



Human rights and smart economics: Mainstreaming gender in international trade policy

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HUMAN RIGHTS AND SMART ECONOMICS: MAINSTREAMING GENDER IN INTERNATIONAL TRADE POLICY

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[A] revolution has begun. There is no going back. There will be no unravelling of commitments . . . This revolution is too just, too important, and certainly long overdue.¹

I. INTRODUCTION

At the time, the 1995 Fourth World Conference on Women in Beijing was applauded as a massive turning point for the status of women's human rights worldwide. Gender mainstreaming, established in the Beijing Platform for Action² as a major global strategy for the promotion of equality between men and women, was hailed as exactly what women needed for participation in areas where they had never previously been considered. Gender equality and women's empowerment would no longer be regarded as separate policy areas, independent of sectoral policies. Governments had eventually acknowledged, through the Platform for Action, that gender equality could not be achieved without changes in a wide variety of areas, including labour market, fiscal and financial policies. In every critical area of concern, governments and other actors were called on to 'promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects for women and men, respectively.'³

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¹ Statement by Secretary-General Gertrude Mongella of the Fourth World Conference on Women at Welcoming Ceremony in China's Great Hall of the People, available at <<http://www.un.org/esa/gopher-data/conf/fwcw/conf/pre/07161019.txt>> accessed 31 August 2009.

² Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995) available at <<http://www1.umn.edu/humanrts/instree/e5dplw.htm>> accessed 31 August 2009.

³ Platform for Action (n 2) para 81, 106, 124, 143, 166, 191, 204, 229, 252, 273.

The Beijing Platform for Action was driven by United Nations member states' agreement in the Beijing Declaration that 'women's rights are human rights',⁴ and that '[w]omen's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace.'⁵ Member states further agreed in the Beijing Declaration that the:

[e]radication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development and equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development.⁶

Disappointingly, international trade policy has remained almost untouched by gender mainstreaming. This is despite the fact that the Beijing Platform for Action identifies 'inequality in economic structures and policies in all forms of productive activities and in access to resources' as a critical area of concern.⁷ Trade policy is explicitly referred to in the Platform for Action; governments are advised to '[s]eek to ensure that national policies related to international and regional trade agreements do not adversely impact women's new and traditional economic activities'⁸, and to '[u]se gender-impact analysis in the development of macro and micro-economic and social policies in order to monitor such impact and restructure policies in cases where harmful impact occurs.'⁹

This article discusses the concept of gender mainstreaming and seeks to explain the absence of gender mainstreaming initiatives within the World Trade Organization (WTO), despite the apparent link between gender and trade and the support in Beijing for women's empowerment and equality between women and men. It is submitted that the language of human rights and equality is at odds with the language of neo-liberal economics, and that gender mainstreaming must choose whether or not to compromise its goal in an effort to place women on the agenda in international trade policy discussions.

⁴ *ibid* para 14.

⁵ *ibid* para 13.

⁶ *ibid* para 16.

⁷ *ibid* para 46.

⁸ *ibid* para 167(l).

⁹ *ibid* para 167(q).

Section II of this article explains the gender mainstreaming concept. Section III discusses gaps in the implementation of the strategy to date, particularly in the area of international trade, and reference will be made to the gender equality commitments in the 2006 White Paper on Irish Aid. Section IV draws on feminist economic theory to argue that there is in fact a link between gender and trade. Section V examines and contrasts the foundational principles of neo-liberal economics and human rights, seeking to establish why there has been such a striking failure of the gender mainstreaming strategy in international trade policy. Section VI examines attempts at an integrationist, as opposed to agenda-setting, approach to gender mainstreaming in the macro-economic field. The article concludes by discussing the way forward for gender mainstreaming, suggesting that the most effective approach might be a compromise: not to ask only what trade can do for gender equality, but to ask also what gender equality can do for trade.

Two simple observations motivated this article: poverty reduction is one of the fundamental objectives of international trade policy, and women and girls comprise three fifths of the world's one billion poorest people.¹⁰ In the light of the apparent simplicity of this connection, one cannot help but question why gender equality has not yet made it onto the trade policy agenda in any meaningful way.

II. GENDER MAINSTREAMING: 'A MAJOR GLOBAL STRATEGY FOR THE PROMOTION OF GENDER EQUALITY'¹¹

The Beijing Platform for Action espoused a conviction, which had been growing since the Third World Conference on Women in Nairobi in 1985, that equality between the sexes could not be achieved solely by adding equality and non-discrimination principles to general initiatives, or by creating specific woman-centred institutions, programmes and policies.¹² Activities focused on women in the 1970s and 1980s tended to be marginalised, and women's access to resources and power had remained minimal.¹³ 'Women's perspectives', when incorporated into

¹⁰ United Nations Population Fund *State of World Population 2008. Reaching Common Ground: Culture, Gender and Human Rights* (New York 2008) available at <http://www.unfpa.org/swp/2008/en/00_overview.html> accessed 31 August 2009.

¹¹ United Nations Office of the Special Adviser on Gender Issues and Advancement of Women *Gender Mainstreaming: An Overview* (2002) available at <<http://www.un.org/womenwatch/osagi/pdf/e65237.pdf>> accessed 31 August 2009.

¹² S Kouvo, *The United Nations and Gender Mainstreaming: Limits and Possibilities in INTERNATIONAL LAW: MODERN FEMINIST APPROACHES* 241.

¹³ Presentation by C Hannan Director of the United Nations Division for the Advancement of Women *Gender Mainstreaming: Some Experience from the United*

existing policy agendas, had usually been considered as ‘add-ons’ in the later stages of planning, and thus had made little real impact.¹⁴ According to Charlesworth, ‘the price of creating separate institutional mechanisms for women [had] been the building of a “women’s ghetto” with less power, resources, and priority than the “general” human rights bodies.’¹⁵ The member states of the UN therefore endorsed, in the Beijing Platform for Action, a dual strategy for promoting the achievement of equality between women and men, which emphasised both targeted interventions for women’s advancement and human rights, and the importance of ‘mainstreaming a gender perspective.’¹⁶ It was stated that:

...[e]arlier strategies often focused on women (providing them with more education, more resources, etc.) and on specific targeted initiatives. While these projects (or components within larger initiatives) were often well intended, it became apparent that gender inequalities were not going to be resolved through marginal initiatives but rather that broad processes of change, particularly at policy and institutional level, were needed. Throughout the last few decades, women’s movements in the global south developed a critique of development models and institutions. They argued that it was not enough just to ‘bring women in’ to current institutions and processes. The answer was not greater participation in an unjust and unsustainable development process. Rather there was a need to rethink structures and practices that perpetuate inequalities of all kinds.¹⁷

It is clear that the purpose of gender mainstreaming was to make the promotion of gender equality a shared responsibility. Instead of having segregated activities for women, or in addition to targeted interventions to promote women’s empowerment, all mainstream policies, projects and institutions, along with individual governments, would have to take on gender equality as a goal and adapt their way of working to fulfill this commitment. Attention to gender perspectives was

Nations (20 June 2003) available at http://www.un.org/womenwatch/osagi/pdf/SwissGM_20Jun2003.pdf accessed 31 August 2009.

¹⁴ Hannan (n 13).

¹⁵ H Charlesworth, *Not Waving But Drowning: Gender Mainstreaming and Human Rights in the United Nations* (2005) 18 Harv Hum Rts J 1, citing H Charlesworth and C Chinkin, *The Boundaries of International Law: A Feminist Analysis* (2000) 219.

¹⁶ Kouvo (n 12) 242.

¹⁷ *Gender Mainstreaming: An Overview* (n 11) 9.

to be an integral part of interventions in every single area of societal development. According to Carolyn Hannan, the term ‘mainstreaming’ came from the objective of bringing attention to gender equality into the mainstream or core of development activities.¹⁸

The term ‘gender’ has been defined by the UN Division for the Advancement of Women in its clarification of the gender mainstreaming strategy as ‘the socially constructed roles of women and men that are ascribed to them on the basis of their sex, in public and in private life.’¹⁹ The Office of the Special Advisor on Gender Issues and Advancement of Women explains that:

[g]ender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities.²⁰

Gender mainstreaming, therefore, requires a focus on both women and men, individually and in relation to each other. According to Sari Kouvo, ‘the notion of “gender” provides a means to argue that the relative positions of men and women can be challenged and changed.’²¹

The authoritative definition of gender mainstreaming within the UN comes from the 1997 Economic and Social Council (ECOSOC) Agreed Conclusions, which state that ‘[m]ainstreaming a gender perspective’ is:

. . . the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all

¹⁸ Hannan (n 13).

¹⁹ Report by the United Nations Secretary General, *Integrating the Gender Perspective into the Work of the United Nations Human Rights Treaty Bodies* (14 September 1998) para 16 available at <<http://www.un.org/womenwatch/daw/news/integrating.htm>> accessed 31 August 2009.

²⁰ OSAGI Fact Sheet 1 August 2001 available at <<http://www.un.org/womenwatch/osagi/pdf/factsheet1.pdf>> accessed 31 August 2009.

²¹ Kouvo (n 12) 247.

political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.²²

‘Gender equality’, the goal of the gender mainstreaming strategy, is not defined in the ECOSOC Agreed Conclusions. The Office of the Special Advisor on Gender Issues has, however, defined ‘gender equality’ as ‘. . . the equal rights, responsibilities and opportunities of women and men and girls and boys.’²³ Moreover:

[e]quality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration – recognizing the diversity of different groups of women and men. Gender equality is not a ‘women’s issue’ but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.²⁴

Gender mainstreaming is a process that must be initiated at the very beginning of any policy-making or programme-planning exercise so that it has the potential to influence goals, strategies and resource allocations. The first step in the process is gender analysis.²⁵ The current experiences, responsibilities and contributions of women and men in the particular area should be analysed, as should the potential impact of planned activities on women and men respectively. An example given by the UN Office of the Special Advisor on Gender Issues is that a meeting about measures to control the spread of small arms, into which a gender perspective had been integrated, might consider whether or not women and men have different perspectives on small arms; whether or not they are affected differently by small arms proliferation; and whether there is potential to increase women’s participation in reducing the spread of small arms.²⁶

²² UN Economic and Social Council (ECOSOC) *Agreed Conclusions 1997/2* (18 July 1997) para 1(A) available at <<http://www.unhcr.org/refworld/docid/4652c9fc2.html>> accessed 31 August 2009.

²³ OSAGI Fact Sheet (n 20).

²⁴ *ibid.*

²⁵ Hannan (n 13).

²⁶ *Gender Mainstreaming: An Overview* (n 11) 29.

According to the Office of the Special Advisor, the gender mainstreaming process involves asking questions about the responsibilities, activities, interests and priorities of women and men, and how their experience of problems may differ. It involves questioning assumptions about 'families', 'households' or 'people' that may be implicit in the way a problem is posed or a policy is formulated. Gender mainstreaming requires that data be obtained to allow the experiences and situation of both women and men to be analysed. It also requires that the inputs and views of women as well as men be sought in relation to decisions that will affect the way they live, and that activities where women are numerically dominant receive attention.²⁷

Gender mainstreaming is intended to be transformative. According to Marsha Freeman, the process creates a new vision for those who meaningfully implement it. This new vision, caused by the integration of a gender perspective into planning processes may, indeed, reveal a need for changes in goals, strategies and actions, ensuring that both women and men can influence, participate in and benefit from all forms of development.²⁸ Gender mainstreaming puts responsibility for promoting gender equality on everybody's shoulders. As Freeman argues, it offers governments and other actors the opportunity to see for themselves who the faces of the world's population really are, and to broaden their vision of the world as it works to hold within that frame the activities, needs, aspirations and rights of men and of women, individually and as they relate to each other.²⁹

With the goal of gender equality as its driving force, the gender mainstreaming process is essentially about recognising women as people. Gender mainstreaming requires that women are expressly considered along with men as part of the population around whom, or by whom, any programme or initiative is planned, whether in the area of education, health, violence, armed conflict, the economy, decision-making, or human rights, for example. For women to be recognised as people, however, all sectors need to be people-focused. This presents an additional hurdle for gender mainstreaming to overcome. Traditional thinking in certain technical or scientific areas, such as international trade, exchange rates, or climate change, might not include people as factors for consideration when developing programmes and strategies.

²⁷ *ibid* 3-4.

²⁸ MA Freeman, 'Gender Mainstreaming and other measures for accelerated implementation of the Convention' in L Larsen (ed) 'Conference on the United Nations Convention on the Elimination of All Forms of Discrimination against Women' 31 October-5 November 2001 (Copenhagen Dansk Kvindesamfund 2002) 77-84.

²⁹ *ibid*.

Gender mainstreaming challenges those sectors to fundamentally transform their vision so that the impact of any initiative on people is properly understood. They must also commit to the goal of gender equality, an issue of human rights and social justice, which may not have been anywhere on their agenda before.

III. GAPS IN THE IMPLEMENTATION OF GENDER MAINSTREAMING

While a gender mainstreaming strategy has been embraced in many sectors by governments, international institutions and organisations, the approach has been piecemeal. In areas where a gender mainstreaming policy has been implemented, such as in human rights, peace and security, and some aspects of development cooperation, criticisms abound of the gap between the vision of the Beijing Platform and the actual implementation of gender mainstreaming.³⁰ One area where not even lip service is paid to the theory of gender mainstreaming, however, is in international trade policy.

Despite the fact that the majority of the member states of the World Trade Organization, as members of the United Nations, agreed in the Beijing Declaration that ‘women’s empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace’, the WTO does not have a gender integration or mainstreaming policy.³¹ Its officials are overwhelmingly male³² and gender-related trade issues have not yet appeared on any WTO negotiation agenda. While, in 1999, the European Parliament ‘[called] on the Commission and the member states to work in the UN towards converting the Beijing Declaration into

³⁰ M Taylor, *Gender and the White Paper on Irish Aid Trocaire Development Review* (2007) 66 available at

<<http://www.trocaire.org/index.php?mact=TDR,cntnt01,showcurrenttdr,0&cntnt01idTDR=8&cntnt01returnid=57&hl=en#Genderand>> accessed 31 August 2009. See also M Williams Association for Women’s Rights in Development *Gender Mainstreaming: Can it work for women’s rights?* Spotlight Publication No3 November 2004 (contribution by M Williams) available at <http://www.awid.org/publications/OccasionalPapers/spotlight3_en.pdf> accessed 31 August 2009.

³¹ D Peebles, *Increasing Gender Inputs into Canadian International Trade Policy Positions at the WTO* (2005) 71 available at <<http://www.wallworkshop.com/English/analysis.html>> accessed 31 August 2009. The author could find no such policy on the WTO website, www.wto.org.

³² *ibid.*

a Convention . . . binding on all signatories',³³ the European Commission, which negotiates at the WTO on behalf of all EU member states, has not managed to put the goal of gender equality on the agenda of this powerful international organisation. Notwithstanding the statement in the Beijing Declaration that:

[e]radication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development and equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;³⁴

neither the words 'gender' nor 'women' appeared anywhere in the WTO 2009 Aid for Trade Roadmap, presented by the Director General of the WTO, Pascal Lamy,³⁵ nor in any of the revised WTO Doha Development Agenda mandates.³⁶

The gap between gender mainstreaming and neo-liberal trade policy is evident in the Irish Government's White Paper on Irish Aid.³⁷ Published in 2006, the purpose of the White Paper was to reiterate the core principles of Irish Aid and present a blueprint for the future of the programme.³⁸ In a key decision on 'cross-cutting issues', the White Paper states:

Four issues cut across and inform all of the work of Irish Aid: Gender, Environment, HIV/AIDS and Governance. These issues will be mainstreamed into the work of Irish Aid. This means that they will be taken into account in the planning, implementation and evaluation of all of our

³³ *European Parliament Resolution on Violence Against Women and the Daphne Programme* (10 March 1999) B4-0233/99 para 2 available at <<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:1999:175:SOM:en:HTML>> accessed 31 August 2009.

³⁴ Platform for Action (n 2) para 16.

³⁵ *World Trade Organization 2009 Aid-for-Trade Roadmap* (13 February 2009) available at <http://www.wto.org/english/tratop_e/devel_e/a4t_e/aid4trade_e.htm> accessed 31 August 2009.

³⁶ *World Trade Organization Doha Ministerial Declarations* available at <http://www.wto.org/english/tratop_e/dda_e/dda_e.htm> accessed 31 August 2009.

³⁷ *Irish Aid White Paper on Irish Aid* (September 2006) available at <<http://www.irishaid.gov.ie/whitepaper/>> accessed 31 August 2009.

³⁸ *Irish Aid Annual Report 2006* available at <<http://www.irishaid.gov.ie/article.asp?article=1079>> accessed on 31 August 2009.

interventions. The integration, or mainstreaming, is complementary to specific actions we take in each of the four areas.³⁹

Despite this key decision, there is no reference to gender in the White Paper chapter on Trade and Development, or in any of the following chapters: Preventing and Responding to Humanitarian Disasters; Building Better Government and Combating Corruption; Peace, Security and Development; Partnership; Coherence; Making Aid Work; Irish Aid and the Irish Public; or Management of the Programme. This contrasts with the stated consideration of gender in the chapters on Human Rights and Development, Gender and Development, Health, HIV-AIDS, Education, Environment and Development, Rural Development and Agriculture, and the chapter entitled Looking to the Future.

The Irish Aid 2007 Annual Report shows that only one percent of Irish Aid's total bilateral cooperation spending in 2007 was directed specifically towards the area of gender.⁴⁰ This reveals the need for a comprehensive gender mainstreaming strategy across Irish Aid, which makes gender a concern in every other area of its work.

Irish Aid has made a strong overall commitment to address gender inequality,⁴¹ and its Gender Equality Policy, published in 2004, contains detailed guidelines on how to implement a gender mainstreaming strategy.⁴² Irish Aid has worked on gender issues in such areas as health, education, women's economic empowerment through micro-credit schemes, and combating gender-based violence.⁴³ It is a member of the Irish Joint Consortium on Gender Based Violence, which aims to develop an Irish National Action Plan on UN Security Council Resolution 1325

³⁹ White Paper on Irish Aid (n 37) 15.

⁴⁰ Irish Aid *Annual Report 2007* available at <<http://www.irishaid.gov.ie/article.asp?article=1330>> accessed 31 August 2009.

⁴¹ The Irish Aid website section on Gender states: 'Irish Aid's White Paper recognises gender as a priority issue that cuts across all of Irish Aid's work. We recognise that gender equality is an integral and essential element of any poverty-reduction strategy' available at <<http://www.irishaid.gov.ie/article.asp?article=14>> accessed 31 August 2009. cf Guiding Principles Section of White Paper 'Ireland will support the promotion of human development, human security and justice, the building and strengthening of democracy, the promotion of gender equality and the promotion and protection of human rights.' White Paper (n 37) 9.

⁴² Irish Aid *Gender Equality Policy* (April 2004) available at <<http://www.irishaid.gov.ie/article.asp?article=14>> accessed on 31 August 2009.

⁴³ Irish Aid *Communication on Irish Aid Combating Gender Inequality* available at <<http://www.irishaid.gov.ie/article.asp?article=1306>> accessed 31 August 2009.

on Women, Peace and Security.⁴⁴ However, insofar as the White Paper details the policies and priorities of Irish Aid, there is no apparent consideration by Irish Aid of gender in the area of macro-economic policy.⁴⁵ The chapter on Education in the White Paper commits Irish Aid to supporting initiatives in developing countries that will increase access to education for girls and increase the participation of women at local, district and national level education planning.⁴⁶ The chapter on Health states that '[a]ddressing women's health needs, particularly in the areas of basic healthcare and maternal and reproductive health must lie at the heart of an effective overall response to improving health in developing countries.'⁴⁷ The Rural Development and Agriculture chapter takes into account the fact that 'in Sub-Saharan Africa very few landowners are women despite women producing between 60% and 80% of the continent's food', and that '[t]his reality has become all the more problematic in recent years in the context of HIV/AIDS, where many women, having lost their husbands, also face losing tenure to their homes.'⁴⁸

The chapter entitled Human Rights and Development deals with the prevention of gender-based violence, and discusses the Irish Government's joint initiative with a number of Irish development and human rights NGOs to work towards a more systematic response to gender-based violence internationally. The chapter states that '[p]romoting gender equality is about helping women to realise their human rights', and that '[t]here is no valid exemption from the basic principles enshrined [in the international human rights instruments] through special provisions based on national, cultural or religious considerations.'⁴⁹

The Gender and Development chapter considers gender inequality more broadly, as a central development challenge. It discusses the facts that women bear an intolerable burden of care for people living with HIV/AIDS, that women are suffering an increased number of incidents of violence and rape, that the terms of their employment are often exploitative and the conditions dangerous, that women account for two thirds of the world's poor, and that in developing countries, rural women

⁴⁴ See <<http://www.gbv.ie>> last accessed 8 October 2009.

⁴⁵ See M Taylor, *Trocaire Development Review* 2007 (n 30) 72. Taylor examines the commitment to gender equality in the White Paper on Irish Aid, and concludes that 'there is a striking absence of any discussion of gender equality in the areas that deal most directly with foreign policy, macro-economic policy, and governance.'

⁴⁶ White Paper on Irish Aid (n 37) 43-44.

⁴⁷ *ibid* 45-47.

⁴⁸ *ibid* 54-55.

⁴⁹ *ibid* 59-61.

are responsible for 60-80 percent of food production yet have limited control over land and other necessary assets. The chapter states: 'Addressing gender inequality is about implementing the fundamental human right to equality. It is also essential to effective poverty reduction.'⁵⁰ It commits to promoting gender equality throughout the Irish Aid programme, and links Ireland's commitment to gender equality to the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action. The Gender and Development chapter makes a strong commitment to gender mainstreaming, and also names specific actions to be taken, such as promoting women's economic empowerment, ensuring greater access to education, supporting community-based health programmes for women, working against gender-based violence, and implementing UN Security Council Resolution 1325 on women, peace and security.⁵¹

The Environment and Development chapter, which commits to increasing access to safe water and basic sanitation, considers the impact of water access on women and girls. It states that their opportunities for education or paid work are often limited by the burden of having to walk long distances to collect water.⁵² The chapter entitled Looking to the Future commits to redoubling efforts to focus attention on gender equality and its importance in poverty reduction. It pledges to establish a strategic partnership with the government of the Netherlands to focus on specific measures for women's empowerment and gender equality, including the promotion of women's political participation, the ending of violence against women, and the building of strong women's movements for good governance and accountability.⁵³

The section on Trade and Development in the White Paper on Irish Aid omits any reference to gender. It states that, 'increased trade, regionally and globally, is central to sustained economic growth for the world's Least Developed Countries.' The section goes on to say that '[t]he current WTO round of negotiations, the Doha Development Round, offers considerable opportunities for developing countries to truly benefit from global trade', and that:

[t]he current WTO negotiations offer an opportunity for Ireland to help ensure that the poorest and weakest countries are not overwhelmed and marginalised but instead are able to put forward and defend their own interests, so that the

⁵⁰ *ibid* 62.

⁵¹ *ibid* 62.

⁵² *ibid* 63-64.

⁵³ *ibid* 114-117.

outcome is a trading system that is just and equitable and provides the greatest opportunities for those most in need.⁵⁴

The Beijing Declaration states that:

[e]radication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development and equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development.⁵⁵

However, the White Paper's chapter on Trade and Development is not at all people-centred, let alone gender-focused. It refers only to 'countries' as potential beneficiaries from the WTO Doha Development round of negotiations, and the Aid for Trade programme.

Similarly, the March 2008 European Parliament resolution on Gender Equality and Women's Empowerment in Development Cooperation,⁵⁶ while drawing on the statement on the human rights of women in the Vienna Declaration,⁵⁷ the identification of gender equality as one of the five key principles of development policy in the European Consensus on Development,⁵⁸ and the endorsement of gender mainstreaming as an effective strategy to promote gender equality in the Beijing Platform for Action, fails to adequately discuss trade policy. The only mention of trade policy in the resolution is in paragraph 18, which:

[c]alls on the Commission and the member states to ensure coherence between development cooperation policy and

⁵⁴ *ibid* 65-67.

⁵⁵ Platform for Action (n 2) para 16.

⁵⁶ European Parliament Resolution of 13 March 2008 on Gender Equality and Women's Empowerment in Development Cooperation (2007/2182(INI)) available at <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0103+0+DOC+XML+V0//EN>> accessed 31 August 2009.

⁵⁷ Vienna Declaration World Conference on Human Rights (14-25 June 1993) UN Doc. A/CONF.157/24 (Part I) 20 (1993) available at <<http://www1.umn.edu/humanrts/instatee/11viedec.html>> accessed 31 August 2009. Article 18 of the Vienna Declaration states that 'The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights.'

⁵⁸ European Commission European Consensus on Development (2006/C 46/01) available at http://ec.europa.eu/development/policies/consensus_en.cfm accessed 31 August 2009.

other Community policies (such as trade policy and agriculture policy) in order to prevent adverse inter-policy interference, especially as regards measures designed to empower women.⁵⁹

Mariama Williams criticises the piecemeal approach that has been taken to development and gender equality work. She argues that within the context of the macro framework there is the sense that financial and trade considerations are ‘hard areas’ that have nothing to do with gender. She states that:

[g]ender equality and gender mainstreaming are therefore relegated to ‘softer’ areas that must work to complement and offset the necessary adjustment cases of macro planning decisions and outcomes. So, for example, it is perfectly acceptable to examine areas of food distribution between men and women but gender has no place in discussions about agricultural liberalisation or tariff reductions.⁶⁰

Speaking of the continuing constraints in the UN system, Carolyn Hannan, Director of the UN Division for the Advancement of Women, has argued that ‘some organizations continue to base their work on the assumption that certain policy areas, for example macro-economics and technical areas, are in principle “gender-neutral.”’⁶¹

IV. TRADE POLICY IS NOT GENDER NEUTRAL

Feminist economists dispute the idea that economics is gender neutral. They argue that international trade policy generally has different impacts on women and men due to their different socio-economic conditions in life.⁶² Maria Riley argues that a gender analysis exposes the gendered structure of the economy, where on the level of macro-economics, a gendered division of employment, gendered wage and salary scales, and gendered economic power and decision-making are evident.⁶³ She contends that even though gender roles can vary from society to society and can change over time, one constant can be identified: women have primarily been responsible for the care and

⁵⁹ European Parliament Resolution (n 56).

⁶⁰ (n 30).

⁶¹ Hannan (n 13) 9.

⁶² Peebles (n 31).

⁶³ M Riley, *A Feminist Political Economic Framework* (March 2008) Center of Concern 3 available at <<http://www.coc.org/node/6052>> accessed 31 August 2009.

nurturing of the human family. Despite the value of care work and social reproduction (the work of nurturance of the human family and community) to a national economy, she points out that it remains unaccounted for in a country's Gross Domestic Product (GDP).⁶⁴

Riley explains that:

[w]omen's work, paid and unpaid, is underestimated while women bear a larger burden of work time than men do. This inequality creates a level of economic vulnerability for women and diminishes their mobility and autonomy in designing their labor market strategies. Care work also limits women's ability to participate on an equal footing with men in the marketplace, often forcing them into informal and flexible work patterns.⁶⁵

The same writer argues that, in a developed country:

as women try to balance the demands of productive and social reproductive work, care work is often moved to the margins of their time creating a 'crisis of care'. In response, they hire low-to-middle income women, often women of color, or immigrant women to perform the care work of their households, creating a different 'crisis of care' in the families left behind by those women. Paid care work is characterized by low pay, lack of regulation and social safeguards such as social security and health care benefits.⁶⁶

According to the Association for Women's Rights in Development (AWID), the current climate of international trade liberalisation, driven by the World Trade Organization, has meant that women's time, labour, sexuality and health are at times exploited in the pursuit of gains from trade in various countries.⁶⁷ The 'comparative advantage' of some countries is their low wages, poor environmental regulations and lax

⁶⁴ *ibid* 4. cf MA Fineman *Cracking the Foundational Myths: Independence, Autonomy, and Self-Sufficiency* (2000) 8 Am. U.J. Gender Soc Pol'y & L 13.

⁶⁵ Riley (n 63) 4.

⁶⁶ *ibid*.

⁶⁷ Association for Women's Rights in Development *Women's Rights, the World Trade Organization and International Trade Policy Women's Rights and Economic Change No4* (August 2002) available at <<http://www.awid.org/eng/Issues-and-Analysis/Library/Women-s-Rights-the-World-Trade-Organization-and-the-World-Trade-Order>> accessed 31 August 2009.

labour standards.⁶⁸ AWID argues that by ignoring the value of women's unpaid work, and placing greater demands on women to provide services, trade liberalisation policies increase the risk of women working in highly exploitative and dangerous conditions in the industrial sector. Women are also hindered from taking advantage of new opportunities created by trade liberalisation such as skilled employment and entrepreneurial opportunities because of gender based inequalities, especially in education, health and training.⁶⁹

The list of universally relevant issues, offered by the Office of the Special Advisor on Gender Issues in its guide to gender mainstreaming,⁷⁰ are, indeed, highly relevant in the area of trade policy. These issues are: inequalities in political power (access to decision-making, representation, etc); inequalities within households; differences in legal status and entitlements; gender division of labour within the economy; inequalities in the domestic/unpaid sector; violence against women; and discriminatory attitudes.⁷¹ The Office of the Special Advisor specifically states, in relation to the economy, that given the different distribution of men and women across manufacturing sectors, between formal and informal sectors, within agriculture, and among occupations, trade liberalisation can have uneven impacts by sector, with consequences for both gender equality and economic growth.⁷² The Office of the Special Advisor also highlights the following issues as highly relevant: the way in which the reproductive sector can be affected by the consequences of economic policies related to trade, and the dependence of all productive activities on the creation and maintenance of a healthy labour force through reproductive work at the household level.⁷³

The strong link between gender and poverty is also seen by many to belie the concept that trade policy is gender neutral. The UN estimates that 70 percent of the world's poor are women and children.⁷⁴ According to Dana Peebles, given that trade touches on so many aspects of people's lives and is supposed to lead to general prosperity for a much wider proportion of the world's population, international trade policy, while inextricably linked to poverty, is also inextricably linked to gender.⁷⁵

Peebles argues that the current trickle down theory of economic development holds an implicit assumption that the benefits of economic

⁶⁸ *ibid* 1.

⁶⁹ *ibid* 2.

⁷⁰ *Gender Mainstreaming: An Overview* (n 11).

⁷¹ *ibid* 5-7.

⁷² *Ibid* 6.

⁷³ *ibid*.

⁷⁴ *State of World Population 2008* (n 10).

⁷⁵ Peebles (n 31) 7.

growth will trickle down to male household heads and then trickle across to female family members. However, she maintains:

[r]esearch and experience has already demonstrated there is no guarantee that increasing men's incomes will lead to spending patterns that will directly benefit female family members or that the money will be spent on basic consumer items, such as food and education, where it could have the most positive impact on women and girls. The policies promoted by the various governments at the WTO tend to overlook both women's contributions and their particular needs and priorities.⁷⁶

Peebles outlines her three main overarching concerns with the WTO system as follows:

First, all the new WTO agreements have tremendous potential to have a disproportionately negative impact on women. Second, there is a serious undervaluing and lack of recognition of women as significant economic actors in both the paid and unpaid global economy. . . . Third, there is severe under-representation of women within the WTO, on government delegations to the WTO, and a total lack of a gendered perspective in all the WTO's agreements and processes.⁷⁷

V. WHY HAS GENDER MAINSTREAMING NOT BEEN APPLIED TO TRADE POLICY?

The striking failure of gender mainstreaming in the area of trade policy suggests that unlike human rights, education or health, the theory behind current economic policy is fundamentally opposed to the idea of having gender equality as one of its primary goals.

Carolyn Hannan, Director of the UN Division for the Advancement of Women, has argued that 'one of the reasons for the lack of progress [of gender mainstreaming strategies within the UN] is limited understanding among personnel in many organisations of the important linkages between gender perspectives and different sector areas.'⁷⁸ This may be true of the gap between gender mainstreaming and WTO policy-making.

⁷⁶ *ibid* 73.

⁷⁷ *ibid* 82.

⁷⁸ Hannan (n 13) 9.

However, if the member states of the WTO were firmly committed to having gender equality as a primary goal in all sectors, as they agreed in the Beijing Platform for Action, surely there now exists enough research on the relationship between gender and trade to prompt the implementation of a gender mainstreaming strategy in the sphere of international trade policy?

The real problem would appear to lie in the contradictory philosophies of neo-liberal economics and gender mainstreaming. At the heart of the gender mainstreaming strategy lies a commitment to human rights; as stated in the 1997 ECOSOC Agreed Conclusions on gender mainstreaming, '[t]he ultimate goal is to achieve gender equality.'⁷⁹ A human rights approach would seem to be an alien concept to neo-liberal economists, and therein lies gender mainstreaming's greatest challenge.

According to Riley, the 'reigning orthodox neo-liberal economic model . . . focuses simply on the market economy with growth and accumulation as its primary goals.'⁸⁰ This simple economic approach is concerned only with the supply and demand of goods and services within a free market system. Feminist economics, on the other hand, which employs gender as a central analytic lens, focuses on social provisioning, or how societies organize to provide for the sustaining and flourishing of life. In feminist economics, '[t]he health of an economy is to be judged on its success or failure in providing adequate, sustainable livelihoods for its citizens.'⁸¹

At the centre of neo-liberal economics is the rational economic man, who behaves in such ways as to pursue maximum gains. As Riley explains:

the neo-liberal concept of an individual motivated solely by self-interest excludes behaviors motivated by love, compassion, duty, altruism, the pursuit of art and beauty, equality and reciprocity in relationships, and care. In neo-liberalism, such selfless behavior is viewed as belonging to the non-market sector, such as the human family, the care of which has traditionally been assigned to women... and is not taken into account.⁸²

Chinkin, Wright and Charlesworth point out that an opportunity was lost in Beijing in 1995, as regards the widespread acceptance of neo-liberal economic theory, and the construction of ideas about the market

⁷⁹ Agreed Conclusions (n 22) para 1(A).

⁸⁰ Riley (n 63) 1.

⁸¹ *ibid* 2.

⁸² *ibid*.

and free movement of capital as natural and inevitable. They contend that:

no alternative voice was offered in opposition to the benefits of market policies: the goal was to ensure women's participation in and access to the dominant structures of the market, not to question their underlying assumptions or even to consider alternative models. The structural violence against women associated with these economic policies was not addressed.⁸³

It is clear then, that the current state of economic thinking presents a defining challenge to the transformative mission of gender mainstreaming. Gender mainstreaming should, in theory, be able to transform economic thinking from neo-liberal to feminist, or, people-centred. Many gender equality advocates consider gender mainstreaming to be the only strategy that will lead to the integration of gender equality and women's rights objectives into the so-called 'hard issues' of macro-economics and poverty eradication.⁸⁴ As Lourdes Beneria states, '... feminist economics transcends the more explicit project by questioning the very nature of economic analysis and its objectives, and it performs an important critical role for the profession as a whole.'⁸⁵ The values embedded in a feminist political economy, according to Riley, present a challenge to much of our current thinking across many topics. These values include human well-being as a foundational value, gender equality being central to human well-being; human rights, especially economic and social rights; women's personal autonomy within relationships of reciprocity; women's moral and political agency; and recognition and valuation of women's work of social reproduction – a value and an activity.⁸⁶

VI. AN INTEGRATIONIST APPROACH

Perhaps because the transformation of economic policy envisaged above presents such an enormous challenge, an integrationist approach to

⁸³ C Chinkin, S Wright and H Charlesworth, *Feminist Approaches to International Law: Reflections from Another Century* in INTERNATIONAL LAW: MODERN FEMINIST APPROACHES 17.

⁸⁴ cf *Women's Rights, the World Trade Organization and International Trade Policy* (n 67).

⁸⁵ L Beneria, *Gender, Development and Globalization: Economics as if All People Mattered* (Routledge New York 2003) 47.

⁸⁶ Riley (n 63) 5.

gender mainstreaming in the area of macro-economics has been advocated by the UN, and, as will be discussed shortly, has been adopted by the World Bank.⁸⁷ This approach does not situate gender equality as the primary objective, asking what economic policy can do for gender equality; rather it seeks to demonstrate what gender equality can do for economic policy.

The Office of the Special Advisor states in the UN guide to gender mainstreaming that:

while mainstreaming is clearly essential for securing human rights and social justice for women as well as men, it is also increasingly recognised that incorporating gender perspectives in different areas of development ensures the effective achievement of other social and economic goals.⁸⁸

According to the Office of the Special Advisor, 'it is important to be able to illustrate for economists that gender inequality is relevant to issues of economic growth and efficiency.'⁸⁹ Examples given of the link between gender equality and economic efficiency include research on agricultural productivity in Africa which shows that reducing gender equality could significantly increase agricultural yields, and World Bank reports showing that increases in women's well-being yield productivity gains in the future (the probability of children being enrolled in school increases with their mothers' educational level and extra income going to mothers has more positive impact on household nutrition, health and education of children than extra income going to fathers).⁹⁰

In September 2006, the World Bank established a Gender Action Plan entitled 'Gender Equality as Smart Economics.'⁹¹ The action plan commits the World Bank Group to 'intensify and scale up gender mainstreaming in the economic sectors over four years . . .', because expanding women's economic opportunities is 'nothing more than smart economics.'⁹² The World Bank does not adopt gender equality as a goal; it uses gender equality as a means to its existing ends. This is a delicate

⁸⁷ See World Bank Group *Gender Equality as Smart Economics: A World Bank Group Action Plan (Fiscal years 2007 – 10)* (September 2006) available at <<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGENDER/0,,contentMDK:21983335~pagePK:210058~piPK:210062~theSitePK:336868,00.html>> accessed 31 August 2009.

⁸⁸ *Gender Mainstreaming: An Overview* (n 11) vi.

⁸⁹ *ibid* 10.

⁹⁰ *ibid* 11.

⁹¹ *Gender Equality as Smart Economics* (n 87).

⁹² *ibid* 2.

stance, as the tilting of the balance in favour of existing economic policy objectives may risk the surrender of gender equality, so that it becomes a means to other ends, as opposed to an end in itself. On the other hand, when looking for ways to bring gender mainstreaming into contact with international trade policy after 14 years of resistance, it may be time to consider new approaches.

The World Bank Gender Action Plan states that:

Gains in women's economic opportunities lag behind those in women's capabilities. This is inefficient, since increased women's labor force participation and earnings are associated with reduced poverty and faster growth; women will benefit from their economic empowerment, but so too will men, children and society as a whole. Women's lack of economic empowerment, on the other hand, not only imperils growth and poverty reduction, but also has a host of other negative impacts, including less favorable education and health outcomes for children and a more rapid spread of HIV/AIDS. In sum, the business case for expanding women's economic opportunities is becoming increasingly evident; this is nothing more than smart economics.⁹³

VII. CONCLUSION

The gender mainstreaming strategy, established in the Beijing Platform for Action, had a bold mission, but that mission was not far-fetched. Gender mainstreaming assumes the existence of a human right to gender equality. The strategy's demands emanate from that basic assumption, and require no more and no less than the equal consideration of women, along with men, as part of the population around whom any policy is formulated or implemented.

For sectors such as international trade, which have operated on the assumption that their field is gender neutral – that their policies have no differential impact on women and men, respectively – the gender mainstreaming strategy presents difficulties, but not impossibilities. Whether governments and other actors choose to consider that women and men may have different experiences and needs when developing policies, depends entirely on their commitment to that basic human right of gender equality. Focusing on gender may reveal a need for changes in policies, or it may not. But respect for gender equality requires finding

⁹³ *ibid.*

that out. Respect for gender equality requires the re-examination of concepts, and the questioning of assumptions.

Increasing frustration with the failure of gender mainstreaming to cause broad transformation in economic structures has prompted many gender equality advocates to question whether the strategy is the most effective method of promoting women's rights and empowerment. Gender mainstreaming has been criticised for its confusing terminology, and for the supposed fact that no-one knows exactly how to go about implementing the strategy. It is submitted, however, that the real reason behind the failure of gender mainstreaming in the area of macro-economics is the lack of commitment by that sector to the ultimate goal of gender mainstreaming: gender equality. The basic premise of the gender mainstreaming strategy is simple. If it looked for it, the WTO would find plenty of guidance on how to implement the strategy from countless women's organisations and feminist economists. Therefore, it seems unwise to give up on the strategy altogether, if gender equality is to be seriously fought for.

The most effective method of advocating gender mainstreaming in the area of international trade might indeed be the compromise stated above: not to ask only what trade can do for gender equality, but to ask also what gender equality can do for trade. Gender equality is a fundamental human right, for which reason alone it deserves to constitute a primary concern among policy makers within the macro-economic framework. But as the World Bank has acknowledged, gender equality is also 'smart economics'. Indeed, the White Paper on Irish Aid states: 'Addressing gender inequality is about implementing the fundamental human right to equality. It is also essential to effective poverty reduction.'⁹⁴

If, however, the transformative mission of gender mainstreaming is to give way to a hand-in-hand approach in economics, in an attempt to put women's concerns on the table at all, gender equality and economic efficiency must be seen as twin goals. Gender equality as an equal end in itself must not be allowed to fade away. If this happens, there is no knowing when it will be brought back to life.

⁹⁴ White Paper on Irish Aid (n 37) 62.