

**Rethinking trade liberalization from a gender perspective:
evidence from free trade agreements:**

How are gender-related provisions integrated into the European Union's free trade agreements?

Pelin Sazak

Thesis submitted for assessment with a view to obtaining the degree of Master of Arts in Transnational Governance of the European University Institute

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ABSTRACT

Trade liberalization does not inevitably result in women's economic empowerment. Women continue to face higher trade costs. Trade policies have failed to consider how it disproportionately affects women. The European Union (EU) has increased its political discourse around gender equality in all areas of its trade policy. This paper explores the EU's free trade agreements (FTAs) from a gender dimension and asks the following research question: How are gender-related provisions integrated into the European Union's free trade agreements? A quantitative and qualitative content analysis will be used to assess 35 trade agreements that are in place between 2000-2022. Gender-related keywords based on the existing literature on trade and gender will be utilized to assess the gender-responsiveness of an agreement, by identifying their frequency and location in the text. The results show that gender responsiveness in the EU's trade agreements evolved positively between 2000 and 2022 but did not live up to the Union's rhetoric on prioritizing gender.

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1. Introduction

“Over the last two decades, trade policy in most countries has been geared towards trade liberalization and market opening” (United Nations Inter-Agency Network on Women and Gender Equality (IANWGE), 2011, p.2)

UN Women Watch resource paper indicates that the assumption under the precept of the Washington Consensus in the 1990s was “that free trade would facilitate the process of sustained economic growth and the development of productive capacities. [...] Liberalization of investments, deregulation of the private sector and financial systems along with the privatization of public-owned enterprises and services” are attributed to the characteristics of free trade (IANWGE, 2011, p.2). These would lead to higher levels of growth and productivity that expand employment opportunities and sustainable livelihoods for men and women equally, providing them with the same chances of benefiting from macroeconomic policies (IANWGE, 2011). The World Bank (WB) and World Trade Organisation (WTO) (2020) argue that free trade has improved the living standards of billions of people, leading to higher productivity, greater competition, lower prices, higher incomes, and improved welfare. Nevertheless, economic growth achieved through trade liberalization does not automatically lead to gender equality and women empowerment (Bahri, 2021). Trade liberalization has stimulated increased access to the global market for both women and men; however, trade policies have also historically failed to consider how it disproportionately affects women (Reinsch et al., 2021). WB and WTO substantiate that “women do not benefit from all trade practices encouraged by trade liberalization and women globally continue to face higher trade costs, are more frequently rejected for trade financing and tend to work in services sectors that face greater trade disruption” (Reinsch et al., 2021, p.3).

This thesis will analyze the distributional impacts of international trade by critically assessing the configuration of the European Union’s (EU) trade agreements from a gender perspective. It will be argued that gender equality consideration in trade agreements is the first step to making sure that both women and men benefit from trade liberalization equally. Hence, incorporating gender dimensions into trade agreements is essential to realize gender equality and women’s economic empowerment.

The EU’s free trade agreements between 2000-2022 will be assessed in a quantifiable way to scrutinize their gender-responsiveness level. The reason to focus on the 21st century comes from the development of the EU’s external policies and the increasing rhetoric around gender

equality. Analyzing the gender dynamics of the EU's trade agreements is a means to demonstrate how the EU complies with its own value-based trade policies to mainstream gender. This paper aims at providing insights into the EU's position in its external trade policy to later conclude whether the EU's approach to trade and gender is consistent or not.

The number of small and medium-sized businesses (SMEs) owned by women in Canada is significantly less than men. Only 15.7% of SMEs were owned by women in 2014, while 64.6% were owned by men, according to the Survey on Financing and Growth of Small and Medium Enterprises (SFGSME) (S. C. Government of Canada, 2018). The results of a survey conducted by PayPal Canada revealed a 58% revenue disparity, with women business owners making \$68,000 less yearly than their male counterparts (Paypal Canada and Barraza & Associates, 2018). "In 47% of companies surveyed in the EU, women employees account for 30% or less of the total workforce. At the management level, the number of EU exporting companies managed by women is as low as 18% while less than one out of three companies reach at least 30% of women in senior executive positions. Key strategic positions remain dominated by men" (ITC, 2021, p.14).

Against this background, this paper rethinks trade liberalization from a gender perspective through evidence from the European Union's trade agreements, and asks the following research question: How are gender-related provisions integrated in the European Union's free trade agreements? The sub-questions that will complement the main research question will be the following: (1) What do gender mainstreaming and gender responsiveness mean in terms of trade policy and trade agreements? (2) How can trade agreements promote the empowerment of women and foster gender equality? (3) How can gender responsiveness be assessed in trade agreements? Given the example above, (4) where does the EU actually stand on its external trade policy? (5) Which EU trade agreements contain gender-explicit provisions, and what kind of vocabulary and commitments are included?

To answer the questions outlined, the research combines a qualitative and quantitative content analysis where the agreements are sorted chronologically and parsed by using different pdfminer packages in Python programming language. The explicit and implicit keywords are counted and their location in the agreements is identified as the independent variables. Explicit "gender-related provisions are defined as any provisions mentioning explicitly women and gender-related issues" such as "gender" or "mother", while additional keywords to fully grasp the cross-cutting nature of gender-related issues are defined as implicit, such as "human rights"

or “sustainable development” (Monteiro, 2018). International Trade Center’s (ITC) gender responsiveness framework for free trade agreements will help guide the analysis of the research. The results of the content analysis will help illustrate how gender is mainstreamed in the EU’s free trade agreements. By critically assessing the agreements, it will better comprehend whether and, if so, how the EU embarks on the phenomena of gender responsiveness through sustainable development and human rights generics.

Next, important definitions of the key concepts that will be used throughout the paper will be provided. Then the literature review will introduce an overview of gender mainstreaming in trade agreements, the European Union and its trade agreements, and the nature and design of gender-related provisions in the trade agreements. The method used to assess the trade agreements will then be explained before presenting the result and analysis. Lastly, a discussion of the results and limitations will be presented.

1.1 Definitions

‘Gender responsiveness’ “refers to a process that assesses how sensitive, informed, or committed the provisions of a trade agreement are to issues relating to gender equality. In other words, the way and extent to which an agreement mainstreams gender equality considerations define how responsive that agreement is to gender equality concerns” (Bahri, 2021, p.11). “This term is sometimes used interchangeably with other expressions such as ‘gender sensitivity’, ‘gender commitment’ and ‘gender consideration’” (ITC, 2020, p.3).

‘Women’s empowerment’ “refers to the process of increasing women’s access to control over the strategic life choices that affect them and access to the opportunities that allow them fully to realize their capacities” (Bahri, 2021, p.10).

‘Gender mainstreaming’ is defined as “the (re)organization, improvement, development, and evaluation of policy processes so that a gender equality perspective is incorporated in all policies at all levels and stages, by the actors normally involved in policy-making” (*European Commission*, 2020). “[It] is a means to achieve gender equality [...] The process of mainstreaming affirms a member’s understanding, awareness, or political will reduce gender inequality through trade policies and agreements” (Bahri, 2021, p.11).

'Explicit gender-related provisions' is defined as any provisions in the trade agreements 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” (Monteiro, 2021, p.3). *Example of an explicit gender-related provision*: “Cooperation shall also help to facilitate equal access of men and women to all services and resources allowing them to fully exercise their fundamental rights, such as in respect of education, health, vocational training, employment opportunities, political decision making, governance structures, and private undertakings (Association Agreement between the EU and Central America, Article 47.3).”

“Implicit gender-related provisions' refer to provisions in trade agreements that address 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” (Monteiro, 2021, p.5). *Example of an implicit- gender-related provision*: “Reaffirming their commitment to the Charter of the United Nations signed in San Francisco on 26 June 1945 and having regard to the principles articulated in the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948. (FTA between the EU and Singapore, 2019)”

'Gender blind' refers to the “failure to recognize that the roles and responsibilities of women/girls and men/boys are ascribed to, or imposed upon, them in specific social, cultural, economic, and political contexts” (*Gender Blindness*, n.d.). It fortifies gender norms, roles, and relations, and thus fails to realize that policies, programs, and projects can have different impacts on women, men, girls, and boys. “Gender blindness often reinforces gender-based discrimination as it neither acknowledges nor attempts to address gender inequalities” (Dommen, 2021b, p.1).

The following section will present the relevant findings from the literature.

2. Literature Review

Women who have limited access to educational and technological opportunities find it challenging to work in export-oriented industries that are skills-intensive (ITC, 2021). Due to their lack of access to networks and financial resources that are more available to men, women typically put in longer hours, have lower-paying jobs, and face higher rates of sexual harassment (ITC, 2021). When women, accounting for half of the world's workforce, are excluded and prevented from contributing to growth and development, the global economy as a whole suffers (ITC, 2020). Under the United Nations (UN) 2030 Agenda for Sustainable Development (SDG) gender-responsive trade policies have come to the forefront. SDG 5 focuses on gender equality and the economic empowerment of women. Under sub-Goal 5.1, States have committed to “undertake reforms to give women equal rights to economic resources, as well as to ownership over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws” (Goal 5 | Department of Economic and Social Affairs, n.d., p. 5). Gender equality has thus become one of the cornerstones of sustainable development reflected by the increasing number of trade agreements worldwide that include gender-related provisions.

The research around trade policies, regulation, and their impact on women is relatively under-researched and gains little attention. This research aims to contribute to the gender and trade literature by demonstrating how gender equality and women’s economic empowerment are incorporated into EU trade agreements.

It is worthwhile to note that the paper does not aim to assess the impact of the trade agreements. Assessing gender responsiveness does not directly translate into assessing the impact of a trade agreement on gender equality and women’s economic empowerment (ITC, 2020), thus increasing gender responsiveness in trade agreements does not necessarily equate to positive gender impact (Reinsch et al., 2021). Measuring the actual impact of an agreement depends on and is shaped by the pre-existing socio-economic disparities and varying institutional capacities of a country, which goes beyond the scope of assessing the language of an agreement. Gender impact assessment is complex and necessitates more diverse gender-disaggregated data than is already available, therefore an analysis of the language of gender-related provisions of trade agreements does not enable to assess of their level of implementation in reality (Reinsch et al., 2021; Monterio 2018). Assessment of gender responsiveness of the trade agreements is an important step in avoiding the problem of insufficient sex-disaggregated data because it mainly

focuses on how these agreements recognize and aim at mitigating trade barriers to women (Reinsch et al., 2021).

2.1 Overview of Gender Mainstreaming in Trade Agreements

Gender equality is a fundamental human right that is protected by international law, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (Dommen, 2021a). How can trade agreements promote the empowerment of women and foster gender equality? UN Women Watch (2011) demonstrates that different policy measures can be used when mainstreaming gender issues in international trade. “Such instruments include (a) trade liberalization agreements; (b) unilateral liberalization¹; (c) tax incentives²; and (d) multilateral development assistance frameworks³.” (IANWGE, 2011, p.4). Among these measures, this paper will focus on trade agreements as a policy tool to mainstream gender in international trade to achieve gender equality and women’s economic empowerment. Trade agreements were chosen because they “influence the opportunities for women and men to access secure and decent employment and to benefit from international trade” (UNCTAD, 2020, p.5).

Embracing a gender-sensitive approach when trade agreements are negotiated can result in increased economic opportunities, improved access to the market, and reduce overall barriers for women. (Bahri, 2021). Dommen (2021) argues that the unequal impacts of trade were not recognized until recently and developing trade policy is to a great extent gender-blind. Trade agreements are categorized as gender blind when they fail to distinguish the different trade outcomes for men and women (GIZ, 2014). The trade agreement between the EU and Japan is an example of the gender-biased impacts of trade agreements since there is no explicit reference to women or gender, which suggests that it does not address the disproportionate effect of trade on women and gender inequalities. In contrast, the EU-Canada Comprehensive Economic and Trade Agreement (CETA) is a progressive trade agreement between the EU and Canada (CETA, 2022), because the Parties to the agreement have later conducted research to uncover trade barriers that women face; for example, their lower participation in trade compared with men.

¹ for example, unilateral reduction of tariffs on intermediate inputs in productive sectors with high female employment (UN WomenWatch, 2011)

² for example to encourage exports from women-owned enterprises. (UN WomenWatch, 2011)

³ such as Aid for Trade (AfT), the United Nations Development Assistance Framework (UNDAF), and the Enhanced Integrated Framework (EIF) for the Least Developed Countries (LDCs) (UN WomenWatch, 2011).

(UNCTAD, 2020b).

One of the first important signs of gender mainstreaming in trade agreements was brought forth in 1995 Beijing Platform for Action. It flagged 12 key areas where urgent action was needed to ensure greater gender equality and opportunities (12 Critical Areas, n.d.). The most recent and ground breaking development belongs to the WTO's 2017 Buenos Aires Declaration on Trade and Women's Economic Empowerment. 127 WTO Member States and Observers decided to work together, for the first time, to ensure that trade policies are gender inclusive and enhance women's participation in the international trade system (ITC, 2021). The proponents of the Buenos Aires Declaration agreed to collaborate on making trade and development policies more gender-responsive and removing barriers to women's economic empowerment and increasing their participation in trade (WTO, n.d.-a). This declaration recognizes the significance of gender-responsive policies in boosting economic growth worldwide and contributing to SDG 5.

There are important milestones that lead to increased attention toward incorporating gender in trade agreements. Some of these include explicit provisions concerning the elimination of sex-based discrimination in employment, realizing equal pay for women and men, or implicit provisions under human and labor rights. For instance, the trade agreement with Georgia explicitly mentions that cooperation activities based on an exchange of information and best practices “[aim] at enhancing *gender equality and ensuring equal opportunities between men and women*, as well as combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation” (Association Agreement between the EU and Georgia, 2016, Article 349. E). On the other hand, the trade agreement with Cariforum states⁴ implicitly refers to gender in its Article 191: by “[reaffirming] their commitment to the internationally recognized core *labour standards, as defined by the relevant ILO Conventions*, [...] the elimination of the worst forms of child labour and non-discrimination in respect to employment” (Economic & Partnership Agreement between the CARIFORUM States and the EU, 2008).

⁴ Parties' to the agreement are: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, Trinidad and Tobago, and the Dominican Republic

The evolution of gender-related provisions in trade agreements has captured the fact that women's economic empowerment and increased participation in trade is an essential and integral part of achieving socioeconomic development to the fullest. Incorporating gender perspectives in trade agreements is an indispensable dimension of an integrated development framework (IANWGE, 2011). Evidence suggests that incorporating women into the economic fabric of a country is not only beneficial for women but also for businesses and when the opposite is true, national competitiveness and the global economy suffer (ITC, 2021). If women participated in the economy in the same manner as men, it could add an additional USD 28 trillion to the global GDP in 2025 (*Women's Economic Empowerment - OECD*, n.d.). For some national economies, removing gender barriers might boost productivity by up to 25% (World Bank, 2012). According to the McKinsey Global Institute, eliminating the gender wage gap may increase the global GDP by \$12 trillion (McKinsey&Compnay, 2015). According to various surveys conducted by the ITC, there are still considerable discrepancies between men and women in terms of ownership and management; for instance, on average only one out of every five exporters are women-owned or -led firms. These are more likely to be found in specific industries like clothes and textiles (ITC, 2021).

Against this discrepancy, gender mainstreaming is a transformative tool to help achieve not only equitable opportunities but also maximize economic growth globally. Trade agreements can open up new markets for women exporters while also exposing sectors that are dominated by women to international competition (ITC, 2021). Consequently, Free Trade Agreements (FTAs) embody a crucial and decisive role in diminishing gender inequalities. Trade agreements encourage trading partners to establish laws and procedures that generate favourable conditions for women's participation in trade and commerce, and help them overcome barriers (Bahri, 2019).

An increasing number of Regional Trade Agreements (RTAs) have created different provisions that make explicit references to gender, and, particularly, this number has been increasing since the 1990s (Monteiro, 2021; Dommen, 2021b). This goes hand in hand with the paradigmatic changes and discussions in the international trade arena concerning the awareness of the disproportionate effect of trade on women. "More than a quarter of the 292 FTAs in force today and notified to the WTO have at least one gender-explicit provision" (ITC, 2020, p.1). Monteiro (2021) completed an analysis of 577 RTAs, which revealed that 83 of the RTAs included at

least one provision explicitly mentioning gender or women. This figure rises to 257 agreements when provisions referring implicitly to gender issues are considered (Monteiro, 2021).

There is a growing tendency to include gender in trade policy under the new trade agreements which incorporate non-trade concerns such as gender, human rights, or environment. Mainstreaming explicit gender provisions in trade agreements is a significant step in the right direction for eliminating gender discrimination and barriers that block women's access to trade and commerce (UNCTAD, 2020; ITC, 2020). These steps would in turn inevitably contribute to SDG5. For instance, "an explicit reference to gender equality in the core text of trade agreements [could help] increase political commitment and may increase the availability of funding for gender-related programmes of technical cooperation" (IANWGE, 2011, p.15).

2.2 The European Union and its trade agreements

"The European Union is the largest trading block in the world [and is] committed to sustainable development and gender equality" (UNCTAD, 2020, p.2). Gender equality and women's economic empowerment are described as a common good and a common goal of the international community, and the EU Action Service has stated that gender equality is part of the EU's DNA (Gammage, 2022; ITC, 2020; Commission, 2015). Article 8 of the Treaty on the Functioning of the European Union (TFEU) states that "in all its activities, the Union shall aim to eliminate inequalities, between men and women" (TFEU, 2016). Moreover, The Lisbon Treaty provides a legal framework to support and safeguard women in the EU's external actions, which also includes its trade relations (Treaty of Lisbon, 2007).

Integrating gender as an important part of the EU's trade policy is comparatively a new phenomenon (Gammage, 2022). According to the European Parliament's assessment of current EU trade agreements, the focus on achieving gender equality objectives seems especially limited in the trade policy realm. (Fontana, 2016). One of the important milestones in the EU's commitment to gender responsiveness in trade is when the European Parliament published its resolution of June 2015 on the EU Strategy for equality between women and men post-2015. It emphasized the need to mainstream gender in trade policy:

“The EU has a responsibility and a role as a model for gender equality and women’s rights, which should become a core concern in its external actions; whereas gender equality, the fight against gender-based violence and the empowerment of women are essential if the international development goals are to be attained and for successful EU foreign, development cooperation and international trade policies” (The European Commission, 2015).

This act was followed by the European Parliament resolution of March 2018 on gender equality in EU trade agreements which recognized gender as a cross-cutting aspect of all policy areas in the EU and its Member States to a larger extent. Gender mainstreaming in trade became the priority of the EU’s policy:

“It wishes the EU to play in the world and in working with the Member States, including their competent authorities with regard to the promotion of gender equality, both within and outside the Union’s borders, and to pursue these goals both through the concept of gender mainstreaming in all areas and through individual targeted and specific actions; stresses the need to integrate the gender perspective and the fight against gender violence into EU foreign policy, development cooperation policy, and international trade policy and to safeguard the necessary financial instruments and human resources” (European Parliament, 13 March 2018).

Most recently, the European Commission published its Gender Equality Strategy for 2020-2025, where it reaffirmed its commitment to both the Buenos Aires Declaration of 2017 and its external trade policy to take gender-related actions:

“The Commission will continue to actively promote gender equality through its trade policy, including through its active engagement on the issue in the World Trade Organisation. It will continue to gather gender-disaggregated data, to ensure that trade-related aspects of gender are adequately addressed in trade agreements and to consider gender impact in trade initiatives” (European Commission, 2020, p.18).

These initiatives indicate the EU’s willingness to mainstream gender into its trade policies and make its trade agreements gender-responsive. The EU member states have broadened the scope of their non-trade objectives with the intention to develop gender equality across and beyond the EU (Park & Shin, 2023). Despite these positive developments in recognizing the role of gender in trade agreements, there is still criticism concerning the inconsistency in the EU’s internal and external policies. Gammage (2022) argues that the EU overshadows gender equality considerations by primarily focusing on sustainable development and other human rights. She highlights the fact that there was no mention of the words ‘gender’, ‘women’, or ‘girls in the 2015 ‘Trade for All’ strategy. She concludes that “while the language of the trade strategy loosely aligned with the priority of the UN SDGs to ensure ‘no one is left behind’ in

the processes and development, Trade for All institutionalized the gender blind spot in EU trade policy” (Gammage, 2022, p.162).

2.3 *The Nature and Design of Gender-related Provisions in Trade Agreements*

Trade agreements are a means to support inclusive trade. Traditionally, specific provisions on gender were not included in FTAs, at most, they were references in the preamble of the agreements (Monteiro, 2018). Creating an even playing field for women and distributing the advantages of free trade equally to men and women are the goals of gender-related clauses (ITC, 2019). Gender-related provisions are heterogeneous and vary greatly in terms of their structure and location within the agreement which makes it more challenging to determine similarities and differences between them (Monteiro, 2021). Different forms of identification of gender-related provisions are:

“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 into 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” (Monteiro, 2021, p.4).

Many of the gender-related provisions found in RTAs are expanded upon in the first Global Trade and Gender Agreement (GTGA), which was negotiated by Canada, Chile, and New Zealand in 2020 (Government of Canada, 2019). The GTGA also establishes new gender-related provisions, such as the rule that gender equality laws and regulations should not be weakened or reduced to advance trade or investment (Monteiro, 2021). These gender-related provisions in new trade agreements are becoming increasingly detailed and specific, sometimes explicitly included in their own article or chapter (Dommen, 2021a). In the agreements creating the Common Market for Eastern and Southern Africa (COMESA) and the East Africa Community (EAC), the first chapters on "women and development" were introduced (Monteiro, 2018). “More recently, chapters on ‘trade and gender’ or ‘women and economic empowerment’ have been introduced in 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” (Monteiro, 2021, p.15).

It has been demonstrated that most of the gender-related provisions are found in non-specific articles (implicitly), which are defined as those provisions that cover topics like labor, intellectual property, and agriculture while also indirectly taking gender into account (Bahri, 2019). One of the main challenges with gender provisions is that they are often framed in the best-endeavour language rather than hard law obligations, constraining their implementation on the willingness and capacities of parties (Bahri, 2021; Mwape, 2015; ITC, 2020, p13). The most prevalent structure of gender-related provisions, found in 64 RTAs, are non-specific (implicit) articles on gender; however, a small but growing number of RTAs do include explicit articles or stand-alone chapters on gender (Monteiro, 2021).

The paper will next assess how the EU has integrated gender-related issues into their agreements and which EU trade agreements contain gender-explicit provisions, and what kind of vocabulary and commitments are included.

3. The Method: Quantitative and Qualitative Content Analysis

This paper will conduct a systematic analysis of gender-related provisions covering 35 EU trade agreements that are currently in place since 2000. The aim of this research is to obtain a more recent understanding of gender concerns in trade policy in the 21st century. The main text of trade agreements and other documents such as recommendation letters, modernization agreements, and other documents associated with the trade agreements have also been reviewed.

The research follows a similar approach that was adopted by Monteiro (2018) and WBG-WTO (2020) by making use of the former's explicit and implicit keywords. The keywords for explicit gender-related provisions are as follows: *Beijing Declaration (Platform for Action), Belém do Pará Convention, Buenos Aires Declaration, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), gender, woman, women, gender (in)equality, men, boy(s), girl(s), childcare, diversity, female, male, inclusive, maternal, maternity, mother(s), pregnancy, Sustainable Development Goal 5 (SDG 5).*

The keywords for implicit gender-related provisions that illustrate how gender concerns transcend multiple issues are as follows: *Cotonou Agreement, corporate social responsibility (CSR), culture, family, disadvantaged/vulnerable people, discrimination, ethic, fair trade, human rights, labor rights, minorities, sustainable development, International Labor Organization (ILO), Helsinki Final Act, European Convention for the Protection of Human Rights and Fundamental Freedom.*

Next, 35 of the EU Agreements since 2000 have been downloaded and saved as PDF files. The agreements are as following: *Mexico (2000), Israel (2000), Morocco (2000), Chile (2002), Jordan (2002), Egypt (2004), Algeria (2005), Lebanon (2006), CARIFORUM (2008)⁵, Cameroon (Central Africa, 2009), Pacific (2009)⁶, Côte d'Ivoire (West Africa, 2009), Western Balkans (Albania 2009, Montenegro 2010, Serbia 2013, North Macedonia 2014, Bosnia and Herzegovina 2015, Kosovo 2016), South Korea (2011), Eastern and South Africa (ESA, 2012), Iraq (2012), Colombia and Peru (with Ecuador, 2012), Central America⁷ (2012), Georgia*

⁵ Parties' to the agreement are: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, Trinidad and Tobago, and the Dominican Republic

⁶ Pacific states are: Papua New Guinea, Fiji, Samoa and the Solomon Islands

⁷ Central American countries: Panama, Guatemala, Costa Rica, El Salvador, Honduras, Nicaragua

(2014), Moldova (2014), Southern African development community (SADC, 2016)⁸, Kazakhstan (2016), Ghana (West Africa, 2016), Canada (2017), Armenia (2018), Singapore (2019), Vietnam (2020), the United Kingdom (2021), Japan (2022), Ukraine (2022).

The agreements are sorted chronologically and parsed by using different pdfminer packages in Python programming language. The explicit and implicit keywords are counted after each file (referring to agreements) is lemmatized and tokenized⁹. Keywords are counted in each file, parsed by sections, chapters, and articles, and results are reported. Protocol sections with a title such as “the description of the goods/products” or “list of goods/products” are excluded. The independent variables of the frequency of the keywords mentioned and their location in the texts will help the research to analyze the gender responsiveness level of the EU trade agreements.

Gender responsiveness is used to describe an agreement's perceived capacity to equalize market access and reduce trade obstacles for both genders, with a particular emphasis on women and it considers how a certain agreement reduces trade obstacles for women (Reinsch et al., 2021).

The results are analyzed in the context of the four critical junctures. These helped to fully grasp how EU trade agreements comply with its commitments to mainstreaming gender and being more gender-responsive. The four critical junctures were chosen as they represent the four most significant actions that the EU has taken with respect to gender mainstreaming in its trade policy. These are the following: (1) the 2015 Trade for All Strategy, (2) the European Parliament resolution on the EU Strategy for equality between women and men post-2015 (where the need to mainstream gender in trade policy has been emphasized), (3) the European Parliament resolution of March 2018 on gender equality in EU trade agreements (where it recognized gender as the cross-cutting aspect of all policy areas), (4) and the European Commission publication of Gender Equality Strategy for 2020-2025 (where it reaffirmed its commitments to Buenos Aires Declaration of 2017). The evolution of gender-related provisions among the EU trade agreements that are in place after 2015 will be given closer attention.

⁸ SADC EPA Group comprising Botswana, Lesotho, Mozambique, Namibia, South Africa and Eswatini (formerly Swaziland). Angola has an option to join the agreement in future (*EU Trade Relations with Southern African Development Community (SADC)*, 2023).

⁹ Lemmatization means reducing the inflectional forms and sometimes derivationally related forms of a word to a common base form (for example am, are, is = be) (Stemming and Lemmatization in Python, n.d.). Tokenization refers to splitting words into smaller units.

This paper draws on the method developed by the ITC gender-responsive framework for free trade agreements where it outlines 10 dimensions in its assessments.

“ITC SheTrades has designed a framework that incorporates dimensional, benchmarking, and diagnostic¹⁰ factors to assign a final numeric score to an agreement’s degree of gender responsiveness. The framework assigns up to two points on 10 dimensions, for a possible total of 20 points. An agreement is considered to have limited gender responsiveness if it scores below 33.33 percent (below seven points); evolving responsiveness if it scores 33.33–66.66 percent (7–13 points); and advanced responsiveness¹¹ if it scores above 66.66 percent (13.5 or more points)” (Reinsch et al., 2021, p12).

It aims to enable women to participate in international trade and to build a more women-inclusive and inclusive ecosystem (SheTrades Global | ITC, n.d.). It reinforces the significance of the nexus of gender and trade, elicits tools for policymakers to mainstream gender throughout trade agreements, and encourages the adoption of feminist trade policies.

The 10 dimensions are the following: frequency of relevant provisions, location of relevant positions, affirmation and reaffirmation, cooperation activities, institutional arrangements, procedural arrangements, review and funding, settlement of disputes, waivers, reservation, and exceptions, and finally minimum legal standards (ITC, 2020). This research draws on these 10 dimensions in the discussion and conclusion but does not apply a gender responsiveness score.

The quantitative analysis reveals the result for the first two dimensions, namely the frequency and location of the provision. The remaining dimensions will be further discussed in the results.

¹⁰ **“Dimensional:** Analysing gender content from different perspectives allows us to pinpoint where a free trade agreement performs well or poorly. This allows policymakers and negotiators to spot where significant upgrading could improve the overall gender responsiveness of an agreement. **Benchmarking:** This shows how well a given agreement performs compared to other ones. A standardized set of metrics shows levels of gender responsiveness, which can encourage a culture of accountability and continuous improvement among negotiators and policymakers. **Diagnostic:** A broad assessment that guides decisions to negotiate, revise or renegotiate a treaty to make it more gender-responsive. Evaluating the current gender responsiveness of agreements influence future trade negotiations and dialogues.” (ITC, 2020)

¹¹The ITC assessment framework categorizes trade agreements as exhibiting three levels of gender responsiveness: limited, evolving or advanced. FTAs with ‘limited’ gender responsiveness ‘are gender-blind or gender-neutral, as they fail to mainstream gender concerns’ while accords that have an ‘evolving’ level of gender responsiveness ‘use some best practices to mainstream gender concerns and have significant scope to improve’. To achieve an ‘advanced’ level of gender responsiveness, the FTA will ‘use best practices’ and there will be ‘no or negligible scope for further improvement’ (ITC, 2020).

4. Results and Analysis

The results show how gender-related provisions are integrated into the European Union’s trade agreements since 2000. The following sub-questions will be further answered: which EU FTAs contain gender-explicit provisions? What do EU FTAs’ gender-explicit provisions contain? What type of vocabulary and what type of commitments? The 10 dimensions identified by the ITC’s gender-responsiveness framework for free trade agreements will be held as guidance in assessing the agreements.

Figure A.1, A.2, and Figure B presents the frequency of relevant provisions. Figures A.1 and A.2 are two different illustrations of the same data, showing the number of times explicit gender-related keywords are mentioned in the 35 trade agreements. Trade agreements with Chile, Central America, ESA, Armenia, and the United Kingdom are those in which the term women and gender has been most frequently mentioned. It is expected that the trade agreement with Chile is among the ones containing more gender-explicit provisions, given Chile's role as a pioneer in the inclusion of gender perspective into trade agreements (López et al., 2019).

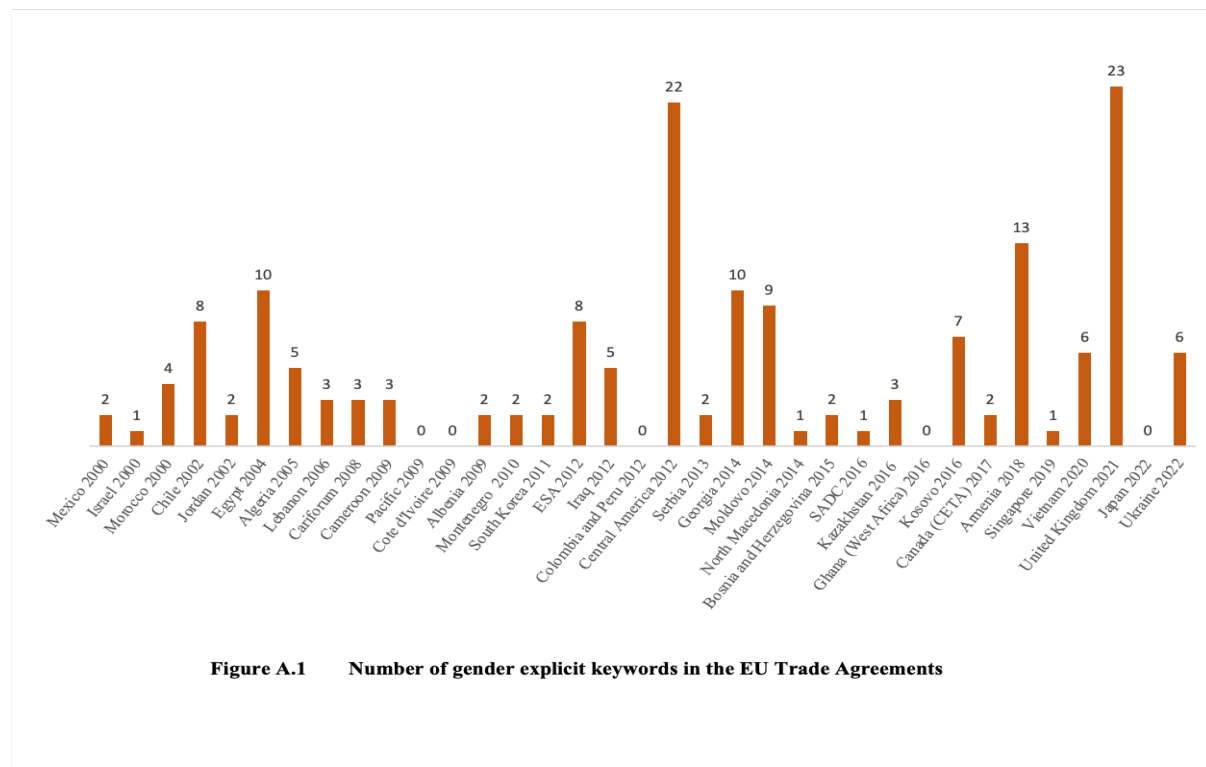


Figure A.1 Number of gender explicit keywords in the EU Trade Agreements

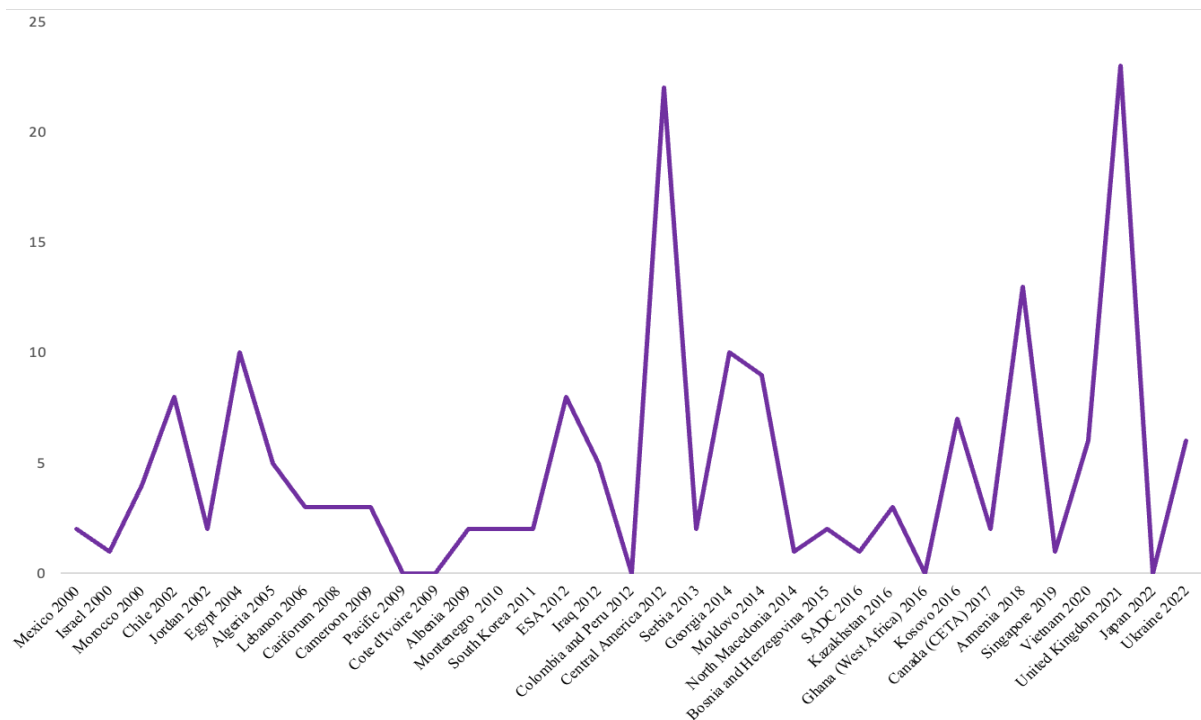


Figure A.2 Number of gender explicit keywords in the EU Trade Agreements

Figure B shows both explicit and implicit keywords that exist in each agreement, divided into 3 different bar charts for easier visual representation. The orange bars represent explicit keywords whereas the blue bars represent implicit gender-related keywords. There is an overwhelming difference for most of the agreements between the number of times explicit versus implicit gender-related provisions is mentioned, with the latter drastically outweighing the former. “[The inadequate] explicit reference to gender equality marks the lack of interest of the redactors towards the subject while sustainable development and economic growth are way more often quoted within preambles” (Steiner & Engstrand, 2021, p. 21).

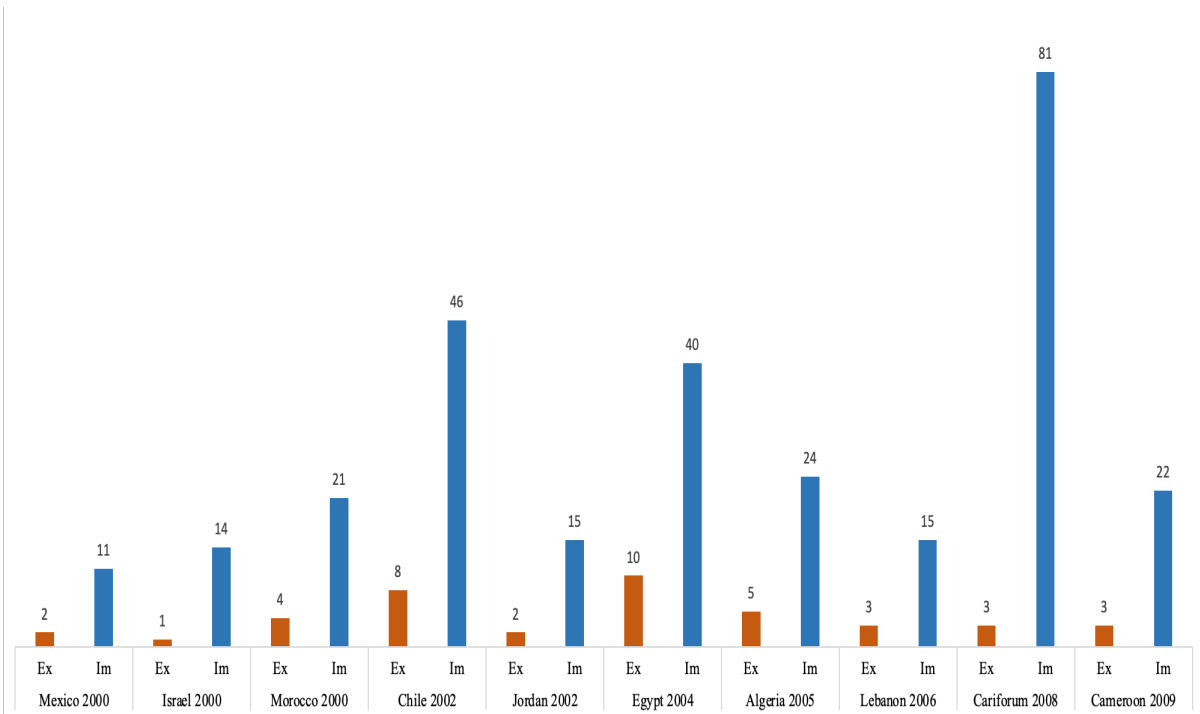


Figure B Number of explicit and implicit gender-related keywords in the EU Trade Agreements (1)

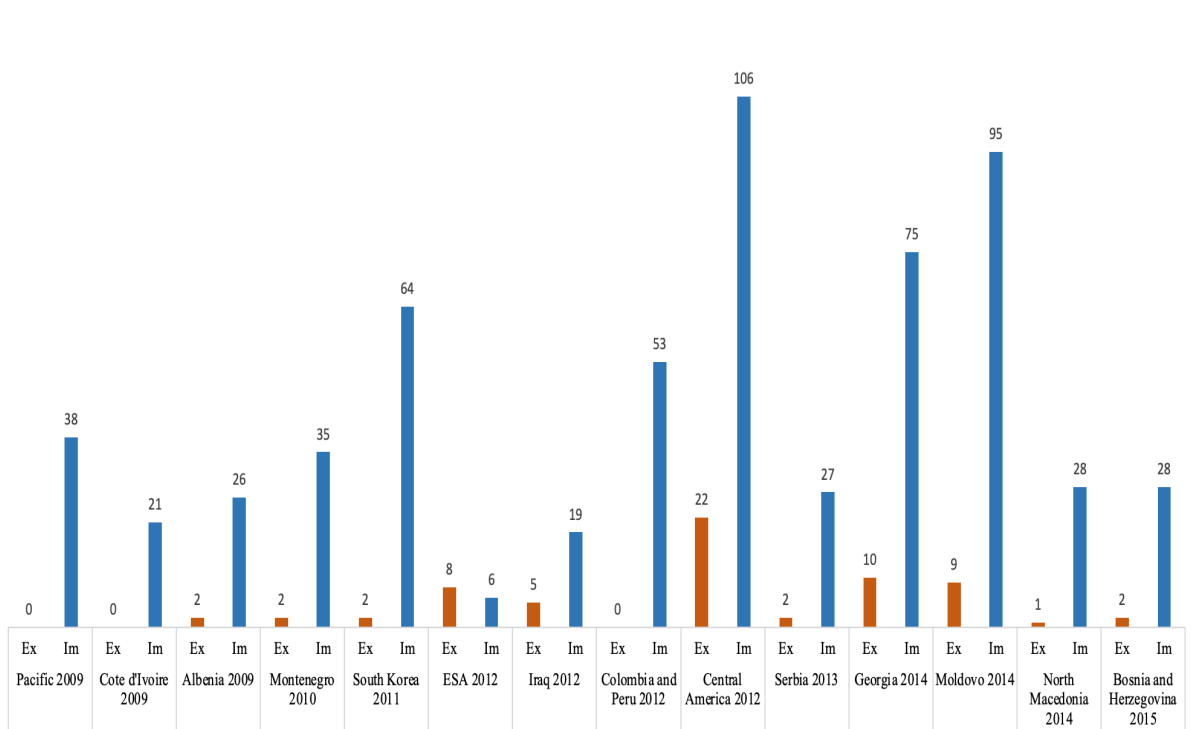


Figure B Number of explicit and implicit gender-related keywords in the EU Trade Agreements (2)

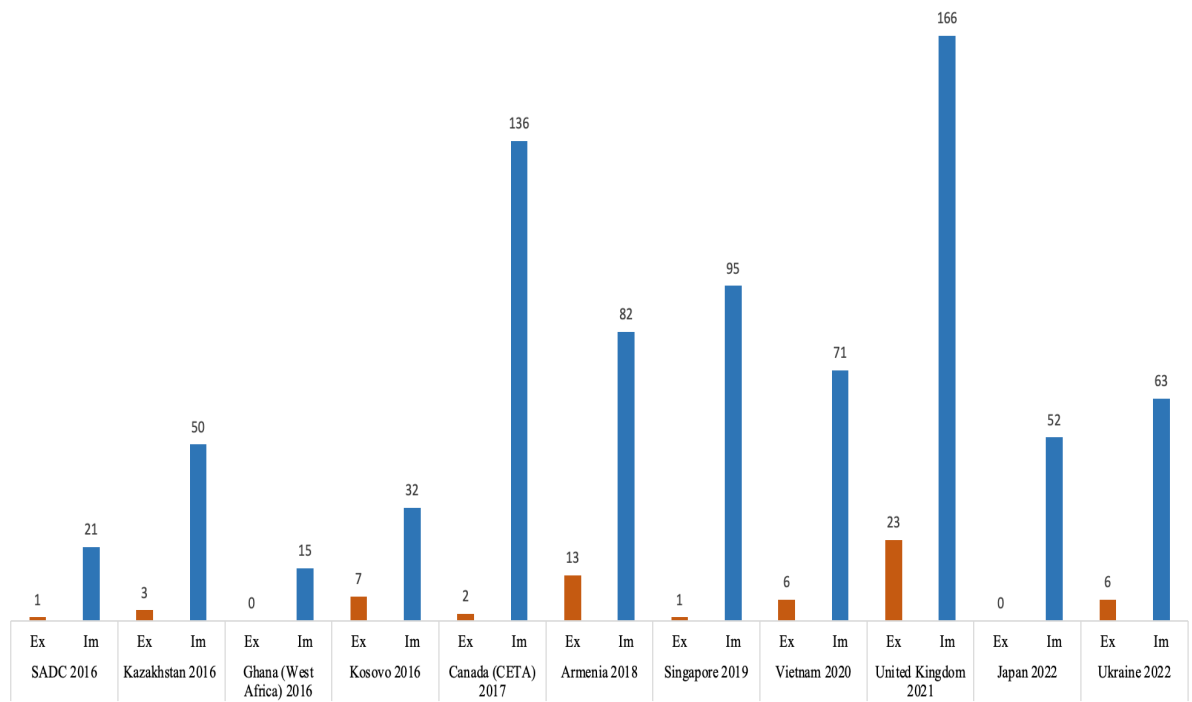


Figure B Number of explicit and implicit gender-related keywords in the EU Trade Agreements (3)

Out of the 35 agreements, explicit gender-related keywords were mentioned 171 times. The words “women”, “female” and “gender” were mentioned 119 times in 29 agreements. The remaining 6 trade agreements with Côte d'Ivoire, Pacific, Colombia, and Peru, SADC, Ghana, and Japan do not involve any explicit-gender related provision:

The lack of explicit gender-related provisions in the EU’s 2022 trade agreement with Japan needs to be stressed since it is one of the most recent agreements that are in place. It remains problematic given that the EU vowed to ensure that trade-related aspects of gender would be addressed in its agreements. (The EU Gender Equality Strategy, 2020).

Only the EU-Iraq trade agreement from 2012 contains a gender-related provision in its preamble. It “recognizes the need to strengthen women’s role in political, civil, social, economic, and cultural spheres, as well as to fight discrimination” (Partnership and Cooperation agreement between the EU and Iraq, 2012, preamble). Nonetheless, almost all of the agreements reaffirm their commitment to human rights by including a reference to human rights in their preamble. There is a significant reference to the United Nations Universal Declaration of Human Rights and the Charter of the United Nations which themselves include reference to gender equality or equality between men and women.

Bahri argues that even though including gender equality considerations in the preamble is an effective way to mainstream gender equality concerns in trade agreements, such clauses do not include concrete commitments and “can neither be enforced nor implemented unless they are coupled with further inclusion of related commitments in the agreement’s text” (Bahri, 2021, p.16). Despite their lack of enforceable power in the preamble, gender clauses still need to be increasingly incorporated into preambles as a decisive factor in framing the main objectives and deliverables of the trade agreements.

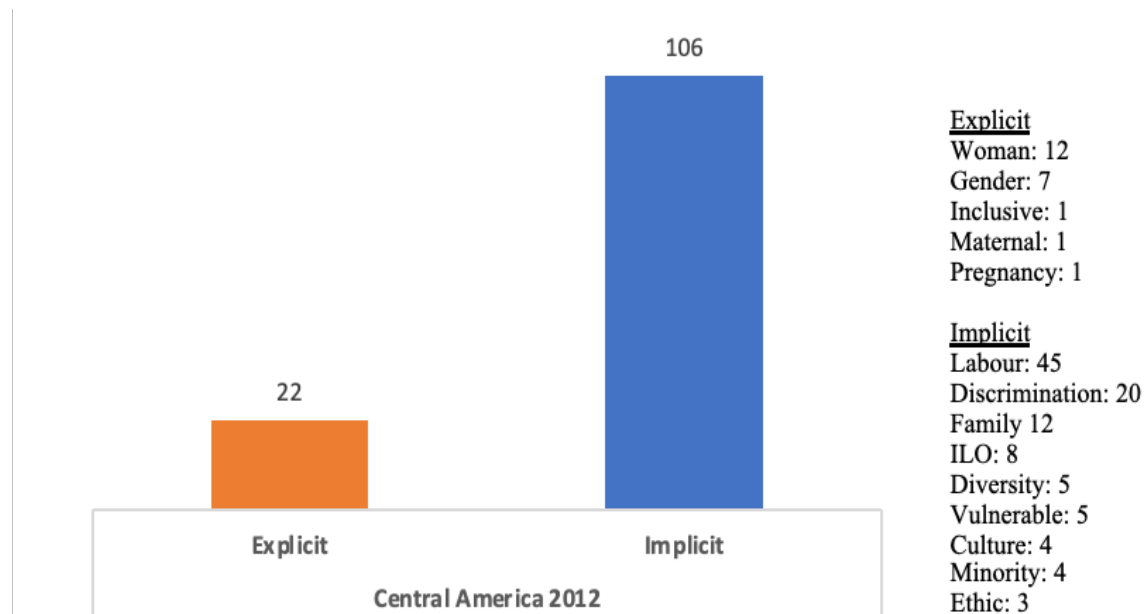


Figure C Trade agreement between the EU and Central America

Figure C demonstrates how many times and what type of keywords are mentioned in the Agreement between the EU and Central America. The agreement demonstrates the intention to mainstream gender as it refers to gender equality as a cross-cutting issue within all areas of cooperation in Article 25 of the cooperation chapter. Most significantly, it contains a gender article, article 47 of Title III Social Development and Social Cohesion. Article 47 on gender substantiates the great extent of cooperation-based affirmation and reaffirmation dimensions of the ITC framework. It implies incorporating a gender perspective in all the relevant fields of cooperation and refers to existing international conventions such as CEDAW. Additionally, it stipulates that the parties must encourage gender perspectives in their public policies and development strategies and evaluate the effects on women.

“The Parties agree that cooperation shall help to strengthen policies, programmes, and mechanisms aimed at ensuring, improving, and expanding the equal participation and opportunities for men and women in all sectors of political, economic, social, and cultural life, in particular in view of the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Where appropriate, affirmative actions in support of women shall be envisaged” (EU-Central America Association Agreement, 2012, Article 47.1).

The EU-Central America agreement also contains gender-related clauses in its chapters on political dialogue and trade and sustainable development. It reaffirms the Parties' commitment to effectively implement in their laws and practices the UN Economic and Social Council on Full Employment and Decent Work, and ILO Declaration of Fundamental Principles and Rights in Work which one of its concerns entails Equal Remuneration for Men and Women Workers for Work of Equal Value (ILO, 2022).

The EU-Chile agreement is the only other agreement, alongside the EU-Central America agreement, that makes explicit mention of gender in its chapter's denomination. Article 25 of the cooperation chapter refers to 'cooperation related to gender and can be understood as a means to gender mainstreaming:

“Cooperation should promote the creation of an adequate framework to (a) ensure that gender and gender-related issues can be taken into account at every level and in all areas of cooperation including macroeconomic policy, strategy, and development operation” (EU-Chile Free Trade Agreement, 2002, Article 25).

The modernized EU-Chile Association Agreement is the most progressive step towards mainstreaming gender equality in the EU's trade agreements. It will be the most advanced gender-responsive EU trade agreement as it will be the first EU FTA to contain a gender chapter (Gammage, 2022). Draft provisions on Trade and Gender Equality in the context of the modernization of the EU-Chile Association Agreement (2018) explicitly indicate gender equality as one of the areas of cooperation and created “Chapter 27: Trade and Gender Equality” (EU-Chile, n.d.). It emphasizes providing equal opportunities and treatment for women and men, overcoming barriers to women's participation in the economy, and recognizing the significance of inclusive trade policy. It is important to emphasize that the text explicitly highlights the disproportionate effects of trade liberalization on women by reminding the Parties of their obligations under the Beijing Declaration and Platform for Action, CEDAW, and ILO Convention, as well as SDG 5 of the 2030 Agenda for Sustainable Development, which calls for gender equality and the empowerment of women and girls.

One of the most significant features of the draft negotiation in comparison to the existing EU free trade agreement is that it goes beyond merely mentioning gender equality through cooperation sections but also builds on institutional frameworks, monitoring and review, and dispute settlement mechanisms. It requires parties to undertake to gather and exchange information and share best practices and experiences. Most significantly, Article 5 (institutional arrangements) of the draft negotiation creates institutional arrangements that establish a Sub-Committee on Trade and Gender with an extensive list of deliverables and dispute settlement mechanisms (European Commission, 2022). The Sub-committee on Trade and Gender is a transformative shift in the EU's external policy that goes hand in hand with its rhetoric after 2015 where it highlights gender equality as a forefront issue. The draft negotiation is especially coherent with the European Parliament's 2018 resolution concerning gender equality in EU trade agreements and its objective of making the FTAs more gender-responsive.

Agreements between the EU and West African, SADC, and Pacific states base their reaffirmation on the Cotonou Agreement. As an implicit keyword, it has been mentioned 32 times in Cariforum, 12 times in Cameroon, 29 times in the Pacific, and 17 times in Côte d'Ivoire trade agreements. The Cotonou Agreement is the backbone of the partnership between the European Union (EU), EU Member States, and 79 African, Caribbean, and Pacific (ACP) countries (Cotonou Agreement, 2000). It comprehensively reaffirms the commitment to the equality of men and women and makes a reference to the consideration of CEDAW in its preamble and Article 1¹². The preamble of the trade agreement between the EU and Pacific states implicitly incorporated gender equality concerns through references to the Cotonou Agreement:

“Reaffirming their commitment to the respect for human rights, democratic principles, the rule of law, and to good governance, which constitute essential and fundamental elements of the Cotonou Agreement, and to sustainable and equitable development [...]” (Cotonou Agreement, 2000, preamble)

Many provisions concerning gender are found in the cooperation and the field of education and training sections of the trade agreements. Cooperation provisions are heterogeneous across agreements and take different forms. Nevertheless, they commonly stress cultural and regional cooperation, education and vocational training, and in general labor, health, and social policy clauses. These cooperation mechanisms are rarely subjected to dispute settlement procedures.

¹² ...Systematic account shall be taken of the situation of women and gender issues in all areas — political, economic and social. The principles of sustainable management of natural resources and the environment shall be applied and integrated at every level of the partnership (Cotonou Agreement, 2000, Article 1) (European Union, 2000b)

The EU-Canada Free Trade Agreement's clause on gender discrimination as a violation of the principle of fair and equitable treatment is one of the few exceptions that is submitted to the dispute settlement procedures set by the trade agreement (Bahri, 2021).

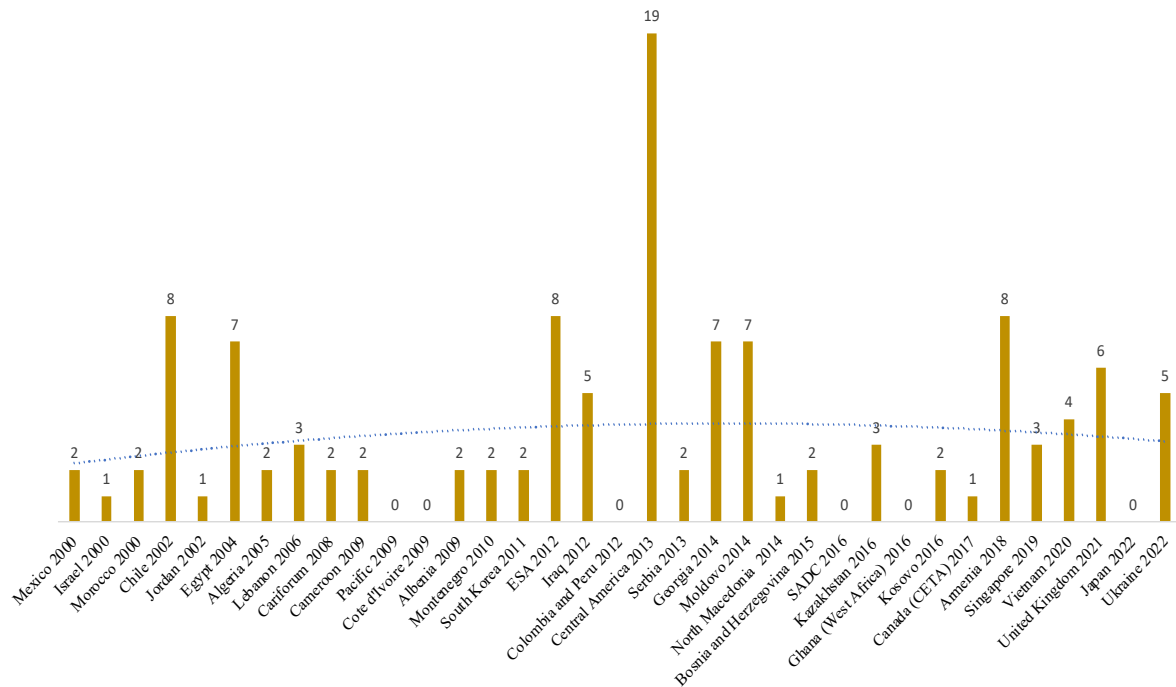


Figure D Number of times “women,” female” and “gender” has been mentioned

Figure D demonstrates the number of times the words “women”, “female” and “gender” have been mentioned. The trendline in Figure D (blue-dotted line) shows the relationship between the number of times “women”, “female” and “gender” are explicitly mentioned throughout the time period. A positive relationship would demonstrate that the trade agreements become more gender-responsive. It is not observed since the trendline is more or less flat which indicates no clear patterns between the two variables. It also illustrates that the gender responsiveness of EU trade agreements is not increasing in line with the increasing political rhetoric on trade and gender on the part of the EU.

After 2016 when the EU started to increasingly consolidate its commitment to incorporating gender into its trade policy, 11 agreements are in place: Southern African development community (SADC, 2016), Kazakhstan (2016), Kosovo (2016), Ghana (West Africa, 2016), Canada (2017), Armenia (2018), Singapore (2019), Vietnam (2020), the United Kingdom (2021), Japan (2022), Ukraine (2022). The Modernization Agreement for the EU-Chile also falls under this period. In those agreements, gender-explicit keywords are mentioned 62 times, of which 32 of which refer explicitly to “women”, “female” and “gender”.

The agreements with Ghana and Japan do not include any gender-explicit provisions. ESA trade agreements contain only 1 gender-explicit clause in Article 68 concerning cooperation on agriculture, which refers to the importance of an *inclusive* rural economy. Whereas the agreements with Armenia and the United Kingdom contain more gender-explicit provisions.

The Trade Agreement with the EU-ESA turns out to be the only agreement in which the term ‘gender mainstreaming’ is explicitly mentioned. Article 38. h of its Economic and Development Cooperation chapter refers to the scope of development objects and regional integration within the areas and section where gender mainstreaming is explicitly mentioned as its part. Article 35, on the other hand, “encourages the participation of marginal groups in the fishing industry, for example through the promotion of gender equality in fisheries by developing the capacity of women engaged in fisheries” (Interim Economic Partnership Agreement between the EU-ESA, 2012, Article 35). The 2020 document of the EU’s proposal for a legal text on ‘Trade and Sustainable Development in the EU-ESA5 Deepening of Interim Agreement’ recognizes that inclusive trade policies can contribute to advancing women’s economic empowerment and equality, in line with SDG 5 of the UN 2030 Agenda on Sustainable Development (EU, 2020). However, gender equality being mentioned under the broader goal of trade and sustainable development could hinder it from gaining particular attention that needs particular solutions.

The EU’s Comprehensive and Economic Trade Agreement (CETA) with Canada mentions explicit gender-related provisions only 2 times and makes just one reference to gender in Article 8.10 of its section for investment protection. Article 8.10 is about the treatment of investors and of covered investments that refers to:

“A Party breaches the obligation of fair and equitable treatment...if a measure or series of measures constitutes:(d) targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief” (CETA, 2017).

This provision encourages women-owned firms to invest abroad without worrying about sex-based or other forms of discrimination against their owners’ sex. This is the only gender-explicit provision that can be attracted in front of a dispute resolution process. Such a clause is particularly effective since it allows for the direct enforcement of foreign investors' rights before arbitral tribunals without the need for their States' mediation; however, it has a very narrow scope of application because it only covers foreign investors, not exporters (Steiner & Engstrand, 2021).

The CETA negotiations rounds opened soon after the agreement took place. Conscious efforts were taken by publishing CETA recommendations on trade and gender, the Joint Activity Report of *‘Working together to advance Trade and Gender’* as well as, Trade and Gender workshops since 2018. These documents prove a comprehensive work plan on trade and gender that overlaps with the EU’s external policy on mainstreaming gender in all areas of cooperation. Common distinguishing characteristics of these documents are the following: reinforced emphasis on information-sharing, detailed implementation plan, enhanced cooperation, exchanging policies, and fostering stakeholder engagement. The objective is to increase the participation of women in international trade, giving particular attention to women entrepreneurs and women-owned businesses.

“Gender recommendation is a joint recognition of gender-based trade barriers and a commitment to overcome such barriers by [...] exchanging experiences and best practices related to the gender-based analysis of trade policies” to develop gender-responsive trade agreements (UNCTAD, 2020, p.13). These objectives demonstrate important results for this research question since the parties have developed standalone recommendations on trade and gender where they create work plans with detailed implementation and monitoring mechanisms.

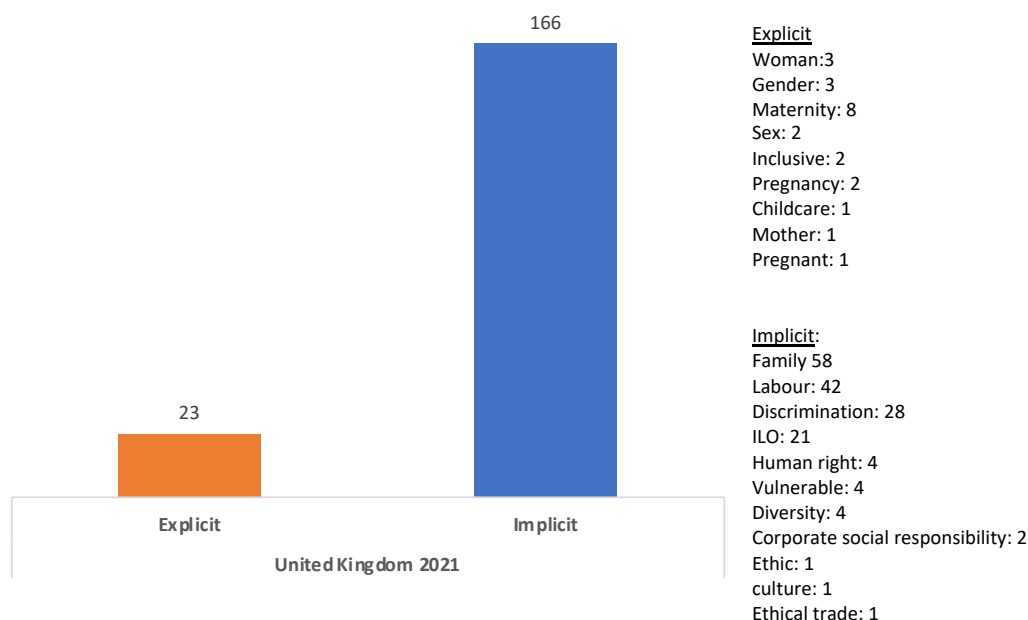


Figure E Trade agreement between the EU and the UK

The gender-explicit provisions with Kazakhstan (article 231. h), Kosovo (Article 106), Armenia (Article 84 and 85), Singapore (Article 12.4), Vietnam (Article 13.14), and Ukraine

(Article 291, 419, and 421) are mentioned either on the cooperation related chapters in various fields (for instance cooperation on employment, labor relations, social policy, equal opportunities,) or on chapters on trade and sustainable development. The trade agreement with the UK is the most gender-responsive trade agreement that is in place since 2016 with the highest number of gender-explicit provisions, as Figure E demonstrates.

Newer agreements that are in place tend to incorporate a gender dimension into the chapters under trade and sustainable development. The research argues that this phenomenon lowers the gender-responsiveness level of the trade agreements because of the lack of explicit attention given to the different effects of trade on women. For example, the trade agreements with Singapore, Vietnam, and Ukraine align with the characteristics of the new agreements where gender-related clauses are mentioned under the trade and sustainable development chapters. These agreements demonstrate cooperation-based affirmation either in the Articles or Annexes where they reaffirm their commitment to the ILO Decent Work Agenda concerning trade and full and productive employment for all, including women (ILO, 2015).

5. Limitations and Discussion

5.1 *Limitations*

A comprehensive analysis of the gender-responsiveness of trade agreements not only includes the main agreement but also additional documents such as recommendations, protocols, and impact assessments. Other relevant documents include negotiations rounds for the modernization of agreements, such as the Modernization Agreement between the EU-Chile and CETA recommendations on trade and gender. The large number of publications and additional documents, as well as the critical analysis of these agreements, was a meticulous and time-consuming task. Certain less relevant documents such as meeting notes needed to be excluded, therefore, the collection of samples for the method is one of the limitations of this research. Future research with less time constraints could address this by exploring a larger sample of documents.

The analysis was conducted with pdfminer, which is packaged in the Python programming language. The final code used caused some methodological errors that later required the author double check the results by searching the documents and counting the keywords manually. The detected keywords and their location needed to be re-inspected regarding the language and scope of the provisions since some of the results were found to be irrelevant to the context. For example, the keyword ‘inclusive’ was mentioned to non-related topics that would have misled the analysis. Likewise, sometimes when the word “diversity” was spotted, it was related to biodiversity which is irrelevant in the context of this research. The code also failed to parse some of the keywords when counting, for example, the term culture was counted within ‘agriculture’. Finally, sections irrelevant to the analysis, such as those describing goods and products for trade, had to be excluded from the assessment. In fact, in some cases, the Python code failed to exclude these sections entirely and had to be corrected later. These methodological errors were corrected by reviewing, comparing, and fixing the results manually and with the WTO database on gender provisions in RTAs¹³.

ITC’s gender-responsive framework for free trade agreements provided a decisive guideline to evaluate the results of the agreements and gain valuable insights to analyze the gender-responsiveness level. However, the framework’s scores could not be applied due to a lack of resources and time. Incorporating the framework entirely and adapting the methods developed

¹³ (WTO, n.d.-b)

would provide more fruitful and quantifiable results for policymakers to mainstream gender during the preparation of new trade agreements. The framework, however, guided the research when analyzing the results. Future research, however, can build on this by taking the next step and applying the ITC gender-mainstreaming scores to provide a more precise view. Additionally, this research can be a stepping stone towards further research looking at the impact of trade agreements in its case-based context.

5.2 *Discussion*

Overall, this research uncovered how gender-related provisions are integrated into the EU's trade agreements since 2000. The gender-explicit keywords have been mentioned a total of 171 times in all the trade agreements, throughout 2000-2022, 119 of which were "women", "female", or "gender". The 11 trade agreements signed after 2015 include in total 62 gender-explicit keywords, 32 of which refer explicitly to "women", "female" and "gender". Most of these explicit gender-related provisions are found in the cooperation sections of trade agreements and they feature cooperation-based affirmation and reaffirmation clauses. Specific international agreements that deal with issues of women's rights or gender equality are mentioned explicitly in most of the EU trade agreements in which parties seek to reaffirm the legal obligations they have agreed to under other international agreements like the CEDAW, ILO conventions, or UN Sustainable Development Goals. Most of these references are also found in the preamble which provides insight into the objective and motivation behind the agreement.

The results also show that the scope and language of the explicitly gender-related provisions before and after 2015 have not advanced, rather are formulated along a similar language and scope. For instance, the EU-Armenia FTA (2018) and the EU-Georgia FTA (2014) contain very similar explicit gender provisions, whereas the EU-United Kingdom FTA (2021) just calls for cooperation like most FTAs signed prior to 2018 (Steiner & Engstrand, 2021).

The research concludes that the ongoing EU political agenda which has increasingly emphasizes the importance of gender in all of its areas of cooperation since 2015 is in fact contradictory. The results show that gender responsiveness in the EU's trade agreements evolved positively between 2000 and 2022 but did not live up to the Union's rhetoric on prioritizing gender. Some of the most recent trade agreements do not involve standalone

chapters on gender, let alone a single gender-explicit word. Although 30 out of 35 agreements included gender-explicit provisions in their text, the number of times the keywords such as “women”, “female”, or “gender” were mentioned remained significantly limited. The agreement with Central America, the UK, and CETA recommendations on trade and gender, as well as the modernization of the EU-Chile Association Agreement, were exceptions, as they mentioned the keywords “women”, “female”, or “gender” significantly more. Even when these keywords are mentioned, they mostly fall under the cooperation sections or are included under the ‘trade and sustainable development’ chapters without any attribution to dispute settlement mechanisms. This suggests that the EU fails to mainstream gender throughout its FTAs despite the increasing political rhetoric around it. Most significantly, the 2022 trade agreement with Japan which lacks any gender-related provisions, highlights the EU’s failure to its commitments to make its trade agreements more gender-responsive.

Gender-explicit references are found to be framed implicitly through the language of human rights and sustainable development. The limited level of gender responsiveness in its more recent trade agreement, despite the ongoing discourse on the importance of gender mainstreaming, reflects its political inconsistency. To conclude that the EU’s FTAs are becoming more gender-responsive, in line with its political discourse and external action plan since 2015, one would expect to observe an increasing number of gender-explicit clauses that go beyond the mere cooperation-based affirmation and reaffirmation notion. Moreover, these provisions should be attributed to dispute settlement mechanisms, established monitoring and assessment procedures, as well as institutional arrangements to truly reflect the EUs gender equality discourse. However, as the results show, this is mostly not the case.

There are significant inconsistencies in how the EU applies its gender mainstreaming policies. In terms of sustainable development, “it has been widely recognized that the EU’s commitment to values-based trade policy can diminish when it is exploring access to new markets, either because values between the partner country and the EU do not align or because the EU has a material strategic interest in the market and is willing to forgo its self-professed commitment to values” (Gammage, 2022, p.161). This demonstration would only further the criticism of the inconsistencies in the EU’s policy to trade and gender.

One of the fundamental problems with several of the gender-related clauses is that they are couched in ‘best endeavor’ and collaboration language, and despite occurring in numerous places in the text, very few of these provisions are actually enforceable or binding (Bahri, 2021).

More recent agreements are observed to have a Trade and Sustainability section where gender equality concerns are incorporated. For example, gender equality clauses are mentioned under the Trade and Sustainable Development section of the following agreements: Annex 13 of South Korea (2011), Chapter 9 of Armenia (2018), and Section B of Singapore (2019)¹⁴. Gender-related provisions included as part of wider trade-related aspects such as sustainable development, and not as an integral part of the text, were found to be problematic and restrictive in the gender responsiveness of an agreement. This research argues that incorporating gender equality concerns alongside other human rights and environmental provisions to a great extent hinders gender from being mainstreamed in the agreement as a whole agreement. It could lead to the de-prioritization of gender equality and overshadow its primary goals. This could create unintended consequences for women in terms of restricting job opportunities and causing job losses. Therefore, it is important to consider the social impacts of overshadowing gender concerns by simply compiling them together with environmental and sustainable development provisions.

The UN Women Watch resource paper highlights important considerations when approaching and analyzing trade agreements critically by introducing ‘adding-on shortcoming’ and ‘evaporation shortcoming’ (IANWGE, 2011). ‘Adding on shortcoming’ means that gender concerns are often treated as an afterthought, meaning that the gender-differentiated impacts of trade agreements are assessed after the most essential stages of trade policy formulation and negotiations have been already completed (IANWGE, 2011). Additional documents to the agreements such as Sustainability Impact Assessments or CETA Recommendations on Trade and Gender are examples that demonstrate the afterthought of gender considerations. ‘Evaporation shortcoming’ refers to discussing and evaluating gender-related concerns during negotiations, but without reaching concrete measures to incorporate into the core of trade agreements. (IANWGE, 2011). This can be exemplified by the 2022 trade agreement with Japan where there is no explicit mention of gender-related provisions, or, more generally, the fact that there is no standalone gender chapter in the trade agreements of the EU. To overcome this shortcoming and make the EU trade agreements more gender-responsive, it should encourage its constituencies to conduct a gender-related assessment of trade agreements in parallel with,

¹⁴ Comprehensive and enhanced Partnership Agreement between the EU and Armenia, 2018, Article 284
EU-Singapore Free Trade Agreement, 2019, Article 12.4.h
The EU-Republic of Korea free trade agreement, 2011, Annex 13.1.k

or prior to the negotiation of the trade agreement (IANWGE, 2011). One of the reasons why gender has been largely neglected in the negotiation process is the insufficient social impetus, political salience, and the lack of gender diversity in stakeholder consultation (Reinsch et al., 2021). The inconsistent gender mainstreaming in the EU trade agreements displays a lack of political will and commitment to addressing gender-related concerns. This paper suggests that ITC gender-responsiveness framework is a suitable and effective means for policymakers to integrate it into their work in this regard.

Countries with a history of integrating gender-explicit provisions in their FTAs, such as those in Central and South America, tend to have the most gender-explicit provisions in their FTAs (Steiner & Engstrand, 2021). The trade agreement with Central America (2012) and the United Kingdom (2021) has the highest number of explicit gender-related provisions. The modernization efforts for Chile (2018) are argued to be the most responsive one with a chapter on gender (Gammage, 2022). It “recognizes and seeks to address gender equality explicitly, not only through cooperative activities but also through legislative and policy interventions at the domestic level” (Gammage, 2022, p.169). The modernized Agreement should include provisions on topics aligned with the EU’s Trade for All strategy and these provisions should be included to ensure that trade and economic development go hand in hand with social development and gender equality (European Commission, 2020). It is too soon to say, however, whether these modernized agreements and progressive attitudes toward gender adopted by the EU would result in greater gender equality and women's empowerment (Gammage, 2022). Further research should explore the impact of these modernized agreements.

On the other hand, the Trade and Gender Recommendations of the EU-Canada trade agreement (CETA) is yet another example of attempts to advance the gender responsiveness of a trade agreement. The Recommendations provide extensive and detailed deliverables for implementing and monitoring gender dimensions to eliminate gender-based trade barriers. Bahri (2021) puts forward that these achievements demonstrate how the trade community is acknowledging the potential that trade policy has to empower women, which is a drastic change in the trade policymaking mindset. However, Bahri (2021) emphasizes that these examples are an exception since very few agreements have so far included binding and enforceable obligations. Yet, this paper argues that these efforts could trigger a transformative shift for an advanced level of gender responsiveness, where best practices are shared across agreements.

6. Conclusion

This paper rethinks trade liberalization from a gender perspective with evidence from EU trade agreements since 2000. It asked how gender-related provisions are integrated into the European Union's free trade agreements. 35 EU trade agreements that were signed since 2000 have been assessed in light of EU discourse prioritizing gender considerations in all areas at the forefront of its external trade policy. This paper concludes that the EU has failed to adopt a consistent approach to gender mainstreaming and gender responsiveness in its free trade agreements, yet some agreements demonstrate advanced levels of gender-responsiveness such as the ones with CETA, Chile, and Central America.

Even though the EU's political discourse since 2015 not only acknowledges the crucial relationship between trade and gender but also asserts itself to be gender-responsive, the most recent FTAs still exhibit an evolving if not limited gender responsiveness. Women's economic empowerment and gender equality have not yet been prioritized strategically by the EU across all of its FTAs (Gammage, 2022). The modernization agreement with Chile or CETA recommendation of trade and gender remains an exception to this. The failure to adopt a coherent policy on trade and gender has been substantiated by several arguments throughout the paper, such as trade agreements with Japan and Singapore, with zero and one gender-explicit provision respectively.

Gender-related provisions are mostly mentioned as an area for cooperation without legally binding obligations. The language and scope in respect of gender equality and non-discrimination in the trade agreements that do contain a reference to "women", "female" and "gender" were found to be "hortatory rather than mandatory" and formulated in the 'best-endeavor' language (Gammage, 2022, p.168). Except for the agreement with Iraq, the EU trade agreements do not contain gender-explicit statements in their preamble. Explicit references to the women's diverse role in economic activities relating to agriculture, MSMEs, investment, or services, remain greatly limited; instead, these issues are overlooked in the agreements. This not only fails to promote gender equality but could reinforce contemporary structural power relations and widen the gender gap in both domestic and transnational contexts (Gammage, 2022)

Trade and gender interact in a complex way. This paper defined what gender mainstreaming and gender responsiveness refer to in terms of trade agreements and exemplified the unequal impacts of trade on women. It presented how trade agreements can promote the empowerment

of women and foster gender equality by acknowledging the adverse impacts trade liberalization might have on women and in turn incorporating explicit gender-related provisions into agreements to eliminate these barriers from the very beginning. Against this, the research questioned how gender-related provisions are integrated into the European Union's FTAs. A quantitative and qualitative content analysis was used to assess the gender-responsiveness of the selected 35 EU FTAs. The results quantified the frequency and structure of pre-determined explicit and implicit gender-related provisions throughout the agreements. This was complemented by the ITC's gender responsiveness framework for free trade agreements for descriptive analysis of the findings and as a guide to drawing conclusions.

The results illustrate that the EU has incorporated gender-related issues into their agreements inconsistently. Although 30 out of 35 agreements do include at least one gender-explicit provision, the scope and the language of these provisions remain limited and non-enforceable. While agreements such as those with Japan (2022), Singapore (2019), and SADC (2016) showed limited gender responsiveness, the agreements with the UK (2021), Armenia (2018), and Central America (2012) were more advanced in their gender responsiveness level. CETA recommendations on trade and gender and the modernization of the EU-Chile Association Agreement improved their gender responsiveness since both create standalone chapters for women in trade. The explicit gender-related provisions mentioned in the agreements are found to be primarily in cooperation sections. They included several affirmations to international agreements that either directly or indirectly refer to gender equality: CEDAW, ILO Convention, the Cotonou Agreement, or the United Nations Universal Declaration of Human Rights, and the Charter of the United Nations.

The results demonstrated that the gender responsiveness level of the EU's FTAs between 2000-2022 cannot be generalized as limited, evolving, or advanced over the years. There is no clear increase in the inclusion of gender-explicit keywords in the EU's trade agreements in the time period (as Figure A.2 depicts). This is in contradiction with the EU's external trade policy and overall EU discourse, which claims to be mainstreaming gender in every aspect of trade, including trade agreements since 2015.

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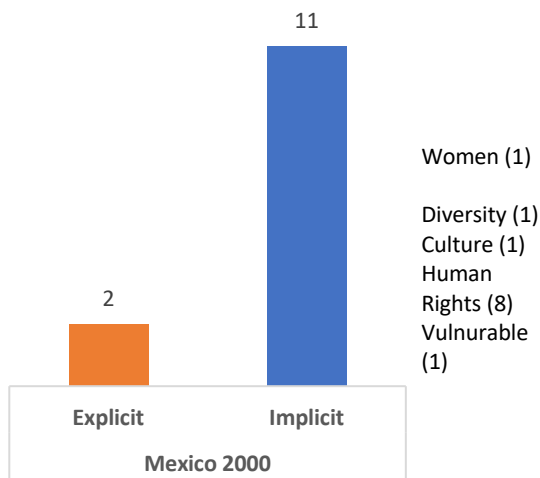
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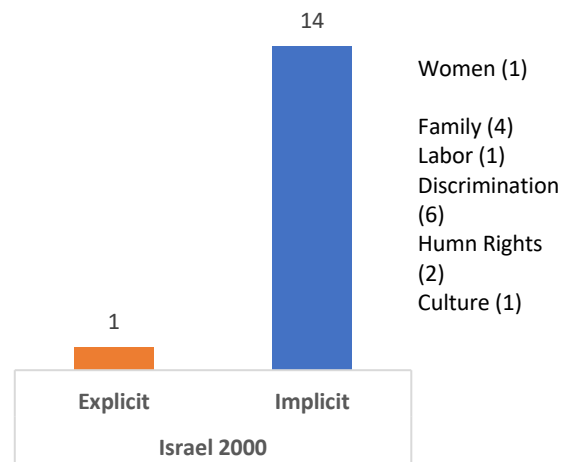
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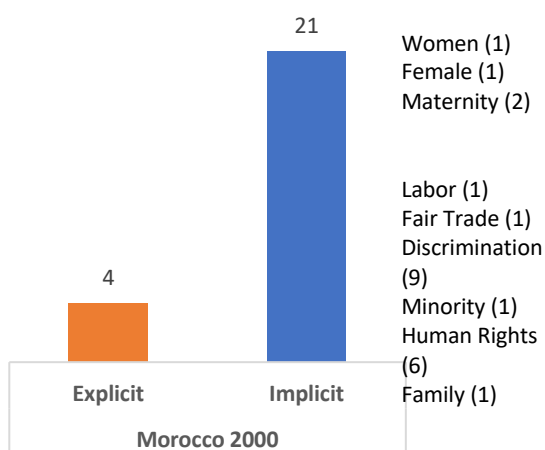
8. Annexes



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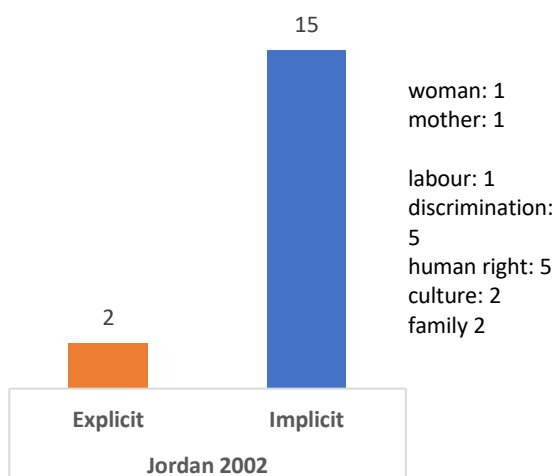
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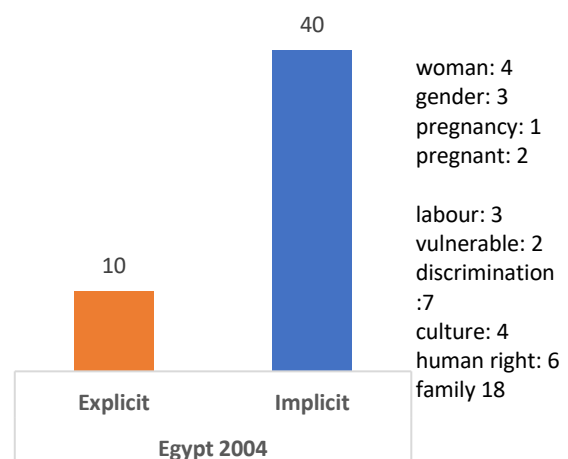
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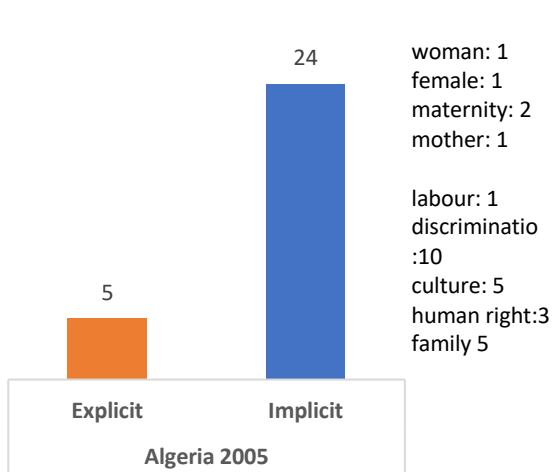
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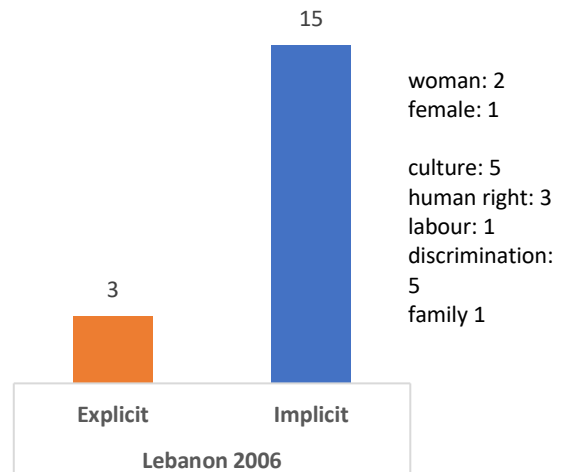
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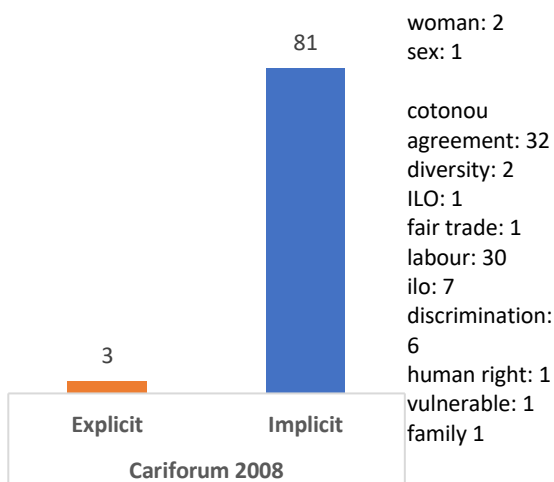
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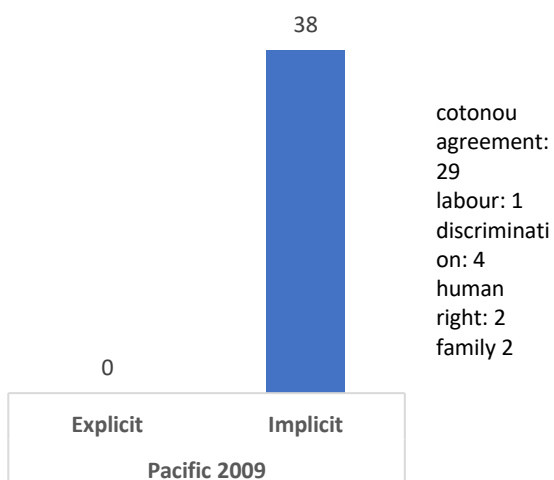
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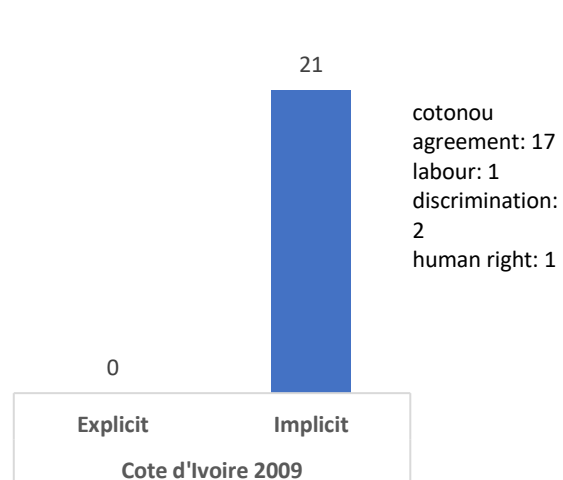
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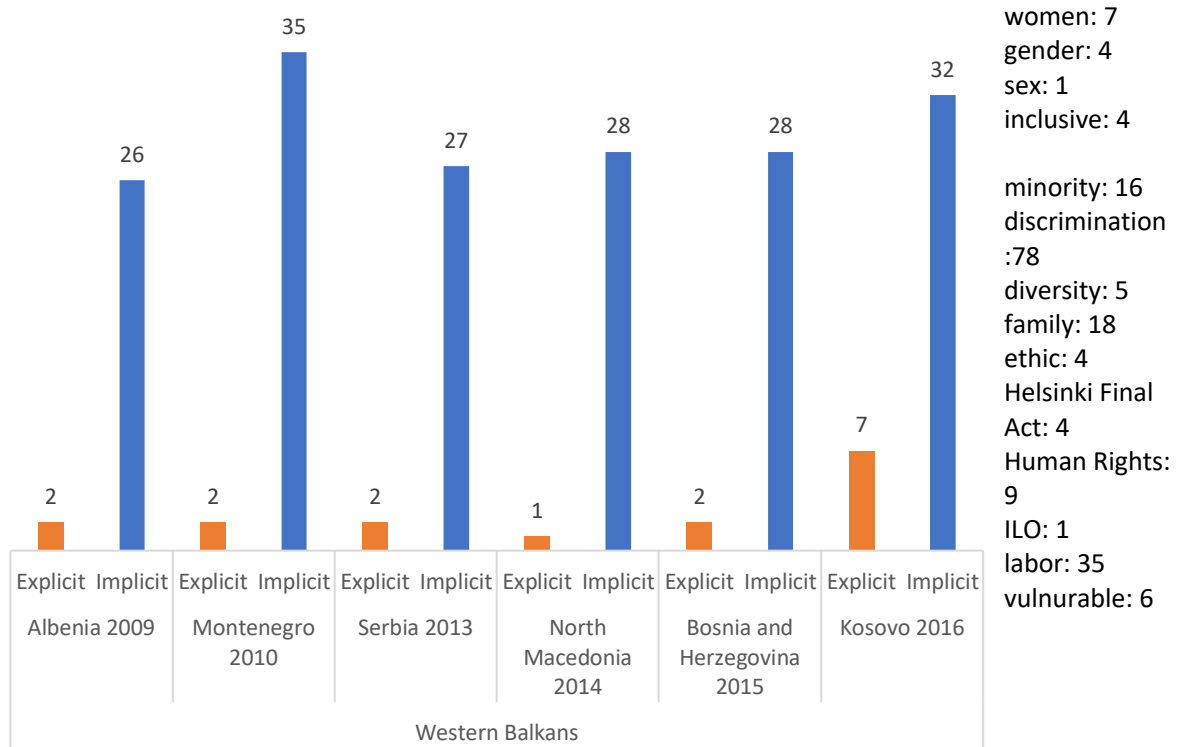
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Annex 11



Annex 12

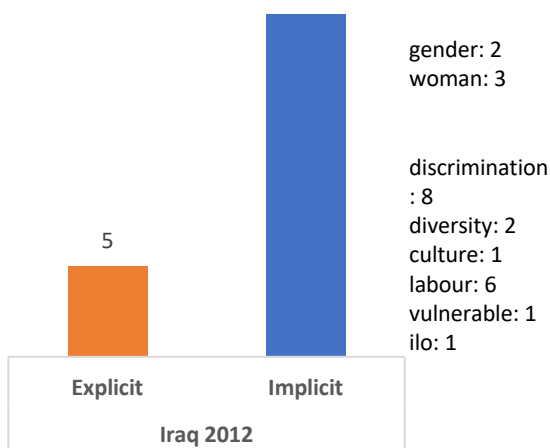


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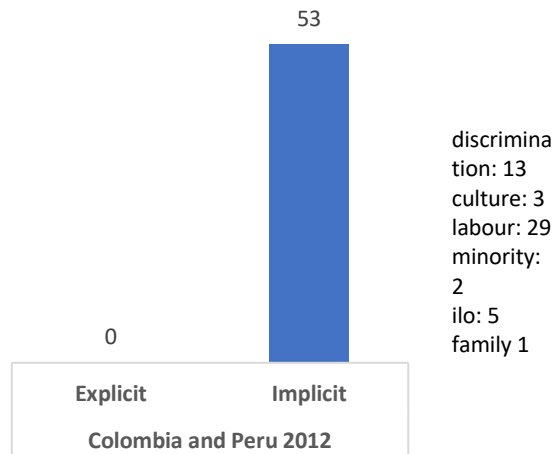


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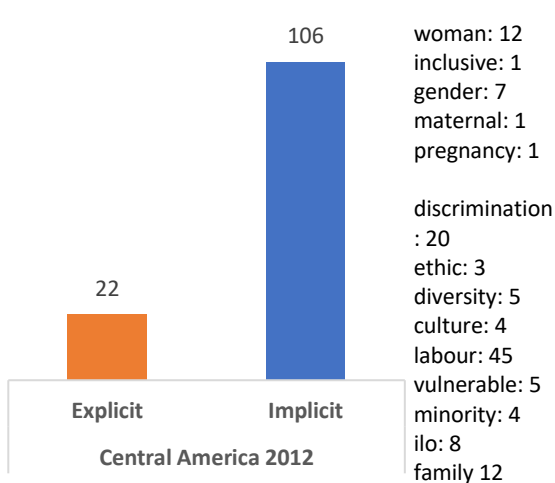
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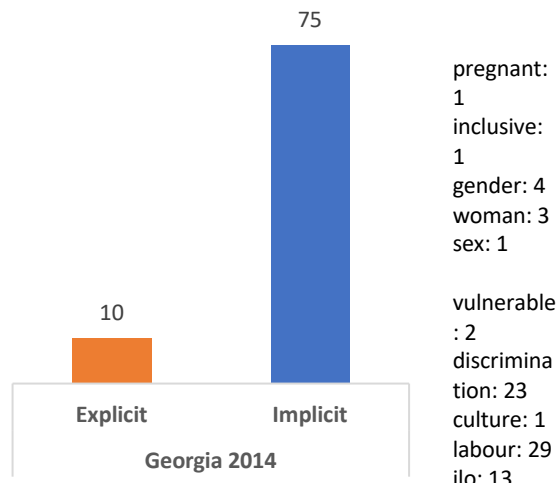
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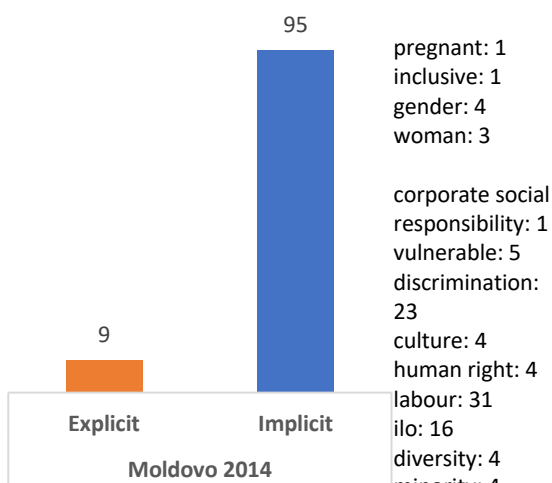
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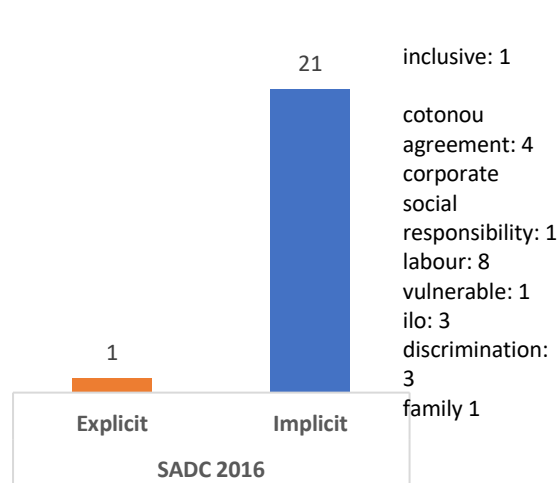
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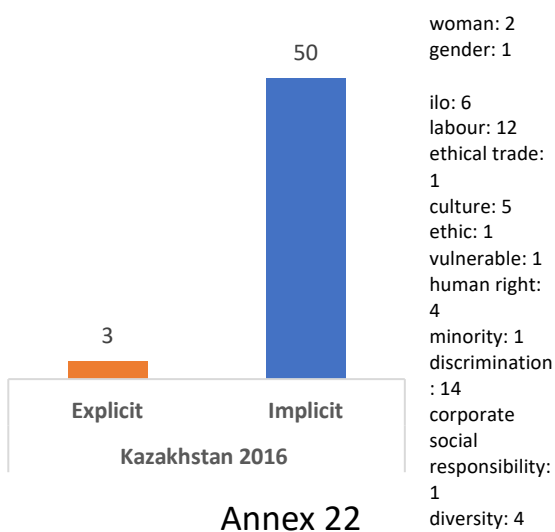
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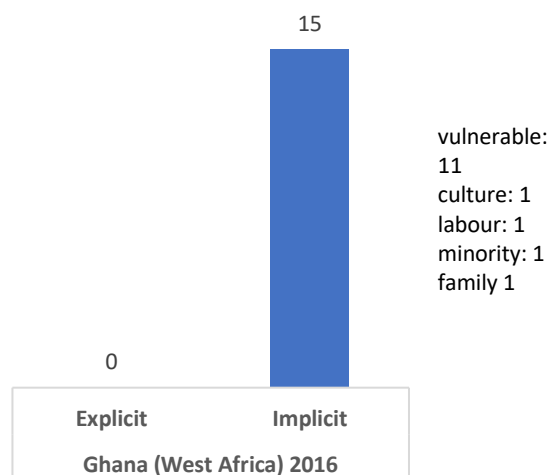
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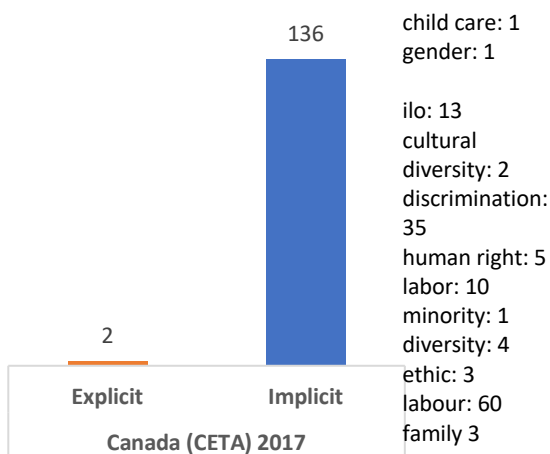
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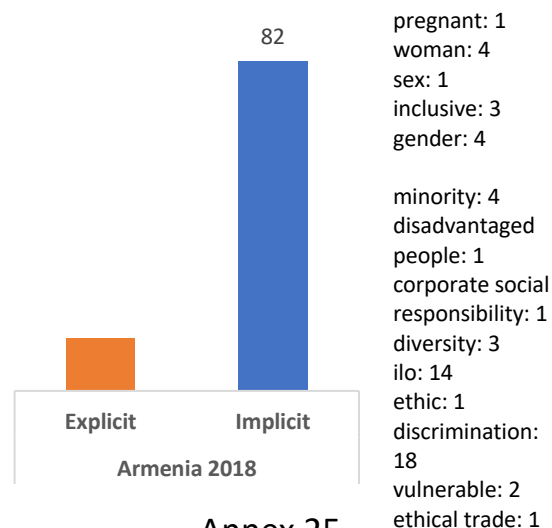
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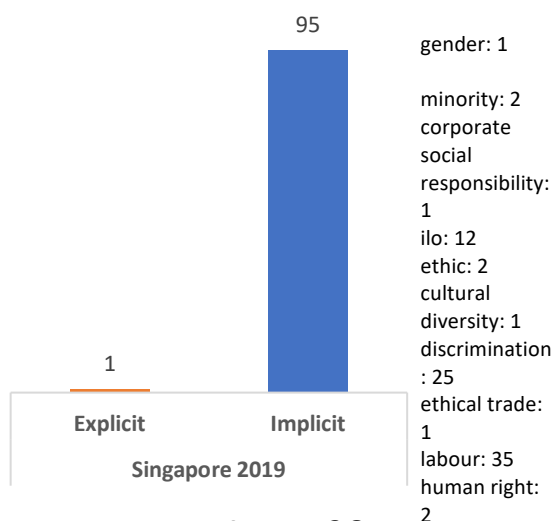
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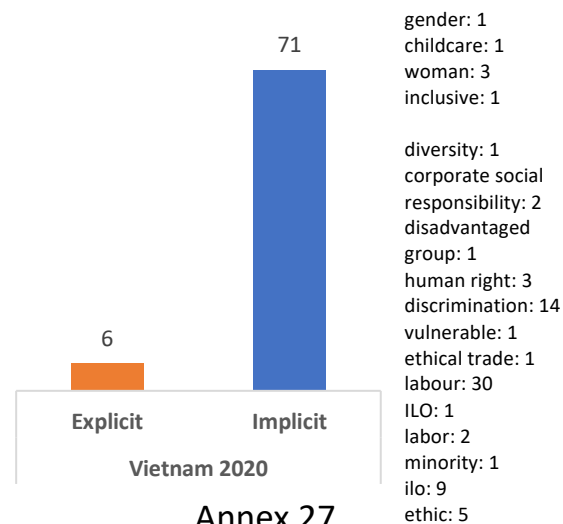
Annex 24



Annex 25



Annex 26



Annex 27

