions specify the topic(s) of cooperation



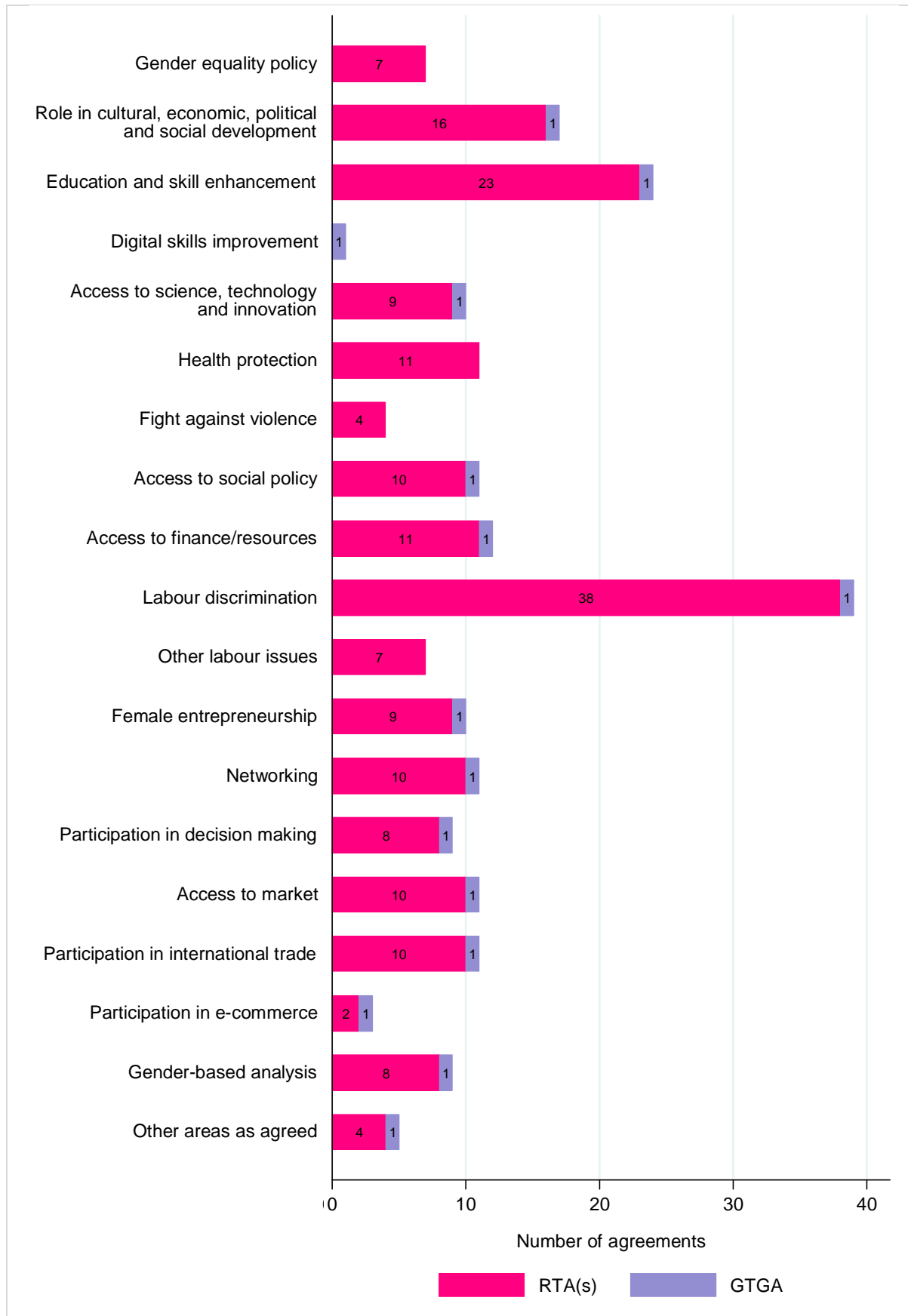
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

The most common gender-related cooperation area addressed in RTAs refers to employment issues, ranging from the elimination of employment and occupation discrimination, including through the adjustment of relevant legislation, to the promotion of gender equality. In that context, some provisions refer to cooperation in trade related aspects of the ILO Decent Work Agenda. Other covered gender-related labour issues include promoting women's participation in the labour market, health and safety work, and workplace flexibility.

Other issues, mostly addressed in recent RTAs, include promoting women's access to science, technology and innovation, female entrepreneurship, women's networks as well as women's equal participation in decision-making positions. While some cooperation provisions on improving women's access to market focus on women in general, others specifically refer to women operating in a specific sector, such as agriculture, fisheries, or textiles, or in the context of SMEs. Similarly, some cooperation provisions are specifically targeted at promoting women traders. More generally, some RTAs specify that the aim of the cooperation activities is to improve the capacity and conditions for women, including workers, businesswomen and entrepreneurs, to access and fully benefit from the opportunities created by the respective RTAs. A few recent RTAs have also identified promoting gender-based analysis, including through sharing methods and procedures for the collection of sex-disaggregated data, as an important cooperation area. The GTGA lists additional cooperation areas not explicitly mentioned in any RTAs, such as enhancing women entrepreneurs' participation in government procurement markets and enhancing the competitiveness of women-owned enterprises to allow them to participate and compete in local, regional, and global value chains

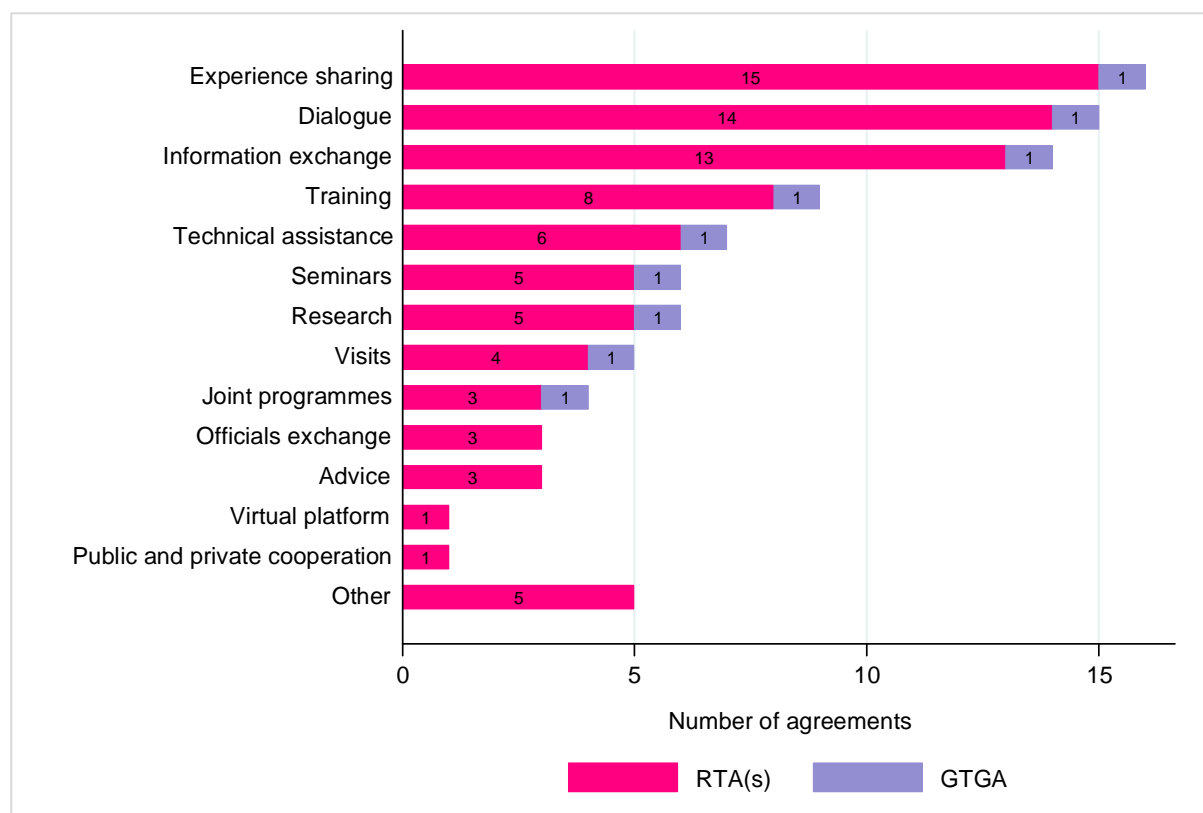
While most gender-related cooperation provisions do not explicitly mention the associated cooperation forms, some provisions do, as shown in Figure 28. These provisions list dialogue and sharing experiences, best practices, and information as possible cooperation forms. Other relatively less common cooperation forms listed in RTAs include training, internships, technical assistance, visits, and professionals exchange, as well as organization of workshops and seminars. The RTA between the European Union and Central America is the only agreement to explicitly cover gender equality as one of the topics for political dialogue between the parties in order to prepare the way for new initiatives for pursuing common goals and for establishing common ground.

Figure 27: Gender-related cooperation provisions cover a broad range of issues



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Figure 28: Gender-related cooperation activities can take different forms



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

5.8 Transparency

Transparency is often viewed as one of the key principles defining sustainable development governance. Although the principle of transparency refers mainly to access to information, it is also sometimes linked to education and public awareness.

Some of the most recent agreements with a chapter on gender, namely the amended RTAs to which Canada is a party with Chile and Israel and the RTAs negotiated by Chile with Argentina, Brazil, Ecuador and Uruguay, include a provision explicitly committing the parties to domestically promote public knowledge of their respective gender equality laws, regulations, policies and practices. The RTA between Chile and Uruguay refer not only to gender equality but also gender equity regulations, policies and practices. A specific transparency provision is also found in the GTGA, which calls on the parties to share their respective experiences relating to policies and programmes to encourage women's full and equal participation in national and international economies through voluntary reporting during the WTO trade policy review mechanism as part of their National Reports.

Most recent chapters on gender set out gender-specific institutional arrangements, such as the establishment of a committee on trade and gender. Transparency commitments are also found in the context of some of these institutional arrangements, such as the publication of the committee work program, as discussed below.

5.9 Public participation

Transparency and public participation are inter-related concepts. While transparency refers to access to information on gender-related matters, public participation relates to the actual engagement of the public in gender-related decision-making and implementation of gender-related activities. Transparency is often a necessary condition to ensure active public participation.

As discussed above, several RTAs, mostly with a chapter on gender, lay out different gender-related cooperation principles. In this context, some of these agreements, including the amended RTA between Canada and Chile, require the parties to agree on issues and topics of cooperation activities through the interaction of their respective government institutions, businesses, labour unions, education and research organizations, other nongovernmental organizations, and their representatives, as appropriate. These RTAs further require cooperation activities to be carried out with inclusive participation of women.

In addition to these provisions specific to cooperation activities, the Amended RTA between Chile and Ecuador is the only agreement to include a couple of detailed provisions on public participation in the chapter on gender. In particular, the agreement requires the parties to establish or maintain a national consultative body or a similar ad-hoc mechanism to enable their respective public, including representatives of women organizations and business, to provide their view on matters covered in the chapter on gender. The agreement further requires the parties to develop mechanisms to publicly report on the activities carried out under the chapter on gender.

As discussed in the next subsection, most chapters on gender establish gender-specific institutional arrangements, including the creation of a committee on trade and gender. In this context, the amended RTA between Chile and Ecuador compels the parties, through its committee on trade and gender, to provide a means to receive and consider the views of individuals or organizations with a legitimate interest in matters covered in the chapter on gender, including the activities and meetings of the committee on trade and gender.

5.10 Institutional arrangements

A feature of many deep trade agreements is the creation of specific mechanisms, such as a committee, to discuss and oversee the implementation of the agreement. Some of these RTAs also establish specific institutional arrangements, including (sub)committees, to oversee the implementation of obligations and commitments laid down in specific chapters, such as sanitary and phytosanitary, technical barriers to trade, environment, and cooperation.

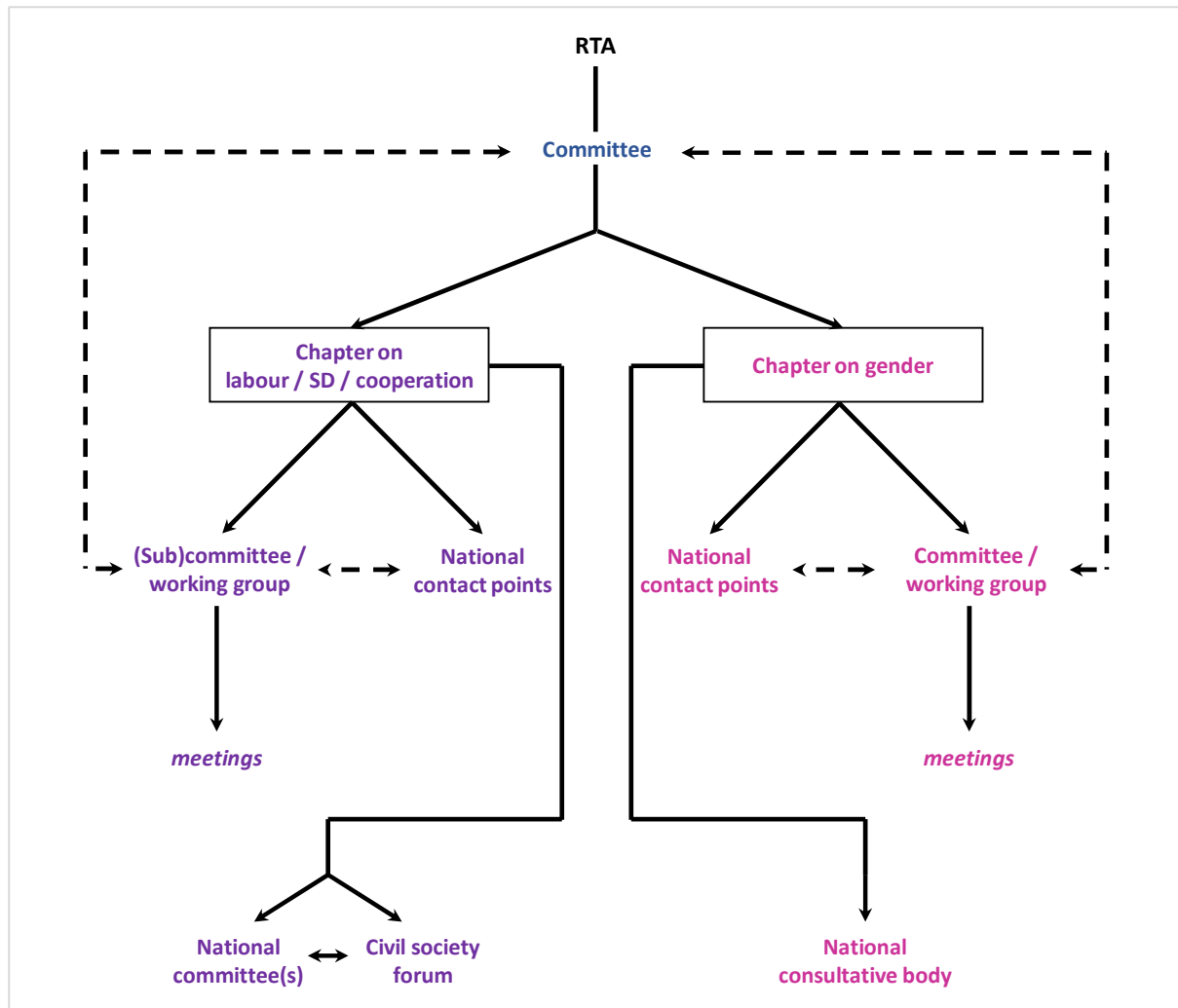
Institutional arrangements have also been put in place in most chapters on gender. The structure and functions of these institutional arrangements, however, vary between certain RTAs, as highlighted in Figure 29. As mentioned above, some gender-related provisions are found in the chapter on labour, sustainable development or cooperation. Some of these chapters have also established a specific institutional body to oversee and review their implementations, and in some cases national committees and civil society forum (Monteiro, 2016). These institutional bodies are, however, not specific to gender-related provisions.²⁸

The most detailed provisions on institutional arrangements are found in the most recent RTAs with a chapter on gender, namely the amended RTAs to which Canada is a party with Chile and Israel, the RTAs negotiated by Chile with Argentina, Brazil, Ecuador and Uruguay, and the RTA between Japan and the United Kingdom. Under their respective chapter on gender, these RTAs establish a committee on trade and gender committee or a working group on trade and women's economic empowerment in the case of the RTA between Japan and the United Kingdom. A working group on trade and gender is also established under the GTGA. These committees and workings groups are composed of representatives of the parties' government institutions responsible for relevant gender and trade matters.

Most of these committees and working group on trade and gender are expected to normally meet once a year, every two year or as decided by the parties, in person or by any other technological means available, to consider any matter arising under the chapter on gender. The only exception is the gender committee established under the RTA between Chile and Uruguay, which is scheduled to meet within one year following the RTA's entry into force and whenever deemed necessary afterwards upon request by one of the parties.

²⁸ Given that these institutional bodies are not specific to gender-related provisions, their analysis remains outside the scope of this paper.

Figure 29: Gender-related institutional arrangements can take different forms

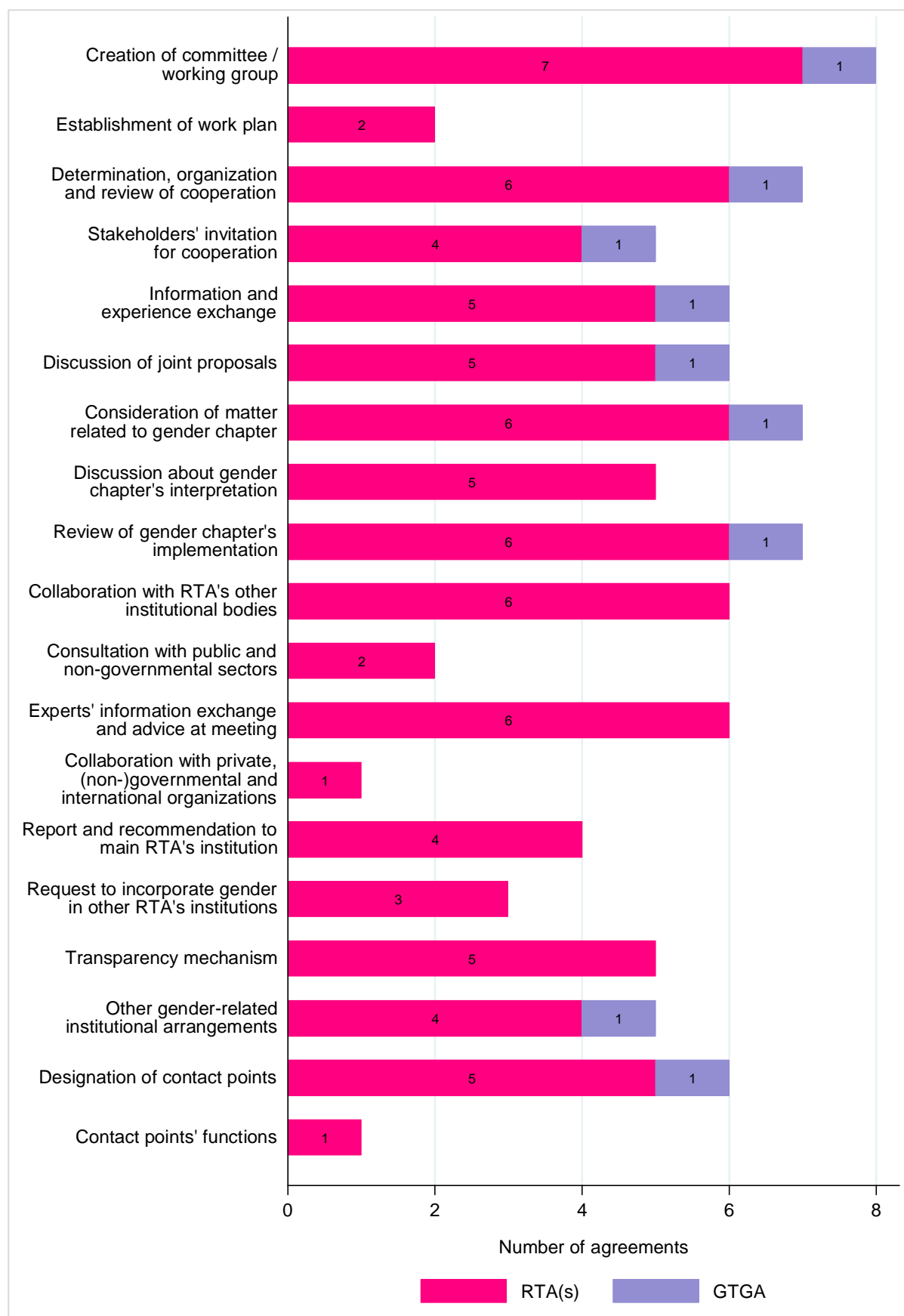


Source: Author's own elaboration based on the mapping of gender-related provisions in RTAs.

As highlighted in Figure 30, these committees and working groups on gender have been tasked with different functions. Some of the most common functions include determining, organizing and reviewing cooperation activities, considering matters related to the implementation of the chapter on gender, exchanging information and experience on integrating the gender perspective in national policies and on implementing gender equality policies, discussing joint proposals to support policies on trade and gender, and discussing any matter of common interest. The committees and working group are also tasked to review, within two, three or five years of the first committee meeting, the implementation of their respective chapter on gender and report to the RTA's main institutional body. Other functions include inviting international donor institutions, private sector entities and non-governmental organizations to assist with the development and implementation of cooperation activities; considering and discussing any matter that may arise related to the interpretation of the chapter on trade and gender.

Complementary provisions further specify that the trade and gender committees and their respective parties may exchange information and coordinate activities by email, videoconference or other means of communication. Similarly, the trade and gender committees may work with and encourage other institutional bodies established under their respective RTAs (and side labour cooperation agreements in some cases) to integrate gender-related commitments, considerations and activities into their work. In that context, some of the trade and gender committees have the possibility to request that the main RTA's institutional body refer relevant work to any other institutional bodies established under their respective RTAs.

Figure 30: Gender-related institutional bodies perform different functions



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Some of the trade and gender committees foresee the possibility for each party to consult, through any means deemed adequate, with representatives of its public, private non-governmental sectors on matters related with the chapter gender's implementation. More generally, most meeting procedures set out in the chapter on gender provide the parties with the possibility to invite experts or relevant organizations to the committee meetings to provide information or advice. The parties are also required or invited to develop mechanisms to report publicly on the activities developed under the chapter on gender.

In addition to establishing a committee or working group on gender, most chapters on gender require the parties to designate a national contact point or coordinator to facilitate communication between the parties regarding the implementation of the chapter on gender. The amended RTA between Chile and Ecuador is the only agreement to specify the functions of the contact point, including assisting the committee; reporting, as appropriate, to the committee; and acting as a channel of communication with the public in their respective territories; and working together, with other appropriate governmental agencies, to develop and implement cooperation areas and activities. The agreement also foresees the possibility for contact points to develop and implement specific cooperative activities.

Other gender-related institutional arrangements are found in a couple of RTAs. For instance, the EAC treaty requires taking into account gender balance in the appointment of staff and composition of the EAC's organs and institutions. Similarly, the COMESA treaty requires the Federation of National Associations of Women in Business to be represented at the consultative committee and be represented at technical committee meetings. More recently, one of the functions of the North American Competitiveness Committee established under USMCA includes providing advice and recommendations aimed at enhancing the participation of SMEs, and enterprises owned by under-represented groups including women.

5.11 Relation of chapter on gender with other chapters and side agreements

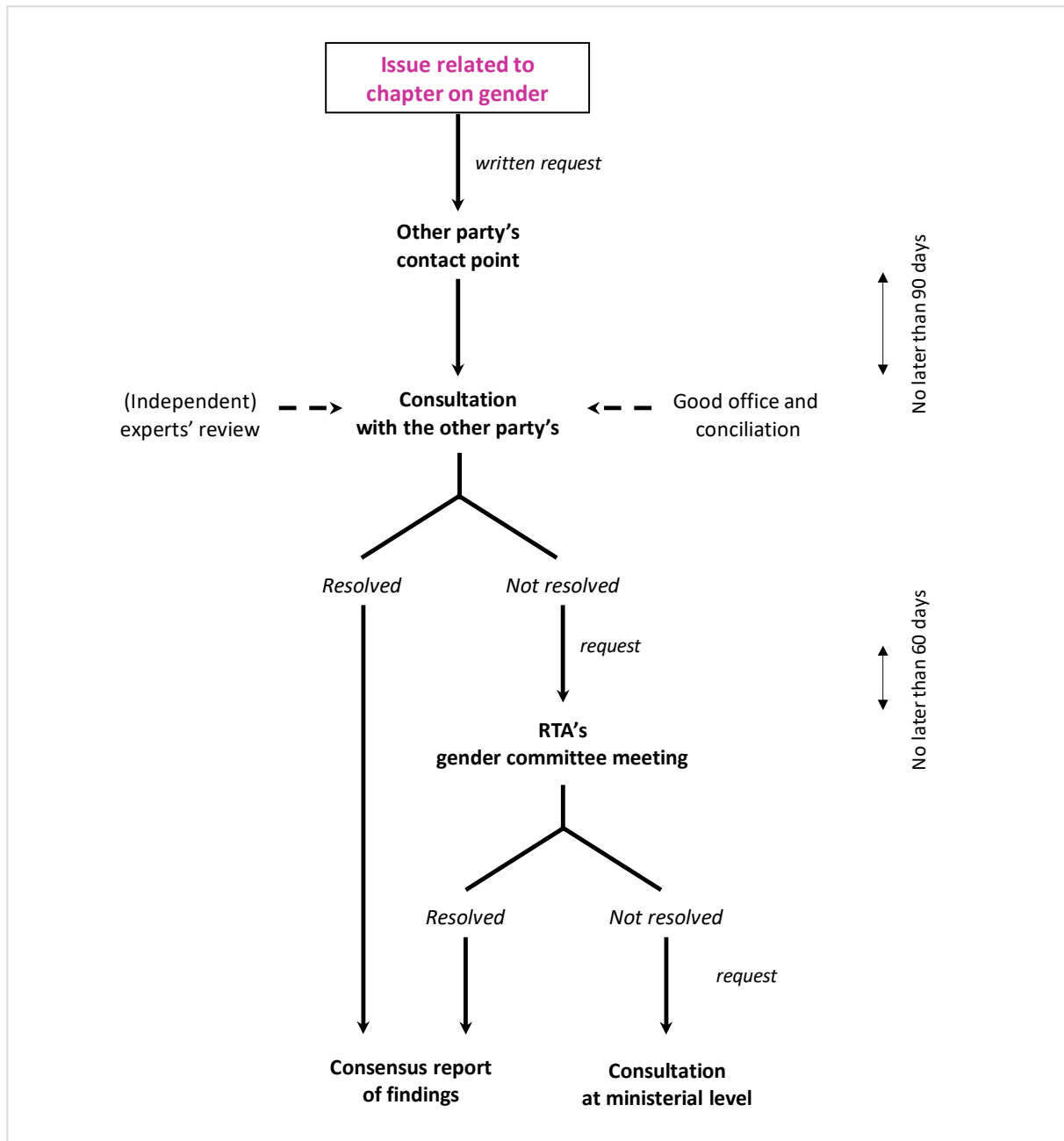
Only three RTAs with a chapter on gender, namely the amended RTAs to which Canada is a party with Chile and Israel and the RTAs negotiated by Chile with Argentina and Chile include a provision referring to other chapters in their respective agreements. In particular, both amended RTAs negotiated by Canada with Chile and Israel stipulates that in the event of any inconsistency between the chapter on trade and gender and, respectively, the side labour cooperation agreement or labour chapter, the side labour cooperation agreement or labour chapter shall prevail to the extent of the inconsistency. The RTA between Argentina and Chile also clarifies that the chapter on trade and gender shall not be used to impose obligations or commitments with respect to other RTA's chapters.

5.12 Consultations

A key feature of many RTAs is the possibility to hold consultations among parties when their views about the agreement's interpretation, implementation and enforcement (by the other party) differ. Depending on their location in the agreement, some gender-related provisions are covered by specific consultation procedures. As explained previously, some gender-related provisions are included in the chapter on labour or sustainable development. Some of these gender-related provisions are covered by the specific consultation procedures established under these chapters (Monteiro, 2016). Similarly, the most recent RTAs with a chapter on gender require the parties to make all possible efforts, through dialogue, consultations and cooperation, to resolve any matter that may arise relating to their respective chapter on gender.

Building on some consultation provisions found in the chapter on labour or sustainable development of certain RTAs, the amended RTA between Chile and Ecuador is the only agreement to detail the stages of the consultation procedures set out in the chapter on gender, as shown in Figure 31. Under these consultation procedures, any party can, through its contact point, request consultations with the other party regarding any matter arising under this chapter on gender. The request must be submitted in writing and include specific and sufficient information to allow the other party to respond. The consultations must begin no later than 90 days after receipt of the request.

Figure 31: Detailed gender-specific consultation procedures are recent



Source: Author's elaboration based on the mapping of gender-related provisions in RTAs.

The parties are required to use their best endeavours to reach a mutually satisfactory resolution of the matter through consultations. In case of not being able to resolve the matter, any party may request the committee on gender to consider the matter. The committee has the obligation to convene a meeting not later than 60 days after receiving the request. The parties may during consultations and committee discussions request the advice of independent experts or experts chosen by the parties to assist them. The parties may also resort to procedures, such as good offices or conciliation. The parties are required to prepare and publish a consensual report that summarizes the results of the consultations when the matter at issue is resolved. If the matter at issue is still unresolved after the meeting of the committee, any party may refer the matter to the parties' relevant ministers.

5.13 Dispute settlement

While consultations procedures are essential to resolve amicably any dispute that might arise between parties, RTAs often provide for dispute settlement procedures to allow the parties to the agreement to detect, prove and retaliate against violations of the terms of the agreement in a specified framework. Overall, the nature, scope and extent to which gender-related provisions are covered by the RTA's dispute settlement procedures hinge on two main elements: the relevant type of gender-related provisions and their location in the RTA.

Depending on their location, some gender-related provisions can be covered by the same dispute settlement procedures as any other commercial disputes or by dispute settlement procedures established under a specific chapter, such as the chapter on labour or sustainable development. Similarly, gender-related provisions found in side labour cooperation agreements can, depending on the agreement, be covered by specific dispute resolution procedures. Importantly, the dispute settlement procedures may differ between RTAs. Some dispute settlement procedures explicitly rule out the suspension of trade concessions in case of non-compliance. As discussed previously, most gender-related provisions are found in chapters on cooperation, which are often explicitly excluded from the RTA's dispute settlement procedures.

The coverage of the chapter on gender under the RTA's dispute settlement procedures differ also across agreements. In most RTAs, the chapter on gender is explicitly excluded from the dispute resolution mechanism provided for in their respective RTAs. Conversely, the amended RTA between Canada and Israel is the only agreement to stipulate that if the parties cannot resolve the matter arising under the chapter on gender through dialogue, consultations and cooperation, they may consent to submit the matter to the RTA's dispute settlement mechanism.²⁹

6 GENDER-RELATED PROVISIONS IN NON-RECIPROCAL PREFERENTIAL TRADE SCHEMES

In addition to RTAs, also known as reciprocal trade agreements, several countries have also adopted non-reciprocal preferential access schemes which grant lower tariffs to imports from certain developing and least-developed economies. Some schemes cover products produced, exported and consumed prominently by women, such as clothing garments. While most of these schemes do not include any provisions explicitly related to women, the Generalized System of Preferences (GSP) scheme established by the European Union and the African Growth Opportunity Act (AGOA) adopted by the United States incorporate explicit gender-related provisions. The gender-related provisions included in these unilateral trade preferences programmes are not found in any RTAs.

The GSP provides a set of unilateral trade measures under which exporters in developing countries are either exempted from tariffs or subject to lower tariffs. The European Union GSP has three components: (1) the standard GSP agreement for all beneficiary nations, (2) the GSP+ scheme which grants zero tariffs and (3) the Everything But Arms (EBA) arrangement applying specifically to least developed economies. Both standard GSP and EBA provide for the withdrawal of preferences for the beneficiary developing countries in case of violations of international conventions, some of which address women's conditions, such as CEDAW, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the ILO Conventions 100 and 111 (Equal Remuneration Convention and Anti-discrimination Convention). The GSP+ defines stricter obligations and monitoring by providing for a deeper market access conditioned upon ratification of and compliance with several international conventions in human rights, labour rights, the environment and good governance, including CEDAW and ILO Conventions 100 and 111. The GSP+ also establishes two inter-related tools: a scorecard to note the shortcomings experienced by the beneficiary countries and a dialogue mechanism to engage the concerned authorities with the European Union to discuss remedial actions on those shortcomings.

²⁹ The dispute settlement chapter of the amended RTA between Canada and Israel further stipulates that except for matters arising under (...) the chapter on trade and gender (...), and as otherwise provided in the agreement, the provisions of the dispute settlement chapter apply with respect to the settlement of disputes between the parties regarding the interpretation or application of this Agreement or wherever a party considers that: (a) a measure of the other party is inconsistent with one of its obligations under the agreement; (b) the other party has otherwise failed to carry out one of its obligations under the agreement; or (c) there is nullification or impairment.

Overall, the monitoring mechanism of the GSP+ suggests that while some challenges often persist in addressing discrimination and domestic violence against women, there have been improvements in some countries with the creation of a large number of job opportunities for women along with the adoption of guidelines on gender equality, the launch of gender equality council, the establishment of social networks connecting the relevant stakeholders, or the implementation of laws fighting violence against women (European Commission, 2020).

The AGOA grants duty-free tariffs on all goods manufactured in eligible African countries and imported in the United States. Section 106 of AGOA further requires the "promotion of the role of women in social and economic development in sub-Saharan Africa". In addition, section 123 of AGOA requires Overseas Private Investment Corporation initiatives to provide support, among others, to women entrepreneurs by expanding opportunities for women and maximizing employment opportunities for poor individuals. Many African women workers have benefited from the scheme with the creation of around 300,000 jobs between 2000 to 2009, most of which were in labour intensive industries that employ a large number of women (UN Women, 2012).

More generally, the different trade preference programs established by the United States, including AGOA and the Nepal Trade Preference Program (NTPP), set out provisions requiring beneficiary developing countries to make progress toward affording internationally recognised worker rights for both women and men in order to be eligible for the programs. In particular, developing and least-developed countries can benefit from preferential market access to the United States provided they do not engage in gross violations of internationally recognised human rights and collaborate in international efforts to eliminate human rights violations (GAO, 2020).

7 CONCLUSION

Over the years, RTAs have often been dubbed as laboratories in which some countries establish new types of provisions in order to address recent trade-related issues and challenges. Provisions mentioning explicitly gender have been incorporated into an increasing number of RTAs. As of December 2020, 83 RTAs, of which 67 are notified and in force, have established at least one gender-related provision. The number of detailed gender-related provisions included in a given RTA has also tended to increase in the last three years. The most detailed gender-related provisions are found in a chapter dedicated to trade and gender.

Most gender-related provisions do not follow a specific and unique template, even in most RTAs negotiated by the same country, suggesting that the views on the decision to incorporate gender-related provisions in RTAs and the approach to adopt remain divided among countries. As a result, gender-related provisions are very heterogeneous in terms of structure, location, language, scope and commitments. Most gender-related provisions are couched in best endeavour language. Cooperation provisions on gender-related issues, including labour, health and social policy, remain the most common type of gender-related provisions in RTAs. The remaining types of gender-related provisions, found in a relatively limited number of RTAs, cover various issues ranging from gender-related principles and international agreements to domestic policies, corporate social responsibility, transparency, and institutional arrangements.

Gender-related provisions in RTAs are set in a dynamic context and are likely to keep evolving with new and more comprehensive types of provisions. Several countries, including the European Union, New Zealand and the Pacific Alliance, are currently negotiating the possibility to include a chapter on trade and gender in their RTAs, suggesting that the number of RTAs with a chapter dedicated to gender could further increase. If the provisions of the GTGA are any indications, the language and structure of gender-related provisions in RTAs are also likely to keep evolving and become more comprehensive and specific.

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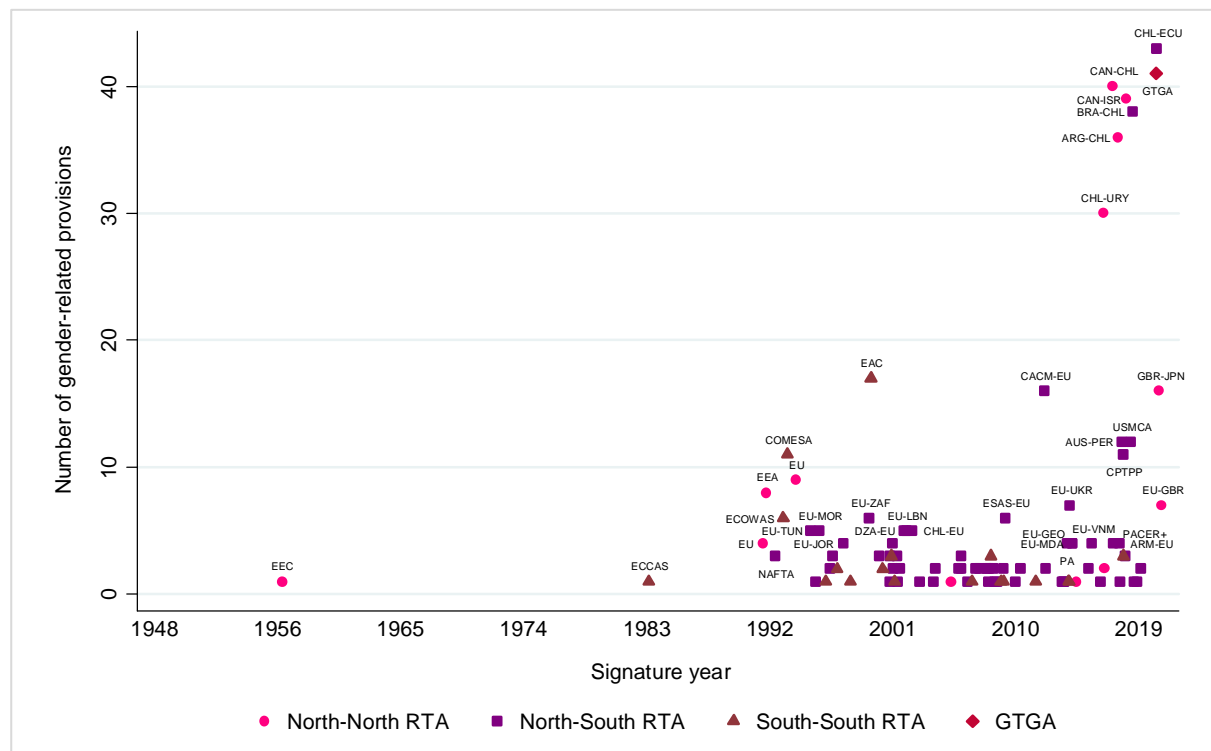
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ANNEX

Table A1: List of non-notified RTAs covered

Association of Southeast Asian Nations (ASEAN) Services	EU - Kosovo
ASEAN - Hong Kong, China	EU - Southern Common Market (MERCOSUR)
African Continental Free Trade Area (AfCFTA)	EU - United Kingdom
Argentina - Brazil	EU - West Africa
Argentina - Chile	Economic Community of Central African States (ECCAS)
Argentina - Paraguay	Ecuador - Guatemala
Armenia - Singapore	El Salvador - Venezuela
Australia - Indonesia	Guatemala - Peru
Belize - Guatemala	Guatemala - Venezuela
Botswana - Zimbabwe	Honduras - Venezuela
Brazil - Guyana	Israel - Panama
Brazil - Uruguay	Japan - United Kingdom
Brazil - Suriname	Korea, Republic of - Central America
Caribbean Community (CARICOM) - Colombia	MERCOSUR - Bolivia
CARICOM - Costa Rica	MERCOSUR - Chile
CARICOM - Dominican Republic	MERCOSUR - Colombia
Chile - Argentina	MERCOSUR - Mexico
Chile - Bolivia	MERCOSUR - Peru
Chile - Brazil	Malawi - Botswana
Chile - Cuba	Nicaragua - Venezuela
Chile - Ecuador	Pacific Agreement on Closer Economic Relations Plus (PACER+)
Chile - Uruguay	Pakistan - Iran
Chile - Venezuela	Panama - Cuba
China - Mauritius	Panama - Trinidad and Tobago
Colombia - Israel	Peru - Brazil
Colombia - Panama	Peru - Cuba
Colombia - Venezuela	Peru - Thailand
Cross-Straits Economic Cooperation Framework Agreement	Peru - Venezuela
Eurasian Economic Union (EAEU) - China	Regional Comprehensive Economic Partnership (RCEP)
EAEU - Serbia	South Asian Association for Regional Cooperation (SAARC) Services
EAEU - Singapore	Singapore - Sri Lanka
European Free Trade Association (EFTA) - Ecuador	Tunisia - Morocco
EFTA - Gulf Cooperation Council (GCC)	Turkey - Faroe Island
EFTA - Indonesia	Venezuela - Costa Rica
European Union (EU) - East African Community (EAC)	

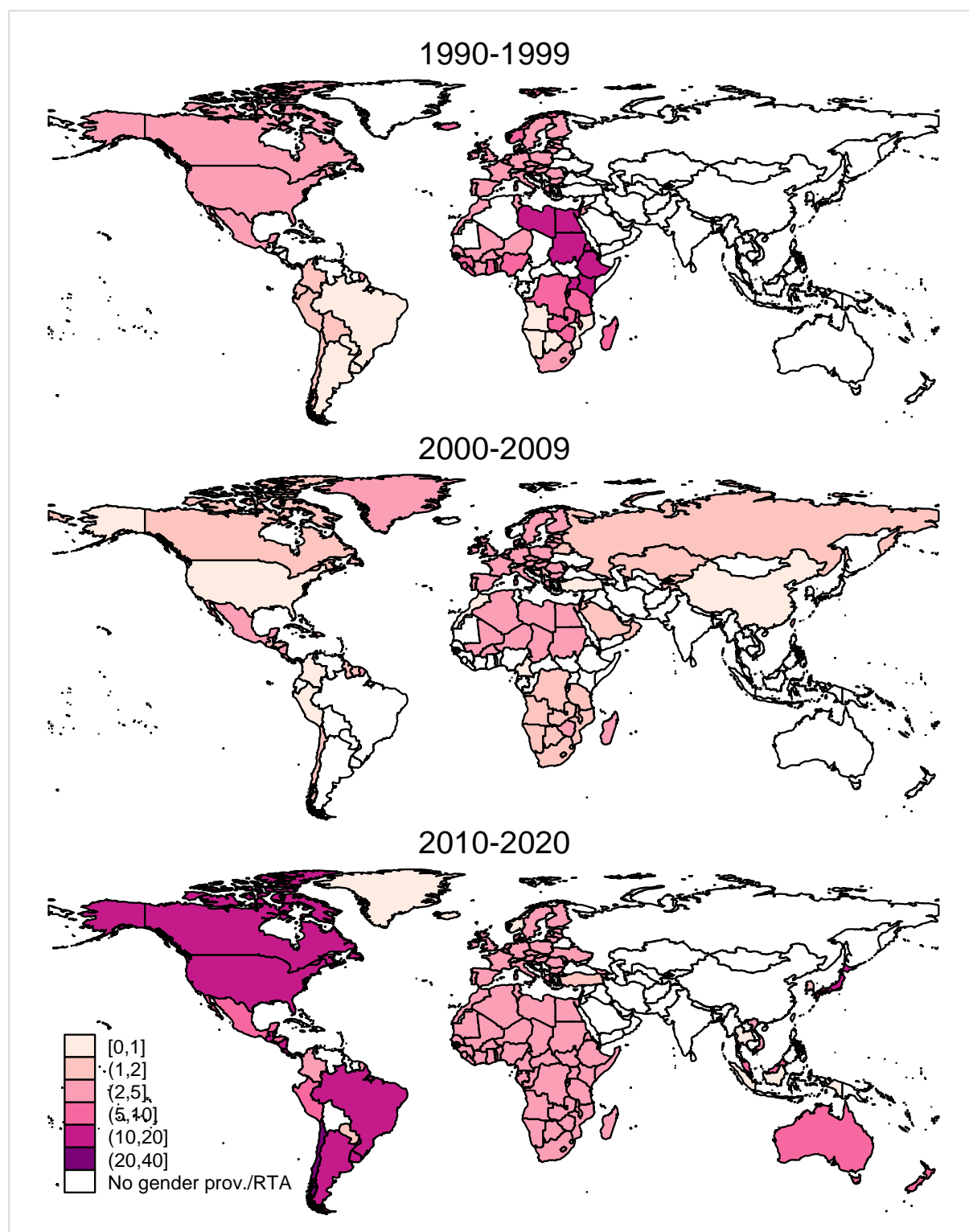
Figure A1: Evolution of the number of gender-related provisions in RTAs



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

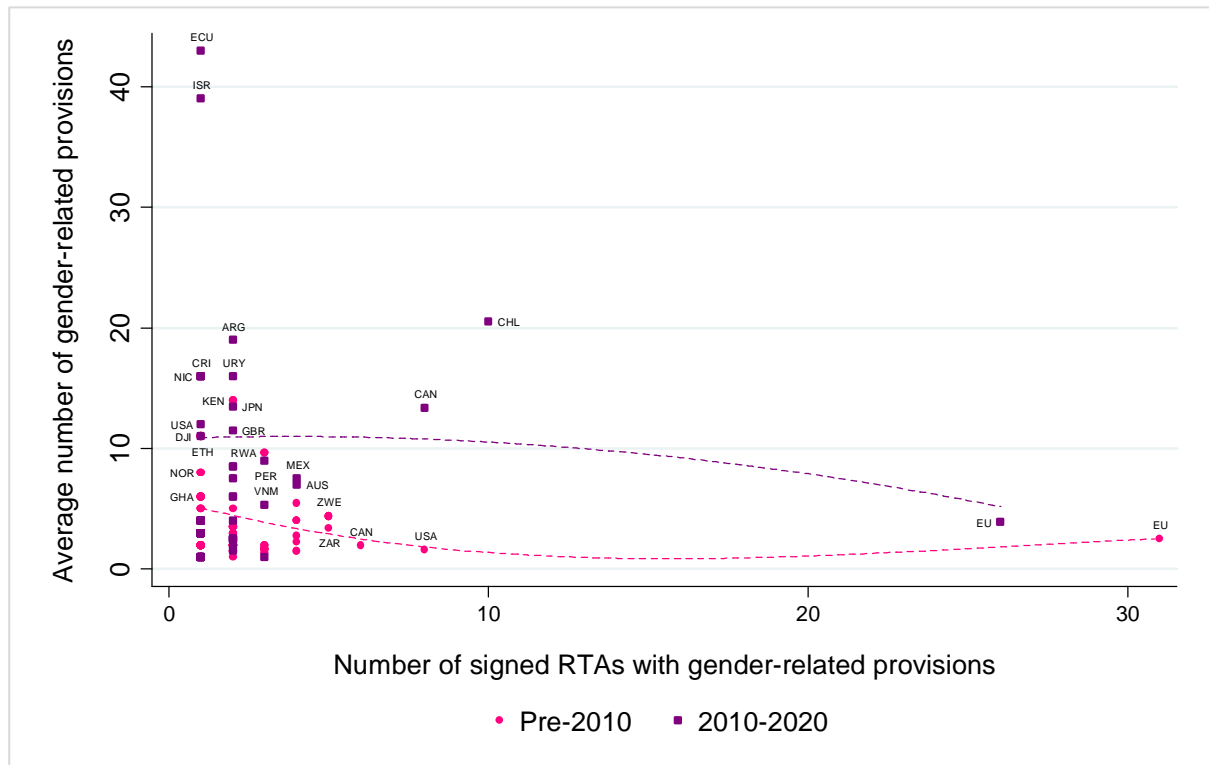
Note: Original and amended RTAs are analysed separately. RTAs without explicit gender-related provisions are not shown.

Figure A2: Average number of gender-related provisions in RTAs by country



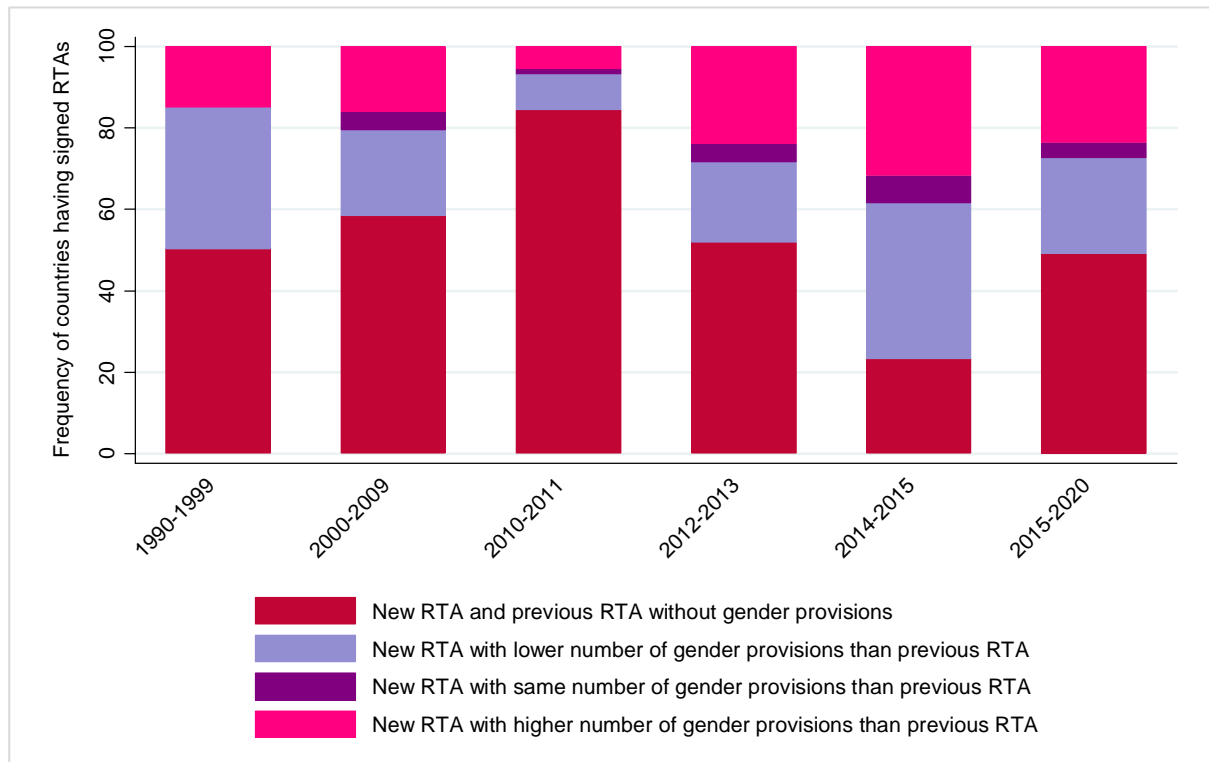
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Figure A3: Dynamic relationship between the number of RTAs and average number of gender-related provisions



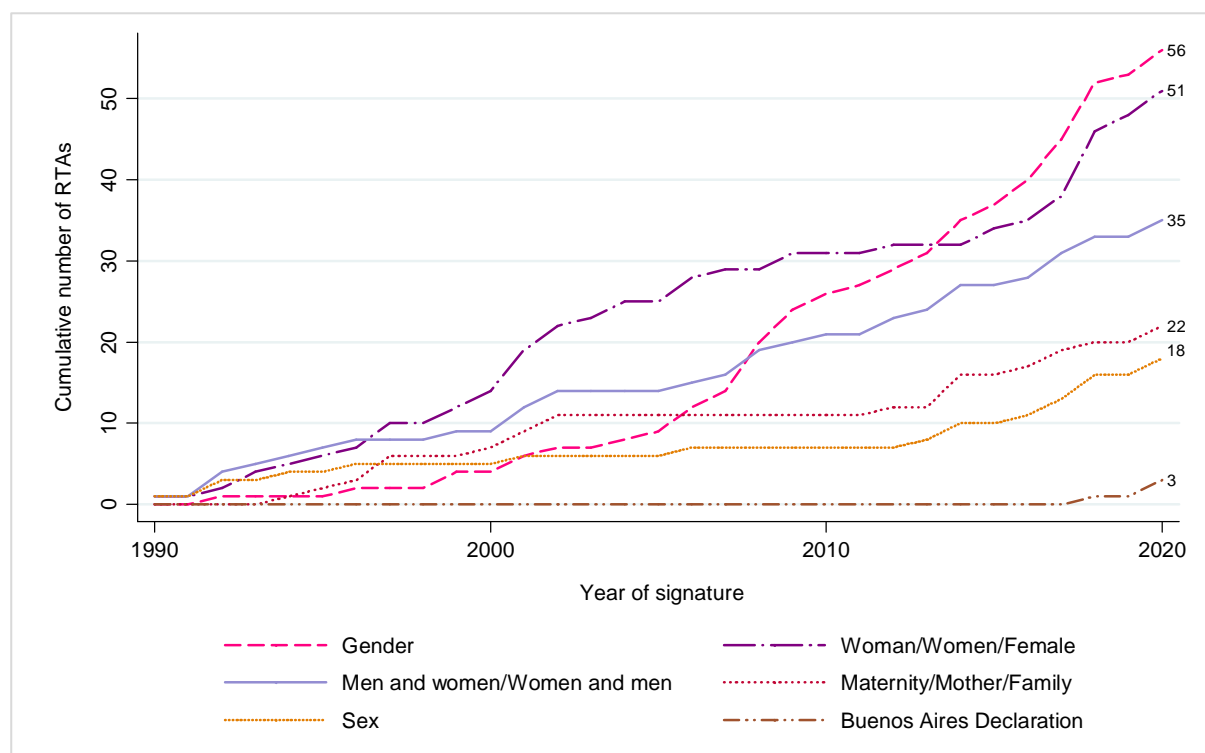
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
Note: The GTGA is not considered.

Figure A4: Frequency of the decision to include gender-related provisions in RTAs



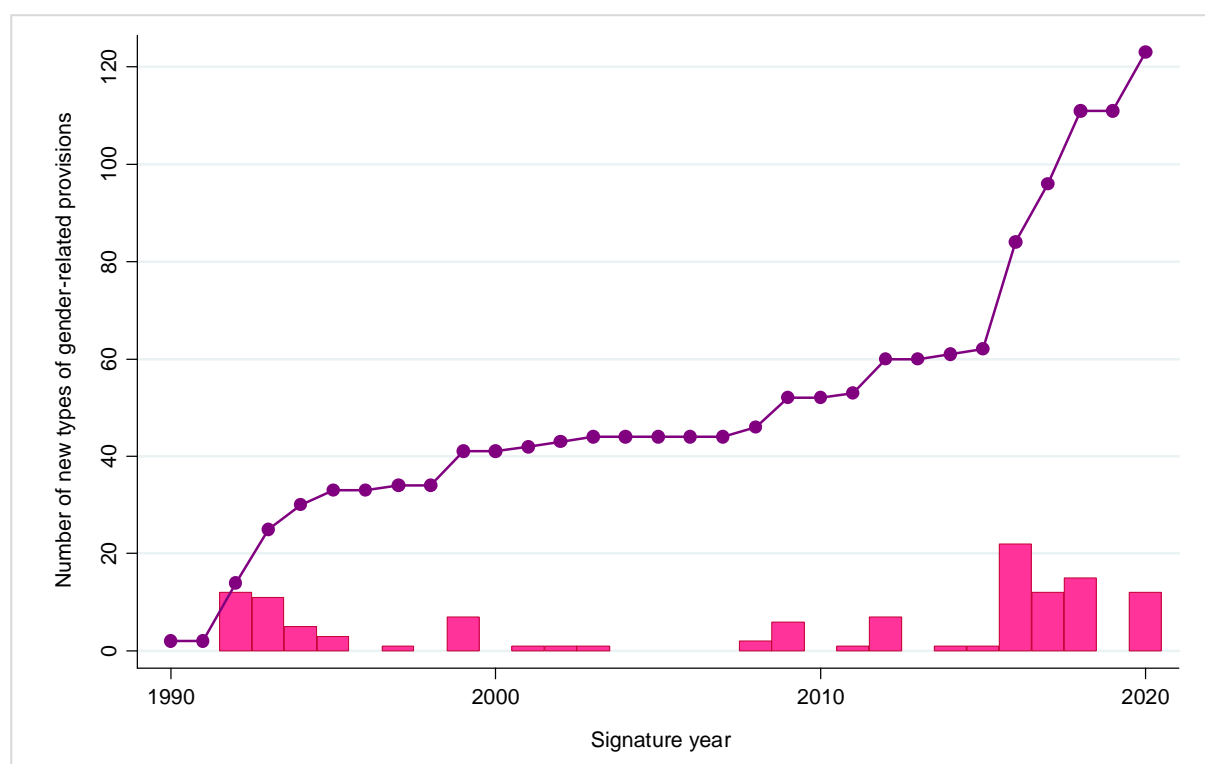
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
Note: The GTGA is excluded from the analysis.

Figure A5: Evolution of gender-related terminology in RTAs



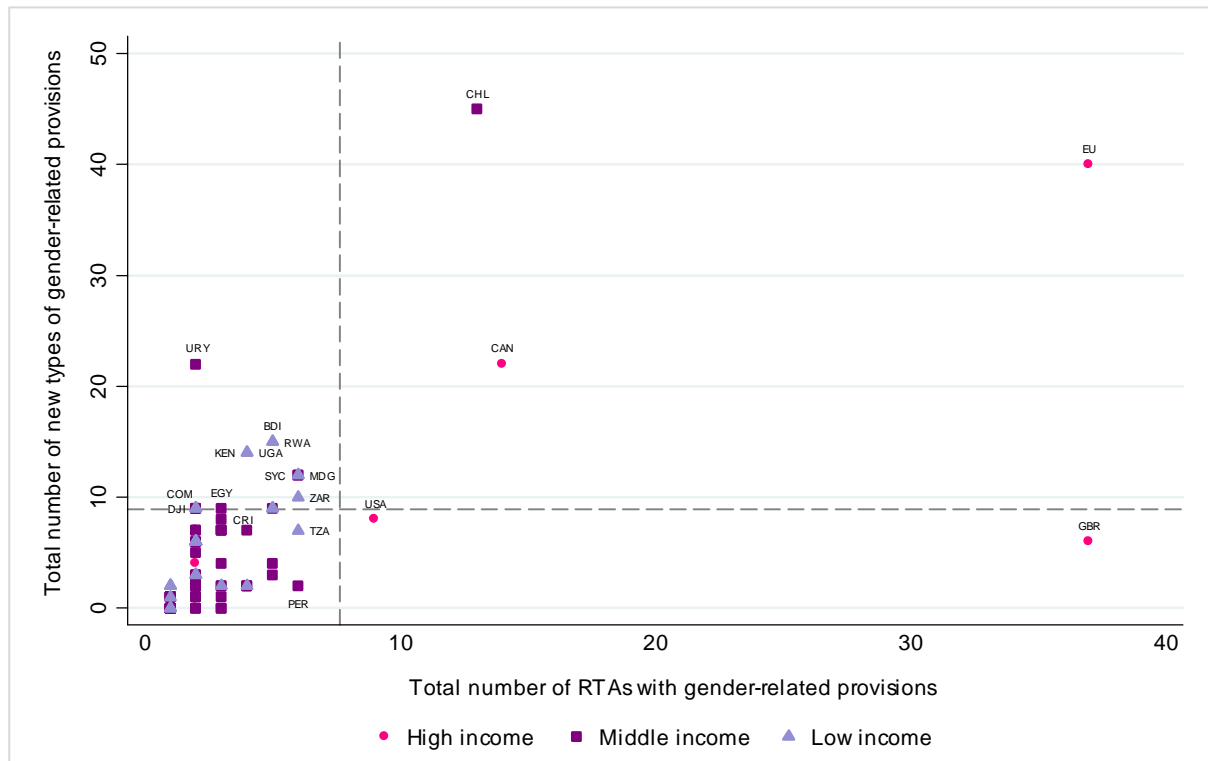
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
 Note: The GTGA is excluded from the analysis.

Figure A6: Evolution of new types of gender-related provisions in RTAs



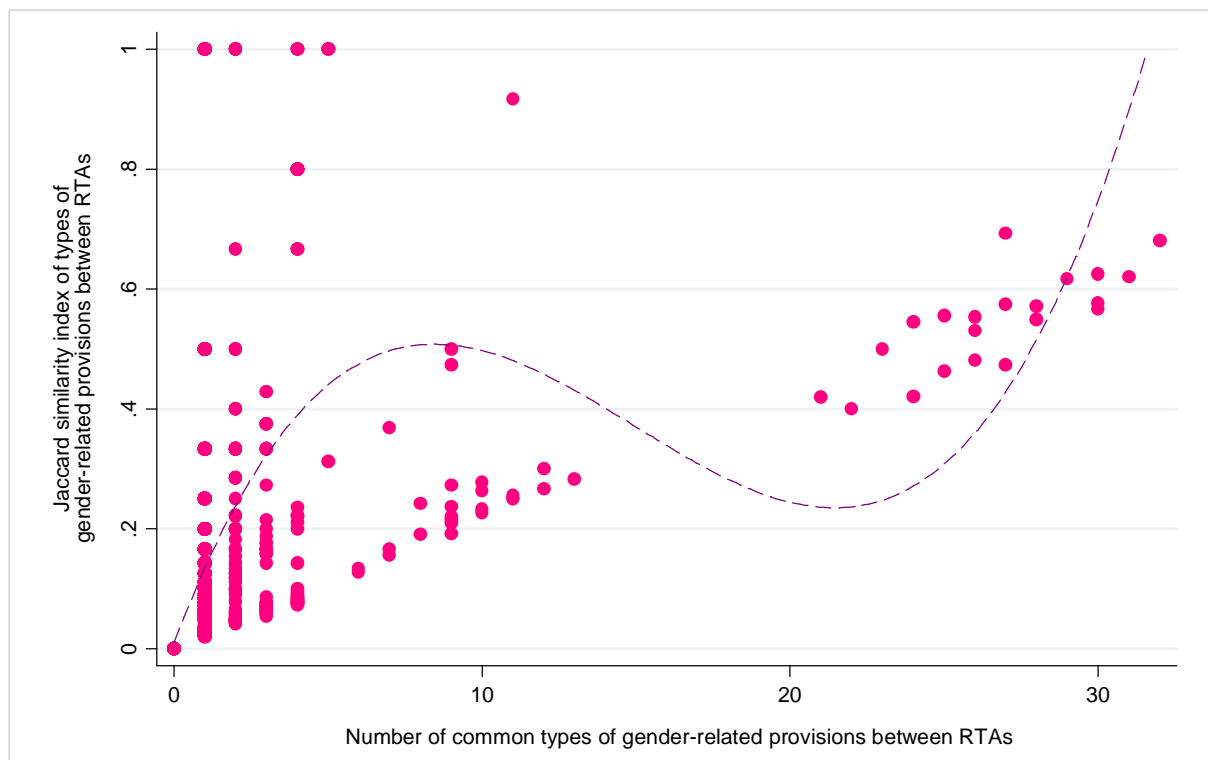
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
 Note: The definition of new type of provisions is based on language differences. The GTGA is excluded from the analysis.

Figure A7: Relationship between the number of new types of gender-related provisions and the number of RTAs with gender-related provisions



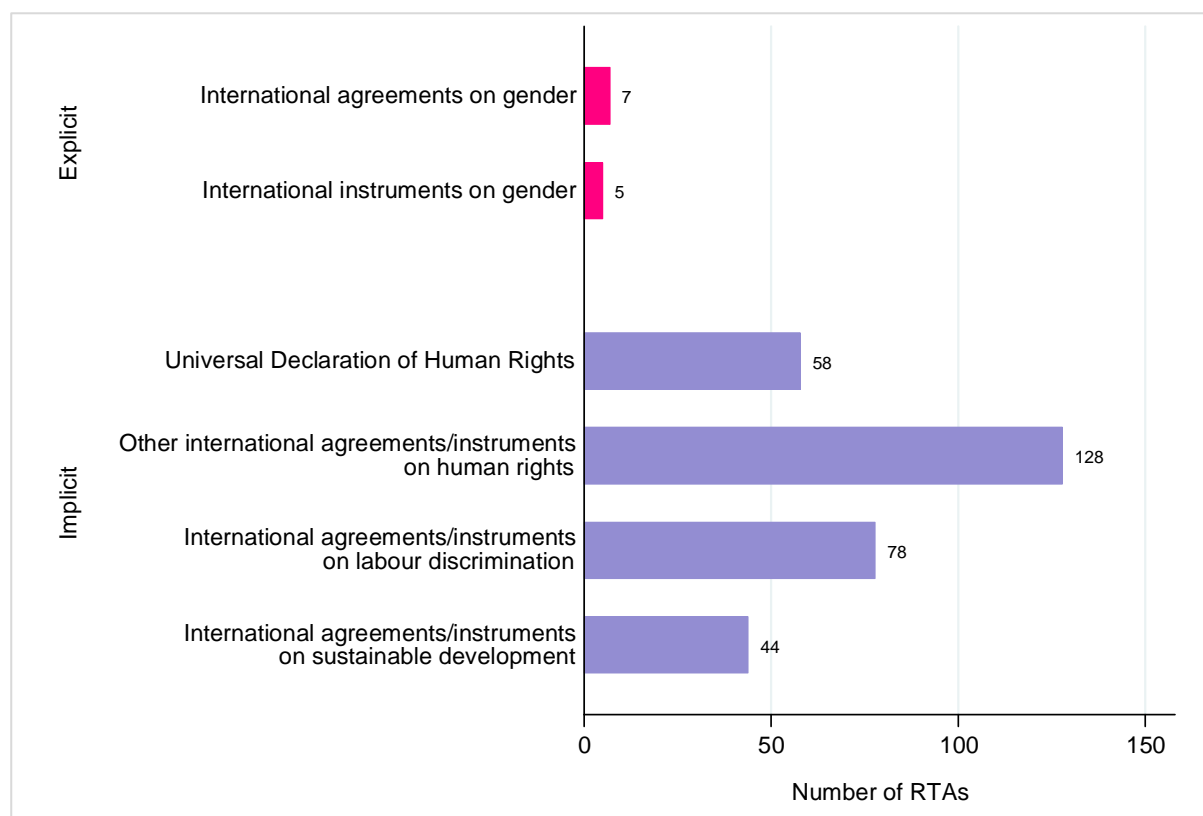
Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
Note: The definition of new type of provisions is based on language differences.

Figure A8: Evolution of similarity index of types of gender-related provisions



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.
Note: The closer the Jaccard index is to one (zero), the more (less) both RTAs include the same type(s) of gender-related provisions. The GTGA is also considered.

Figure A9: Explicit and implicit gender-related provisions on international agreements



Source: Author's calculations based on the mapping of gender-related provisions in RTAs.

Note: The GTGA is excluded from the analysis.