



Trade and Gender Nexus in the Context of Regional Integration: A Comparative Assessment of the East African Community (EAC) and the Southern Common Market (MERCOSUR)





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1. INTRODUCTION

There is by now widespread recognition that trade policies are not gender-neutral. Changes in a country's trade take place in the context of social and economic institutions, which are embedded in gender power relations. This, in turn, leads to a two-way relationship between trade and gender. On the one hand, trade leads to outcomes that vary by gender.¹ Within a country, men and women are affected by international trade differently based on their various economic roles as wage workers, producers, consumers, and taxpayers. Women as wage workers can benefit from new employment opportunities under expanded trade; in developing countries this is especially observed in labour-intensive sectors. This is often accompanied, however, by women's segregation into low-skilled sectors and low-paying jobs as exporting firms rely on existing gender wage gaps and cheap female labour as a source of competitive strategy on global markets (Standing 1989; Standing 1999). This trend, known as feminization of labour,² which was driven by both firms' cost-cutting strategies and technological changes that make physical strength less relevant, has more recently been reversed as a result of further technological upgrading in the manufacturing sector, which has led to a reduction in the relative labour demand for women employees. A number of factors are instrumental in this so-called "defeminization of labour", which is particularly evident in middle-income developing countries; the key drivers include gender norms designating such positions as "masculine", the declining weight of labour costs with respect to capital costs, and women's limited access to training and skill development programs (Tejani and Milberg, 2016).

Women as producers can benefit from new opportunities under increased trade to the extent that they have the capacity to participate in export markets; if they produce for the domestic economy, however, the influx of cheap imports is certainly economically damaging. Women as consumers of imported goods can benefit from cheap imports of food and other consumption goods; women as consumers of public services can be adversely affected by social spending cuts following the loss in tariff revenues under trade liberalization. If new taxes are introduced to compensate for the loss in tariff revenues, women as taxpayers may be subject to the gender bias inherent

in tax systems unless gender-sensitive measures are put in place (UNCTAD, 2014).

On the other hand, gender inequalities affect a country's export competitiveness and trade performance. For example, unequal distribution of resources, limited access to information and markets, gender wage gaps, inequalities in access to education and training, and unequal sharing of unpaid domestic work and care responsibilities lead to different opportunities for men and women. These various sources of gender inequality put women at a disadvantage vis-à-vis their male counterparts. These asymmetries have repercussions not only for women and their households, but also for a country's competitiveness and trade performance. For example, due to existing gender inequalities in the access to resources and training, women entrepreneurs often lack the necessary resources and skills to climb up global value chains and tend to have less access than men to higher value added segments of production.

These multiple channels of interaction between trade and gender point to the need for a gender analysis of trade policies. Because of differences in socioeconomic characteristics, sectoral composition of the economy, geographical characteristics as well as institutional and legal settings, which impact gender equality, it is critical that a gender analysis be carried on a case-by-case basis. Regional Economic Communities (RECs) provide interesting case studies given their export orientation and given the differences in the socioeconomic characteristics of their member countries, which influence the welfare impact of regional integration.

This background paper uses a comparative perspective to evaluate the interplay between trade and gender in the context of regional integration efforts in Africa and Latin America, using the case studies of the East African Community (EAC) and the Southern Common Market (MERCOSUR), respectively. The treaty for the establishment of the EAC went into force on 7 July 2000 following its ratification by the original three member countries.³ Rwanda and Burundi became members on 1 July 2007 and South Sudan on 15 August 2016.⁴ The Customs Union Protocol became effective in January 2005, aiming to establish a common external tariff on imports from third countries and gradually eliminating internal tariffs. The gradual process for the establishment of a customs union was completed in January 2010.

The EAC Common Market – the second cornerstone of the regional integration process – came into effect in July 2010 with an emphasis on furthering the free movement of goods, services, labour and capital. The Protocol for the Establishment of the EAC Monetary Union was signed in November 2013. More recently, the EAC Elimination of Non-Tariff Barriers Act entered into force in October 2017; it targeted the establishment of a legal framework for the elimination of identified non-tariff barriers in member countries. The ultimate goal of the EAC is political – the establishment of the East African Federation.

The formation of MERCOSUR was also driven by both political and economic considerations. The goal was to signal the belief in the importance of both democracy and economic development to achieve higher standards of living for the region's population. The treaty for the establishment of MERCOSUR was signed by Argentina, Brazil, Paraguay and Uruguay on 26 March 1991; it targeted the formation of a common market, a process set to be completed by 2006.^{5 6} The treaty was later updated on 17 December 1994 and formalized the establishment of a customs union. However, the process for the formation of a common market (and even a customs union) has been slower than planned.

By drawing upon these case studies from two continents, this study adopts a comparative perspective to examine the trade and gender nexus. It first assesses how gender inequalities have evolved in the context of regional integration in different domains of economic life along with the status of legal and policy frameworks on gender equality; it then analyses the impact of trade integration on gender inequality in employment in both the EAC and MERCOSUR. Specifically, this paper examines whether there are important similarities or differences in the gender implications of regional integration across the two continents and identifies possible drivers of these similarities or differences. Finally, based on this comparative assessment, this paper discusses policy recommendations for how to make regional integration more gender-responsive. Following this introduction, section 2 provides a comparative assessment of the legal and policy framework on gender equality in each regional setting. Section 3 presents an in-depth analysis of the two-way relationship between gender and trade in the EAC and MERCOSUR RECs. Section 4 concludes and provides an overview of the areas that have proven to be effective for gender mainstreaming in trade and the areas that require further action based on the results presented in sections 2 and 3.

2. LEGAL AND POLICY FRAMEWORK ON GENDER EQUALITY IN THE EAC AND MERCOSUR

This section presents a comparative assessment of the legal provisions and policy framework on gender equality in both EAC and MERCOSUR; these provisions constitute the legal and institutional framework underlying gender-differences in the access to education, resources and opportunities.

International and national inputs for gender equality

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979, is often referred to as an international bill of rights for women. All the EAC members ratified the CEDAW without reservations. In the case of MERCOSUR, Paraguay and Uruguay ratified the convention without reservation; Argentina and Brazil accepted it with reservation. The two countries did not commit to Article 29, paragraph 1, which is about arbitration.⁷

At the regional level, EAC and MERCOSUR differ greatly in regard to consideration of gender issues over the course of their institutional development. The EAC Treaty recognizes gender mainstreaming (Article 5.3(e)) and gender equality (Article 6(d)) as fundamental principles of the community, explicitly acknowledging the role of women in the socioeconomic and business development of the region (EAC, 2002). In 2017, the East African Legislative Assembly (EALA) approved the East African Gender Equality and Development Bill, which aims to harmonize legal and state obligations on gender issues across member countries and to further gender-responsive legislation policies and

In 1997, the CCSCS (Coordinadora de Centrales Sindicales del Cono Sur) Women's Commission was founded to carry out multiple activities in support of women: sending up-to-date information to all unions and women's departments and secretariats, spreading awareness of the content of relevant gender-based legislation, formulating affirmative action policies for women, adopting the necessary measures to eliminate all forms of discrimination against women, and ratifying the ILO conventions.

In 1998, the Specialized Meeting of Women (Reunión Especializada de la Mujer, REM) – including both government representatives and members of civil society – was established to examine the situation of women in light of the member states' national legislative regimes on equality of opportunities, with the goal of helping support social, economic and cultural development (Duina, 2007). More recently, the REM acquired ministerial status; in 2011, it was replaced by the Women's Meeting of Ministers and High Authorities (RMAAM). The RMAAM includes government representatives for gender affairs from both the member countries and associated states; its mission is to propose policy recommendations to move towards gender equality (Espino, 2016).

Since the late 1990s, and especially since the 2000s, gender issues have become more prominent in MERCOSUR's decision-making. The first MERCOSUR norms on gender were four mandatory resolutions issued in 2000, in line with the Beijing Platform for Action. Among them, Resolution 84 defines gender mainstreaming in MERCOSUR. Since 2006, MERCOSUR has approved a growing number of recommendations and regulations in support of gender equality; gender equality policies have expanded from an exclusive focus on employment to encompass political participation, domestic work, rural education

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