

## Free Trade Agreements and Gender (In)Equality

The Possible Gendered Consequences of the EU-Mercosur Free Trade

Agreement

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#### Abstract

The newly negotiated Free Trade Agreement (FTA) between the European Union (EU) and Mercosur has provoked both political and public controversy. Gender equality is one of the core values of the EU, and a prerequisite for a sustainable development. The connection between gender and trade and the different ways that free trade agreements affects structures of gender inequalities, are of huge political and theoretical concern. This thesis examines the possible gendered consequences of the EU-Mercosur Free trade agreement and its impact on gender equality in Mercosur. From an intersectional feminist analysis of the EU-Mercosur Sustainability Impact Assessment (SIA) and the EU-Mercosur FTA, this study concludes that the possible gendered consequences following the agreement are expected to be manifold with intersectional variations, where women, in their many roles as employers, consumers, producers and citizens, can be seen as negatively impacted upon by this agreement. This thesis findings contributes to the previous critiques given to the lack of gender mainstreaming in SIAs and FTAs, and calls for an intersectional feminist approach to gender mainstreaming of trade policies and free trade agreements, in order to come about gender equality and to make sure that trade doesn't infringe on women's empowerment or women's human rights. By furthering the knowledge and understandings of trade policies and gender (in)equality, this thesis seeks to contribute to the work of feminist activists, women's organisations, unions, and overall civil society, in advocating for a more serious gender approach in all trade agreements.

*Key words:* Free Trade Agreements, Sustainability Impact Assessments, Mercosur, European Union, Gender Equality, Gender Mainstreaming, Intersectionality

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### 1.0 Introduction

The newly negotiated free trade agreement between the EU and Mercosur (EU-Mercosur FTA), is according to the European Commission (EC), an agreement that will create jobs for all concerned and which will deliver an "...open, fair, sustainable and rule-based trade" (European Commission, 2019a). However, this agreement has provoked both political and public controversy, and not everyone agrees with the mainstream economic perspective of trade liberalization leading to job creation, economic growth and development. Feminists have struggled for a long time to change the idea of trade policies as 'gender neutral'. They have provided evidence that there is a negative relationship between international trade, trade liberalization, and gender equality, and shown that trade policies have differing gendered impacts across the various sectors of the economy, and on different groups of women and men (Kress, 2017; WIDE+, 2019). An assessment of the likely gendered implications of free trade agreements is therefore highly important in order to ensure that both women and men are adequately protected from its possible negative effects (Viilup, 2015:4).

Gender equality is one of the core values of the European Union, and one of the top five of the United Nations Sustainable Development Goals (SDGs). International trade can be seen as a means to achieve many of the sustainable development goals – which are also seen as interdependent of each other (Kress, 2017; Ioannides, 2017:22). There are many different causes and dimensions of gender inequality, such as political, legal, social and economic aspects, and the EU have committed to act to 'gender mainstreaming' all its activities and policies. By implementing a gender mainstreaming approach in relation to trade policies, one are committed not to perpetuate inequality and to make sure that women and men benefit equally by these policies in the political, societal and economic spheres (Marchand & Runyan 2011:202). Sustainability Impact Assessments (SIA) are developed as a tool for the EU to address the issue of trade policies and gender (in)equality (Kress, 2017), and these are employed in order to provide an in-depth analysis of the potential social, economic and environmental impacts of trade agreements (European Commission, 2019d). Despite these 'gender mainstreaming' efforts by the EU and despite sustainability impact assessments, the EU's trade policies and trade agreements, still seem to undermine livelihoods, and land rights of small-scale women farmers, producers and informal sector workers (Action Aid, 2018:7).

These findings have led feminist scholars and activists to argue that the EU 'gender equality approach' to trade is nothing more than 'pink washing' (Action Aid, 2018:4). They stress that

a comprehensive gender analysis is still not fully integrated into SIAs, and that the gendered consequences of trade liberalization, are often treated as a side note, with a too narrow understanding of the relationship between the two (WIDE+, 2019). Liberalization affects countries, sectors and individuals differently (Kress, 2017), and free trade agreements go far beyond the international trade with goods. The EU states that women's exposure to violence increases due to the obstacles for women to exercise their socio-economic and political rights (Pomatto, 2019). Without an in-depth and multidimensional gender approach to trade agreements and trade liberalization, the gendered impacts of trade policies can neither be avoided nor fully addressed (WIDE+, 2019). If trade policies don't take gender-specific outcomes into account then the risk are that they are magnifying existing gender gaps, which can be seen as a barrier for sustainable development (Ioannides, 2017:20). Gender equality approaches and gender mainstreaming in trade agreements and SIAs are therefore an important topic in need of further investigation.

### 1.1 Aim and Research Questions

The over-arching aim of this thesis is to examine the possible gendered consequences of free trade agreements, with a focus on the EU-Mercosur FTA and its impacts on gender equality. The purpose of this is to further the knowledge of gender equality in trade policies, and in extent, society as a whole. In order to explore these possible gendered consequences, a critical study of the 2020 Sustainability Impact Assessment of the EU-Mercosur Free trade agreement, and the 2019 EU-Mercosur Agreement in Principle, will be conducted.

Following questions will guide this thesis:

- 1. How, and in what ways are the possible gendered consequences, of the EU-Mercosur Free trade agreement represented in the 2020 Sustainability Impact Assessment?
- 2. Which are the possible gendered consequences that can be foreseen from the analysis of the FTA and the SIA?

#### 1.2 Delimitations

In order to be able to answer the aim and research questions of this thesis, some limitations have been made. Due to the difficulty of tracing one economic effect to a specific macroeconomic policy, and due to the fact that it will take some years until the effects of the

EU-Mercosur FTA will be visible, this thesis will focus on the possible gendered consequences of the FTA, and the SIAs representation of these consequences. There is also not a binding clause for the FTA to adhere to the SIA and the SIAs impact analyses are thus only recommendations (European Commission, 2020). Therefore, I will not say that the possible consequences by the gender framing in the SIA, is the same as what will empirically happen in the light of the FTA. Rather, I will look at if the FTA follows the recommendations based on the representations in the SIA, what are the possible gendered consequences of this. There is a problem if not even the SIAs framing of the possible consequences take a comprehensive gender approach to trade liberalization, because then it will be even harder to assess and mitigate the possible negative gendered consequences of free trade agreements.

Although many feminists and scholars previously have been criticising FTAs and SIAs for not taking a holistic gender approach to trade policies, research on gender equality measures and approaches in this specific SIA and the EU-Mercosur free trade agreement, are scarce. I have limited the study to the EU-Mercosur Agreement in principle (2019) and the latest SIA available, which is the 2020 final interim report. The final SIA report, which includes the proposed policy recommendations, has not been made yet. Furthermore, the EU is one of the most important trading partners for Mercosur, but for the EU, Mercosur is still a minor trading partner (European Commission, 2019c). There are also obvious power asymmetries between the two blocs, and this implies that the FTA might have a bigger impact on Mercosur member states and its citizens (Ghiotto & Echaide, 2019:119). That is why I will mainly look at the possible gendered consequences for Mercosur countries. Furthermore, this thesis does not claim to reflect upon all different effects that trade have on women, however it aims to capture some of the most obvious effects of trade on women, as workers, producers, consumers and individuals.

#### 1.3 Relevance to Global Studies

Globalization, which is a central focus for Global studies, is often seen as a neutral and unstoppable process (Shamir, 2005). However globalization has many different dimensions to it and can be seen as having uneven gendered and racialized impacts (Hoskyns & Rai, 2005:11). Free trade and regional integration influences society, politics and the economy on a global scale, and can be seen as two of the main drivers of globalization (Scholte 2008:1474-1492). Global Political Economy (GPE) brings together the study of states and the

study of markets in a global context, and is an important part of Global Studies. This thesis is part of this field and includes one of the main aspects of Global Studies: the gender perspective of such a relevant phenomenon as international and global flows of trade.

Processes of globalization can be seen as affecting structures of domination in ways that often result in deepening patterns of inequality (Nagar et al. 2002:276). In order to understand how processes of globalization, such as trade policies, affects people differently one need to comprehend the values, ideas and ideologies surrounding the global political economy (O'Brien & Williams, 2016:37). Thus, global political economy revolves around issues of inequality and power, and it is important to understand that the problems facing the world's population are complex and multifaceted (Ibid:36). Issues around power and inequality, can also be seen as issues surrounding the allocation of resources (True, 2012), and in order to understand the gendered effects of trade policies, one needs to comprehend the unequal structural position of women and men in social and economic spheres (Hoskyns & Rai, 2005:4). By understanding the role of gender in social and economic life we can begin to understand the impact that free trade agreements can have on peoples everyday lives. There is therefore a need to see how, and in what ways these global processes, such as processes around free trade agreements, trade policies and trade liberalization affects unequal power relations (Marchand & Runyan, 2011:12). Gender equality is a prerequisite for a sustainable development, and the connection between gender and trade and the different ways that FTAs affects structures of gender (in)equality, are therefore of huge political and theoretical concern for a sustainable development.

## 2.0 Literature Review and Previous Research

This section provides a literature and research review of different issues connected to the possible gendered consequences of free trade agreements and trade liberalization. The chapter draws on work by scholars from a wide range of disciplines, but with a special focus on global political economy and global gender studies. First, an overview of the literature and research on gender and globalization, gender and economics and gender and trade liberalization, will be provided. It will also show research on the different gender equality initiatives and measures put in place for development, such as efforts to empowering women in the (global) economy. Furthermore, it will point to key studies focusing on EU free trade

agreements, the EU-Mercosur FTA, and research on gender mainstreaming, giving a brief overview of results and discussions.

Processes of globalization and trade liberalization have long been seen as creating greater opportunities for economic growth and development. However feminists and scholars have pointed to the fact that both processes of globalization and international trade have had uneven gendered impacts. Scholars such as Scholte (2005), True (2009), and Marchand et al (2011) argues that these gendered impacts of globalization and trade liberalization are dependent on the neoliberal framework adopted to these processes (Scholte, 2005:8; True, 2009; Marchand & Runyan, 2011). The neoliberal economic stance of free trade, as working for the greater good and creating opportunities for all, has been criticised by feminist for not taking a comprehensive account of the economy. They have pointed to the fact that globalization and trade liberalization have wide ranging consequences for employment, labour security and gender equality, and that neoliberalism have long been blind to the social and reproductive part of the economy (Marchand & Runyan, 2011; True, 2009; Beneria, 1998:23). Much of the mainstream economic analysis have thus been criticised for failing to incorporate and to take into account the unpaid economy. This have led feminists to develop concepts, such as the double- and triple burden, which are used to point to, and make visible the many roles women have in the economy (Marchand & Runyan, 2011:4; Hoskyns & Rai, 2005: 2, 20; Beneria, 1998:33).

Elson, Grown & Staveren (2007) stress that inequalities in the labour market are underpinned by gender structures and the inequality between the paid and unpaid production. Gender can be seen as a global organising principle (Beneria, 1998:31), and gender inequality, are thus from this viewpoint, the product of a system of gendered power relations based on different norms and values of male and female responsibilities and roles (Elson et al., 2007:1). The impacts of trade and investment liberalization have not only been argued by feminists to be unevenly distributed between women and men, but also unevenly distributed between and within countries. Jacqui True (2009) points to the fact that trade liberalization and free trade actually serves to aggravate already existing gender inequalities (True, 2009:723), and Beneria (1998) argues that in this era of the globalization of economic relations, we must understand the role of gender from a global perspective. An issue to start with is to see how, and in what ways women are located in the global division of labour (Beneria, 1998:22-3).

Thus, despite the notions and efforts by mainstream economists to stress the gains made by trade liberalization in the form of greater employment opportunities for both women and men, numerous authors point to the differences of opportunities both within and between these groups (eg. Marchand & Runyan, 2011; True, 2009). It has been shown that the employment available for women are mostly located in vulnerable and precarious employment (O'Brien & Williams, 2016) and others actually argue that this can be seen as true for both women and men due to neoliberal policies and values and the global division of labour, with the accompanied 'race to the bottom' strategy. This means that there is a global search for cheap labour, which makes people vulnerable to precarious work (Marchand & Sisson, 2011; Beneria, 1998:29; Van Staveren, 2007:9). A further issue for feminists is the statistical problem of the undercounting of women's labour (Beneria, 1998:23), and the issue of comprehending direct and indirect employment patterns, and how these are gendered. That is, we must understand and differentiate between those who are directly employed and those located in subcontracting employment, consequently understanding the workings of global value chains and global supply chains (Beneria, 1998:29). These different gendered outcomes of neoliberal economics and trade liberalization has resulted in efforts to include a gender analysis of the economy (Marchand & Runyan, 2011), and the different approaches to the gendered outcomes will serve as a starting point for the analysis in this thesis, and will be discussed further in the theoretical framework.

Thanks to the many contributions of the above-mentioned authors and scholars, there has been a greater awareness of the links between gender inequality, the economy and macroeconomics. It is now not only feminist economists that points to the interconnectedness of gender and trade, but research reports from numerous organisations such as WTO (Women and trade); UNCTAD (Trade and gender); IMF (Gender and macroeconomics) and the World Bank (Trade and gender brief), have all pointed to an understanding of the differential gendered impacts of trade agreements, trade policies and its instruments, and the mutually interconnected nature of gender inequality and trade. These reports have shown the importance of gender equality to achieve positive outcomes of macroeconomic policies and that it is imperative for a sustainable development, and all have highlighted the importance of establishing gender-aware economic analysis, and gender mainstreaming in different activities such as development and trade (Frohmann, 2018). However, several authors and actors have criticised the fact that despite an understanding of the gendered effects of different (neoliberal) policies, gender has not been sufficiently addressed, or gender mainstreamed, in

international policies and also not in trade policies of free trade agreements (WIDE+, 2019; Action aid, 2018). An example, is the study on the modernization of the EU FTA with Mexico, by Dominguez et al. (2020), which reviews the explicit and implicit gender impacts of the EU trade policy. This paper shows that the EU trade policy continues within a paradigm that exacerbates gender inequalities at different levels. In fact, this paper shows that there are different political views within the EU on how gender should be integrated in EU trade agreements, and different views on what paradigm that should be leading trade policies. Furthermore, the paper conclude that the EU's current gender and trade policy has a narrow scope, and that gender equality is actually being framed as an issue exogenous to trade relations (Dominguez, Lassa & Meijers, 2020:8-9).

Micro perspectives of the gendered consequences of trade liberalization in Mercosur have been shown in focused reports by UNCTAD (2018), and Ventura-Diaz (2014), and these reports points to the need of looking at the sectoral composition of a country and the gender differences in economic participation (both informal and the formal), employment, the unpaid economy and gender relations (UNCTAD, 2018:Ventura Diaz, 2014). Furthermore, studies focusing on the EU-Mercosur FTA, have focused on the overall potential impacts of such an agreement, while more comprehensive studies focusing on the possible negative consequences of the EU-Mercosur FTA mostly focus on the environment issues or on the sustainable development chapter with a focus on labour standards (Ghiotto & Echaide, 2019). In the study of the EU-Mercosur FTA by Ghiotto & Echaide (2019), they found that this agreement will deepen the existing economic asymmetries between the regions and that the agreement will benefit the sectors that are already most competitive, such as the agribusiness in Mercosur and the industrial sector in the EU. They also found that the FTA would have a direct potential negative impact on many productive sectors in Mercosur, in which a large share of the population are employed, such as chemicals, machinery, textiles and car parts (Ghiotto & Echaide, 2019:119).

The theoretical literature which informs this thesis consists of studies of gender mainstreaming, many of which are concerned with why gender mainstreaming has failed to realise its radical potential (Allwood, 2013:3). There are now quite many instruments available to mainstream a gender equality focus into trade policy, and numerous women's organisations have also created gender 'tool-boxes' and provided ample evidence and recommendations for how to address gender equality measures in FTAs and how to

understand the gender and trade nexus (see for example: Van Staveren, 2003). Studies on gender mainstreaming in free trade agreements shows that in order for gender equality issues to be truly implemented there is a need to incorporate the voices of civil society and especially women's movements (see for example: WIDE+, 2018; Engberg-Pedersen et al, 2019; Action Aid, 2018; Hoffman, 2014). Despite the aim of the EU to be transparent in how the EU trade policy is developed, and their aim to hear and address civil society's views and concerns (European Commission, 2019a), the EU-Mercosur deal have received critique for having been negotiated 'far from the public eye'. The fact seems to be that some stakeholders and private sector representatives have been granted much more access to negotiations than for example women's rights civil society (Action Aid, 2018). Other studies on the issue and problem of gender mainstreaming, point to a lack of policy coherence, and shows that gender mainstreaming tend to be forgotten when intersecting with other issues such as trade and security (Ghiotto & Echaide, 2019; Allwood, 2013).

Irene Van Staveren (2007) have developed eleven gender and trade indicators that can be used as a starting point, and as a tool for policy makers to make sure that gender is mainstreamed in trade agreements. Van Staveren illustrates the use of these with an analysis of the EU-Mercosur FTA, and states that these indicators need to be complemented by in-depth detailed research and take into account the different institutional settings and trade relations, and that research needs to be done at the regional-, country-, and sub-sector level (Van Staveren, 2007:15). Her conclusion from the analysis is that the agreement will not be accompanied with any positive gender effect in Mercosur. This study was made in 2007, and many changes to the agreement have been made since then. Despite this, the indicators she presents can be used when looking for potential gendered effects of FTAs, and be used as a tool in drafting a gender inclusive trade agreement. However, a specific assessment of the possible gendered consequences, gender (in)equality issues, of the newly negotiated EU-Mercosur FTA (2019) and the 2020 SIA, which are the focus for this thesis, have not yet been found, which points to a possible research gap.

## 3.0 Background

This chapter starts with a brief overview of the history of Mercosur, some challenges and developments seen within the region. The thesis then aims to describe the bi-regional

relationship of EU-Mercosur and a short description of the agreement. Furthermore, in order to be able to understand the possible gendered consequences of FTAs, one have to comprehend the gender equality approaches and gender equality policies and frameworks, both within the regions and between them. A brief overview and description of the gender equality approaches employed by the two blocs will therefore be assessed together with the gender equality networks created within the Mercosur framework. Furthermore, in order to understand how trade liberalization and trade policies affect men and women, one need to understand the country level gender equality policies, differences (by gender) in labour market participation and which sectors women respectively men are working in. The thesis focuses on the possible gendered implications for Mercosur, and thus only the sectoral composition in Mercosur will be described.

#### 3.1 Mercosur

Mercosur, the regional integration of Brazil, Argentina, Paraguay and Uruguay, was created in the early 90's in order to form a common market with closer political and economic ties. Decision-making in Mercosur is institutionally based on consensus among its member countries, which means that all the members holds veto power (UNCTAD, 2018:3). In order to achieve the goal of regional integration with a common market and closer political ties, numerous measures such as the implementation of a common external tariff; the elimination of internal tariff and non-tariff barriers to trade; and the harmonization of diverse sectoraland macroeconomic policies, was proposed (Ibid). Other Latin American countries have also sought to join the Mercosur bloc, and countries such as Bolivia, Ecuador, Colombia, Peru and Chile, are currently associate members of Mercosur. These countries can as associate members receive tariff- reductions but they remain outside of the customs union and they have no voting rights (European Commission, 2019c). Another aim of the regional integration was to signal the importance of both economic development and democracy in order to promote better living conditions for the population, thus entailing not only free trade initiatives, but also to support technological development, environmental quality, security, infrastructure, and human rights (UNCTAD, 2018:3). The 1991 Asunción Treaty, which is considered to be Mercosur's constitution, did not, in the beginning, include a social agenda or a gender mainstreaming approach (UNCTAD, 2018:17; Hoffman, 2014). In order to address the disparities of development between the member countries, the Mercosur Structural Convergence Fund was established which aim was to finance diverse projects in support of regional development. This Structural Convergence Fund signalled the broader vision of Mercosur regional integration schemes and led to the development of other institutions directed at more social integration, such as the Mercosur Public Policies on Human Rights (UNCTAD, 2018:4).

Mercosur was in the beginning viewed as a successful project, with the establishment of a legal institutional structure, constituted by decision-making entities such as the Common Market Council (CMC), the Trade Commission, and the Common Market Group (CMG). It is now the fourth largest integrated market worldwide, and the largest trading bloc in South America (UNCTAD, 2018:2). However, the integration of the economies of Mercosur has been subjected to numerous challenges over the years. In the light of global- and country level crisis, diverse protective measures to intraregional trade (such as border posts, sanitary checks and customs checks) was implemented, and Mercosur is therefore not, as in the case of EU, a "real" customs union (Reid, 2017:343-5; European Commission, 2020:14). Mercosur is composed of economies that differ substantially in wealth, size, and human development and these power imbalances (economic, geographical and population asymmetry) within the bloc makes up a further obstacle for regional integration (IMF 2018; UNCTAD, 2018:4). The internal political disagreements within the bloc, political instability in the member countries, and the prominent inequality (income and wealth distribution) within the region constitutes a threat to democracy, social stability, economic growth and sustainable development, and have also posed as a threat for the future prospects of Mercosur (UNCTAD, 2018:3-4; Ventura-Diaz, 2014:13).

## 3.2 The EU-Mercosur Free Trade Agreement

Since 2015, Mercosur have taken up the mission of trade liberalization with external countries and blocs and the most advanced trade liberalization agreement has been the EU-Mercosur FTA (UNCTAD, 2018:4). The European Union is the first major partner to strike a deal with Mercosur, and only four other countries, Egypt, Israel, Lebanon and Palestine, have ratified an agreement with the South American bloc prior to this (Organization of American States 2019). The free trade negotiations between the European Union and Mercosur started in 1999, however it took over 20 years before the two parties finally reached an agreement in June 28, 2019. Trade relations between the EU and Mercosur, was before the conclusion of the agreement, constituted by cooperation- and bilateral partnership agreements (UNCTAD,

2018:4). Studies on why it took so long to reach an agreement between the EU and Mercosur circulates around the range of factors that can lead to the taking of protective measures; economic, political or institutional issues. Yannick Isenmanns study (2019) shows that the obstacles to sign an agreement could be linked to and depending on the role of domestic actors, the institutional setting and the ideology of the political leadership (Isenmann, 2019:5-7). Research also points to issues such as power imbalances within the Mercosur bloc (described above), where Brazil alone makes up about 73% of Mercosur's GDP and about 80% of its population, whilst Paraguay's and Uruguay's economies combined only make up about 3.5% of the Mercosur GDP (IMF, 2018). Furthermore, it is not only internal power imbalances within Mercosur that can be seen as posing as a challenge to the agreement, but also the bi-regional power imbalances and asymmetries (Ghiotto & Echaide, 2019:16), and the agricultural protectionist policies of the EU (Isenmann, 2019:14; European Commission, 2020:13).

The European Union was already, prior to the agreement, Mercosur's biggest trade and investment partner and its second largest for goods trade, where the EU exports to Mercosur, in 2017, €23bn in services and €45bn in goods in 2018 (European Commission, 2019a). The newly negotiated EU-Mercosur FTA goes far beyond trade with goods and tariff reductions, and it will cover a population of 780 million and a quarter of global gross domestic product. The deal forms one of the world's largest free trade areas which includes the elimination of nearly 90 per cent of tariffs on both sides (Hakim et al. 2019), and the deal is, according to the EU, said to preserve the interest of EU consumers and sensitive economic sectors, while also respecting the environment and labour rights (European Commission, 2019a).

The European Commission states that this agreement "...represents a clear commitment from both regions to rules based international trade and will give European companies an important head start into a market with an enormous economic potential" (European Commission, 2019a). The trade agreement is part of a wider Association Agreement between these two regions, which aim is to consolidate an economic and political partnership and to create significant opportunities for a sustainable development by including the implementation of the Paris climate agreement and the related enforcement rules (Ibid). There are thus both political and economic reasons for this agreement, which includes diverse issues of non-tariff barriers to trade. The agreement include topics such as trade in goods, technical barriers to trade, rules of origin, services, sanitary and phytosanitary measures, government procurement,

intellectual property rights, sustainable development and small- and medium-sized enterprises (European Commission, 2019a).

In the case for EU, it is argued that the free trade agreement will allow them to export their regulatory standards to Mercosur, and that this will result in giving them a privileged position in the growing Mercosur market (Isenmann, 2019:13; European Commission, 2020:14). For Mercosur it is argued that the free trade agreement with the EU presents an opportunity for Mercosur to break out of their relative isolation and enhance development. It will not only be good for their economy, with increased access to the European market, but it can also result in helping to speed up the reform process in Mercosur, which is crucial for achieving sustainable growth (Isenmann, 2019:14; European Commission, 2020:14). One of the main aims for Mercosur with this new trade deal is to boost the agricultural commodity export, while for the EU the main aim to increase the access for its manufactured goods (mainly cars). Furthermore it is agreed upon that the EU will, within five years, eliminate most of its barriers, while Mercosur, in order for the private sector to adapt, will apply a gradual tariff reduction over a period of up to 15 years. It is said that the agreement represents a 'win-win' for both blocs, with the creation of 'growth and job opportunities' for both the EU and Mercosur (European Commission, 2019a). Other issues that can affect the results of the agreement is, as noted above, that Mercosur is not yet a fully operational customs Union, and the fact that there are sectors within Mercosur trade that are not yet liberalized. There is also the existing Common Automobile Policy in the Mercosur, which may have implications for the FTA in the automobile sector (European Commission, 2020:21). The agreed text, will now after the signing, be revised by both sides in order to come up with a final version of the Association Agreement and its trade aspects. Furthermore, the deal needs the European Parliament and Mercosur to approve of, and ratify the deal, and this might take some years (Blenkinsop, 2019).

## 3.3 Sustainable Development and Gender Equality

Besides the efforts to deliver economic benefits to the two blocs, the agreement also contains a chapter on sustainable development with the aim to promote high standards. This chapter represents recognition from the two parties that the social, economic and environmental dimensions are mutually reinforcing and interdependent dimensions of sustainable development. The chapter also represents that the EU-Mercosur FTA is based on an

understanding and commitment to the fact that trade should support and promote sustainable development (European Commission, 2019b), and from 2009 and onwards, The Lisbon Treaty made the pursuit of sustainable economic, environmental, and social development a specific goal for EU policy (Titievskaia, 2019:25). The emphasis on the promotion of sustainable development by the EU is also illustrated in the 2015 *Trade for all strategy*, where trade is seen as an effective tool in order to promote sustainable development worldwide (Orbie et al. 2016:31). Sustainability impact assessments are employed in order to provide an in-depth analysis of the potential social, economic and environmental impacts of trade agreements (European Commission, 2019d), and it is specifically said to be used a tool for the EU to address the issue of trade policies and gender (in)equality (Kress, 2017).

Gender equality is thus seen as highly important in order to achieve sustainable development (Ioannides, 2017:20), and the connection and interdependence between sustainable development and gender is now also widely acknowledged at the multilateral level. Both the EU and Mercosur are members of the WTO (Ventura Diaz, 2014:8), and the Joint Declaration on Trade and Women's Economic Empowerment, which was signed by WTO in 2017, emphasized the importance of women's contributions to development and global trade (Randriamaro, n.d.:36). Furthermore gender equality in the EU and Mercosur is protected by several other declarations such as CEDAW (the Convention on the Elimination of all Forms of Discrimination against Women) and CERD (the ILO Discrimination Convention, and the Convention on the Elimination of Racial Discrimination) (European Commission, 2020:99).

## 3.4 Gender Equality Policies in the EU and Mercosur

According to UNCTAD (United Nations Convention on Trade And Development): "The international, regional, and national legal and institutional framework on gender equality has direct implications for transforming the gender-based structure of the economy and reducing gender inequalities" (UNCTAD, 2018:17). In the light of this it is imperative to understand the gender policy frameworks in a region and country in order to conduct a gender analysis of trade policies (Ibid; Randriamaro, n.d.:37). This section therefore outlines the gender equality frameworks in each negotiating party.

### 3.4.1 Gender Equality Frameworks in the European Union

In 1996, the European Commission committed itself to gender mainstreaming and integrating a gender perspective in all its policies (Kress, 2017). The commitment to gender equality has long been a feature of the EU development policy. An attempt to bring this commitment into practice was the Gender Action Plan (GAP I 2010-15), which aim was to set out some clear plans and guidelines for implementation. Its success has however been limited, and external and internal evaluations shows that gender is not being prioritised and that GAP I did not have that much influence over top priority agenda matters, such as environment, agriculture and trade (Allwood 2018:3; Ioannides, 2017). The second Gender Action Plan, GAP II -'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-20', was an attempt to revise the issues seen in GAP I. GAP II put emphasis on the fact that gender equality is not only an important goal in and of itself, but it is also imperative to economic progress and sustainable development, and extended the reach of a systematic gender analysis in all areas of external action (Allwood, 2018:3). The new framework did also acknowledge the intersections between different forms of inequalities and exclusions (Allwood, 2018:5). It is now widely recognized that "...gender parity in partner countries has become synonymous with increasing productivity and economic growth, respect and protection of human rights, sustainability and resilience of a society" (Ioannides, 2017:7-8). Furthermore, in March 2018 the European Parliament adopted the resolution Gender in Trade Agreements that states that EU should integrate a gender perspective in all its FTAs (WIDE+, 2018; European Parliament, 2018). Despite this, it is still argued that the EU implementation of a gender analysis is lacking in respect to trade (Allwood, 2018:5; Dominguez et al. 2020:8-9).

## 3.4.2 Gender Equality in Mercosur

Women's groups have targeted Mercosur since its creation but with limited access to decision-making and influence, and feminists, women's groups and human rights groups have long struggled for gender issues to be put on the agenda. Despite many challenges, women's movements have been an important factor and drive behind putting gender on both the regional and national agenda in Mercosur (Engberg-Pedersen et al, 2019:77). A social agenda or a gender mainstreaming approach was not, as stated above, included in the 1991 Asunción

Treaty (UNCTAD, 2018:17), but several initiatives and measures have been established since then, in order to adjust this.

A women's commission, the CCSCS-MERCOSUR (*Coordinadora de Centrales Sindicales del Cono Sur - The Southern Cone Union Head Offices Coordinating Agency*), was founded in 1997. Its aim was to promote and encourage:

"...the active participation of female workers in MERCOSUR, ensuring unions and women's departments and secretariats receive up-to-date information, disseminating the content of relevant legislation nationally and regionally, formulating affirmative action policies for women in the region along the lines of commitment with the 1995 Beijing Action Platform (an agenda for women's empowerment), adopting the necessary measures to eliminate all forms of discrimination against women, and ratifying the ILO agreements." (UNCTAD, 2018:17).

Furthermore, thanks to the pressure of the women's movement in the region, a specialised meeting on Women - Reunion Especializada de la Mujer (REM) was created, in 1998. The REM was the first body in Mercosur that addressed gender issues. Its mission was to analyse equality of opportunities for women in the member states and REM included both government representatives and the civil society, which enhanced the influence of regional women's organizations (Engberg-Pedersen et al., 2019:77-8; UNCTAD, 2018:17-8).

The REM was later, in 2011, replaced by the Women's Meeting of Ministers and High Authorities (RMAAM), which recieved the role to propose policy recommendations for gender equality (Espino, 2016; UNCTAD, 2018:18). However, RMAAM only has an advisory role, issuing recommendations on gender policies (UNCTAD, 2018:4). In the same year as the creation of REM, Mercosur signed the Social and Labour Declaration, with the objective to secure "...equal rights and access to employment regardless of race, nationality, colour, gender, sexual orientation, age, religion, economic- and union-related opinion, economic situation, or any other social circumstance" (UNCTAD, 2018:17). With the signing of this declaration, Mercosur states are responsible for guaranteeing non-discrimination in practice as well as in legislation (UNCTAD, 2018:17; Espino, 2016).

Following, all of the four Mercosur members have ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), but only Paraguay and Uruguay have ratified it without reservations (UNCTAD, 2018:17). Furthermore, Mercosur have, like the EU, agreed to gender mainstreaming, not only in its regional framework and trade policies, but gender mainstreaming is also to be included in all agreements with third parties (Engberg-Pedersen et al, 2019:78; Hoffman, 2014). To conclude, despite initial neglect of gender in Mercosur, gender issues have now, thanks to the struggle of women's movements and regional networks of women, both within and outside the institutions, become a part of the Mercosur agenda (UNCTAD, 2018:18; Espino, 2008; Hoffman, 2014). Despite the progress of addressing gender issues and despite the discursive politics to act to gender mainstreaming in all Mercosur's activities (thus also in international trade), it is mostly country level initiatives that are put in place in order to incorporate women's empowerment and gender equality through trade policies (UNCTAD, 2018:20).

#### 3.4.3 Mercosur, Gender and the Labour Market

Trade liberalization and trade policies affect both men and women but in different ways (Ventura-Diaz, 2014:i). In order to understand how trade agreements affect men and women differently we need to understand the country level gender equality policies, gender differences in labour market participation and which sectors women respectively men are working in. This section aims to give a brief overview of this situation in the Mercosur member countries.

In order to promote gender mainstreaming and women's rights, Brazil, Argentina and Uruguay have established different governmental institutions such as National women Machineries. They have also introduced other instruments in order to support the implementation of both national and international gender equality commitments, such as gender responsive budget initiatives (UNCTAD, 2018:19). Both Uruguay and Argentina have also expanded their gender mainstreaming efforts by addressing the issue of gender equality and trade; an example of this is measures taken to increase women's participation in the export sector (Ibid:20). According to the GII (Gender Inequality Index) there has been an improvement of gender equality, in all member countries since the creation of Mercosur. However there is still a gap between men and women's labour force participation in the region and the income inequality between men and women remains high, with women

earning about 40% of men's income (Ibid:9-10). Employment and income can be seen as two important indicators of gender inequality, and women's employment and income opportunities can be seen as directly connected to the impact of trade liberalization (Ibid:12).

Trade liberalization changes trade structures such as shifting the sectoral composition of the economy (UNCTAD, 2018:12, 23). In the light of Mercosur's regional integration, there have been some changes in the distribution of men and women in the primary (eg. agriculture), secondary (eg. manufacturing), and tertiary (eg. services) sectors (UNCTAD, 2018:12). Mercosur is the world's third largest producer and exporter of agricultural products, and agriculture is thus an important key sector for the region. In 2017, men predominantly took up the biggest share of employment in agriculture. However, the statistics on women's employment in agriculture may be impacted by the fact that women are less likely than men to define their 'activities' as work (ILO, 2016; UNCTAD, 2018:12-3). Early deindustrialization processes in Mercosur, over the course of economic development can be seen as having contributed to the decline in the overall manufacturing. However, early deindustrialization is also seen as contributing to the de-feminization of employment in industries (UNCTAD, 2018:7). The fact is that the share of women employed in industry decreased in line with regional integration in countries such as Uruguay, Paraguay, and Argentina. Formal employment in industry is therefore, as in the agriculture sector, predominantly male dominated (Ibid:7,12).

Women's employment in the tertiary sector (service sector), increased along with regional integration and trade liberalization and the tertiary sector is the largest source of employment in all four countries and constitutes the largest share of GDP (UNCTAD, 2018:12,14). However, women and men tend to be employed in different kinds of service jobs in this sector, where employment in jobs traditionally viewed as 'women's work' (domestic work); education, social services, and health care are much more dominated by women (Ibid:14). To sum up, both the EU and Mercosur have emphasized the need to gender mainstream and to employ a gender analysis both in their internal and external relations, with different country level efforts to address this need. The SIAs are supposed to be a tool in order to gender mainstream the agreement and to make sure that trade benefits both men and women. However studies have shown that the 2009 SIA failed to provide a comprehensive gender assessment of the possible gendered consequences of the free trade agreement, and that the economic, social and environmental sectors have been assessed in isolation from each other,

thus failing to review the combined impacts of trade policies and the likely gendered outcomes of these (Hailé, 2006:15).

## 4.0 Theoretical and Analytical Framework

The theoretical and analytical framework guiding the analysis of this thesis primarily consists of theories and literature surrounding the issue of gender mainstreaming. In order to be able to analyse and to answer my research questions, key concepts and theories connected to gender mainstreaming, such as gender equality, empowerment and intersectionality will be discussed and defined. The theoretical framework will serve to analyse the empirical findings in the 2020 SIA and the EU-Mercosur FTA, and will assist in answering the research questions and examine the aim of this thesis.

## 4.1 Gender Mainstreaming and Gender (in)Equality

The study by Dominguez et al. (2020), showed that there are different political views on how gender should be integrated in EU trade policy, and on what paradigm that should be leading trade policy (Dominguez et al. 2020:8). Gender mainstreaming can be seen as an approach to promote, and to achieve the goal of gender equality and women's empowerment. However, many critics have argued that gender mainstreaming have lost its transformative potential, and this can be seen as depending on the different underlying conceptualizations of, and different approaches to, gender (in)equality. The theoretical framework will therefore discuss three different gender equality approaches, which all have different representations of the problem of gender inequality, with following different solutions to this problem (Verloo, 2007:30). These three different views on the solution to gender inequality are based on the principles of equality, difference, and transformation. These three different approaches or strategies can also be called inclusion, reversal and displacement (Verloo, 2007:23; Squires 1999:3).

In the first approach, gender equality as inclusion, one view the problem of gender inequality as depending on the fact that men and women have not had equal opportunities and that women have been excluded from the political (and the economy). The idea of inclusion is based on a liberal idea of the autonomous individual. We are all the same, and should be treated the same way, and that we can include women into the system without changing it.

Equal rights policies, following from this approach, focuses on the equal opportunity of men and women, and focuses less on the different outcomes. This approach does however, not address or challenge the power hierarchies embedded in gendered relations and structures (Verloo, 2007:23; Squires 1999:3). The second strategy, the strategy of reversal, aim to show the difference between men and women and that we should seek to understand these differences and give them equal value. The concept of gender can in this strategy be viewed as essentialist, consequently understanding the differences between men and women as biological. That is, women and men are different but what we do should be valued equally. The third approach, the strategy of displacement takes a deconstructionist approach to gender and gender inequality. This approach views gender inequalities as depending on social constructions of male and female responsibilities and roles, and calls for a structural transformation in order to achieve gender equality (Squires, 1999:3).

Translated into the development paradigm, these different gender equality approaches have been called Women in Development (WID), Women and Development (WAD), and Gender and Development (GAD). The shift from the Women in Development paradigm to the Gender and Development paradigm was made on the recognition of the fact that a new focus on the relationality, the relational aspects of gender inequality, was needed. The Gender and development framework recognises and put emphasis on historically and socially constructed relations between men and women, the interdependency of women and men, and the relational nature of gendered power (Cornwall et al, 2007:23; Bacchi & Eveline, 2010:317). This meant shifting the issue of gender inequality as a 'women's issue' and instead think of gender inequality in terms of relational power and power structures (Cornwall et al, 2007:23). This kind of approach to gender inequality (connected to the strategy of displacement), can therefore be seen as focusing on gender, without the displacement of women as a central subject, and recognises that an improvement of women's status and rights requires an analysis of the unequal relations between women and men (Debusscher, 2012:182).

Gender mainstreaming, can be seen as informed by the Gender and Development paradigm, which goal was to recognise the need of incorporating and mainstreaming a gender analysis, an analysis of gendered structures and gendered relations, in development policies and consequently in trade policies. Gender mainstreaming can thus be seen as a means to achieve gender equality and gender analysis is the tool used to identify the existing inequalities, with the aim to develop policies to redress these and to change the mechanisms that caused them.

Some critics argue that many gender mainstreaming efforts rests on an understanding of gender equality, which serves to minimize structural change (Bacchi & Eveline, 2010:55). To sum up, there are different frameworks of gender analysis, which differs in their potential to produce meaningful change (Bacchi & Eveline, 2010:64), and these are connected to the three different gender (in)equality approaches, accounted for above. Thus depending on how one view the issue of gender inequality(ies), there will be different solutions and actions applied to achieve gender equality. This thesis therefore argues that any gender analysis, any gender mainstreaming approach, seeking to understand and redress gendered inequalities, needs to be informed by an intersectional feminist approach in order to be truly transformative.

# 4.2 Intersectionality and Empowerment – A Feminist Intersectional Approach

The theory of intersectionality can serve to inform gender mainstreaming approaches, and help to understand and to identify the complexity and multidimensional ways of discrimination, oppression and thus also gender(ed) inequalities. Gender can from an intersectional theoretical point of view be seen as a "constellation of ideas and social practices that are historically situated within and that mutually construct multiple systems of oppression" (Bacchi & Eveline, 2010:77). The theory of intersectionality thus implies more complex ways of thinking about power, power structures and power relations, this by treating gender and other inequalities as multiple and intersected. Furthermore, a theory of intersectionality can serve to unveil the workings of power on both a macro and micro level and the interconnections between these (Goertz & Mazur, 2008:218).

Empowerment is a contested concept and by 'gendering' this concept, one can bring out and make explicit the hidden biases and assumptions associated with this (Goertz & Mazur, 2008:7). Current empowerment projects and definitions of empowerment are often shaped by "...neoliberal ideas such as individualism, responsibility and economic order and carry implicit, gendered and disciplining messages about appropriate social behaviour" (MacKenzie, 2009:203). Some feminists have critiqued the way that the liberal conceptualization of economic empowerment, referring to women's participation in paid employment, often is used as a measure for gender equality. They argue that the focus on economic empowerment shows a narrow understanding of what empowerment really is, and that the focus often is on the economic outcomes, women's labour market participation, rather

than the empowerment outcomes and gender equality (ICRW, 2019). This way of looking at 'economic empowerment' in terms of women's participation in the labour force, serves, according to these feminist critics, to ignore the gendered wage gap and income differences; the gendered segregated labour market; women's increased time poverty due to the double burden of paid and unpaid labour; and how the jobs available for women often are located in informal and part time jobs with less workers rights (Van Staveren, 2007:5).

It is therefore necessary to take an intersectional power analysis when talking about (economic) empowerment and gender inequality, in order to understand the contextuality of norms and the functions of gender relations (ICRW, 2019). It is thus not enough for women to simply get employed or to 'add women into the economy'. This kind of focus on women's economic empowerment is seen as being to narrow and contributes to mask intersectional differences and opportunities for empowerment. It has been showed that women's increased labour market participation, can on the one hand be seen as leading to greater bargaining power in the household, but also to increased gender based violence due to shifting gender roles and norms (True, 2012). Therefore, it is argued that economic empowerment for women, also entails access to public services and adequate social protection, combined with a "recognition, reduction and redistribution of the unpaid care work they do" (ICRW, 2019). Feminist theorists have also argued that "...women's ability to speak for themselves, to describe their own needs and their own objectives and, most importantly, to have their voices heard is paramount to women's empowerment" (MacKenzie, 2009:202). It can therefore be argued that until women have access and opportunities to participate in decion-making, there will never be a gender-just trade or gender-just policies, and women cannot be truly empowered (Dominguez & Quintero, 2019; Marchand & Dominguez, 2019). Women's empowerment thus entails other important measures to empowering in the struggle to achieve gender equality, such as social and political empowerment and non-exploitative workplaces (Allwood, 2018).

Trade impacts on gender equality and on gender relations in a variety of ways (Van Staveren, 2007:15). By incorporating an intersectional gender analysis in relation to free trade agreements one can highlight these different realities of individuals and the interrelationship with trade policies and trade liberalization. This implies taking account of the structural inequalities built into the economy, for example the unpaid economy, women's unequal access to formal labour market, and to make visible women's production in the unpaid and

informal economy, and the increased precariousness of labour resulting from the spread of this (Pomatto, 2019). An intersectional understanding of power and empowerment can be seen as recognising the contextuality of empowerment and its relation to regional, national and global contexts, that is how it is inextricably linked to global structures (MacKenzie, 2009:202). The theory of intersectionality can help us see the different possibilities individuals have to access productive resources and trade benefits, and also help to show the different gendered impacts of trade liberalization (Lengyel et al., 2006:v). A feminist intersectional gender analysis of FTAs, and in extension SIAs, can therefore serve to improve the recognition of the possible consequences of this trade process taking into consideration gender-based inequalities in economic participation, the informal, formal, and unpaid economy; ownership inequalities, the unequal access to and control over credit and land; and the unequal access to decision-making and information, which can serve to unmask the relational nature of gender inequalities, and how to transform these (Pomatto, 2019).

# 4.3 Operationalizing the Theoretical Framework: Feminist Intersectional Approach

Both the 2020 SIA and the EU-Mercosur free trade agreement are supposed to gender mainstream in order to make sure that the trade agreement does not perpetuate gender inequalities and to make sure that this trade agreement benefit both men and women (Kress, 2017). Intersectional theory informs us that we must not loose sight of power and exclusion and that we need to challenge the ways in which inequality is (regularly) reproduced (Bacchi & Eveline, 2010:246). In order to identify and understand different existing inequalities and structures, an intersectional feminist approach to empowerment and gender inequality is needed. The feminist intersectional approach to gender mainstreaming, employed as the theoretical framework in this thesis, can be used to highlight the ways that gendered power relations and inequalities are constructed, shaped and maintained through institutional processes, practices and rules, and can serve to highlight and understand the relation between structure and agency. By employing an intersectional feminist approach to gender mainstreaming, this thesis aim to explore the problem representations in the SIA and to examine the possible gendered consequences of the EU- Mercosur FTA, and the agreements impact on gender (in)equality and women's empowerment.

## 5.0 Method and Methodology

This thesis seeks to examine the possible gendered consequences of the newly negotiated EU-Mercosur FTA and its impact on gender equality. SIAs are used as a an ex ante tool to make sure that a gendered analysis of the possible consequences are incorporated and taken into account in the FTA, this in order to mitigate the potential negative consequences of trade liberalization and the adopted trade policies. Due to the fact that the agreement is new, and that the effects of the agreement are difficult to discern at this stage, it is important, as noted by the EU and other multilateral institutions, to make ex ante gender analysis of the effects of free trade agreements (EU Commission, 2019d). SIAs have received critique for failing to fully take gender into account in their analysis of FTAs, and even when gender is accounted for, it is critiqued for failing to do so in a comprehensive manner (Action Aid, 2018; WIDE+, 2019). The purpose of this thesis analysis is therefore to examine how and in what ways gendered consequences are represented in the SIA and to map out and examine the impact of the EU- Mercosur FTA on gender (in)equality in Mercosur.

## 5.1 Methodology

The thesis takes a point of departure in social constructivism. This implies that it views the unequal gendered effects of trade as constructed due to gender blind policies, and these unequal gendered effects are therefore seen as open for change. For this thesis a qualitative text analysis method, as described by Esaisson et al. in Metodpraktikan (2012), will be conducted. A qualitative text analysis can be used as a way to, in a systematic fashion, extract the underlying assumptions and values of a text (Esaisson, 2012:229). The researcher take a feminist approach to this study and to the material, which means that she ask herself critical questions of power structures, where she seek to critically analyse choices of exclusion and inclusion of the chosen text(s). This will help the researcher to unmask and understand how oppression works, and provide knowledge that could help 'fight' against injustice (Sprague, 2005:9). Standpoint theory sees that "...all knowledge is constructed from a specific standpoint, and what a knower can see is shaped by the location from which that knowers inquiry begins" (Sprague, 2005:47). The researchers position as a feminist thus leaves her to argue that knowledge can never be seen as value free, and that both qualitative and quantitative methods can produce situated knowledge's (Haraway, 1988:581). Quantitative methods have been used by feminists to unmask how "...seemingly neutral practices in social

organization systematically produce gender inequality" (Sprague, 2005:129). A combination of qualitative and quantitative methods can be fruitful, and also sometimes necessary, in order to understand the relationship between structure and agency (Danermark et al., 2003:304). In order to fulfil the thesis aim, a quantitative method could have been applied. However, a quantitative method is not deemed as fruitful for answering the research questions posed and it would also be difficult to do in the time frame for this thesis. Other qualitative methods, such as a discourse analysis, could also have been useful for this thesis purpose. However, the first research question, explicitly, intend to focus on the problem representations in the SIA, with the aim to be able to analyse possible gendered consequences of such framing. Thus, the method chosen and the analysis conducted for this thesis is deemed to be the most compatible for this aim.

#### 5.2 Material

The material selected for the analysis consists of the 2020 EU-Mercosur Sustainability Impact Assessment, and the negotiated agreement between the EU and Mercosur, the 2019 Agreement in Principle. The study is limited to the analysis of these two documents due to the fact that these documents provides comprehensive information and are thus deemed sufficient for completing this study. Furthermore, due to economic and political power asymmetries between the two regional blocks and due to previous findings of more social consequences for the 'weakest' partner (Van Staveren, 2007:11; Ghiotto & Echaide, 2019:119), the focus will be on the possible gendered consequences for Mercosur, and how these are represented in the SIA. Secondary empirical, both qualitative and quantitative, data and the theoretical framework will be used to analyse the findings in the SIA, and to examine the possible gendered consequences of the EU-Mercosur FTA.

Gender equality in trade agreements is, as already described above, crucial in achieving sustainable development (Espino & Van Staveren, 2001). The sustainability impact assessments have several purposes such as providing information and to help steer negotiations; assess the likely changes of an agreement; identifying possible trade-offs; and to make sure that the related policy choices are optimised. SIAs are also stated to make up an opportunity for stakeholders, both in the EU and the partner country(ies), to impact on and share their views with the negotiators (European Commission, 2019d). The SIA have structured the impact analysis into economic-, social-, sectoral-, environmental-, and human

rights analysis. The SIA states that it prioritises a human rights analysis, where a reference to gender equality is visible, and that this is an area which was not considered in the 2009 SIA. The SIA also states that, in line with the terms of reference and existing guidelines on gender mainstreaming, the SIA will identify particular measures foreseen in the agreement, which may enhance or impair women's rights or affect gender equality (European Commission, 2020:14).

I will examine how the SIA views the possible gendered consequences of the FTA, but also examine whether and where, the SIA misses out on a gender analysis of the FTA. Even though the policy recommendations from the SIA analysis is not incorporated in the 2020 interim report (it will be incorporated in the final report), the potential recommendations from the SIA can be understood in the light of how the SIA represents the gendered consequences. If the gendered consequences are not analysed through a comprehensive and intersectional and relational lens, then the policy recommendations cannot be expected to be to be shaped by those considerations. The critical analysis of the 2020 sustainability impact assessment thus seeks to analyse how the possible gendered impacts are represented in the SIA, and to map out its limitations by contrasting it with the analysis of the 2019 Agreement in Principle.

The Agreement in Principle (2019) contains a summary of the negotiated trade results. This document covers 17 chapters which consist of both tariffs, and non-tariff barriers to trade issues including: Trade in Goods; Rules of Origin; Customs and Trade Facilitation; Trade Remedies; Sanitary and Phytosanitary Measures (SPS); Dialogues; Technical Barriers to Trade (TBT); Services and Establishment; Public Procurement; Competition, Subsidies; State-owned Enterprises; Intellectual Property Rights (including Geographical Indications); Trade and Sustainable Development; Transparency; Small and Medium-sized Enterprises; and Dispute Settlement. The text analysis specifically focus on three of these chapters: Public Procurement, Intellectual Property Rights; Trade and Sustainable Development, which have received critiques from feminists for posing an issue for gender equality, with potentially negative gendered consequences (Action Aid, 2018).

## 5.3 Choice of Method - Qualitative Text Analysis

A qualitative text analysis, informed by Carol Bacchis 'What's the problem represented to be?'(WPR) approach to policy analysis, will be employed as the analytical framework in this thesis. A qualitative text analysis can, as stated above, be used as a way to, in a systematic fashion, extract the underlying assumptions and values of a text (Esaisson, 2012:229), and Bacchis WPR policy analysis approach, views problem representations and policies to contain underlying theoretical and conceptual logics (Bacchi & Eveline, 2010:116). The choice of applying the WPR approach to the documents was based on the previous critique given from feminists and women's rights movements to the lack of SIAs incorporation of, and their 'superficial' and limited understanding of gender inequalities, and the critiques of the lack of gender mainstreaming in both SIAs and free trade agreements (WIDE+, 2019; Action Aid, 2018). The WPR method thus allows this study to put in question the conceptual premises and the underlying assumptions of problem representations and policies (Bacchi & Eveline, 2010:30). The starting point for this thesis is therefore, as noted in the theoretical framework, that there are many different meanings, conceptualizations, and ideas of what gender (in)equality is. Ideas can be viewed as having empirical effects and implications (Esaisson, 2012:212), and the outcome of certain problem representations and policies, can therefore be seen as dependent on these conceptualizations and how one view the relationship between gender and trade and gender inequality. The qualitative text analysis, informed by the WPR approach, is thus the analytical framework for applying my theoretical framework, and it can be used in order to analyse the different effects and implications of gender equality analysis and trade policies (Bacchi & Eveline, 2010:135).

#### 5.3.1 Adaptation of Method

In order to operationalize and to identify the problem representations, how and in what ways the potential gendered consequences are presented in the SIA, different sensitizing questions were posed to the material. This was done in order to find out and examine the possibilities and limitations, of these problem representations, for a gender-just/ gender sensitive trade policy:

- 1. What's the problem represented to be? How and in what ways are the gendered consequences of the agreement represented in the SIA?
- 2. What assumptions underlie this representation of the problem? How do they view the issue of gender inequality(ies)?

- 3. What is left unproblematic in this problem representation? Where are the silences? Can it be thought of differently?
- 4. What implications do this 'representation' of the problem pose? (Bacchi & Eveline, 2010:117). Thus, what are the potential gendered consequences of the SIAs problem representations, and the possible gendered consequences of the FTA?

The purpose of applying the WPR method is therefore to examine the problem representations and to raise questions and problematizations of the gendered consequences left unaddressed in the SIA. My theoretical framework was applied when looking at the problem representations, and was used in understanding the possibilities and limitations of these, and the possible gendered consequences and gender equality issues of the EU-Mercosur FTA.

#### 5.4 Ethical Considerations and Reflections

This thesis has a desire to build grounded, contextual understanding of the possible consequences of trade agreements. The feminist theoretical position taken in this thesis points to the aim not only to critically examine the possible gendered consequences of the SIA and the EU Mercosur FTA, but it also aim to seriously engage in examining the possibilities for change and further the knowledge on how to transform inequalities, and to change unequal structures. In line with a feminist research ethic, I will do my best to critically approach all documents, accounts and representations and to question the circumstances, conceptualizations under which the information presented has been generated. I recognise that as a researcher, I have power over what is researched and in what manner this is done, as well as over what conclusions the thesis presents. I have tried to be explicit that I take a feminist approach throughout the paper, and I have sought to make the findings and assumptions on which my conclusions are based as clear as possible (Ackerly & True, 2010:63). The material selected for this thesis consists of publicly published documents and literature, and no interviews have been conducted, which reduces the risk of ethical problems to arise.

## 6.0 Findings and Analysis

First section will map out how the SIA views the current gendered inequalities in Mercosur, which provides an overview of the baseline for the SIAs gender equality analysis. Then I will

show how the SIA represents the possible gendered consequences of the EU-Mercosur FTA and point out limitations in their representations by contrasting these with an examination of the agreement in principle. Then I will, based on my theoretical framework analyse the gender mainstreaming approaches in the SIA and the EU-Mercosur free trade agreement and discuss the possible gendered consequences, and gender inequality issues, foreseen from the analysis of the texts.

#### 6.1 Current Gender Realities in Mercosur

The SIA starts their gender equality analysis by outlining the current gender realities and the current gender (in)equalities in Mercosur, in order to be able to analyse the possible gendered consequences of the agreement. The SIA describes that there is a large gender disparity between female and male unemployment in Mercosur member countries (European Commission, 2020:99), and women's wage employment in the service sector and industry sector is seen as taking place in the formal economy (Ibid:99-100). The SIA notes that they only see a concern with the female-male labour ratio in Paraguay, where only about half of the women are engaged in formal employment. They acknowledge that previous research and literature shows that "...women are often sought for different kinds of employment that make them vulnerable through unjust wages, and lack of formal accountability" (European Commission, 2020:100). However they also state that vulnerable employment in Mercosur is seen as being of more concern for men (with an exception of Paraguay) (Ibid). The SIA continues by showing that men makes up the majority of people employed in all three sectors (agriculture, services and industry), but that the gender gap is seen to be biggest in the industrial sector. The SIA also notes that the concentration of women in certain sectors, the gendered segregated labour market, may be a result from cultural attitudes that prevent them from entering certain sectors, industries and employment. This is, according to the SIA, particularly harmful for women, who have a much narrower range of labour market choices and lower levels of pay than men (Ibid:101). Furthermore, the SIA argues that the service sector is important for women for many different reasons, but one aspect of why this is important, is argued to be because of the fact that women's wage work are crucial for economic growth and the well-being of families (European Commission, 2020:101).

The SIA continues by showing that in all Mercosur member states, women spend more than double the amount of unpaid work (labour) and that women may be drawn into lower paying

service activities that allow for more flexible work schedules, which makes it easier for them to balance family responsibilities with work life (European Commission, 2020:102). The SIA thus acknowledge that there are many current issues for women, where they often face different obstacles which limit their full participation in paid economic activities, such as restricted access to credit markets, land, capital, and education and training; time constraints due to traditional family responsibilities; and labour market bias and discrimination (Ibid:101). These obstacles are seen as limiting women's productivity and contributing to women's lower wages (European Commission, 2020:101). The gendered realities accounted for above, provides and defines the baseline for the SIAs gender equality analysis (Ibid:102).

## 6.2 Analysis of the SIA and the FTA: Possible Gendered Consequences of the EU-Mercosur FTA

The SIA describes that they are supposed to gender mainstream their impact analysis and to identify how and in what ways the agreement, may enhance or impair women's rights or affect gender equality (European Commission, 2020:14). By looking at the SIAs baseline for the gender equality analysis, it can be argued that they acknowledge and point to intersectional gendered differences in opportunities and inequalities for women and men in Mercosur. The fact is that the SIA seems to acknowledge that there are many different issues and obstacles for women's ability to participate in paid economic activities, such as restricted access to capital, credit markets, land, education, labour market bias and discrimination, and time constraints due to traditional family responsibilities, which all are obstacles that are viewed as limiting women's productivity and contributing to women's lower wages (Ibid:101). However they do not seem to understand the different ways that the trade policies following the agreement actually serves to enhance these gendered inequalities. An incorporation of these acknowledgements and an intersectional and relational understanding of the possible gendered consequences and gender inequalities; the different potential impacts of the free trade agreement and trade liberalization, on women and men and differences within these groups, seem to be lacking, and be severly limited in respect to other issues and analysis of gender impacts in the SIA.

In the gender equality analysis of the expected gendered impacts of trade liberalization, the SIA uses the results on the sectoral effects (in a broad sense) to assess the agreements implications for gender equality. Here they note that the majority of output and export

increases from Mercosur will be in male dominated sectors, such as agricultural and industrial goods, and that: "Liberalization in a sector where men receive higher earnings may increase income disparity as increased cash crop returns flow primarily to men" (European Commission, 2020:104). The SIA argue that while this does not necessarily increase poverty in the female population one should pay attention to potential (gendered) consequences of income disparities and take note of the potential risks of relative bargaining power in the household (Ibid). The quote provided for above, can be seen as an indicator of the SIAs incorporation of an intersectional and relational, however somewhat limited, gender analysis of the agreements possible impacts on gender (in)equality. The author of this thesis argue that it can be seen as odd that the SIA, by acknowledging that it is the male dominated sectors that will be most positively impacted by the agreement, does not seem comprehend the problems that this will pose for women's poverty. The trade agreement changes the sectoral structures in Mercosur countries, and the fact is that there are many obstacles for women to gain employment in these 'positively impacted' male dominated sectors, and this can thus be seen as an issue for women's employment opportunities following the agreement, and in extension, issues of women's poverty. The author of this thesis therefore argues that the possible gendered consequences of income disparities should be further developed in the analysis of the SIA.

The SIA also acknowledge in their gender equality analysis, that while the literature shows that liberalization has an effect on wages; it differs between sectors, as well as countries. From this they draw the conclusion that the agreement can be expected to have a positive impact on female wages and employment, this because the majority of women are employed in the service sector which is expected to benefit from private consumption increases (European Commission, 2020:104). This way of conceptualizing positive impacts on women's employment opportunities and wages, can however be seen to mask the gender inequality issues of the gendered segregated labour market, and the ways in which the segmentation of women in certain sectors can be viewed as a source for gender inequalities. This way of representing the positive impact of the agreement for women, does not problematize the fact that women are discriminated against in the labour market or problematize why women does not work in the other sectors, this despite a recognition of these obstacles and gender inequality issues in the baseline prior to the analysis. In the baseline they noted that in all Mercosur member states, women spend more than double the amount of time towards unpaid labour, and they recognised that women may be drawn into

lower paying employment and service activities that allow for more flexible work schedules, which makes it easier for them to balance their family responsibilities with work life (European Commission, 2020:102). Thus the SIAs analysis of the possible positive consequences for women in the service sector, can be seen as based on the liberal approach to women's economic empowerment and gender equality, and misses out on incorporating an intersectional analysis in relation to this. In only focusing on women's economic participation, the SIA serves to mask the intersectional differences among women in the service sector, and the different ways that this can actually lead to women's increased time poverty (due to double and triple burden), informal- and part- time jobs and less workers rights due to precarious work (Van Staveren, 2007:5).

Consequently, the SIAs analysis of the service sector misses out on the acknowledgement of the gendered issues that may prove to mitigate these expected positive gendered impacts. Furthermore, employment gains from trade liberalization in the service sector have been shown to decrease over time, especially for women (Van Staveren, 2007:7). The SIA does not acknowledge this fact or the fact that women are more often employed in trade sensitive service sectors (Van Staveren, 2007:6), and that their employment opportunities, and wages, might therefore be more negatively impacted by the trade agreement than what is expected in the SIA. The SIAs conclusion of the agreements positive impact on women's wages and employment in the service sector can therefore be seen as problematic. The SIAs analysis thus fails to take into consideration the fact that women might still be employed in lower paid work in the service sector, and that they still have the unpaid burden on their shoulders, or that they more often are employed in trade sensitive sectors, which all can be seen as indicators of how the agreement may impact on gender equality. Moreover, there are additional gendered consequences concerning the potential impact of the agreement, and the liberalization of the service sector, that are not seen as taken into account for, or comprehensively discussed in the SIA.

#### **Public Procurement**

The agreement in principle includes a chapter on public procurement. This chapter describes that: "EU companies get access to a market in which Mercosur have not opened up to any other partner and in which Mercosur only recently have been liberalised (partly) internally" (European Commission, 2019e:10). The procurement covers entities such as national universities, ministries, agencies, judiciary and legislative branches, and it will allow EU

firms to tender for sub central contracts and give European companies access to vital parts of social welfare systems in Mercosur countries (Ibid:10-11). This means that both the EU and Mercosur will open up their procurement markets, and thus be able to bid for, and win, government contracts, which will cover services, goods and work purchased by public entities at federal/central level (European Commission, 2019e:10). The agreement thus allows for the outsourcing of public procurement, which according to previous research, tends to lead to privatization of public goods and services. It is shown that privatization often have consequences for people working in the public sector, and that privatization and outsourcing tends to lead to "...state institutions not assuming any responsibilities for the welfare of their workers" (Dominguez et al. 2020:12). The SIA showed that a majority of women are employed in the service sector, and the study by UNCTAD (2018) showed that women in Mercosur are more often employed in service sectors and service jobs traditionally viewed as 'women's work' (domestic work); education, social services, and health care (UNCTAD, 2018:14). Therefore one can expect women in Mercosur to suffer the most of these public procurement provisions, where these jobs "...tend to be reduced in the public domain in favour of private arrangements, often leading to less rights and earnings" (Dominguez et al. 2020:12). Thus the SIAs analysis of the possible gendered consequences in the service sector, and their analysis of the potential impacts, can be seen as not taking a comprehensive multidimensional intersectional approach, and they therefore do not seem to understand the power hierarchies embedded in gender relations and structures (Verloo, 2007:23).

Privatization of public goods and services also makes it more difficult for citizens to access healthcare and basic needs, in which women often are affected the most due to increases in unpaid care burdens (WIDE+, 2018). The SIA did acknowledge that the FTA is expected to have effects beyond those directly related to trade, but they did not in a comprehensive manner provide an analysis of these. They argue that the FTA will have an immediate fiscal effect associated with the loss of tariff revenue from the bilateral trade between the partners, and they note that this could be offset by increases in revenue from other sources (i.e. VAT) (European Commission, 2020:19). While the SIA acknowledges that tariff liberalization can result in budget cuts in family, or social public policies, and that this is can be an issue for income inequality(ies) (Ibid:40), they fail to acknowledge or address the fact that this could be especially detrimental for women, and they did not, include an analysis of the possible gendered consequences of public procurement. This despite an acknowledgement in the

gender equality analysis, that women often bear the burden of household adjustments following trade agreements (Ibid:104). Furthermore, gendered welfare and health issues can also be seen in relation to the agreements inclusion of intellectual property rights.

#### **Intellectual Property Rights**

The SIA notes that FTAs can have important effects on consumers in terms of price, quality and quantity (European Commission, 2020:22). Increased domestic consumption can be seen as acting as an indicator towards the achievement of the right to an adequate standard of living (Ibid:102). It is noted by the SIA, that there is seen to be a decrease of private consumption for most commodities in the Mercosur countries. They stress that the "...diversion of domestic consumption levels to increased export levels must be assessed further as economic advantages of exportation often leave producers and poor communities vulnerable to food insecurity as exportation may become more profitable than domestic consumption" (European Commission, 2020:102). The SIA acknowledge that women are more vulnerable to increases in food prices (Ibid:90), but the gendered consumption and consumer impacts of the agreement are not seen to be developed further than that. However, one important aspect for the gendered consumer impacts can be regarded in relation to provisions on Intellectual property rights (IPR) and geographical indicators, which are included in the agreement. The agreement in principle includes: "... comprehensive provisions addressing the full spectrum of IPR, including copyright, trademarks, industrial designs and plant varieties" (European Commission, 2019e:12-3).

The SIA did address that there are some sectors, e.g. pharmaceuticals and chemicals, where Intellectual property rights (IPR) play an important role alongside market access (European Commission, 2020:14), but the SIA did not look at the possible gendered consequences of the inclusion of intellectual property rights in the agreement. Feminists have shown that IPR provisions have gendered impacts beyond sectoral impacts, such as the fact that women are more vulnerable and poorer so they will suffer the most from patents that prohibit the production of affordable generics. Provisions on Intellectual property rights have thus been criticised by feminists for not understanding the different ways that these, by placing restrictions and access to seeds and medicines, threaten the right to health and food sovereignty (Action Aid, 2018:4). The IPR provisions in the agreement can therefore be seen as impinging on the right to health, but these issues, the possible gendered consequences of

public procurement or IPR, is not acknowledged in the SIAs human rights, or gender equality analysis. The fact seems to be that market liberalization, tariff reductions and privatization deplete domestic resources and states ability to provide quality and social protection which are seen as vital for redressing women's unequal share of unpaid care work and labour (Action Aid, 2018:8). To conclude, the SIAs problem representations in their gender equality analysis are not seen as able to address the multidimensional and intersectional negative gendered consequences following the agreement. The SIA fails to understand the terms and conditions of the employment opportunities for women in the service sector, and they do not seem to comprehend the potential negative gendered consequences of public procurement provisions and intellectual property rights.

### 7.0 Discussion

### 7.1 Gender Mainstreaming in the SIA

The goal of gender mainstreaming should be not to perpetuate gender inequalities and also to redress the unequal gendered structures so that both men and women can benefit by trade agreements (Marchand & Runyan 2011:202). SIAs are the tool to address the issue of trade policies and gender (in)equality, however this thesis find that they do not fully understand the multidimensional and intersectional realities of gender inequalities, and thus fails to truly give and assessment of the possible gendered consequences following the agreement. The SIAs gender mainstreaming approach, the incorporation of a gender analysis, and the analysis of gender (in)equality issues following the agreement, can be seen as severely limited due to different reasons. First of, it can be seen as limited due to the fact that the potential gendered consequences and the SIAs gender equality analysis, could fit into one page at the end of the human rights analysis, and only including the broad sectoral impacts on gender equality. Gender is not seen as a crosscutting issue in the SIA, and gender mainstreaming approaches, it could be argued, need to put gender at the forefront of policy analysis if gender equality is to be achieved (Allwood, 2013). Second, it is noted that there is a lack of gender disaggregated data and the lack of a gender analysis in relation to the other, economic, social, environmental and sectoral impact analysis, provided by the SIA. The lack of adequate gender disaggregated data can be seen as a major limitation for the CGE model used in the SIA, and consequently, this can be seen as a factor for the SIAs lack of an intersectional gender analysis.

As gender equality is seen as a crucial component to macroeconomic outcomes, it can be argued that gendered differences in welfare effects should be incorporated and taken into account already in the economic analysis. A deeper analysis of the within-country distribution effects, providing insights on how gains and losses will be distributed between genders and specific categories of workers and consumers within each country should be incorporated here, in order to truly comprehend the macroeconomic effects, rather than only showing whether workers in a country will earn on average more or less than in the base scenario, and whether households will be on average better or worse off (European Parliament, 2016:34-5; European Commission, 2020:29). The United Nations 2030 Agenda for Sustainable Development has a core commitment of "leaving no one behind". The SIA should therefore put a strong emphasis on showing and analysing the macroeconomic distributional effects across a variety of groups, households, workers, and countries, which would be essential to help in selecting the appropriate policies for reducing not only gender inequalities but inequalities more broadly (European Parliament, 2016:35). Furthermore, the macroeconomic results of the SIAs analysis shows that, as a result of the treaty, the Mercosur countries will see a strong growth in their GDP, their exports and imports and in investments. The SIA also concludes that the overall welfare effects will be positive and states that the EU Mercosur FTA are expected to contribute to positive social effects in the EU and in the Mercosur countries (European Commission, 2020:31, 56). However, these macroeconomic prospects of the EU-Mercosur FTA can, from the analysis of the SIA and FTA, be seen as benefiting from the entrenched patterns of exploitation of women's unpaid and paid labour (Action Aid, 2018:4).

Additionally, the SIAs gender equality analysis only addressed the broad sectoral impacts of the agreement rather than looking at, and addressing specific sectoral impacts and the gendered consequences. For the sectors that the SIA opted to provide an in depth analysis of, the gendered differences and gender (in)equality issues, was not really addressed in a comprehensive manner. The only sector analysed as having a direct impact on, and where women and women's issues were explicitly addressed, was the textile and garment (T&G) industry sector. The SIA thus failed to recognise and address the informal employment patterns and indirect gendered consequences for women in the other sectors analysed. The

SIA estimates that 80% of the workers in the T&G sector are women and that: "In Mercosur countries, the T&G sector has large pockets of informality in which gender and migration issues also take an important role." (European Commission, 2020:164). These include home-based workers and small enterprises, in which workers often do not receive social benefits or have contracts. Women are also seen as overrepresented among the casual and less-skilled workforce. The SIAs conclusion of the trade liberalization in the T&G sector is that it is expected to be a decrease in both skilled and unskilled labour in the EU, Argentina and Paraguay, and an increase of these in Brazil and Uruguay (European Commission, 2020:165). However, any further analysis of the potential gendered consequences of trade liberalization in this sector was not provided, and the gendered impacts following the changes in this sector is not seen as taken into account in the other parts of the SIA. This despite the fact that a large share of the Mercosur population, and a large share of the female population, are employed in the textile sector which thus are seen to be negatively impacted upon following the agreement (Ghiotto & Echaide, 2019:119).

Recognising the gendered differences of employment patterns, or the different export and import competing sectors where women and men work, can be an important step forward in understanding the connection between trade and gender (in)equalities. By recognising these differences one can unmask the ways in which women and men are unequally situated in the paid economy, which can serve to make visible the different gendered 'needs' in order for equal outcome to be realised (Bacchi & Eveline, 2010:125). The SIA should therefore take a broader more comprehensive approach and provide an in-depth assessment of the different sectors, where women respectively men work, in order to truly be able to assess the potential gendered consequences of the FTA.

# 7.2 A Feminist Intersectional Approach to Gender Mainstreaming: The EU-Mercosur Free Trade Agreement and Gender (In)Equality

The SIA seem to have incorporated, broadly speaking, an intersectional gender analysis to their representation of the possible gendered consequences. However, the analysis shows that there are still areas of improvement, where a more comprehensive and relational, in-depth gender analysis is seen as lacking. More country level- and subsector gender analysis is needed. This because Mercosur countries sectoral impacts are diverse and different and will thus experience different gendered impacts of trade liberalization. Argentina's agricultural

sector is for one highly industrialized while subsistence farming (often headed by women) is highly spread in Paraguay. Furthermore, it is important to understand that the impacts of trade liberalization on male dominated export sectors like the automobile industry will also have indirect effects on women (Kress, 2017), besides the possible gendered consequences of income disparities, that was noted by the SIA. Changes in both women's and men's employment structures might have adverse gendered effects and adverse impacts on gender relations, where gender based violence can increase due to men's employment insecurities or women's decreased bargaining power in the household (True, 2012). Furthermore, the analysis of the possible positive gendered impacts in regards to the service sector, also need to be contextualised further. The analysis showed that women, more often than men, are employed in trade sensitive and low paying service sectors, thus the expected positive impacts in regards to employment and wages, for women in the service sector, might be mitigated. Thereto, as the analysis showed, there are other gendered issues concerning the service sector related to the liberalization of public procurement. The SIAs gender analysis on Mercosur thus need to integrate the diversity of countries and sectors and take the indirect impacts on women and gender relations into account, in a more comprehensive manner than what has been showed.

As demonstrated above, the employment impacts of trade liberalization in Mercosur of the identified sectors in the SIA are expected to be in male-dominated sectors. The SIA does not, in a sufficient manner, view this as an issue for gender (in)equality, even though that this means that women will not necessarily gain greater access to, or increase their job opportunities in the male dominated sectors. Trade liberalization in most of the sectors analysed are not expected by the SIA to have a significant impact on human rights, and consequently there are no specific expected impacts (apart from T&G sector) on gender (in) equality (European Commission, 2020:165). In those few instances where a human rights impact was expected, an analysis of the possible gendered consequences in the SIA, were severely limited or even absent. Furthermore, it could be argued that the gendered differences (although limited) accounted for in the other parts of the SIA, should in fact be placed under the section of the gender equality analysis. By doing this, the SIA would have been more clear and transparent in showing the potential gendered consequences of the EU-Mercosur agreement. Lastly, the feminist intersectional approach to gender mainstreaming, applied as the theoretical framework, implies that in order for trade agreements to be able to promote gender equality through trade policies, these trade policies must be able to redress and change

unequal gender structures. The SIA was supposed to gender mainstream and to identify particular measures foreseen in the agreement, which may enhance or impair women's rights or affect gender equality (European Commission, 2020:14). However, as the analysis have shown, the SIAs does not provide a comprehensive intersectional assessment of the possible gendered consequences, and it can therefore be expected that the gendered impacts of the EU-Mercosur trade policies will neither be avoided nor fully addressed (WIDE+, 2019).

## 7.3 Trade and Sustainable Development: Women's Empowerment and Gender (In)Equality

By accepting the CEDAW and ILO Conventions, the EU and Mercosur have committed themselves to end discrimination against women and to incorporate the principle of equality throughout their legislative, institutional and normative frameworks (European Commission, 2020:99). Many of the analyses in the SIA, of the agreements possible (positive) gendered impacts, seems to be based on an understanding of, and on the conditions of the parties compliance to CEDAW and on the premises that the Trade and Sustainable Development (TSD) chapter will be enforced and implemented. The inclusion of a TSD chapter in the agreement can be seen as providing a possibility to change the unequal gendered structures. The trade and sustainable development chapter are explicitly stated (however not explicitly mentioned in the Agreement in principle) to incorporate gender equality objectives: "The basis is the premise that increased trade should not come at the expense of the environment or labour conditions. On the contrary, it should promote sustainable development" (European Commission, 2019e:14). As gender equality is viewed as a vital factor for a sustainable development, it could be argued that gender equality issues should be incorporated more clearly in the TSD chapter.

Furthermore, the parties have committed to respecting international labour conventions on: Non-discrimination at work; Forced and child labour; and Freedom of association and the right to collective bargaining (Ibid:15). The SIA assessed the prospects of the EU-Mercosur trade agreement to fulfil the objectives of sustainable development, the fulfilment of core labour standards and decent work commitments (European Commission, 2020:40). The social analysis in the SIA also provided an overview of the respective parties approaches to International labour standards and CEDAW. This showed that not all Mercosur members

have ratified all the ILO conventions, and that labour rights enforcement widely differs between the countries (European Commission, 2020:47). Furthermore even if countries have ratified conventions there is a persistent gap between de facto labour standards and de jure labour standards that "... stems not only from state-labour relations, but also the significant incidence of informal employment in the region, the strong regional disparities among and within Mercosur members, as well as the promotion of labour market flexibilization policies by international financial institutions" (European Commission, 2020:47). Several reports have in fact documented workers' rights violations across Mercosur countries (and in the EU) (Ibid:49), and in regards to 'Elimination of all forms of forced and compulsory labour' it has been shown that forced labour, although illegal in all Mercosur countries, has endured in various forms in the region, and it is notable that women and children are the most vulnerable to these practices (Ibid:50).

In regards to 'Elimination of discrimination in respect of employment and occupation' the SIA states that many traditional forms of discrimination such as gender, race, or social origin have receded over the past decade in Mercosur countries, while new forms of discrimination based on sexual orientation, age and disabilities are "brought new scrutiny" (European Commission, 2020:53-4). The SIA shows that there has been an uneven progress across the Mercosur region, and that discrimination against indigenous people, young black men, and women still persists in various forms (Ibid). Despite this, the SIA argues that the EU-Mercosur agreement offers great potential to address race- gender-, and disability-based discrimination under the cooperative mechanisms of the trade and sustainable development chapter. However, they note that "...robust stakeholder consultation mechanisms optimising civil society inclusion are all the more crucial since women, but also ethnic minorities and disabled populations remain underrepresented in both economic and political decision-making" (European Commission, 2020:65).

The SIA thus suggest that "...the success of the Agreement's provisions on labour will depend on civil society inclusion in monitoring, sustained resource allocation and feedback loop mechanisms" (European Commission, 2020:62). There are no real enforcement mechanisms included in TSD chapter and "...failure to enforce labour provisions will not result in trade sanctions" (European Commission, 2020:61). Gender mainstreaming and women's empowerment can be argued to only be successful if women, women's movements and feminists are involved in the process. Only then will women be truly empowered and gender

equality goals implemented and fulfilled (Allwood, 2013:5). However, in both the SIAs stakeholder consultation and in the consultation process for the trade agreement, women's movements and women's voices, seems to have been absent (European Commission, 2020:236-242). Thus, despite the acknowledgement of incorporating civil society and especially women's organizations, activists and movements in stakeholder consultations to bridge statistical gaps and enhance gender equality objectives (European Commission, 2020), the consultation process both in the SIA and FTA does not seem to have incorporated these groups, which reflects the critiques given by feminists and others about transparency and dialogue issues regarding free trade agreements (Action Aid, 2018; WIDE+, 2018). Furthermore, it has been shown that strong labour unions and civil society activism are important factors in order to promote and protect women's rights in trade agreements (Action Aid, 2018:11). Due to the prevalence of labour rights violations, especially in regards to Freedom of association and the Right to collective bargaining as seen in the case of Brazil (European Commission, 2020:49), the prospects of strong labour unions and civil society activists in promoting women's rights, can be seen as limited.

If sustainability impact assessments and trade policies don't take gender-specific outcomes into account then the risk are that they are magnifying existing gender gaps and gender inequalities. Neither the SIA nor the FTA can, from the analysis of these texts, be seen as gender mainstreamed in a manner that can serve to transform unequal gendered structures or power relations. Thus the current gendered realities outlined in the SIA can from this analysis be expected to persist, and the gendered inequalities in Mercosur can even be expected to be exacerbated by the implementation of Intellectual property rights and Public procurement provisions in the agreement. This thesis findings thus contributes to the previous critiques given to the lack of mainstreaming in SIAs and FTAs, and calls for an intersectional feminist approach to gender mainstreaming, an intersectional gender analysis, of trade policies and free trade agreements, in order to come about gender equality and to make sure that trade doesn't impinge on women's empowerment or women's human rights.

Furthermore, the impact assessment in the SIA is difficult to understand and to comprehend. If the SIA aims to be transparent and to make sure that the trade agreement take gender equality objectives into consideration, then a more clear way of showing the content; a more comprehensive gender equality analysis taking into account more dimensions than sectoral impacts, could be a way forward. A clearer and more comprehensive gender impact

assessment can thus be fruitful in order to enhance transparency and for NGOs and women's organisations, to be able to understand and easily access the gender analysis made in the SIA. The SIAs are supposed to be the tool to make sure that the agreement is 'sustainable', and it is supposed to act as a foundation and provide recommendations for the negotiations. Concerns have been raised whether SIAs have any real input into the trade policy of the EU and whether policy makers use the findings of the SIAs (True, 2009:732). Due to the fact that the 2020 SIA was concluded after the signing of the agreement, and the final report, containing the policy recommendations, have not yet been made, these concerns seems to be validated.

Despite this, it remains to be seen whether the policy recommendations following the final SIA report, will result in any changes of the agreement. However, as the thesis shows, the SIA misses out on assessing important trade issues connected to gender inequality, such as the gendered impact of IPR and public procurement, and the gender inequality issues concerning the sectoral impacts. Consequently, the policy recommendations based on the 2020 SIA analysis, will probably not lead to a change or the removal of these provisions in the agreement, and thus, the possible negative gendered consequences foreseen from the analysis of these texts are expected to remain.

### 8.0 Conclusions

This thesis sought to examine the possible gendered consequences of the EU-Mercosur FTA and its impact on gender equality in Mercosur. Due to the fact that trade agreements have an immense impact on countries, it is highly important to evaluate and scrutinise the adopted trade policies and explore its impacts. Even if the agreement at a first glance can be viewed as taking gender equality into account by the act to gender mainstream and by compliances with CEDAW and International labour standards, it is not a promise that the outcome will serve to contribute to gender equality. The analysis showed that the SIA does not in a fully multidimensional and comprehensive manner address how the trade policies following the EU-Mercosur FTA, shape 'men' and 'women' and 'gender relations' in different ways, and the analysis can, from the perspective of this author, be seen as more focused on what trade liberalization can accomplish, rather than looking at its limitations and the possible consequences for the most vulnerable populations. In relation to other studies of SIAs, this study also find that gender aspects are included, but the gender component is minimal and the

analysis of gendered issues is not viewed as carried out in a systematic manner. Thus, gender (in)equality issues are addressed in the SIA, but they do not, in a comprehensive manner, address the possible gendered consequences of government procurement, IPR or trade in services. Neither the agreement nor the SIA seem to have incorporated an intersectional understanding of the gendered implications of trade liberalization and trade policies, and neither seem to be gender mainstreamed in a manner that can be seen to contribute to the transformation of unequal gendered structures, or contribute to gender equality and women's empowerment.

In fact, the analysis shows that the EU-Mercosur FTA rather than contributing to greater gender equality actually can be seen as creating new patterns of inequalities and vulnerabilities. Thus, this thesis have shown that if trade policies and SIAs doesn't take a multidimensional and intersectional approach to gender (in)equality, trade policies can serve to construct or reinforce unequal gender structures, and exacerbate gender inequalities. The study concludes that the possible gendered consequences following the agreement are expected to be manifold with intersectional variations, where women, in their many roles as employers, consumers, producers, and as citizens, can be seen as negatively impacted upon by this agreement. By doing this kind of assessment of the EU- Mercosur FTA and the SIA, this thesis has sought to make the possible gendered consequences following the agreement more transparent, which can serve to help further the improvements for a more gender-just trade agreement.

#### 8.1 Future Research

As stated by many feminist economists and women's rights advocates, more gender/sex-disaggregated data is needed in order to be able to measure and analyse causes and effects of trade liberalization. I also call for this measure to be made and when this data is available then analyse and distinguish the possible causes and effects of this specific FTA. The SIA only broadly addressed the different sectoral gendered implications, more research should therefore be done in showing the gendered consequences for different subsectors, and for the different countries, affected by the agreement. Future research could also be to look more into the issues for women's movements and women's civil society to be incorporated in the free trade agreements consultation processes, and what obstacles they face for doing this.

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