



## Gender Justice Requires a Broad Mandate for UNCTAD

### Gender and Trade Coalition Statement on the 17 September 2021 draft of the Bridgetown Covenant

In October of 2021 during the United Nations Conference on Trade and Development's 15<sup>th</sup> Quadrennial Conference, Member States will finalize an agenda for the future work of UNCTAD. UNCTAD's focus on trade policy and sustainable development has the potential to foster global cooperation and solidarity through a broad macroeconomic development lens that connects policies around debt, tax, human rights, climate justice, and trade. However, UNCTAD's mandate has been reduced and hijacked by the global North, limiting its potential to advance cross-cutting principles of gender justice, and is in urgent need to be rescued.

We are very disappointed that the negotiating text was not made available to civil society organisations until very recently; as a result, it was impossible for us to constructively comment on the text. The text seems to be on the verge of closure without the necessary and important inputs from civil society organisations. This statement from the Gender and Trade Coalition (GTC) offers an analysis of the draft dated 17 September 2021.

For the first time, the UNCTAD Conference will include a Gender and Development Forum with the objective of enabling member states to reflect on effective recommendations for the outcome document, particularly regarding UNCTAD's work on gender and development. Unfortunately, the negotiating text is closing before the Forum can deliver its key messages. The current draft provides several promising recommendations to effectively address gender inequalities. At the same time, the draft holds a threat of undercutting any progress made on gender equality by promoting a more limited mandate for UNCTAD. It is important to note that while specific language and actions on gender are welcome in the text, women have an equal stake in all issues that UNCTAD works on, which are not necessarily seen as "women's issues."

The Gender and Trade Coalition calls on UN Member States to:

- Restore the primacy of gender justice over the economic goals of trade and investment policies. This includes a complete transformation of global macro-economic governance, including the current trade and investment systems, towards one that is based on human rights and respect for life and ecosystems, and that advances sustainable development.

Without addressing the adverse impact of current trade and investment rules on women and gender non-conforming peoples, we would not be able to tackle the deepening inequality and exploitation.

- Ensure the inclusive and transparent participation of a broad group of stakeholders, including women’s groups, in trade policy and agreement negotiations, improving democratic control and engagement in global negotiations for all UN Member States. UNCTAD should be mandated for the capacity building of trade ministry officials to better equip them in redesigning trade negotiations. It should further extend technical assistance to enhance the capacity of stakeholders to engage.
- Ensure trade policy measures take a gender mainstreaming perspective, whereby all trading arrangements under negotiations are assessed according to their positive and negative impacts on women and gender non-conforming peoples, with policy being designed accordingly. Trade policy can only be sustainable if policies are transformed to achieve economic goals based on a feminist economic paradigm. This means an economy in which the economy of care is fully acknowledged, and the economy serves well-being objectives vis-à-vis growth in productivity. This paradigm ensures women’s human rights are protected as part of a global vision for social justice, human rights, and environmental protection.
- UNCTAD is able to function from a broad mandate in which the international debt and tax structure and the ongoing digital transformation of the global economy are discussed in relation to trade policy.

Towards this end, our specific comments on the draft text include:

#### **A. Facilitate the full and meaningful participation of women**

We welcome the text proposed by the EU to “*ensure the full, equal and meaningful participation of women and youth in the development and implementation of an adequate and sustainable response to the pandemic*” (para 6 agreed ad ref), which is critical and must be implemented.

#### **B. Gender equality must be cross-cutting**

The section on “Transformations for a more resilient, inclusive and sustainable world”—outlining strategies to tackle climate and environmental change from a broader perspective—includes the most comprehensive reference to gender equality: “*for a structural transformation to be truly inclusive, it cannot leave behind half of the world’s population*” (para 38 agreed ad ref).

This principle applies to all sections of the draft outcome as gender equality can only be achieved if states aim for a structural transformation that reflects an intersectional feminist perspective. While

the text includes youth and other marginalised groups along with women, a stronger formulation would be an intersectional approach, which underscores that women are not a homogeneous group and intersections with other discriminatory processes relating to ethnicity, location, age, LGBTQI\*, etc. should be addressed when promoting women's economic empowerment. Half of the world's youth are women and similarly each woman has multiple intersecting identities that need to be considered in policy.

The text also notes that “*gender-disaggregated data is important to build the evidence base for these policies*” (para 38 agreed ad ref). Research, analysis and data can support progress in this area if the effects and opportunities linked to proposed policies are assessed with the goal of advancing equitable outcomes for women and ensuring that existing inequalities are not perpetuated or exacerbated. However, it is also to be recognised that research and analysis is a political instrument and for this research to foster women's empowerment and gender equality, it has to be independent, critical, and inclusive. It must not hesitate to criticise current global economic policies and its impact on women, and unlike the recent WTO-led research hub, not shy away from including voices of civil society, especially the voices of women from their diverse spaces and roles.

### **C. Gender justice must be intrinsic to trade policy**

There are a number of references to women's empowerment or gender equality including “*respect for human rights, including the right to development, gender equality, women's and youth's empowerment*” (para 18.bis. ad ref) and “*support and consideration must be given to those who are vulnerable or in vulnerable situations such as: women and girls...*” (para 19.bis. agreed ad ref). What is missing in both references are mechanisms that states can use for implementing and monitoring identified priorities on gender equality, or how these principles should be included in UNCTAD's work. For example, the G77's proposal regarding UNCTAD's mandate does include the promotion of gender equality as one of UNCTAD's objectives (para 112 (I.primus) agreed ad ref).

In an earlier draft the EU proposed “*creating a favourable business and investment climate, conducive to foreign and local investments for sustainable development and integration in regional and global value chains, with a focus on MSMEs, women entrepreneurs and youth*”. By restricting policy measures and initiatives to women entrepreneurs in specific sectors that participate in international trade, more affluent women in society are reached while the most marginalized are excluded, doing little to achieve broad-based gender equality. Furthermore, such a focus serves to obscure the impact of neoliberal trade policies on all women, including the well-documented negative impacts on gender equality and women's livelihoods.

We call for the reaffirmation of CEDAW and the 1995 Beijing Platform for Action with its action points on a gender-just trade policy, as well as other relevant conventions relating to the rights of indigenous people, migrants, and so on.

#### **D. Digital trade must be based on a gender-transformative paradigm**

We lament that the JUSCANZ proposal on digital trade was dropped from the draft text as it moved away from the e-commerce agenda promoted by the EU, which emphasises the interests of large tech companies. The dropped proposal addressed *“how to develop effective industrial policies, safeguard privacy, build trust and ensure security, increase market access for Micro, Small and Medium Enterprises (MSMEs), bridge digital divides and reduce inequality, as well as support digital inclusiveness more broadly, noting the importance of introducing a gender lens... True equality also requires a shift from the traditional narrow focus on digital divides to the broader concept of digital inclusion, which encompasses the intangible elements of connectivity, civic participation, trust, privacy and safety.”*

Digital inclusion must reflect a gender-transformative global digital paradigm that addresses inequalities in digital infrastructure and know-how that prevent developing countries from advancing into the higher value segments of the global digital economy and creates a fair and just digital marketplace for all women MSMEs. This is not merely a matter of capacity-building, but equally about challenging the status quo of unequal digital trade rules that entrench the concentration of data resources and digital intelligence in the hands of a few transnational digital corporations and powerful countries in the global economy.

We strongly oppose the promotion of “data flow with trust” (para 43 agreed ad ref). Rules on cross-border data flows must be negotiated through a new norm-building multilateral process and not through digital trade agreements. As UNCTAD’s [Digital Economy Report 2019](#) highlights: *“it is not evident that free flows of data and greater access to data alone will help address global inequalities [...] In the emerging global digital economy, it will be necessary to ensure that developing countries have the necessary economic, legal and regulatory space to shape their digital economies in ways that serve the interests of their populations, including by helping them to create and capture value from digital data”* (page 92).

#### **E. UNCTAD must address the persistent and emerging challenges of developing countries**

The proposals of different government groupings highlight divergent political perspectives on trade policies. On the one hand, the G77 promotes a critical overhaul of the current macro-economic framework to one that serves the promotion of sustainable development. The EU, on the other hand, emerges as the strongest proponent of private capital and investment claiming that sustainable development is only achievable if developing countries would trade according to the rules proposed by the EU.

Examples of such differing perspectives include the G77 seeking to include the unsustainable debt-structure, with the EU objecting to this and promoting the private sector as the driving force for achieving a sustainable future.

We support the perspectives of developing countries, as UNCTAD was established to address the persistent and emerging challenges they face in ensuring their stable economic growth as well as achieving inclusive and sustainable development. As the G-77 noted in an earlier draft, *“these challenges include among others, erratic exchange rates, commodity dependence, increasing debt, growing energy demands, slow economic growth and challenges of climate change. Building resilience to these challenges is critical to achieving inclusive sustainable development. Key elements of such resilience are, structural transformation, building productive capacities, economic diversification and industrialization, all of which need an enabling economic environment at all levels.”*

## **F. UNCTAD must chart an expansive agenda of work**

In its proposals for the draft text, the EU demonstrates that it seeks to prioritize the World Trade Organisation (WTO) above UNCTAD as a space to promote trade policy. This vision is not shared by other UNCTAD Member States including the G77, which holds a more critical view of the WTO. To date, the WTO has proven that it seeks to promote commercial interests, especially those of corporations in the global North, above human rights and the environment. The Gender and Trade Coalition, together with 160 other civil society organisations, [called](#) on state parties to the WTO to refrain from adopting the proposed “Joint Declaration on Trade and Women’s Economic Empowerment” in 2017. This declaration failed to address the adverse impact of WTO rules on women and girls; instead, it appears to be designed to mask the failures of the WTO and its role in deepening inequality and exploitation.

The EU has been undermining the intellectual integrity of UNCTAD in the negotiations. Earlier drafts pointed to *“the importance of the analytical pillar of UNCTAD is underscored, especially the intellectual independence of the secretariat to conduct ahead of the curve analytical work with policy recommendations to inform the consensus-building pillar.”* However, this was undercut but EU proposals for *“UNCTAD publications shall always undergo an established peer review process with relevant UN and other entities, as well as make sure of incorporating existing academic research and reports of relevant international organisations”* that are reflected in the text (96.bis.primus. agreed ad ref). Any publication of the World Bank Group, the WTO or any EU bodies do not require a mandatory review process. UNCTAD publications already maintain rigorous standards of research and analysis. Effective policy can only be based on data-driven analysis provided by research that is not biased by the political interests of certain states. Therefore, it would be counterproductive to demand that research documents are reviewed and adjusted by non-academic institutions.

The G77 envisages a broad mandate for UNCTAD in the coming four years (para 112), whilst the EU seeks to limit UNCTAD’s agenda. The G77 promotes the kind of policy coherence that is lacking in EU’s trade policy. The G77 stresses that UNCTAD should continue with its broad macro-economic mandate including generating analysis for developing countries on how to diversify their economies, reduce commodity dependence, and reform the international investment regime.

UNCTAD is a very important space to promote sustainable development, gender equality, social justice, human rights, environmental protection, and an equitable international economic order through reflecting and building capacity on trade policy linked to different macro-economic processes. That is why we urge Member States to engage with UNCTAD, promote more effective policies to address gender inequality and the inclusion of women's rights constituencies in its processes. To reiterate, all issues related to global macroeconomic policy are important for women and therefore we, as women's rights groups and allies, remain committed and invested in UNCTAD as an institution and want to be its key partner as it works towards enabling developing countries to reach their sustainable development objectives through a fairer, just and accountable global financial and economic policy paradigm.