



# EU bilateral and regional free trade agreements

**Bringing women to the centre of the debate**



**EU bilateral and regional free trade agreements:  
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**Editor:** Marilyn Thomson

**Final editing and production:** Barbara Specht  
**Produced by:** WIDE  
Rue de la science 10  
1000 Brussels  
Belgium  
[www.wide-network.org](http://www.wide-network.org)

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## Abbreviations and acronyms

AA	association agreement
ACP	Africa, Caribbean and Pacific countries
ASEAN	Association of South East Asian Nations
BSCI	Business Social Compliance Initiative
CA	Central America
CAFTA-DR	Central America-Dominican Republic Free Trade Agreement
CAWN	Central America Women's Network
CCC	Clean Clothes Campaign
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CLS	core labour standards
CRTD-A	Collective for Research and Training on Development–Action
CSD	civil society dialogue
CSO	civil society organisation
CSP	country strategy paper
CUTS	Consumer Unity & Trust Society
DG	Directorate-General
EC	European Commission
ENPI	European Neighbourhood Policy Instrument
EPAs	Economic Partnership Agreements
EU	European Union
EU-CA AA	European Union-Central America association agreement
FDI	foreign direct investment
FTA	free trade agreement
FTZ	free trade zones
GADNET	Gender and Development Network
GATS	General Agreement on Trade-related Services
GDP	gross domestic product
GSP	General System of Preferences
IGTN	International Gender and Trade Network
ILO	International Labour Organization
IT	information technology
MENA	Middle East and North Africa
NEA	New Enhanced Agreement
NGO	non-government organisation
SEZ	special economic zone
SIA	sustainability impact assessment
SMEs	small and medium-sized enterprises
TNC	transnational corporation
WTO	World Trade Organization

## Introduction

This report is the result of an intensive one-day consultation between representatives of civil society organisations, including members of WIDE, academics, researchers, non-governmental organisation (NGO) activists and representatives of the European Commission (EC), Directorate-General (DG) Trade and the private sector. The aim of the consultation was to increase understanding of the relationship between gender and trade, to provide a space for critical reflection and debate on the opportunities, challenges, strategies and the different policy options relating to trade liberalisation with a gender focus.

In view of the unlikely conclusions of the World Trade Organization (WTO) negotiations before the end of 2008, the European Union's (EU) attention has increasingly shifted towards concluding a new generation of comprehensive and competitiveness-driven bilateral and regional free trade agreements (FTAs) with key partners. The European Commission's Communication *Global Europe: Competing in the world* (October 2006) sets out the frame of reference for these ambitious bilateral and regional FTAs as "tackling issues that are not ready for multilateral discussions". It sets as one of its main objectives the opening of new markets for EU companies by targeting developing countries' overall regulatory environment, despite the acknowledged problems this will cause to the own development efforts of poorer countries. Other main elements are: the renewal of the EC Market Access Strategy to focus on non-tariff barriers; the drafting of a new strategy for ensuring better access for EU companies to major public procurement markets; the development of an EC strategy to protect intellectual property rights and ensuring EU access to natural resources, including energy. *Global Europe* also links external aspects to internal reforms and proposes the "harmonisation" of European standards which can be interpreted as starting a process of convergence with the US regulatory system. The consultation analysed these objectives in relation to development, poverty eradication and its impact on women's rights, entitlements and livelihoods. These were examined in relation to the current trade

negotiations in Asia, the Middle East, Ukraine and Central America.

The presentations, discussions and fact sheets' provide a good overview of the processes and a gender analysis of the potential impact in different geographical regions. Interestingly, although the negotiations are at different stages in these regions the case studies indicate many similarities in relation to the potential impact on women of free trade agreements.

The EU representatives responded to the findings presented by the speakers and to intense questioning from participants and they tried to reassure the audience of their commitment to sustainable development and gender equality and the benefits of these agreements for developing regions. The officials expressed their willingness to engage in dialogue with civil society and some recognised the lack of a gender perspective in trade discussions and the need to incorporate an analysis of the impact of trade on both men and women.

The women's movement and civil society organisations in these regions are engaged in different ways with the process of the EU trade agreements and the workshop discussions identified important strategies to engage with the negotiation process. An important underlying theme was the issue of power relations: between men and women, between governments and civil society and between North and South, East and West, which highlights the need to protect the most vulnerable sectors and the rights of women in their productive and reproductive roles. The speakers identified a number of concerns that need to be addressed such as: trade and investment policies between unequal negotiating partners; policies that threaten the policy space of governments to define their own development priorities and policies; policies aimed at liberalisation and the privatisation of public services that subordinate essential public services to the profit interest; policies that destroy food security and food sovereignty of the people in developing regions and which are a threat to

<sup>1</sup> Naty Bernadino, *Gender implications of the European Union – ASEAN free trade agreement*, WIDE Factsheet, November 2007. Tessa Mackenzie, *Gender implications of the European Union – Central America association agreement*, WIDE Factsheet, November 2007. Oksana Kisselyova, *Gender implications of the European Union – Ukraine trade relations*, WIDE Factsheet, November 2007. Christa Wichterich (WIDE 2007), *Economic growth without social justice: EU-India trade negotiations and their implications for social development and gender justice*, WIDE, October 2007. [www.wide-network.org](http://www.wide-network.org)

people's survival; policies that are a threat to basic human and women's rights and prevent the implementation of global social rights. The consultation led to specific demands being identified to transform EU external relations policies into a development agenda that is sustainable and just. These recommendations can be found in this report.

The consultation was an opportunity for civil society organisations from the South, East and West to meet with policy makers and to present these demands. Our aim and hope is that this report will contribute to a constructive dialogue that will feed into a EU trade policy that is consistent with social and gender justice and environmental sustainability.

## WIDE Position on Principles for Fair Trade

EU trade and investment negotiations must be transparent, participatory and involve democratically elected institutions at national and sub-national level, as well as civil society organisations, in particular, representatives of the most vulnerable groups who bear the brunt of unfair market relations and social injustice. Privileged relationships to big business should be ended to ensure that EU trade policies serve the interests of the general public and not the narrow commercial agendas of large companies.

EU trade and investment agreements must recognise policy space and regulatory capacities of governments to shape economic and social development policies that serve the most vulnerable of their people, including trade measures to protect weak economic actors and groups, such as poor and single women, through affirmative action.

EU trade and economic partnership agreements must recognise the right of developing countries to protect themselves from subsidised EU agricultural import dumping and to use other policy tools to guarantee food sovereignty and the livelihood of its small-scale farmers.

EU trade and investment agreements must not have primacy over or undermine development, social and environmental objectives, human and women's rights, as protecting and advancing social rights, meeting basic needs, and protecting our environment are essential to life.

The liberalisation and privatisation of public services such as water, energy, education and health, access to which is important for human development and women's empowerment, must be excluded from the EU trade and investment negotiations. Essential services of general interest must not be subordinated to profit interest.

The EU must drop its demand for reciprocal trade liberalisation, exclude the Singapore issues from bilateral trade negotiations and urgently honour its commitment to provide Africa, Caribbean and Pacific (ACP) countries with viable nonreciprocal alternatives to Economic Partnership Agreements (EPAs).

EU trade and investment policies must allow space for alternative economic and development approaches, deviations from the neo-liberal market doctrine and heterodox policy option, which should be driven by people's needs, not profit.

## 2. Welcome and opening remarks

**Valérie Echard**, the WIDE Coordinator, welcomed participants to the event and gave an introduction to WIDE activities on gender and trade which has three pillars: advocacy, capacity building and networking and looks at these through the perspectives of the East, South and West.

WIDE is composed of eleven European national platforms and one regional platform that meet regularly in Brussels to discuss programmatic issues and the work of the Secretariat that is based in Brussels. The Secretariat is composed of six members of staff and two interns, who were present at the meeting along with representatives of the national platforms.

WIDE has currently launched a new four-year programme called *An end to contradictions: working on gender equity and social justice West, South, East*. In this new programme WIDE has selected the following main thematic priorities to focus on in the next four years: gender and EU trade and development nexus; the new patterns of social exclusion, which is a new theme for WIDE to explore; feminist alternatives; and improving the culture of strategic empowerment within the organisation.

WIDE received a one-year grant from DG Trade, European Commission to carry out a project in 2007 entitled *EU Trade Policies: Bringing women to the centre of the debate*. The overall aim of the project was to raise awareness of the impact of EU trade policies on women's livelihoods, gender equality and social justice. Within this project WIDE organised capacity building days for its members in April 2007. The objectives of these were to: increase the understanding of the gender differentiated impact of existing EU trade policies; to empower women and enhance their capacity for high impact lobbying and advocacy on these issues; and to develop and explore alternatives to the existing dominant models in the trade and development sectors.

Valérie explained that this consultation meeting was a follow up to the capacity building days with the aim of increasing understanding of EU trade agreements and their impact on women's livelihoods, rights and entitlements. The consultation offered a space for stakeholders to share their views on the worldwide proliferation of these agreements and the developmental and gender impact in partner countries.

Valérie concluded by thanking the DG Trade for funding this one-year project and enabling us to come together today.

**Anja Franck**, from GADNET Sweden was the Moderator of the day's event. She began by briefly setting the scene for the consultation by highlighting some key gender considerations and she then introduced the speakers on the first panel.

She stressed that, even though feminist groups and scholars have highlighted the relationship between gender and trade for some time, gender is surprisingly invisible in mainstream discussions on economic policy on trade and on development.

However, as gender is a category of both social and economic differentiation and the construction of gender identity is closely related to the organisation of work and power in most countries of the world, it is an important issue to consider. Gender has an impact on the division of labour, the distribution of work, income, wealth, public goods and services for men and women as well as influencing the productivity and the economic behaviour of agents. Women and men have different access to and power over resources, which means that the outcomes of economic policies are gendered. Women and men are thus unevenly affected by the forces of globalisation and, without examining and understanding the gendered outcome of macro economic changes, we cannot develop appropriate policies to facilitate human development and social justice, including gender equality.

Anja also stressed that, even though it is generally recognised that the majority of the world's poor and unskilled workers are women, they continue to be a marginalized group in economic policy making. Although women's work and experiences are invisible in most policy-making on trade, women's work - both in the informal and formal sector - is a key element of the globalisation process. Women are exploited as cheap labour, both by domestic and foreign corporations engaging with production in the developing world: there are too many testimonies of horrific working conditions and abuse. Therefore, she suggested, gender justice must become a core issue in trade policy debates - both in bilateral and regional agreements and multilateral processes.

She proposed that in understanding the link between gender and trade the mission is twofold: first, we need to address the gendered nature of economic and trade policies; second, we need to explicitly address the situation and experiences of women. She stressed that the consultation aimed to shed light on the issue working both ways: from gender to trade and from trade to gender.

Anja ended by saying that the consultation meeting opened a space for civil society organisations to engage with policy makers, to exchange experiences and to strategise on how to bring women from the East, West and South into the centre of the debate on trade.



### 3. The EU as a driving force behind further trade liberalisation and deeper economic integration: Implications for gender and social justice

#### 3.1. EU trade policies as a place of political intervention

Christa Wichterich, WIDE, Germany

Christa Wichterich began her presentation with the example of a recent incident in India where, since 2005 the EU-based labour-related network Clean Clothes Campaign (CCC) has cooperated with Indian textile unions and civil society organisations on violations of labour rights by an Indian jeans manufacturer. This included forced and unpaid overtime for the predominantly women workers. The company went to court and sued the CCC for “defamation” and “cybernetic crime”. In 2006 the court denied the CCC the right to disclose information on the working conditions of the company and in September 2007 issued a warrant of arrest for seven Dutch rights activists.<sup>2</sup>

The Indian Minister of Economic Affairs, Kamal Nath, complained about the spreading of “false” reports about Indian industries to a Dutch delegation and to the Finnish minister for Foreign Trade and Development. Both the Finnish and the Indian minister agreed that human and labour rights and environment are not included in the EU-India Free Trade Agreement because it is confined to trade and investment. Nath said: “There are other platforms for subjects such as human rights and environment,” and proudly assured that, despite pressure from some EU member states, these issues have been kept out of the FTA.<sup>3</sup>

While concerns about poverty, human rights, social equality, environment and gender are cross-cutting in the EU-India *Country Strategy Paper*<sup>4</sup> and govern EU development programmes, trade and investment agreements are disconnected from social concerns and seem to be socially and gender neutral.<sup>5</sup> Social and environmental costs of liberalisation are not included in economic calculations and trade rules. This is more

than just a shortcoming; it is a complete lack of coherence with regard to development and social objectives.

Christa considered that it is hypocritical that the *Global Europe strategy*<sup>6</sup> “recognizes the potentially disruptive impacts” of rapid liberalisation on poor regions and workers in Europe while disregarding the devastating effects on the livelihoods, resource rights and food sovereignty of poor people in the South.

The subordination of human and women rights issues to the free trade agenda explains why WIDE sees a need for intervention into EU trade policies with a social justice and gender perspective. The absence of coherence with development goals, the externalisation of social and economic costs in trade and investment policies, and a whole range of contradictions and double standards within EU policies are entry points for political intervention by WIDE.

She illustrated this point further with the example of the EU-India FTA. Under the *Global Europe policy* India was selected as a new partner because of the strategic importance of its market. The mandate by the European Commission says that the FTA “should also provide for co-operation on trade and sustainable development, including both its environmental and social dimensions.”<sup>7</sup> And the EU-India High Level Trade Group affirmed “the EU and India support a social form of economic development and are keen to encourage a model of growth with equity which is socially inclusive and broad-based...”<sup>8</sup>

These policy papers give the impression that both sides aim at integrating trade policy and development, social and environmental objectives. However, before the very start of the negotiations the Indian side refused to include references to labour standards and social clauses in the agreement. The EU gave in very fast,

<sup>2</sup> [www.cleanclothes.org: www.fidh.org/spip.php?article4860](http://www.cleanclothes.org/www.fidh.org/spip.php?article4860).

<sup>3</sup> [http://economictimes.indiatimes.com/Economy/NGOs\\_reports\\_on\\_India\\_Inc\\_irks\\_govt/articleshow/2483446.cms](http://economictimes.indiatimes.com/Economy/NGOs_reports_on_India_Inc_irks_govt/articleshow/2483446.cms).

<sup>4</sup> *Country Strategy Paper 2007-2013; National Indicative Programme 2007-2013*.

<sup>5</sup> Christa Wichterich/WIDE (2007) *Economic growth without social justice, EU – India trade negotiations and their implications for social development and gender justice*, Brussels.

<sup>6</sup> European Commission (2006) *Global Europe: Competing in the world. A Contribution to the EU's Growth and Jobs Strategy*, [http://ec.europa.eu/trade/issues/sectoral/competitiveness/global\\_europe\\_en.htm](http://ec.europa.eu/trade/issues/sectoral/competitiveness/global_europe_en.htm)

<sup>7</sup> *Recommendations from the Commission to the Council to negotiate a free trade agreement with India on behalf of the EC and its members states, Draft negotiating mandate, 2006*.

<sup>8</sup> *Report of the EU-India High Level Trade Group to the EU-India Summit, 13 October 2006*.

meaning it subordinated its social agenda to its neo-liberal agenda and gave preference to corporate rights over human rights, labour rights and resource rights.

While the agreement establishes a legal judicial framework for investment and trade it becomes – as the case of the CCC shows – a reference point to take legal action against human and labour rights activists. Presently, a clash of interests and conflicting rights is evident in India in various forms of resistance and protest against the economic restructuring due to the new trade and investment policies.

A central location of India's strategy of free trade, export oriented growth and foreign investment is the concept of the special economic zone (SEZ). Adopting the Chinese model India plans to set up more than 500 SEZs. Because of appropriation of land and water resources for industrial and information technology (IT) parks and the displacement of local communities there is a strong resistance by local farmers and fishermen and women against notified SEZ areas. In Nandigram, a village in West Bengal, a war-like situation evolved with more than a hundred people dying in a violent conflict with police forces. At the same time, the restructuring of the retail sector outside of the big cities, which till now has been dominated by small-scale traders, including many women, has become a battlefield. Small traders resist the setting up of supermarket chains and hypermarkets by domestic and foreign corporations. Recently Metro, Germany's largest retailer and its cash-and-carry-model had come under attack.

Christa argued that these developments in the retail sector are a showcase for a completely contradictory scenario with regard to the empowerment of women. Generations of women's projects in development cooperation aimed at income generation, consisted of a package of micro-finance, meaning a credit for some village or home-based production and trading, sometimes a bit of training, and the integration of women into the market. Those women who managed to earn some income as manufacturers, petty traders or street vendors are now outcompeted by big retailers and supermarkets. The liberalisation of the retail sector is included as a core component by the EU in all FTAs under negotiation. The market access of EU corporations will work against women's economic empowerment projects financed by EU member states and EU NGOs. The same EU creates and finances countervailing process-

es of empowerment of women with the forces of disempowerment, meaning that trade and investment policies become dominant and undermine development projects.

Both the above examples, show that in India people have tried to protect their livelihood resources against neo-liberal policies which would marginalize and out-compete their economic activities. In Christa's view these clashes will continue and will increase, because trade and investment policies are not decided upon in a democratic and transparent manner within the country, as parliaments and local governance institutions, which in India play a very important role in development strategies, are not involved. While confederations of Indian business and industries lobby and raise demands vis-à-vis the bureaucrats and negotiators – as their counterparts do on the EU side – there is a lack of systematic participation of civil society and representatives of small scale farmers, producers, traders, trade unions of informal workers, women's and low caste organisations. India's public is not at all aware what is negotiated in the FTAs; even members of India's planning commission do not have access to information about the negotiations.

Christa explained that resistance in India is as much about protecting livelihood resources and local industries and markets as it is about defending and demanding democracy, participation and voice. Trade and investment contracts are about real markets not only about abstract market principles, they are not only about big corporations and investors but effect all the economic actors in local and regional markets, at the grassroots, in the fields, the factories and in the shops. FTAs establish a set of legally binding rules and regulations but these rules intervene in markets as contested areas and focus on the 'freedom' of foreign investors and corporations to manoeuvre in the markets. This means they overrule domestic regulation, local or national claims for market shares and resources as well as local mechanisms of supply and need.

Christa considered that in the case of the EC's economic partnership communications<sup>9</sup> with China the contradictions and double standards are even more evident. The EU asks China to regulate labour relations and adopt core labour standards (CLS). However, when a new labour law was discussed in China the EU Chamber of Commerce criticised the law saying EU

9 *Commission of the European Communities (2006a) Communication from the Commission to the Council and the European Parliament. EU-China: Closer partners, growing responsibilities, Brussels, 24/10/06, COM (2006) 631 final.*  
*Commission of the European Communities (2006b) Commission Working Document Accompanying COM (2006) 631 final: Closer Partners, Growing Responsibilities. A policy paper on EU-China trade and investment competition, Brussels, 24/10/06, COM (2006) 632 final.*

corporations and investors need more flexibility and less regulation. In its policy paper the EU raised concerns about “social, regional and gender imbalances” in China but its trade and investment strategies build on discrimination of migrants’ and women’s labour and exploitation of human and natural resources in the countryside.<sup>10</sup>

Therefore WIDE, as a women’s-rights-based and social-justice-oriented network, wants to influence EU trade policies in order to transform it into a truly sustainable, gender and social just development agenda. WIDE advocates the following principles of fair trade:

- EU trade and investment negotiations must be transparent, participatory, and involve democratically elected institutions at national and sub-national level as well as civil society organisations, in particular representatives of the most vulnerable groups who bear the brunt of unfair market relations and social injustice. Furthermore, privileged relationships to big business should be ended to ensure that EU trade policies serve the interests of the general public and not the narrow commercial agendas of large companies.
- EU trade and investment agreements must recognise policy space and the regulatory capacities of governments to shape economic and social development policies that serve the most vulnerable of their people, including trade measures to protect weak economic actors and vulnerable groups like poor and single women through affirmative action.
- EU trade and economic partnership agreements must recognise the right of developing countries to protect themselves from subsidised EU agricultural import dumping and to use other policy tools to guarantee food sovereignty and the livelihood of its small-scale farmers.
- EU trade and investment agreements must not have primacy over or undermine development, social and environmental objectives, human and women’s rights, as protecting and advancing social rights, meeting basic needs and protecting our environment is essential to life.
- The liberalisation and privatisation of public services such as water, energy, education and health, access of which is important for human development and women’s empowerment, must be excluded from the EU trade and investment negotiations. Essential services of general interest must not be subordinated to the profit interest.
- The EU must drop its demand for reciprocal trade

liberalisation, exclude the Singapore issues from bilateral trade negotiations and urgently honour its commitment to provide ACP countries with viable nonreciprocal alternatives to EPAs.

- EU trade and investment policies must allow space for alternative economic and development approaches, deviations from the neo-liberal market doctrine, and heterodox policy option which should be need and care- driven, not profit-driven.

Christa ended her presentation by stressing that WIDE wants to network with women’s organisations and other CSOs in countries of the South, to exchange information about the negotiations, identify common interests and values, as well as joint and complementary strategies in order to promote the principles mentioned above.

### 3.2. EU free trade agreements and gender – Initiatives of the European Commission

*Ditte Juul-Joergensen, HoU, C1, Sustainable development, DG Trade, European Commission*

*Ditte Juul-Joergensen* began by thanking WIDE for inviting her to participate in the consultation. She took over her current job in July 2007 but this was her first opportunity to interact and meet with organisations to discuss gender and trade issues, the first WIDE event and the first trade and gender focussed event that she had been at in her current position. There are few policy makers working on gender and she stressed that gender should be the concern of both men and women, so it was good to see a number of men participating in the consultation. She was pleased to be given the opportunity to talk about the initiatives of the European Commission and how they raise social and gender issue within EU trade agreements. For her it is important to clarify what they have in mind and some specific issues. She also stressed that she would give as much information as possible in her presentation but that she was not able to give details of what they are negotiating in the framework of the different FTAs as these are on-going discussions and some issues are very sensitive. So she would present general information.

Several of the EU trade agreements currently under negotiations are part of the *Global Europe strategy*, some are ‘pure’ FTA negotiations, such as the negotia-

<sup>10</sup> Christa Wichterich/WIDE (2007) *Fair and unfair competition, The EU-China trade race and its gender implications*, Brussels.

tions with AESAN, India and South Korea, and others are a combination of FTAs and political agreements, such as the Association Agreement (AA) negotiations with Central America (CA) and the Andean community (CAN). Most of the negotiations were at a very early stage. In all the negotiations the EC aims to include a sustainable development chapter, with commitments on both sides to environmental and social standards, including core labour standards and decent work and in that context, gender issues. Ditte stressed that this is an important objective and not one the Commission is going to give up easily in these negotiations.

Ditte gave some concrete examples of what the Commission is aiming to achieve with the negotiations on the sustainable development chapter: they want to set up a framework for cooperation, as they believe that such an approach will be more effective rather than using sanctions. She considered that if the Commission enters into negotiations with a view to building cooperation, and everything else being equal, partner countries are more likely to engage. Sanctions tend to scare people away - it is too blunt an instrument to be useful.

Ditte stressed the negotiation framework should be a dynamic, open framework. Also civil society involvement is on the agenda. The Commission proposes having regular meetings and regular exchanges of views and hopes to have a high degree of transparency and public scrutiny. Ditte considered that this was useful as an overall objective for the EU but it could also be helpful for some partner countries. The Commission hopes to have the cooperation of civil society both in the EU and also in developing partner countries as part of the mechanism for monitoring.

The other issues she wanted to address related to sustainability impact assessments (SIA). These aim to assess the impact on social development and environmental issues and also point to ways that any negative impacts can be addressed. The Commission aims to carry SIAs out early in the process to help find instruments and flanking measures in the development field that can help mitigate any short-term negative impacts that could follow restructuring or a market approach. Ditte considered that an important aspect of the SIA process is that it is open to partners and engages civil society as part of DG Trade's official civil society dialogue (CSD). The findings of the SIAs are presented at CSD meetings in Brussels, where civil society are invited to meet and discuss the report with the consultants who carried out the assessment. Also a local workshop is organised in the partner country/region. She stressed that in this process there is a high degree of openness and participation and a high degree of

awareness of the policy makers and negotiators of sustainability issues and of the environmental implications.

She concluded her presentation by emphasising that it would be useful to have a dialogue with the participants and to hear different views and ideas.

### **3.3. Trade, development and gender: A Southern feminist perspective on EU trade policy**

*Lina Abou Habib, CRTD-A, Lebanon*

*Lina Abou Habib* began by explaining that work on trade and gender in the Middle East and North Africa (MENA) region has so far been exploratory. It has involved action-research, as historically the mobilisation of women's groups and women's movements have not been directed at the economy or trade issues. On the other hand, social movements working on globalisation in general have been gender blind and have not looked at the impact on women. Lina pointed out that they have only started to discuss these issues in her organisation and this consultation meeting provided an opportunity to look at the *Global Europe strategy* as an entry point. There will be a gender advocacy meeting on gender and trade in Beirut in the near future and this was a good opportunity to start brainstorming and thinking about the issues.

Lina presented a synthesis of some of the recent discussions among women activists on the EU *Global Europe strategy*. She explained that when they started to look at the main headlines in the document it all sounded very nice in terms of economic growth and jobs and prosperity and equipping citizens for globalisation. But when they examined the measures to be introduced to achieve these, such as strengthening of markets and other strategies, they found contradictions that were difficult to understand. On the one hand, *Global Europe* promotes rejecting protectionism and providing access to resources: other people's resources. But on the other hand it mentions introducing "temporary targeted restrictions". She said that although it is very soft language it nevertheless rang alarm bells. It looks like *Global Europe* is only intended to serve European corporations, as the wonderful goals of growth and jobs, prosperity, sustainability and innovation are not really intended for women in the South. How many good sustainable jobs are created for women in the Arab world or whether sustainable development has been upheld do not seem to be the intention. The other alarm bell was that, short of sending armed troops, there is a serious underlying assumption that corporations can do anything they want, whenever

er they want and claim whatever they want: low tariffs, friendly administrations, access to energy and resources, protection. She had found a vague mention of new opportunities for women and men in the South but considered that there were few success stories of these coming about in other parts of the world nor evidence that these have come about in the MENA region.

She queried the assertion in the strategy that EU corporations should be supported against their competitors. Why should men and women in the South support one corporation against another? Why should they be a playing field for corporations that are all equally damaging for both men and women? She also questioned whether the strategy could be a fair deal for all parties concerned when, she stressed, the MENA region lags behind in terms of key social economic indicators, particularly in relation to gender equality and access to knowledge. She explained that they are not starting on an equal footing so they could not have equal partnerships under these conditions.

Over the past decades in the region they have witnessed a serious retrenchment of the State in maintaining citizenship, social rights and empowerment. The State no longer grants social rights and no longer provides social entitlements, which has had a negative impact on women who are unprotected. She recognised that others might not agree with her view that in the MENA region only two forms of sovereignty have been maintained and survive: the State's ability to control citizens and men's ability to repress women. The State's support for citizens, the whole notion of social entitlements and public good are nonexistent and public services no longer exist.

Lina then cited the example of Egypt where she has seen the degradation in a country that used to provide good public services in health and public education. Public health exists but it is dangerous, public education no longer exists – for a population of about 75 million people. She said that, although there is the emergence of a wealthy, well-to-do middle class that is benefiting from the opening up of markets, the overwhelming majority are not benefiting. The situation in the region contributes to make a partnership with the EU unequal: chronic war and political unrest are not conducive to a bargaining position or helpful in these negotiations. She also referred to the issue of corruption, saying that some governments in the region are not necessarily representing the interests of all citizens, nor do they represent or speak out for local interests or benefit the position of women.

In terms of what is at stake for women in the MENA region, she stressed that all the indicators show that

women's participation in the formal economy in the region is one of the lowest in the world. She explained that this is because women are in a subordinate position, undermined by religious and state laws, and whose economic and social position is undermined at all levels. Women have overwhelming responsibility for reproduction and care, which is a main problem and means that they will not reap the benefits of the opening up of markets.

Women's organisations had also recently looked at Lebanon as a case study. They examined the potential implication of particular trade agreements, such as EUROMED and accession to the WTO. The evidence they collected seemed to indicate that these agreements will lead to serious problems for women engaged in agricultural work, a sector that has historically suffered from poor services and neglect, for women in the service sector, women in handicraft production and for migrant women and they will have a negative impact on intra-household relations.

She also considered that on a broader regional level there is a problem in terms of lack of transparency between the decision makers and civil society. A major problem for women's activism and civil society organisations is that they have a large knowledge gap. These negotiations are sensitive so little information is revealed but also internally, within the women's movement, there is very little engagement with these dialogues and their lack of technical information puts them at a disadvantage. Essentially they had not made full use of networking possibilities. She stressed that in her region the women's movement needs to re-think the way they have reacted so far, how advocacy has been operating and about building global partners and networking. Different scenarios are possible but she stressed that there is theoretically no limit to corporate greed but neither is there a limit to activism. She ended with a call to women's organisation to find new and different ways of engaging in order to move forward and to discuss the next steps.

### 3.4. Questions and discussion

In the discussion that followed participants commented on a range of issues and questioned the panel members on the different ways in which these are brought into negotiations, why gender is not taken into account, whether the SIA influences the negotiations and how sustainable development would be addressed in the negotiations, given that some policies may work against the interests of women's livelihoods and rights. There were also questions on civil society participation

in the monitoring process, how to involve vulnerable groups in the negotiations and whether there is a place at the negotiating table for these groups.

*Ditte Juul-Joergensen* responding to the question of how sustainable development will be addressed explained that the very fact that there is a chapter on sustainable development is an important step forward. In each FTA negotiation there are different working groups formed that look at specific issues such as investment, property rights, services, and sustainable development is on an equal footing with other issues. It is also part of the overall objectives of the trade agreements, so will be fully integrated in an ambitious manner. At the same time, Ditte emphasised that the degree to which the impact of trade liberalisation might be positive or negative is determined not only by the trade policy but by social and environmental policies of the particular country. Overall policies are needed, such as on corruption, social protection and rules to protect workers. She stressed that trade policies don't set those rules, it depends on the respective governments and it is therefore important to have coherent policies and coordination among policy areas.

Furthermore, Ditte explained that civil society participation in the negotiations was important for monitoring and transparency. She stated that the Commission could not share detailed information because this would undermine negotiations. Sharing confidential information might put the Commission's negotiating position in jeopardy, however good negotiations are needed to get sustainable development objectives agreed.

She also pointed out that during the process of negotiations there are regular meetings with civil society as part of the CSD. Governments are doing the negotiations and it is the responsibility of each of those governments to pursue the interests of their country and citizens. As representatives of the EU, negotiators take civil society into account and include them in the negotiations but the Commission cannot tell partner governments what they should do; negotiations and agreements can however build a framework for cooperation.

One participant suggested that if there is not an opening and broader involvement of women's and other social groups in the negotiations there might be a danger that some groups will be favoured over others and this would be detrimental to sustainable development. There followed a discussion on the extent to which the EU is prepared to push for human rights and social issues as part of the FTA structure. Participants gave examples on the power dynamic in the negotiations with the Philippines and India and asked how sustain-

able development and human rights could be strengthened. Ditte replied that sustainable development remains an important objective in relation to all of the FTA partners, including India and ASEAN countries.

Answering other questions on deregulation that favour some sectors and parts of society, Ditte responded that the EU does take actions at a global level to ensure that social development is integrated. But the Commission alone cannot do everything, they need the cooperation of partner governments, which need to be engaged and involved on the other side of the process.

*Christa Wichterich* responded to the points made on impact assessments, giving as an example the 2007 qualitative analysis of a potential FTA between the EU and India carried out by CARIS/CUTS on behalf of the EC, which focussed only on economic impact, not social and environmental impact. She questioned how the dialogue could be fair when the EU promotes civil society dialogue but the trade negotiations are not open, and when social and environmental concerns are not adequately addressed. She considered it important to have a real dialogue with EC policy makers on a concrete level and not on such an abstract level.

*Lina Abou Habib* agreed that the negotiating partners are not equal so she questioned how it could be said that there is a level playing field. Moreover, DG Trade is not partnering with people but with governments. She considered that democracy has a different meaning and is not understood in the same way in different contexts. She questioned whether, in seeking the aims of *Global Europe*, countries would negotiate the interests of everyone. She felt that when it comes to social issues there seemed to be no power to push these through but there is a lot of power to push through economic issues. However, she stated, there is no price high enough for human dignity, social justice and equality, so they need to establish fairer rules and play the game in a different way.

Further points were made by participants on the core impact of the free trade agenda, on sustainability, the loss of government revenue and women losing land. One participant stressed that there is an underlying assumption that free trade will automatically lead to economic growth and development. However, there was not enough consideration of the impact of free trade on people – the evidence seemed to indicate that, on the contrary, it will have a negative impact, for example on achieving the Millennium Development Goals.

Ditte responded that it was difficult to give a complete picture as DG Trade was discussing only one policy -

*Global Europe* - that is about economic growth and has as its main objective to protect our interest in the EU. However, in carrying out those policies, efforts are made to ensure coherence with other policy objectives such as sustainable development. Ditte also considered that a whole series of policies are needed, including on social development, as trade and social development are linked. In relation to sustainable impact assessments, Ditte explained that these are carried out as part of the negotiations. Prior to the negotiations an economic assessment is carried out.

Another issue raised was that of core labour standards. It was suggested that there are diverging views on this issue because some consider them to be a positive development, while others think that they might have a negative impact on women, as they do not address the informal and the household economy. A further concern was on the potential of using international agreed conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to safeguard women's rights in trade agreements as many countries have reservations on the convention.

Ditte replied they were open to looking at what other instruments could be integrated, like CEDAW, to increase the strength of the FTA, and she welcomed specific suggestions and views. She ended by reiterating that she considered openness and dialogue to be really important in the process and that she had found the debate interesting and useful.

Christa pointed out that the dialogue is coming from different political levels. The EU is coming from the macro level and has a different rhetoric on the FTAs. NGOs and social movements are concerned with concrete and practical issues, such as people's livelihoods. In relation to CLS she considered that this is a male-wage earner concept, and she was concerned that it doesn't cover the informal sector and unpaid household work. She was sceptical of the argument that CLS cannot be implemented in poor countries because women's cheap labour is a competitive advantage. This implies that developing countries would have to build on gendered wage discrimination, as it is low paid women workers that attract foreign investors. She concluded that we need a deeper discussion and more analysis of these issues.

### **3.5. Workshop discussion on EU trade policy as a place of political intervention**

*Resource people: Lina Abou Habib, CRTD-A, Lebanon and Christa Wichterich, WIDE, Germany. Facilitated by Benedicte Allaert, WIDE Brussels.*

The session began with questions for clarification and then focussed on identifying key strategies for women's organisations and civil society in the negotiations.

One participant considered it important to discuss the strategy of including core labour standards in the negotiations for the agreements, acknowledging that they are male based. However, some civil society organisations are now saying yes to a social clause and that CLS should be included within FTAs. In his view, the impact of this could be catastrophic as it was a big shift in the position of civil society organisations that previously took the stance that CLS – formulated in industrialised countries - were protectionist and imperialistic. Other participants considered that the CLS were not the entry point for the negotiations as the context varied in different regions and many gender issues have to be taken into account when discussing CLS. One issue that needs to be addressed, for example, is the fact that in developing countries large sections of the population – many of them women – are excluded from the formal labour market. Participants remarked that CLS could be used as strategic tools and civil society could argue for creating space in policy discussions on these, however, southern partners and many actors in the South are against including core labour standards. Other participants mentioned that human rights need to be connected to the negotiations.

*Lina Abou Habib and Christa Wichterich* reflected on advocacy strategies to address gender concerns. They said that these should take into account that the EU is passing responsibility on to each country for gender equality and is not taking it on board itself. The EU has the authority and power to influence but is not using it. Women's organisations have the power to influence strategies and influence their own governments, but they need tools and training, as they are often not working on trade, but to related issues such as migration or enterprise. Therefore capacity building is crucial to enable women's groups to engage in the trade discussions and negotiations. It was considered that WIDE had played an important role by offering training and capacity building to women's organisations through this and other projects.

Lina agreed it was difficult to dialogue with the EU as a partner in the negotiation as they cannot divulge information that is considered confidential. It is important to have access to information on issues that directly

affect us and she proposed that this should be a key demand of women's organisations, otherwise to say that the EU is engaging in a dialogue is a farce.

There followed a discussion on how we could access information. It was pointed out that it is the EU policy not to disclose information, for example, in Sweden and Norway this was one of the key issues on whether to join EU. On a national basis it is possible to negotiate with governments for the disclosure of information so one priority would be to focus advocacy on the EU where there is less access to information. The point was made that the European Commission is not a democratic representative body, as members are not elected. They are, however, taking a lead on trade policy.

Another participant pointed out that the EU's concept of civil society also includes the private sector, not only NGOs and social actors. We need to ask questions on the influence of the private sector and big business on EU trade policy making and find out which EU companies are involved. Another suggestion was to share information between groups in the EU region, for example, on the role of corporations who are dictating trade policy, while NGOs and social movements have no voice and are not sufficiently engaged. Campaigning was seen as a key strategy as these can make a difference. For example, the campaigns by NGOs and social movements on the impact of globalisation in the framework of the WTO had an important impact and led to changes.

The group also discussed why civil society sometimes feels impotent. It was suggested that bilateral negotiations are more difficult to influence than multilateral negotiations, such as with the WTO, as many bilateral agreements are negotiated in parallel and are done in great secrecy. It was also easier to support policy making in countries where governments were interested in having a more open and equitable negotiation.

Another participants said it was important to open up debates and discuss development issues rather than mobilising on very general issues. In Central America for the first time civil society has had some influence on their governments and they were providing information for the negotiators.

When shaping an advocacy strategy we should take into account that the EU is divided between a protectionist and non-protectionist approach. Moreover, the EU is not uniform, not all Member States have the same view on issues. It was also pointed out that the EU was created specifically for economic reasons and free trade is a key cornerstone of its foundation. In an advocacy strategy it is also important to ensure that Europeans are aware of threats and the impact on their daily lives of the *Global Europe strategy* within the EU. It is clear that there is an internal agenda to de-regulate, to implement similar internal policies as in the US and to start a process of convergence with the US regulatory system. The EC Trade Commissioner has said this explicitly and it was felt that this undermines social policies. Therefore, it was suggested that we have to work closely with trade unions to see the ways in which *Global Europe* might be a threat to Europe as well as to developing countries. It was suggested that there is a lack of awareness of EU citizens as well as in the South about the FTAs and their implications. Partnerships between North and South are therefore key.

Further suggestions were made by participants on actions that could be taken, for example to be better informed about European corporations. While the EU reform treaty has been agreed it still needs to be ratified by all 27 EU member states before the end of 2008, so more evidence should be collected to show how free trade is affecting different countries and sectors. EU citizens should be informed about a clause in the proposed constitution that includes free trade, this could be a discussion point to link up with political parties and groups discussing EU reform. As all EU member states have signed up to the new treaty it is important to make links on how free trade is discussed in the new constitution.

An important issue for discussion is that of migration, which is often considered as a positive contribution to development, but civil society has to be vigilant of human rights violations and ensure that we don't get to a situation where women's migrant workers' rights are being violated within the EU as a result of these agreements.



## 4. EU regional and bilateral free trade agreements

### 4.1. EU-ASEAN free trade agreement

#### 4.1.1. EU-ASEAN trade relations and its gender and social justice implications

*Naty Bernardino, IGTN-Asia, Philippines*

*Naty Bernardino* began her presentation with a general introduction to the ASEAN roadmap towards integration and an overview of the region and the history of its commercial relations with Europe. The details can be found in the fact sheet.<sup>11</sup> This section will focus on the gender implications of the free trade agreement.

#### **Gender statistics in the ASEAN**

Since the 1970's female labour force participation increased significantly in the ASEAN region ranging from 40-70%, which was largely brought about by the growth in garment and electronic exports manufacturing. Corporations preferred hiring young female workers in these labour intensive industries because the female workforce is docile and cheaper. However, female wages are 60-70% of male wages in most Asian countries. The 'Asian miracle' was founded on gendered wage inequality and on a particular gender ideology in East Asia that glorifies subservience and sacrifice as female virtues. In general, the participation rate of females in the workforce is lower by half to two-thirds that of males. In the services sector, women's employment is higher than that of men, although managerial and top positions remain male-dominated.

#### **Implications of the EU-ASEAN FTA on gender and economic justice**

#### ***The threat of deindustrialisation in ASEAN and the impact on women workers***

A quantitative impact study commissioned by the EU<sup>12</sup> predicts large gains from the FTA amounting to more than 2% of the gross domestic product (GDP) by 2020. At the same time, it is also expected that production will decline in the ASEAN, especially in manufacturing,

while huge gains are expected in the services sector. The threat of de-industrialization in the region is a possibility if protective tariffs for industries are eliminated and where governments have lost the policy space and regulatory instruments to redirect foreign investments in order to meet certain development goals or priorities.

Naty stressed that a declining trend, for example in the garments and electronics industry, where women make up 90% of the total workforce, has already led to job losses, deterioration of wages and labour conditions and job insecurity. Economic downturns generally have a worse impact on women. Although unemployment may hit both men and women workers, the casualisation and informalisation of labour affects more women than men. During the Asian crisis, for example, unemployment in the Philippines affected more men but women's average wages fell more than men's.

#### ***Public services liberalisation and the implication for women's social reproductive work***

European corporations have been targeting key public service sectors such as energy, water and environmental services as promising investment ventures under the FTA. Opening up public sector goods and services to private and foreign investors has led to increased prices and imposition of 'user fees'. For example, in the Philippines the privatisation of water and electricity utilities led to a ten-fold increase in prices. Women who perform most of the social reproductive tasks, providing health care, education and other care work in the household have had to shoulder the burden of increased costs for these services. Naty called for these services to remain in the public domain and not be surrendered to the profit motives of the market.

#### ***Mode 4 of services liberalisation, women migrants' rights and the 'care drain'***

Indonesia and the Philippines are two countries in the ASEAN with large proportions of overseas migrant workers in the EU. An increasing majority are women

<sup>11</sup> Naty Bernadino, *Gender implications of the European Union – ASEAN free trade agreement*, WIDE Factsheet, November 2007. [www.wide-network.org](http://www.wide-network.org).

<sup>12</sup> CEPII-CIREM, *Economic Impact of a Potential Free Trade agreement between the European Union and ASEAN. Final Report 2006-05-03. 2006. Trade Specific Contract No.S12.424.310 implementing Framework Contract No. Trade/05/HE/01/1c. Commission of the European Union. Directorate General for Trade.*

migrants working as domestic workers and as nurses and caregivers. Mode 4 of services liberalisation (relating to the Temporary Movement of Natural Persons) under the current disciplines of the WTO General Agreement on Trade-related Services (GATS) and in all other existing bilateral FTAs, only involves facilitating the movement of foreign expatriates, professionals and highly-skilled technical staff of multinational corps. Domestic workers are not included in the occupational categories eligible for Mode 4 services liberalisation.

Health professionals, such as nurses and caregivers, are still subject to strict border controls and tough qualification recognition requirements. For example, in the UK Filipino nurses are required to pass the British licensure and board examinations before they are recognised and can work as nurses. The migration of women health professionals and domestic workers has led to the 'care drain' or 'care deficit' phenomenon. The exodus of nurses and caregivers from the Philippines has led to a shortage of health professionals and the World Health Organization predicts a health systems crisis in the country if this trend is not abated.

The 'care drain' is also experienced at the level of the household of migrant women workers whose absence, especially in the case of mothers, affects the quality of care provision in the family. In the case of the female migrant worker herself there is also a 'care deficit' as she is often subject to abusive treatment and inhumane working conditions by her employer, not to mention the psychological and emotional pressures of having to leave her family and adjust to a different cultural environment, including possible racial and sexual abuse.

#### ***The EU's protectionism in agriculture and its implications for farm livelihoods and food security in ASEAN***

The EU is notorious for its protectionist policies in agriculture, which include the huge subsidies it gives to European agricultural producers. Exporters have been largely responsible for a distorted trading regime where EU agricultural exports sell at prices below their production costs. Since the issue of agricultural subsidies can only be addressed in the multilateral trading system and not in bilateral FTAs, the reciprocal elimination of agricultural tariffs in the EU-ASEAN FTA could only bear greater benefits for EU producers and exporters compared to their ASEAN counterparts.

Moreover, the EU has consistently maintained a list of sensitive agricultural and fishery products exempted from tariff reduction and elimination. Another major obstacle to ASEAN exports into the EU are non-tariff barriers such as sanitary and phytosanitary standards, technical testing procedures and environmental regulations. Although the EU-ASEAN FTA provides for the

elimination of non-tariff barriers, ASEAN countries will still have to meet these standards through a harmonised system, in accordance with the WTO sanitary and phytosanitary standards agreement and other associated provisions in international organisations. In return, the EU commits to providing cooperation and technical assistance to ASEAN countries to build their capacity to comply with such harmonised standards. Experience has shown, however, that only a few large agricultural exporters in developing countries, usually transnational corporations (TNCs), are capable of compliance with harmonised standards. Small producers, given their level of resources and technology, are therefore left out of the competition.

In sum, the EU's protectionist measures in agriculture create unfair competition for ASEAN agricultural products both in the domestic and EU markets. Import dumping due to the EU's large agricultural subsidies has resulted in the loss of farm livelihoods for men and women in developing countries and increased threats to food security both at the national and household level. Food security is particularly important for women's social reproductive role to ensure that there is food on the table for the family.

#### ***Conclusions and recommendations***

The EU-ASEAN FTA will have serious implications on ASEAN women's productive and social reproductive work, affecting both their paid work in the formal and informal sectors of the economy and their unpaid work in the household and community.

Policy recommendations for EU and ASEAN governments are:

- The predicted decline in key manufacturing sectors, such as in the garment industry where women workers are a majority, could lead to job losses, deteriorating wages and working conditions, and increased labour contractualisation. A targeted liberalisation scheme should also consider the importance of retaining FDI policy instruments and domestic regulations that are vital for national development.
- Women's double burden is compounded by the privatisation of essential public services that are important for their social reproductive work. Energy, water and other basic utilities that the EU is targeting for private investment by European corporations are crucial public goods that should not be subject to the vagaries of the market nor to the profit-making motives of private capital.
- Women migrant workers' rights should always be protected and should be taken into consideration under Mode 4 of services liberalisation. The EU

should initiate measures that will compensate for the effect of the 'care drain' in sending countries. These could include cooperation and financial assistance for public hospitals and other health care services, medical school scholarships and other similar forms of assistance in exchange for every migrant health professional sent to their country.

- The EU's protectionist policies in agriculture should be dismantled to protect the livelihoods of small farmers in developing countries and ensure food security for all. Unilateral moves by the EU to substantially cut and eliminate its trade-distorting subsidies can be considered without waiting for the conclusion of talks in the WTO. While the EU's cooperation and technical assistance for ASEAN's harmonisation of standards is a positive step, it should couple this with specific mechanisms ensuring that priority is given to small farmer producers.
- The chapter on trade and sustainable development in the EU's bilateral FTAs is a welcome move because it has provisions on promoting adherence to agreed standards in the social and environmental domain, including the International Labor Organization (ILO) core labour standards. This chapter could be further expanded to incorporate gender concerns as an integral element in every aspect of the agreement. While such social clauses may be positive steps, caution should be taken to avoid the exclusionary and prohibitive implications of imposing these standards. ASEAN countries should be assisted by the EU in building capacity to abide by these standards, especially of small and medium enterprises.

#### 4.1.2. Response from the EuroCommerce

*Andreas Berger, EuroCommerce, Responsible for enlargement of EU trade, Brussels.*

Andreas Berger began by talking about the commercial sector, which in Europe generates 11% of the GDP and is quite important as it is giving 30 million people in Europe a job. EuroCommerce represents the retail, wholesale and international trade sectors in Europe. They were founded in 1993 and have 400 members in 29 countries – 24 members of the EU plus Iceland, Switzerland, Turkey and Croatia. EuroCommerce covers different areas of interest to commerce such as: corporate social responsibility, EU enlargement, the environment, trade and commerce.

Andreas has a particularly interested in ASEAN, as it is a key region for the retail and wholesale sector and he had little to add to the previous presentation on ASEAN, as it was very comprehensive. He considered that

EuroCommerce were pursuing the same goals and he stressed that EU companies want to have ethical trade.

Andreas then introduced the Business Social Compliance Initiative (BSCI) that EuroCommerce is involved in. The initiative began in 2003 and brings together European companies and suppliers to improve working conditions in the global supply chain of retail and importing brands. He said that fair and ethical trade makes good business sense because if there are bad working conditions in the supply chain this is bad publicity for European traders. The BSCI has over 80 members and more joining each year from the textile and retail sectors. Their goals incorporate a commitment to include suppliers in risk countries – risk countries are classified according to criteria such as government structure, the GDP, the corruption index and the functioning of trade unions. It is a development orientated initiative, and BSCI does not intend to interrupt trade – it's a step-by-step approach, to monitor and improve labour conditions. In this sense they try to intervene in the supply chain. They organise, for example, round table discussions with suppliers to discuss problems such as working hours and working conditions. He considered that this was a successful way to improve working conditions throughout the supply chain but stated that there remains a lot more to be done.

He stressed that women workers would not benefit if they have no work, so BSCI has developed a code of conduct and a qualification system that they discuss with suppliers and with other stakeholders in developing countries, such as trade unions and employers, to see how they can improve working conditions.

#### 4.1.3. Workshop discussion on EU-ASEAN trade relations

*Resource people: Andreas Berger, EuroCommerce, Brussels and Naty Bernardino, IGTN Asia, Philippines. Facilitated by Barbara Specht, WIDE Brussels*

The discussion started with *Naty Bernardino's* conclusions and recommendations of the EU-ASEAN FTA. In her view the EU-ASEAN FTA will have serious negative implication on women's productive and reproductive work, as it will affect their paid work in the formal and informal sectors of the economy and their unpaid work in their households and the community. She referred to five main points: the decline in the manufacturing sector; the privatisation of essential public services; the effect of the 'care drain' and the violation of the rights of migrant workers; the detrimental impact of the EU protectionist agricultural policies on women's livelihoods; as well as the issue of sustainable development

and core labour standards. A gender analysis should be done in all these areas and gender should be addressed as a cross-cutting issue in the negotiations. *Andreas Berger* responded that gender issues should be dealt with on a national level.

A participant asked whether EuroCommerce would consider strengthening the supply side and the productive capacity of partner countries in order to qualify them to compete with European companies. *Andreas* explained that his organisation does not believe in enforcement by law. The clients/consumers should have the power to decide if they want to buy local or cheap products, he believes in the rules of the market.

Regarding wages, *Andreas* gave the example of Malaysia where the wages in supermarkets owned by foreign companies are five times higher than local wages. He pointed out that a FTA does not say that countries have to allow big supermarkets in, FTAs only give European and domestic countries the same opportunity. Countries can make restrictions on a national level.

A further question raised was who gets the better-paid jobs in foreign companies. It will not be the women who sell local products on the streets and whose livelihoods are threatened because of competition of the foreign supermarkets. Their needs will not be absorbed by a safety net. It was also explained that many European companies in the fishery sector tend to employ unskilled workers, particularly women who are considered to be an 'easier' work force (more flexible, not unionised, lower wages), however, they have to work under extremely bad conditions.

Another participant argued that a lot of cheap European agriculture products are put on the market and local producers cannot sell their local products any more, for example in Senegal. She pointed out that it is not only the choice of the consumers but also how and under which circumstances products are produced.

*Andreas* responded that it is likely that the people who lose the job are not the same as those who get the new jobs. But, from his point of view, the increase of the export industry will be an opportunity especially for women. He was also aware of the working conditions and referred again in this context to the BSCI initiative that EuroCommerce is part of. On the other hand, he considered that these countries have to change to be

more competitive and, initially, they need to use mechanisms such as lower wages in order to achieve a higher level of development. He compared the situation with Europe after the 2nd World War when the working conditions and weekly working hours were not of the same standards than those today.

Other participant disagreed with the comparison of developing countries today with Europe years ago, as they did not have the 'most favoured nation' principle and the markets were more protected. Another question raised was why companies and the EC itself pushes for FTAs, which are seen as highly controversial and are criticised by civil society organisations, when the 'most favoured nation' principle of the WTO already exists. It would seem that the WTO is too slow for business, is that why the EU is pushing for bilateral agreements?

*Andreas* replied that the first priority is the multilateral negotiations of the WTO but achievements can be higher for companies in bilateral negotiations. He considered that the Doha Development Round of negotiations is not likely to be concluded soon. He felt that trade should also incorporate aspects of development like the reduction of poverty. This led to a discussion on the separation of economics from development objectives. Participants considered that the FTAs are not development friendly as they are only about opening markets. A participant stated that trade in the framework of the FTAs may produce wealth but not reduce poverty and are more likely to increase poverty and the income gap within society. The link between growth and poverty eradication was also questioned. For example, there are countries in Sub-Saharan Africa with good growth rates but at the same time with a high level of poverty.

## 4.2. EU–Central America association agreement

### 4.2.1. EU–Central America association agreement negotiations and its gender and social justice implications

*Martha Yllescas Altamirano, Comité Nacional Feministas, Nicaragua*

*Martha Yllescas Altamirano* began her presentation with a summary of the main finding of the research<sup>13</sup>

<sup>13</sup> *Tessa Mackenzie, Gender implications of the European Union - Central America association agreement, WIDE Factsheet, November 2007. www.wide-network.org. Also see the full report: Martha Yllescas Altamirano and Guadalupe Salina Valle; The Association Agreement between the European Union and Central America: its's potential impact on women's lives in Central America, October 2007, CAWN, London. www.cawn.org.*

she had carried out on the participation of women within the negotiation process and the possible impact of the EU association agreement in Central America. The association agreement has three pillars, political dialogue, development cooperation and free trade. This is much more than in the Central America-Dominican Republic free trade agreement (CAFTA-DR), which is purely focussed on free trade and is the starting point for the EU-CA AA. CAFTA-DR, negotiated between Central America, the Dominican Republic and the United States, has been underway for two years but it has not yet been evaluated. The findings of Martha's research shows a big gap in that gender has not been taken into account in the assessment of commercial impact and that socio-economic equity is not being considered in the negotiations.

### **Impact on women's lives**

The first round of negotiations began in Central America in October 2007. Civil society organisations were invited but only as observers so they refused to participate on the terms offered, demanding those stated in the Tegucigalpa Protocol<sup>14</sup> where the terms of the negotiations were established. Principal areas of negotiation include: regional integration; poverty reduction and social cohesion; sustainable development; human rights; democracy and governance; migration; and criminal acts of international concern. It gives special emphasis to the promotion of political and social stability, democracy, respect for human rights and governance.

### **Impact on the lives of Central American women**

Studies show that negative economic and social impacts of FTAs mostly affect vulnerable sectors. The majority of informal sector workers are women, particularly in service and trade areas, administration and personal services. Employment, income and property indicators show they are at a disadvantage. Women are over-represented in low productivity and uncompetitive businesses, which will be the first to close under the demands of FTAs. Women enter the workforce in low salaried and low skilled work with little protection, which makes them more vulnerable to the accelerated changes promoted by globalisation and FTAs. Women are needed in key development areas, such as free trade zones ('maquila' processing factories for the production of garments etc.) and the tourist industry but only as cheap and low skilled labour.

### **Main findings**

In Central America the dominant patriarchal cultural

framework allows the influence of religious sectors in the formulation of public policies and damages the legal framework of women's sexual and reproductive rights, which has implications for them and for the whole of society. There is a lack of participation of women and women's organisations, thus limiting their possibilities of taking political action and of being economic agents capable of taking on board and defending women's human rights.

The lack of incorporation of a gender perspective in the governmental agenda in the negotiations of trade agreements continues to lead to public policies that do not consider the different impact on women and men and do not take into account women's participation in drawing these up or in their implementation.

Economic changes in the region have led to the massive incorporation of women into the job market but have not given them access to jobs that offer full and decent employment. Unemployment and the informalisation of labour has especially affected young women who cannot find work, are under-employed or working in sectors which are under threat such as the public sectors. Some young women are being incorporated into new economic activities linked to the production of goods and services for the international market, such as the maquilas and tourism, which are the few sectors that have generated employment in recent years, although this work is unstable and exploitative.

An increase in migration as a result of cutbacks in employment in some sectors has led to erosion in the social fabric and the family, exposure to increased intra-family violence, sexual violence, drug trafficking and HIV/AIDS.

The impact of economic policies on the agricultural sector has led to increased poverty and the social exclusion of rural women. In rural areas the deepening divisions between women and men are dramatically visible, as are the weakness and lack of competitiveness and development in the agricultural market.

There are increased demands on women as the carers in the family and community, as well as demands for increased financial responsibilities to cover domestic needs due to the reduction in state services.

### **Conclusions**

Martha concluded by stressing that the process of structural adjustment of the market in the agricultural

<sup>14</sup> The Tegucigalpa Protocol was signed by the Summit of Central American Presidents (including Panama and Belize as observer) in 1991, entered into force in February 1993 and has been ratified by all member states.

sector means that women are increasingly limited in their access to education, health and development resources.

Women are central for the sustainability of the family and of the family business in small productive units. This increases their reproductive work and their responsibilities to generate income in unfavourable conditions for their bodies, autonomy and gender identity. In Central America there is an increase in the trend of small production units, where the majority of owners are women without access to capital and technological resources and who have difficulty to overcome the barrier of bureaucracy and administration that are conditions of competition.

The impact of economic policies on the agricultural sector has led to increased poverty and the social exclusion of rural women. In rural areas the deepening divisions between women and men are dramatically visible, as are the weakness and lack of competitiveness and development in the agricultural market.

The impact of the EU-CA AA will also be felt in commerce and services organisations where women are the majority of the workforce. Single mothers who are unqualified and unskilled will be among those most affected by unemployment and forced to migrate with negative impact on their families. Although Martha considered it likely that there will be increased investment in the maquilas this will not bring improvements in women worker's working conditions or pay.

Martha estimated that existing gender imbalances between men and women will deepen as women are forced to take on the multiple roles in conflict resolution, reproduction and production with much more intense working days.

#### **Recommendations**

- Promote economic development strategies that are centred around the needs of women and men, communities and nations, in which the capacity of local and national economies are strengthened.
- Emphasise the need to deepen the process of regional integration in CA so that it fully considers women as economic, political, social and cultural subjects. Demand that the EU retains its condition of not implementing the AA until there has been substantial progress in the process of regional integration.
- In the SIAs undertaken by the European Commission promote the use of disaggregated statistics in the negotiation process and carry out independent gender impact studies before, during and after the EU-CA AA negotiations in order to

more clearly identify the impact on women's lives.

- Demand the exclusion of health and education services from the free trade agreement, as well as natural resources such as water, since this is directly linked to the well being of the population. Also establish special treatment in the areas of electricity and communication.
- Support initiatives to discuss political economy and human development at a regional Central America level, in order to deepen knowledge of the interrelation between women's productive and reproductive work and how these affect development.
- The reproductive and productive spheres should be reconciled, for example, through recognising the care economy and the unequal value placed on women's work in the home and in the labour market.
- Support and promote alliances between national and regional women's organisations that allow for effective participation at different levels and instances of the negotiations, including prior to and during the negotiations, as well as during the implementation and administration of the AA.
- Support women's organisations and groups through training and capacity building activities in order to carry out advocacy initiatives at national levels.

#### **4.2.2. Response from the DG Trade**

*Nicola Ardito, Trade relations with the Americas, DG Trade, European Commission*

*Nicola Ardito* began by explaining that they are currently in the negotiation process and that he is responsible for the trade aspects. In response to the conclusions of Marta's presentation he clarified a number of points. The EU-Central America agreement is called an association agreement in that it has three pillars – political dialogue, cooperation and trade, so it is not just a free trade agreement – it is the closest type of agreement that the EU establishes with other countries that are not part of the European Union, the closest ties with other countries that they can have.

Nicola stressed that it is not true that EU does not recognise asymmetries between the regions and between men and women. However, he could not divulge the Commission's mandate, because it is confidential, but he reassured the audience that differences are taken into account, the Commission clearly have to recognize the asymmetries between EU and CA. The feedback he got while negotiating the EU-Chile and EU-MERCOSUR AA (South American common market countries) was positive and showed that in the negotiations it is the intention of the Commission to recognize differences.

He remarked it was difficult to negotiate a trade agreement with the CA region but there are important political reasons to establish this agreement. However, the push came from the governments of Central America, as the EU is not pushing voraciously to establish trade and investment rules.

The CAFTA-DR certainly could be used as a reference point, in certain areas. However, the USA and EU have different approaches. Some results have been achieved by CAFTA-DR such as developing and establishing a regional framework and supporting regional integration. Nicola stressed that he supports regional integration everywhere. The Commission would not see parity between the EU-CA AA and the CAFTA-DR in every aspect, as a starting point. There might be some areas where the USA has specific interests that they wanted to cover and it might be that those areas are not of interest to the EU.

Regarding the situation of women, he considered that Martha made some very interesting points regarding women working in low skilled enterprises and free trade zones (FTZs) but he considered that we should try to see this more positively as the AA would bring more investment into the region and this would be an opportunity for more investment in jobs and education. One of the main drives in trade and investment liberalisation is not just exporting a few more bananas or exporting more cars but establishing some clear rules for more investment. However, he could not specify what kind of investment the EU would bring, whether more money would flow in maquila factories or would be invested in low paid unskilled jobs. He did not agree that there would be such a negative impact as had been suggested by Martha, such as national enterprises disappearing in the region as multinationals take over. On the contrary, he considered that the AA would be an opportunity for the whole region and given the situation there, it will be a positive advantage to open up the markets. The Commission is also hoping that Panama will join in the negotiations.

Nicola further highlighted that the negotiations have officially started in the CA region, namely in Costa Rica. Twelve different negotiation sub-groups have been formed, chaired by the different countries. The sub-group on trade and sustainable development has already met in Costa Rica and will meet again in Brussels. This sub-group will cover all aspects of trade and sustainable development, such as labour issues including the rights of workers and vulnerable groups and the ILO decent work agenda, as well as issues relating to the environment. Negotiations on the sustainable development chapter will be a clear opportunity to address some of the issues raised by Martha to ensure

that trade will address these questions.

Nicola concluded by saying he would be pleased to go into more details and answer any questions in the working group discussions.

#### 4.2.3. Workshop discussion on EU-CA trade relations

*Resource people: Martha Yllescas Altamirano, Comité Nacional Feministas, Nicaragua and Nicola Ardito, DG Trade, European Commission. Facilitated by Tessa Mackenzie, CAWN, UK*

The session began with a round of clarifications and questions to the panellists. *Martha Yllescas Altamirano* explained that in Central America women's organisations have not participated in the negotiations so far and she did not consider that their political interests were being represented in the negotiations.

*Nicola Ardito* confirmed that there is a limit to what the EU can do to ensure that women's and other civil society organisations can participate but he stressed that it is important to increase parity as part of the trade negotiations. However, the Commission cannot tell governments that women and other groups should be involved in the process. It is up to each party of the negotiations (EU and national governments) to hold discussions with their own civil society representatives. Representation was also an element in the Tegucigalpa discussions in 2006 when it was agreed a committee of civil society organisations should be formed. The Commission is holding regular meetings with civil society and is kept informed of the processes. Those CSD meetings also offer civil society the possibilities to discuss and present proposals. Nicola stressed that in Brussels they have a good formula but in the CA region most of the civil society participants are representatives of the business/ private sector. When it comes to the implementation of the AA he stressed that there will be participation and monitoring by civil society.

Martha suggested that the asymmetry between countries in the CA region was a black hole in the discussions. She said that the process of regional integration is being promoted from outside the region, as CA governments have not been able to reach agreements on this amongst themselves. So it sounds too easy to say that civil society cannot be given a space to participate but at the same time that the EU can pressurize governments on regional integration. Martha also questioned how advances in regional integration would be measured, what these would be based on and whether it would be purely commercial arrangements. She asked why the EU did not demand that human rights form part

of the negotiations and what lessons would be learned from CAFTA-DR. The Commission does not appear to be looking at the impact of CAFTA-DR to learn lessons.

Nicola responded by stressing that there are different opportunities and political priorities, as unlike CAFTA-DR the AA is not only a commercial agreement. There are regional conditions in the negotiation process that will lead to integration but the EU is not imposing conditionality. Regional integration is a project of the governments in Central America and the EU is not trying to impose the experiences from other regions. The Commission is not demanding more than what is in CA's government programmes. Regarding human rights Nicola agreed that it is important to include a clause that governments should take international human rights convention into account. He highlighted that civil society are allies as defenders of human rights.

It was also mentioned that it is the mandate of the EC to carry out a sustainability impact assessment (SIA) during the negotiations. Other questions and comments raised by participants were on whether water services were included in the liberalisation of services and whether the SIA would also look at current European investment practices in the region, such as those of the Spanish. The negotiation process is already underway, but the SIA has not started yet. Nicola clarified that the SIA has been delayed but that a consultant has been appointed and will begin the study in January 2008. It would take about a year to conduct the assessment and interested groups will be able to participate in the process and have the opportunity to present concerns to the consultant.

### 4.3. EU-Ukraine trade relations

#### 4.3.1 EU-Ukraine trade relations and its gender and social justice implications

*Oksana Kisselyova, Liberal Society Institute, Ukraine*

*Oksana Kisselyova* began her presentation with a brief summary of the history and development of the negotiation process<sup>15</sup>. The EU-Ukraine Action Plan was agreed in February 2005 and will be implemented over a period of three years. The European Neighbourhood

Policy Instrument (ENPI) country strategy paper (CSP) for Ukraine covers the period 2007-2013. The EC offers assistance to support the process of market and regulatory reform with a view to the EU-Ukraine free trade area envisaged once the WTO accession process has been completed. On 13 September 2006, the European Commission presented draft negotiating directives and invited the Council to agree a mandate for the EU to negotiate a New Enhanced Agreement (NEA) with Ukraine to replace the existing Partnership and Cooperation Agreement. On 5 March 2007 the negotiations of the NEA<sup>16</sup> started.

#### **Gender aspects**

The Ukraine WTO accession agreements as well as the EU-Ukraine documents, such as the EU-Ukraine Action Plan, lack a comprehensive gender approach. In the EU-Ukraine CSP gender is planned to be mainstreamed as a crosscutting issue into the design of programmes related to all the key issues to the maximum extent possible. At the same time, the description of each of six priorities (political dialogue and reform; economic and social reform and development; trade, market and regulatory reform; co-operation in justice and home affairs; transport, energy, information society and environment; and people-to-people contacts) is gender blind. The gender dimension is not taken into account in the analysis of consequences of Ukraine's WTO accession and the creation of free trade area between EU and Ukraine.

#### **Ukrainian women in business**

The share of women in the total number of economically active population in Ukraine is about 49%. Small and medium-sized enterprises (SMEs) operated by women play a critical role in the economic survival of poor families. In the last 5-6 years women's businesses have developed rapidly in Ukraine. According to results of a BIZPRO survey<sup>17</sup>, in Ukraine women controlled 22% of private small and medium enterprises in 2002. The majority of women's enterprises are engaged in the wholesale and retail trade. Other relevant development trends for women's enterprise are in agriculture, public catering, industry, consumer services, hotels, and tourism.

15 *Oksana Kisselyova, Gender implications of the European Union – Ukraine trade relations, WIDE Factsheet, November 2007. www.wide-net-work.org.*

16 *NEA is planned to have a five-pillar structure: setting up an institutionalised political dialogue on common values in line with mutually accepted general principals governing the future relationship between the EU and Ukraine; establishing a WTO compatible FTA on goods and services, including binding disciplines in non-tariff and regulatory areas (e.g. intellectual property rights, technical standards, competition, sanitary and phyto-sanitary rules, trade facilitation); foresee specific provisions regarding energy; contain provisions on cooperation on a broad range of areas of mutual interest; provide for developed institutional structures to ensure effective implementation of the agreement, including a dispute settlement mechanism.*

17 *Small and Medium Business in Ukraine. Report. – Kiev: BIZPRO, 2002.*



### ***Gender dimension of trade policy***

Gender considerations that policy makers need to take into account when drafting trade policy include: women have less access to credit and capital than male business owners; they may face psychological barriers and gender stereotypes; they may need external support such as, advice, consulting, training; they have less time than men to attend training on technology, market information or other relevant skills due to their reproductive tasks; they use technology less than men; and they have less flexibility to travel to gather market information than men because of family related responsibilities.

### ***Women workers***

In Ukraine women are employed disproportionately in industries that would benefit from WTO accession such as metallurgy and fuel industries. Women are concentrated in public catering (84%); education, health and social support (78.3%); the financial sector (56.6%); wholesale and retail trade (57.7%). However, it is estimated that these sectors will experience shrinking exports.

The only sector that is expected to have a positive impact on women's employment is the textile industry where the majority of workers are women. The textile industry is one of those that suffered most in the transit period. In the 1990's unemployment in this industry was about 80%. Today they have successful practices in EU-Ukraine joint textile enterprises in Western and Eastern Ukraine (in the Uzhgorod and Lugansk clothes factories). The quality of employment in terms of flexibilisation and casualisation is closer to EU standards than in Ukrainian enterprises.

### ***Women in agriculture***

The structure of Ukrainian agriculture is: 58% peasant one-person business, 22% farmers, 6% collective farmers, 3% of enterprises with different forms of property. The proportion of women in agriculture is 42.9%. There are no favourable credits for small peasants who are the majority. As a result of WTO accession cheaper products will compete with women-farmers' food production. Taking into account that agriculture in Ukraine is badly mechanized and women have limited access to credits, women food producers will face unfair competition.

Privatisation and the creation of private farms redefined women as unpaid family workers without any social benefits.

### ***Women and reproductive work***

Ukrainian women are the primary carers of young children, the elderly and sick or disabled family members.

Women also contribute a considerable amount of unpaid labour to support core community social and political activities. Trade policy and practice tends to overlook and exclude women's multiple roles, because much of women's work is unpaid and, therefore, is not recorded in national statistics, and the more traditional gender roles of Ukrainian women are often undervalued. These gender-specific issues prevent women taking advantage of the new opportunities the WTO and EU-Ukraine trade agreements might bring.

### ***Recommendations***

- Integrate a gender analysis in the ongoing trade impact assessments and encourage the use of gender disaggregated data and gender indicators.
- Form a multi-sector gender and trade consultative group with regard to gender issues at the WTO and EU-Ukraine trade relations under the Ministry of Economy of Ukraine. This could take the form of a joint committee with representatives from the public, private, civil and academic sectors.
- Adopt explicit gender analysis and integration measures in all trade policy development related to the WTO and EU-Ukraine trade negotiations.
- Make the WTO and EU-Ukraine trade decision-making nationally and multilaterally more transparent, democratic and guarantee women's input and participation.
- Trade policy should take into account gender difference in earnings, employment (in the informal sector in particular) and levels of unpaid work.
- Development of financial services and markets, taxation, competition and consumer protection policy should address women's concerns and needs. The state tax policy should be analysed from a gender perspective. The form of taxation (direct or indirect) is relevant to women and low-income groups who benefit when a higher proportion of tax revenue is raised from direct taxation.
- To develop gender-sensitive financial services, policymakers should adopt gender-aware policy and regulatory frameworks to address the imbalances in women and men's access to assets, property, credits, and savings. The framework should give priority of credits for women's small and medium enterprises.
- The consumer protection policy should address women as the primary caregivers and producers of food for their families and the domestic market. Strategies of sustainable food production must ensure that women have access to and control of land, credit, training and the technologies required to sustain production.

#### 4.3.2. Response from DG Trade

*Philippe Cuisson, Deputy Head, Europe (non-EU) and Central Asia, DG Trade, European Commission*

*Philippe Cuisson* began congratulating Oksana on her in-depth presentation on gender and trade issues in the Ukraine. He fully agreed with most of these but had some points of disagreement.

Firstly, the framework of Global Europe, the Generalised System of Preferences (and more specifically the GSP+) as well as the EU Communication on the social dimension of globalisation (2004), all stress that gender equality is fundamental to the EU in all its internal and external policies. Gender is there and the line taken by the EC is to utilise its trade policy to foster it.

Philippe then illustrated how the Commission is handling gender through its trade policies. Whereas the USA uses the 'big stick' approach, the EC uses the 'carrot' approach as part of their trade policy strategies. He exemplified this with the GSP+: duty-free access for 7200 products will be provided to poorly diversified (and therefore vulnerable) economies, so long as they ratify and apply 27 international conventions on human rights, labour standards, environmental protection, and governance principles. Out of the 27 conventions there are two gender conventions, namely the ILO Convention concerning Equal Remuneration for Work of Equal Value and CEDAW. Through GSP+ the EU gets the governments to ratify these conventions. This is one way for the EU to address gender issues through trade policies.

For example, Pakistan which benefited in the past from GSP, did not want to sign up to some of the conventions so it does not qualify for GSP+ preferences.

He then illustrated how the Commission went about introducing gender elements into the EU-Ukraine negotiations. As far as laws are concerned, in the Ukraine non-discrimination laws exist and legislation fits with international standards. He stressed it was worth mentioning that in 2005 Ukraine had a women prime minister.

In relation to the accession of Ukraine to the WTO, Philippe commented that it is a common objective of both the EU and the Ukraine that they should join before the end of 2007. Once Ukraine has joined, the EU-Ukraine FTA negotiations would start. These negotiations will have all the same features as other FTAs. However, the future FTA will be part of a broader NEA for which negotiations had already started. If gender is not addressed as such in the FTA, it will be in the NEA,

in the social cooperation part, including employment and social policies. He referred to the ongoing negotiations and the current proposal from the Commission in this regard. This proposal stresses that parties should adopt social inclusion and gender equality in areas of social policy; more specifically they should aim at gender equality and equal opportunities between women and men in education, training, employment and combat discrimination in all areas. Philippe stressed that they are still in the negotiation phase and the EU still has to agree on this issue, but these provisions would be very concrete requirements that they would have to sign up to once the NEA (and the FTA) are in force.

Philippe also referred to the DG Trade civil society dialogue meetings organised in Brussels; for example, a civil society dialogue meeting was scheduled for the next day to discuss the Trade Sustainability Impact Assessments of the EU-Ukraine FTA. By this mechanism the Commission appraises the consequence of free trade for both parties before the negotiations. The SIA, which is publicly available on the DG Trade web site, concludes that, in particular, there will be an important impact on the textile sector, where women workers predominate. This sector will become more export-orientated because EU companies will be given incentives to re-deploy and invest in Ukraine and this will be beneficial for women workers.

With regard to agriculture, he agreed with the points made regarding the problems in the sector. But, he explained, the FTA will favour increasing trade and decreasing underdevelopment and thus will increase sustainable development. On examination of the facts and figures from different countries that are open to trade, sustainable development is more likely to happen there. In his view, the more trade increases, the more development increases and this will lead to greater gender equality.

#### 4.3.3. Workshop discussion on EU-Ukraine trade relations

*Resource people: Oksana Kisselyova, Liberal Society Institute, Ukraine and Philippe Cuisson, DG Trade, European Commission. Facilitated by Julia Günther, WIDE Austria*

*Oksana Kisselyova* started by giving some background to the current situation in post-Soviet Union countries. In the period after the fall of the Berlin wall there was 'wild capitalism' without any rules. In her view, accession to the WTO and EU will be the best way forward for Ukraine, some rules will be better than no rules and, given the options available, she preferred the EU. Some participants disagreed and pointed out that it is impor-

tant to analyse who sets the rules for whom, in whose interest and under what circumstances. Blind faith in the WTO/EU won't be the solution to the problems Ukraine has to face.

Oksana's point of view was that the Ukraine cannot be independent and has to choose between Russia and the EU and she considered that the EU was the better choice, especially regarding environmental and social standards. Other participants argued that developing countries consider certain standards as a kind of protectionism and that developed countries are pushing for standards which they themselves did not have before they developed.

A participant asked how WTO rules would control the 'wild capitalism' Oksana had referred to. She explained that it is the priority of all European countries to be part of the WTO, which has a Dispute Settlement body to regulate this. However, Philippe Cussion added, multilateralism in the WTO means one country - one vote. This voting system can make it difficult to move ahead, which is an important reason for the EU to conclude bilateral trade agreements.

A question on who monitors the implementation of FTAs was raised. Philippe explained that there would be management committees in all FTAs aimed at ensuring the proper application of the agreement. In autonomous regimes there is of course more leverage for the EU to act. As an example he mentioned Belarus, which benefited from the GSP system. But in 2003 the EU withdrew GSP preferences in response to a systemic and serious violation of the ILO core trade union rights and following a complaint by international trade unions.

Another question was whether the Ukraine textile and garment industry will be able to profit from the EU FTA when there is a lot of outsourcing of the EU industry to China, as a consequence of the end of the quota system in the textile industry in 2005. Philippe explained that the Ukraine would profit because there will be no obstacles, such as tariff restrictions or quotas, between the EU-Ukraine trade after the signing of the agreement. The Ukraine will also be able to fulfil orders

faster than China due to its proximity to the EU. The FTA, in providing full liberalisation to Ukraine textile exports to the EU, will give this country a comparative advantage that should compensate for Chinese competitiveness.

Philippe then explained that fulfilling high European standards in social or environmental terms might be considered as a burden put on Ukraine producers (through the NEA/FTA), while 'wilder' competitors like China do not have them. But in the longer run, complying with these standards will give a competitive edge to Ukrainian producers. EU consumers are getting more and more demanding in these matters and accordingly will favour the products which best satisfy these standards.

Oksana stated that for EU businesses the FTA has advantages for production in a country with lower wages, the Ukraine is interested in the foreign investment and both will profit from joint enterprises. She also considered that the people employed in these enterprises would benefit as these enterprises pay higher salaries than the average Ukraine business.

Another key problem raised was the inequality and asymmetry between negotiation partners. Participants were also critical of the fact that only NGOs, not the EC, are pushing for a gender perspective in the FTAs. Philippe stressed that he strongly supports gender equality and has no problems in requesting gender equality as a condition.

Participants also criticized the development of the country strategy paper for Ukraine because there was no consultation with civil society organisations.

With regard to the level of prosperity Oksana said that, although they now have big supermarkets in the Ukraine, during the Soviet era and before privatisation the level of culture, education and services was higher and this had changed now that Ukraine has to compete in the market. Competition will not necessarily favour Ukraine, as the country needs time to develop a civil society: 15 years is too short for that.

## 5. Conclusions and recommendations

*Anja Franck* closed the consultation meeting with some remarks on the proceedings of the day. She considered that the consultation had achieved the goals that they had set.

The first goal set out was to address the gendered nature of trade policies and to explicitly address the situation and experiences of women. And during the day we heard the stories of women's experiences from southern and eastern countries in the context of the free trade negotiations in India, we heard the stories from the MENA region, Central America, South East Asia and the Ukraine. The consultation had shown that there are many gender concerns, and she recalled a few of them: the erosion of women worker's rights or the complete lack of rights - both in the formal and the informal sector; the complexities around the globalisation of reproductive work, such as the 'care drain' in the Philippines; the effects of de-regulating public services, whose accessibility is critical to human development and with significant impacts on the workload of women; and the impacts upon small scale farmers and women's livelihoods of the unfair conditions that characterize agricultural production and trade.

The second goal was to offer a space for civil society to engage with policy makers and to strategise. She remarked that we had heard that the EU Commission 'mostly agrees with us' yet, that poses some questions. All three representatives of the Commission stated that they are committed to sustainable development and to gender equality as long as this does not come into conflict with the free trade agenda. The officials of the

Commission said it quite clearly: our dedication is to the free trade agenda. And it is possible that this is stated with the conviction that trade liberalisation and economic growth will automatically generate gender equality and have a positive impact on poverty reduction and the income of poor people. However, the experience of many developing countries show that the relationship between trade, growth and development is much more complex and we had heard the clear testimonies from women's own experiences during the day: the outcomes of economic growth and foreign trade are gendered and the benefits and losses of trade are unevenly distributed between women and men.

Anja stressed that an important issue that would stay with her was that of transparency and participation. Although all the officials stated that they are committed to a dialogue with civil society and invited civil society to discuss with them – there is a limit to openness, details of what is negotiated cannot be disclosed, the negotiation mandates of the EU are not public. So next week when we meet with Ditte, Nicola, or Philippe and ask them if they have put forward the demands from the WIDE consultation, we know what the answer will be – sorry this is not public information!

She ended by underlining that everyone agreed that this had been a very productive consultation and without the input of all the speakers and from the floor it would not have been the same. We all go home exhausted!

She closed by thanking everyone for their participation.

## 6. APPENDICES

### Conference Programme

- 8.30 – 9.00 Registration and welcome coffee
- 9.00 – 9.15 **Welcome**  
*Valerie Echard, WIDE, Brussels*  
*Anja Franck, GADNET, Sweden*
- 9.15 – 11.00 **Opening Panel**  
**The EU as a driving force behind further trade liberalisation and deeper economic integration: Implications for gender and social justice**  
**EU trade policy as a place of political intervention**  
*Christa Wichterich, WIDE, Germany*  
**EU free trade agreements and gender – Initiatives of the European Commission**  
*Ditte Juul-Joergensen, HoU, C1, Sustainable development, DG Trade, European Commission*  
**Trade, development and gender: A Southern feminist perspective on EU trade policy**  
*Lina Abou Habib, CRTD-A, Lebanon*  
 Followed by Questions and Answers
- 11.00 – 11.15 Coffee break
- 11.15 – 11.45 **EU–ASEAN free trade agreement**  
**EU–ASEAN trade relations and its gender and social justice implications**  
*Naty Bernadino, IGTN Asia, Philippines*  
**Response from the EuroCommerce**  
*Andreas Berger, Responsible for enlargement of EU trade, EuroCommerce, Brussels*
- 11.45 – 12.30 **Working group session**  
**WG 1: Discussion on EU trade policy as a place of political intervention**  
 Resource people: *Lina Abou Habib, CRTD-A, Lebanon* and *Christa Wichterich, WIDE, Germany*. Facilitated by *Benedicte Allaert, WIDE Brussels*  
**WG 2: EU–ASEAN trade relations**  
 Resource people: *Naty Bernadino, IGTN Asia, Philippines* and *Andreas Berger, EuroCommerce, Brussels*. Facilitated by *Barbara Specht, WIDE Brussels*
- 12.30 – 13.30 Lunch

- 13.30 – 14.00 **EU–Central America association agreement**  
**EU–Central America association agreement negotiations and its gender and social justice implications**  
*Martha Yllescas Altamirano, Comité Nacional Feminista, Nicaragua*  
**Response from the DG Trade**  
*Nicola Ardito, Trade relations with the Americas, DG Trade, European Commission*
- 14.00 – 14.30 **EU–Ukraine trade relations**  
**EU–Ukraine trade relations and its gender and social justice implications**  
*Oksana Kisselyova, Liberal Society Institute, Ukraine*  
**Response from the DG Trade**  
*Philippe Cuisson, Europe (non-EU) and Central Asia, DG Trade, European Commission*
- 14.30 – 15.15 **Working group session**  
**WG 1: EU–Central America trade relations**  
Resource people: *Martha Yllescas Altamirano, Comité Nacional Feminista, Nicaragua* and *Nicola Ardito, DG Trade, European Commission*.  
Facilitated by *Tessa Mackenzie, CAWN, UK*  
**WG 2: EU–Ukraine trade relations**  
Resource people: *Oksana Kisselyova, Liberal Institute, Ukraine* and *Philippe Cuisson, DG Trade, European Commission*. Facilitated by *Julia Günther, WIDE Austria*
- 15.15 – 16.00 **Conclusions**  
Followed by reception
- Moderator *Anja Franck, GADNET, Sweden*

## List of participants

### Abou Habib Lina

Director of the Collective for Research and Training on Development – Action (CRTD.A)  
CRTD.A  
P.O. Box 165302, Achrafieh 1100, 2030 Beirut  
Lebanon  
labouhabib@crt-da.org

### Aleem Hector

Chairman  
Peace Worldwide  
P.O.Box No 1835, GPO Islamabad - Pakistan  
peaceworldwide@hotmail.com  
92 512 220 500/92 512 220 501

### Ali Parvin

CEO  
FATIMA Women's Network  
Innovation Centre Oxford Street, Leicester LE1 5XY  
UK  
parvin@fatima-network.com  
44 084 533 123 73/44 087 000 526 08

### Allaert Benedicte

Capacity Building programme manager  
WIDE  
Rue de la science 10, 1000 Brussels - Belgium  
benedicte@wide-network.org  
32 254 590 70/32 251 273 42

### Ardito Nicola

Trade relations with the Americas,  
DG Trade, European Commission  
Rue da la Loi 170, 1040 Brussels - Belgium  
Nicola.ardito@ec.europa.eu

### Band Rebecca

Assistant Programme Officer  
CUTS International, CITEE  
D-217, Bhaskar Marg, Bani Park Jaipur 302 016  
India  
rb3@cuts.org  
91 141 228 28 21/ 91 998 274 22 33/91 141 228 24 85

### Begoña Iñarra

Deputy Secretary General  
Africa-Europe Faith & Justice Network (AEFJN)  
Rue Joseph II 174, 1000 Brussels - Belgium  
begoinarra@aefjn.org  
32 223 468 12/32 223 114 13

### Berger Andreas

Adviser on Enlargement and Integration of new  
Member States  
EuroCommerce  
Avenue des Nerviens 9-31, 1040 Brussels - Belgium  
berger@eurocommerce.be  
32 485 324 572/32 223 000 78

### Bernadino Naty

IGTN Asia  
Philippines  
naty\_bernardino@yahoo.com

### Bloch Hansen Metter

Coordinator-assistant  
92-Group: Network on sustainable development  
c/o Danmarks Naturfredningsforening,  
Masnedøgade 20, 2100 Cph Ø - Denmark  
mbloch@dn.dk  
45 391 740 00/45 391 741 41

### Bloemen Sophie

European Projects Officer  
Health Action International  
Jacob van Lennepkade 334-T - 1053 NJ Amsterdam  
The Netherlands  
sbloemen@haiweb.org  
31 206 092 943/31 206 855 002

### Craviotto Nerea

Resource manager and advocacy officer  
WIDE  
Rue de la science 10,1000 Brussels - Belgium  
nerea@wide-network.org  
32 254 590 70/32 251 273 42

### Crespo Cristina

Intern  
CIFCA  
Rue de la Linière, 11, 1060 Brussels - Belgium  
cristina.crespo@cifca.ngonet.be  
32 253 619 12/32 253 619 43

### Cuisson Philip

Europe (non-EU) and Central Asia  
DG Trade, European Commission  
Rue da la Loi 170, 1040 Brussels - Belgium  
Philippe.Cuisson@ec.europa.eu

**De la Peña Valdivia Marcela**

Chargee de projets  
Le Monde selon les femmes  
Rue de la Sablonnière 18 - 1000 Bruxelles - Belgium  
marcela@mondefemmes.org  
32 222 305 12/32 2 2315 12

**Debusscher Petra**

Researcher  
Centre for EU studies  
Universiteitsstraat 8, 9000 Ghent - Belgium  
petra.debusscher@ugent.be  
32 486 993 749

**De Mercey Colombe**

Policy Officer, Eastern Europe, the Caucasus and  
Central Asia  
Aprodev  
Boulevard Charlemagne 28, 1000 Brussels - Belgium  
c.de.mercey@aprodev.net  
32 223 456 66/32 223 456 69

**Di Tomasso Chiara**

Intern  
WIDE  
Rue de la science 10, 1000 Brussels - Belgium  
chiara@wide-network.org  
32 254 590 70/32 251 273 42

**Echard Valérie**

Coordinator  
WIDE  
Rue de la science 10, 1000 Brussels - Belgium  
valerie@wide-network.org  
32 254 590 70/32 251 273 42

**Ferreira Elisa**

Member of Parliament  
European Parliament  
60 Rue Wiertz, 1047 Brussels - Belgium  
elisa.ferreira@europarl.europa.eu  
22 283 716 4/22 283 716 4

**Franck Anja**

GADNET  
Dept. of Human and Economic Geography; Gothenburg  
University  
P.O. Box 630, 405 30 Gothenburg - Sweden  
anja.franck@geography.gu.se  
46 317 861 414

**Fuchs Peter**

Weltwirtschaft, Ökologie & Entwicklung e.V. (WEED)  
Torstr. 154, 10115 Berlin - Germany  
Peter.Fuchs@weed-online.org  
49 302 758 261 4/49 302 759 692 8

**Hilary John**

Director of Campaigns and Policy  
War on Want  
56-64 Leonard Street, London EC2A 4LT - UK  
jhilary@waronwant.org  
44 207 549 058 1/44 207 549 055 6

**Ibero Dolla Marta**

Deputy Executive Secretary of CIFCA  
CIFCA  
Rue de la Linière, 11, 1060 Brussels - Belgium  
marta.iber@difca.ngonet.be  
32 253 619 12/32 253 619 43

**Jansen Katrin**

Student  
Grabenstr. 122, 47057 Duisburg - Germany  
jansen\_katrin@hotmail.com  
49 203 363 548 5

**Jokiniva Mia**

FinnWID / Finland  
Journalist  
Freelancer

**Jones Tim**

Policy Officer  
World Development Movement  
66 Offley Road, London, SW9 0LS - UK  
tim@wdm.org.uk  
44 207 820 490 0/44 207 820 494 9

**Jongejans Laure**

Consede  
Rue de Merode 417, Forest, Brussels - Belgium  
laurejong@yahoo.fr  
32 477 067 966

**Juul-Joergensen Ditte**

Head of Unit  
C1, Sustainable development, DG Trade  
Rue da la Loi 170, 1040 Brussels - Belgium  
ditte.juul-joergensen@ec.europa.eu

**Kirch Marianne**

Artist  
Rue Léon Frédéric 37, 1030 Brussels - Belgium  
maakikii@web.de  
32 487 607 687



**Kisselyova Oksana**

Liberal Society Institute  
16 Ivana Klimenko str., apt.32 - Kiev, 03110 - Ukraine  
okisselyova@voliacable.com

**Koycheva Albena**

Bulgarian Gender Research Foundation  
12, Liuben Karavelov Str/2, Triaditza str.; Sofia 1142  
Bulgaria  
a.koycheva@yahoo.com  
35 929 802 076/35 929 802 076

**Langbroek Joke**

Program Coordinator Fair Economic Development in  
Latin America  
ICCO  
Joseph Haydnlaan 2a, Utrecht - The Netherlands  
jokelangbroek@icco.nl  
31 306 927 840/31 306 925 614

**Mackenzie Tessa**

International Advocacy Coordinator  
Central America Women's Network (CAWN)  
c/o OWA, Bradley Close, White Lion St, London N1 9PF  
UK  
tessa@cawn.org  
44 207 833 417 4/44 207 833 410 2

**Maier Rolf**

Consultant  
Belgium  
rolf.maier@olbes.eu

**Maes Marc**

11.11.11.  
Vlasfabriekstraat 11, 1060 Brussels - Belgium  
Marc.Maes@11.be

**Marinova Jivka**

Executive director  
Gender Education, Research and Technologies (Gert)  
P.O.Box 963, 1000 Sophia - Bulgaria  
marinova@online.bg  
359 2 988 7855

**Meijers Gea**

Network Officer  
WIDE  
Rue de la science 10, 1000 Brussels - Belgium  
gea@wide-network.org  
32 254 590 71/32 251 273 42

**Millinger Daniela**

Coordinator of Secretariat on Gender Justice in  
Conflict and Peace  
Gender Concerns International

Laan Van Meerdervoort 70, 1517 AN Den Haag  
The Netherlands  
daniela@genderconcerns.nl  
31 704 445 082/31 704 445 083

**Murray Kate**

Assistant to David Martin MEP  
European Parliament  
Rue Wietz 60, 1047 Brussels - Belgium  
david-martin-assistant@europarl.europa.eu  
32 228 475 84/32 228 495 34

**Naturale Daniela Rossella**

Intern  
ALOP  
Rue de la Linière 11, 1060 Brussels - Belgium  
daniela.rossella.naturale@alop.ngonet.be  
32 253 619 11/32 253 619 01

**O'Riordan Brian**

The Secretary, ICSF Belgium Office ICSF  
Sentier des Rossignols 2, 1330 Rixensart - Belgium  
briano@scarlet.be  
32 265 252 01/32 265 404 07

**Pelzer Kathrin**

Project coordinator of the campaign "Labour rights for  
women in the informal economy"  
Solidarity among women  
Berggasse 7, 1090 Vienna - Austria  
k.pelzer@frauensolidaritaet.org  
43 131 740 203 51/43 131 740 203 55

**Porter Julie**

Advocacy Coordinator  
Central America Women's Network (CAWN)  
c/o OWA, Bradley Close, White Lion St, London N1 9PF  
UK  
Julie@cawn.org  
44 207 833 417 4/44 207 833 410 2

**Quesada Gámez María Antonia**

Student – EU International Relations and Diplomacy  
Studies  
College of Europe (Bruges)  
Oude Zak 24-26, 8000 Brugge - Belgium  
maria.quesada-gamez@coleurope.eu  
32 047 325 609 0

**Quisthoudt-Rowohl Godelieve**

Member of Parliament  
European Parliament  
Rue Wiertz 61, 1047 Brussels - Belgium  
32 228 453 38/32 223 301 50

**Ranta-Owusu Eija Maria**

Researcher  
FinnWID  
Laajavuorenkuja 1 A 9, 01620 Vantaa - Finland  
eija.ranta-owusu@helsinki.fi  
35 840 560 802 4

**Retoft Ida Marie**

Assistant to Britta Thomsen MEP  
European Parliament  
Rue Wiertz 61, 1047 Brussels - Belgium  
britta.thomsen-assistant2@europarl.europa.eu  
32 228 374 52

**Romero Contreras María Eugenia**

Director  
Equidad de Género Ciudadanía Trabajo y Familia A.C.  
Abasolo #201, Colonia Del Carmén Coyoacán,  
México D.F. 04100 - Mexico  
direccion@equidad.org.mx  
52 555 658 711 4/52 555 658 765 4

**Sabra Bano**

Director of Gender Concerns International  
Gender Concerns International  
Laan Van Meerdervoort 70, 1517 AN Den Haag  
The Netherlands  
sbano@genderconcerns.nl  
31 70 4 445 082/31 704 445 083

**Salinas Valle Guadalupe**

Lawyer  
Comité Nacional Feminista, Movimiento Autónomo de  
Mujeres de Nicaragua (National Feminist Committee and  
Autonomous Women's Movement)  
Km. 16 ½ Carretera a Ticuantepe, Managua - Nicaragua  
lupesalinasv@turbonett.com.ni  
505 279 829 1

**Sjölund Hanna**

Intern  
Fair Trade Advocacy Office  
Rue du Commerce 124, 1000 Brussels - Belgium  
sjolund@fairtrade-advocacy.org  
32 221 736 17/32 221 737 98

**Specht Barbara**

Information and advocacy officer  
WIDE  
Rue de la science 10, 1000 Brussels - Belgium  
barbara@wide-network.org  
32 254 590 74/32 251 273 42

**Stocchetti Marikki**

Ph.D Candidate  
Institute of Development Studies, University of Helsinki  
B.O. Box 59, FIN-00014 University of Helsinki - Finland  
marikki.stocchetti@helsinki.fi  
35 891 912 426 2

**Tenday Gladys**

Administrative assistant  
WIDE  
Rue de la science 10, 1000 Brussels - Belgium  
gladys@wide-network.org  
32 254 590 70/32 251 273 42

**True Jacqui**

University of Auckland  
New Zealand

**Urbaniak Lidia**

Intern  
WIDE  
Rue de la science 10, 1000 Brussels - Belgium  
lidia@wide-network.org  
32 254 590 71/32 251 273 42

**Valverde Giovanna**

Minister Counsellor  
Embassy of Costa Rica and Mission to European Union  
Avenue Louise 489, B-1050 Brussels - Belgium  
giovanna.valverde@costaricaembassy.be  
32 264 055 41

**Van der Meij Suzan**

Oficial de incidencia PICA  
Programa de Incidencia en Europa para Centroamérica  
de Aprovechamiento  
Boulevard Charlemagne 28, 1000 Brussels - Belgium  
suzan.van.der.meij@icco.nl  
32 223 456 60/32 223 456 69

**Van Staveren Irene**

Associate Professor of Feminist Development  
Economics  
Institute of Social Studies  
Kortenaerkade 12 - 2518 AX The Hague  
The Netherlands  
staveren@iss.nl  
31 704 260 602/31 704 260 799

**Vervest Pietje**

Alternative Regionalisms Programme  
Transnational Institute  
De Wittenstraat 25, 1052 AK Amsterdam  
The Netherlands  
pietje.vervest@tni.org

**Weller Christina**

Senior Policy Officer, Trade  
Christian Aid  
PO Box 100 - London SE1 7RT - UK  
cweller@christian-aid.org  
44 207 523 201 7

**Wichterich Christa**

WIDE  
Schlosstr. 2, 53115 Bonn - Germany  
christawic@aol.com  
49 228 265 032/49 228 265 033

**Yllescas Altamirano Martha**

Comité Nacional Feminista, Movimiento Autónomo de  
Mujeres de Nicaragua  
Los Robles, VII etapa casa #174, Managua, Nicaragua-  
América Central - Nicaragua  
Yllescas@cablenet.com.ni  
505 2773191

## Speakers: Biographical notes

**Ms Lina ABOU HABIB, CRTD.A, Lebanon**, is the director of the Collective for Research and Training on Development–Action (CRTD.A) Beirut, Lebanon. She has collaborated in designing and managing programmes in the Middle East and North Africa region on issues related to gender and citizenship; gender, economy and trade; and gender and leadership. She is a co-founder and coordinator of the Machreq/Maghreb Gender Linking and Information Project. Lina Abou Habib has collaborated with a number of regional and international agencies (including UNIFEM, ILO, ESCWA, UNDP, UNRWA) as well as public institutions (including national women commissions, ministries of social affairs) on gender, development and trade issues.

**Mr Nicola ARDITO, Trade relations with the Americas, DG Trade, European Commission**, has graduated in law in Bologna and completed a post-graduate degree in Parma, Italy. He joined the Commission, Directorate General for Taxation and Customs Union in January 2001 in the Unit responsible for rules of origin and was head of sector for Latin America the focus of his work being the negotiation of preferential rules of origin with Chile and Mercosur and the implementation of these with Mexico (and subsequently with Chile). Since January 2005 he has worked in the Directorate for Trade and is in charge of bilateral trade relations with the six countries of Central America.

**Mr Andreas BERGER, EuroCommerce, Belgium**, is working on bilateral trade agreements and enlargement at EuroCommerce, the representation of retail, wholesale and international trade sectors in Europe. Before coming to Brussels he studied at the Vienna University of Economics and Business Administration and did a master's degree at HEC Paris.

**Ms Naty BERNARDINO, IGTN Asia, The Philippines**, is a program associate of the Miriam College Women and Gender Institute and works in the secretariat of the International Gender and Trade Network-Asia. She has done extensive studies on trade liberalisation and its impact on rural livelihoods, gender and social policy.

**Mr Philippe CUISSON, Deputy Head of the Europe (non-EU) and Central Asia Unit, DG Trade, European Commission**, has been in post since early 2007. His unit deals with bilateral trade issues with the countries at stake, together with international trade agreements

such as the future Free Trade Agreement to be concluded between the EU and Ukraine in the framework of the Political Agreement under current negotiations. Mr Cuisson started his career as a public official in Paris in the French Administration in 1985. Before joining the European Commission, he represented France in Working Groups in the European Union Council of Ministers. In 1991, he joined the European Commission in Brussels. Over the last 10 years, he has worked mostly in the field of customs and trade policy issues.

**Ms Valérie ECHARD, WIDE, Belgium**, joined WIDE as the new Coordinator in January 2007. She is in charge of the smooth running of the WIDE office based in Brussels. Prior to WIDE she held the position of Secretary General of the British Chamber of Commerce in Belgium for 10 years. She then decided for a turn in her career and to work for the women's rights issue within an NGO.

**Ms Anja K. FRANCK, Gender And Development Network (GADNET), Sweden**, is currently writing her PhD in Economic Geography at the School of Business, Economics and Law, Gothenburg University. The PhD project is about International Trade and Gender Relations.

**Ms Ditte JUUL-JORGENSEN, HoU, DG Trade, European Commission**, is Head of Unit for sustainable development in the European Commission's Directorate-General for External Trade (DG Trade). She has been working on trade policy in the European Commission since 1995, both in DG Trade and as Economic Counsellor to the EC Delegation to the United Nations in New York. During her work in DG Trade, Ms Juul-Jorgensen has been following a range of trade policy issues in the context of WTO and multilateral trade policy and in relation to bilateral trade relations. Among other things, she has worked on trade and development, WTO dispute settlement, trade and labour, fair trade and global governance issues.

**Ms Oksana KISSELYOVA, Liberal Society Institute, Ukraine**, has a Ph.D. in Philosophy, is a senior researcher at the Institute of Philosophy of National Academy of Sciences of Ukraine. She is also a president of non-governmental organization Liberal Society Institute, Kiev. Oksana Kisselyova is focused on women's economic, social and political empowerment at the national, European and global levels.

**Ms Christa WICHTERICH, WIDE, Germany**, holds a PhD in sociology and works as a freelance journalist, author of books, guest lecturer at universities and consultant in development cooperation. As researcher and author, her main topics are globalisation and gender, economy and women's work, ecology, women's movements and international women's policies. Her geographical focus is on South and South-east Asia and Eastern and Southern Africa. She is on the board of WOMNET, Germany, member of the academic council of ATTAC, Germany, and a member of WIDE.

**Ms Martha YLESCAS ALTAMIRANO, MAM, Nicaragua**, has a Master's degrees in Economic Planning from the Universidad de La Havana and in

Micro finance from the Instituto Centroamericano de Economía (INCAE). She specialises in supporting the work of Central American women's organisations to empower women. She is a member of the Executive Committee of Nicaragua's National Feminist Committee (Comite Nacional Feminista) and is a leading member of the Autonomous Women's Movement (Movimiento Autónomo de Mujeres de Nicaragua).

**Rapporteur: Ms Marilyn THOMSON**, holds a PhD in Economics and Political Science from the University of London, is a visiting research fellow at City University, London and is co-director and founding member of the UK based Central America Women's Network.



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