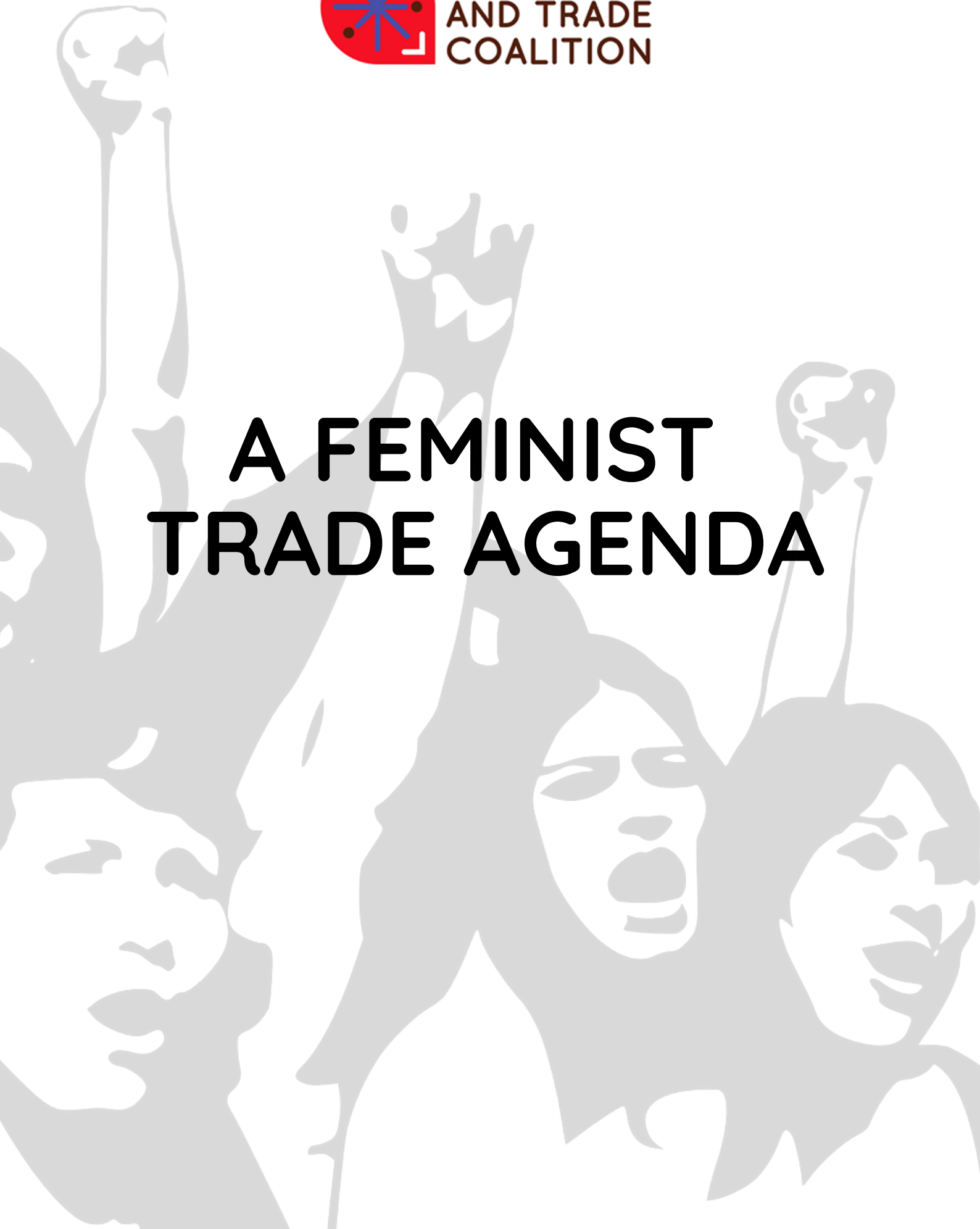




GENDER
AND TRADE
COALITION

A FEMINIST TRADE AGENDA



The **Gender and Trade Coalition** was initiated in 2018 by feminist and progressive activists to put forward feminist trade analysis and advocate for equitable trade policy. The 13 current Steering Group members are: African Women's Development and Communications Network; Asia Pacific Forum on Women, Law, and Development; Association of Women's Rights in Development; ActionAid; Development Alternatives with Women for a New Era; Latin America Gender and Trade Network; Nawi–Afrifem Macroeconomics Collective; Pacific Network on Globalisation; Regions Refocus; Third World Network; Third World Network–Africa; Women In Development Europe+; and Women in Migration Network. The 3 elected Co-chairs are African Women's Development and Communications Network, Latin America Gender and Trade Network, and Regions Refocus, which also serves as the Secretariat.

This agenda is based on the policy proposals put forward in the 'explainer' series by Regions Refocus, produced for the Gender and Trade Coalition. The explainer series featured short, Q&A format articles which each unpack key feminist trade issues– including gender, post-conflict recovery, migration, and climate– and end with five strategic policy proposals. The explainers are the result of collaborative writing processes, as each one was produced by Regions Refocus in collaboration with different Coalition members.

A complete list of authors for the explainers and their proposals includes Erica Levenson, Anita Nayar, Mariama Williams, Ranja Sengupta, Fatimah Kelleher, Maureen Penjueli, Adam Wolfenden, Carol Barton, Hien Nguyen Thi, Nela Porobić, Catherine Tactaquin, and Senani Dehigolla. The various proposals were compiled and expanded, and a Foreword added, by Erica Levenson for review and addition by the broader Coalition.

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Foreword



We, as feminists actively working towards the intertwined goals of trade and gender justice, are keenly aware of the multiple intersecting crises facing our world– including economic, political, ecological, and social– and the significant role trade has played in the formation and exacerbation of each of these crises. In turn, it is women, girls, and gender-diverse people who are most impacted by each of them, and who have been most negatively impacted by the current fundamentally unjust trade regime, including the recent intensification of tariff and trade wars. Indigenous, rural, and migrant women are among the hardest hit.

So-called experts at international financial institutions (IFIs) continuously try to convince us that trade can solve the problems it created: by propelling the development of states in the Global South if only their economies are open enough; by encouraging the adaptation of clean production techniques and transferring climate-related technology through free trade; by facilitating peace through trade interdependence; by curbing migration through preferential trade agreements; and by raising the living standards of women through their participation in trade and trade-related job creation. If they have truly pursued these ends, then they have failed.

Trade can either propel countries forward or act as an anchor around their necks. This is clear when comparing the historical experience of now-developed countries to today's developing countries. Markets in developing countries were pried open by loans conditioned on trade liberalization and deregulation, whereas now-developed countries gave their domestic industries significant subsidies and shielded them from international competition with protectionist policies. As a result, developing countries have systematically been deprived of the trade revenue which could and should finance their own development. Their unequal integration into international trade promotes a regressive pattern of productive and trade specialization which perpetuates a logic of colonial appropriation. In other words, widespread mandated trade liberalization across developing countries has undermined, rather than propelled, development.

This has directly led to worsening rates of poverty, gender inequality, water and food insecurity, forced migration and displacement, and failures to uphold human rights such as access to education, secure housing, and healthcare including sexual and reproductive health services. Trade has also facilitated and financed the joint projects of imperialism and militarism, including the current genocide in Palestine and widespread violence and land theft of Indigenous communities. **Harnessing trade as an engine for development is particularly pressing as structural gender inequality in food security and sovereignty, water and sanitation, energy, care work and social provisioning, and the labor market threatens women's survival in the face of a polycrisis including the climate emergency.** National trade policy space needs to be carefully tailored and customized for each country, as predatory and insensitive trade agreements drive countries deeper into debt, and push women further into the margins of hollowed out states.



A Feminist Trade Agenda



We craft this agenda as feminists actively working towards the intertwined goals of trade and gender justice. This agenda is relevant for policymakers, academics, and civil society alike, and offers common ground to strengthen our parallel work.

1

Restore policy space of the Global South. Shrinking policy space for development, social investments, and climate mitigation and adaptation in the Global South is inextricable from the increasing foothold of the Global North and their corporations. Predatory trade, investment, and lending agreements have hijacked the policy space of the majority of the Global South and prioritized continued unequal exchange and financial dominance of the Global North. Proliferating bilateral trade and investment agreements have used a divide-and-conquer strategy to isolate states in the Global South and force them into competition with one another, prompting ever-more concessions. States in the Global South must collectively reclaim their policy space, improve their terms of trade, revive South-South cooperation, and remedy this parasitic relationship.

2

Abandon trade liberalization as a blanket policy goal. Widespread mandated trade liberalization has subjected developing countries to unfair competition from foreign products and systematically deprived them of trade revenue. Lack of policy space due to unfair trade rules has restricted their ability to improve their terms of trade, and precluded necessary investments in productive transformation, economic diversification, decreasing gender inequality, and climate adaptation and mitigation. What is needed is a balanced pursuit of all three dimensions of sustainable development– economic, social, and environmental– through trade policies.

3

Ensure meaningful participation of progressive, constituency-based women's rights groups in all trade and investment agreement negotiations, including at bilateral, regional, and multilateral levels. Feminist activists and scholars have heralded advances in understanding the specific gender impacts of trade, yet their analysis and consultation is at best tokenized and at worst ignored.

4

Shift analysis of trade agreements to the nature of employment created for women and gender-diverse people rather than simply on whether or not employment for women will be created. The reflexive logic that trade liberalization is inherently beneficial to women because it is beneficial to everyone does not hold. The bulk of trade-related job creation for women has been at the bottom of global value chains, where women are occupationally crowded into jobs with the lowest pay and least safe working conditions, which has worsened rather than improved gender inequality and economic stratification.

5

Revise relevant trade rules and agreements, including the WTO's Agreement on Agriculture (AoA), to allow developing countries to provide subsidies to their agriculture and fisheries sectors. As food production plays a major role in the economies of developing countries, as well as global food sovereignty, states must have the policy space to provide subsidies to their farmers and fisherfolk, most of whom are smallholders. This is particularly necessary for small-scale women producers, who are burdened by unequal responsibility for care work and struggle to produce as much as men. Industrial agriculture and fishing need to be disciplined by future agreements to prevent further loss and damage in the Global South.

6

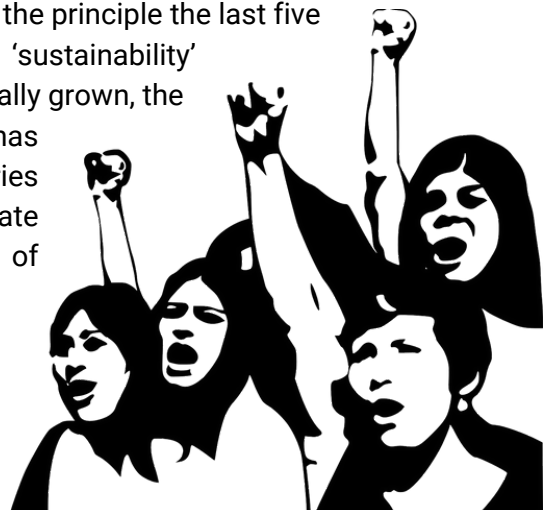
Abolish the investor-state-dispute-settlement (ISDS) mechanism. ISDS allows corporations to sue states when they don't get their way, including instances when states terminate investment agreements or related activities to protect their populations. It is disproportionately used by Global North corporations against Global South states: lawsuits initiated by US, Canadian, and European-based investors account for almost 90% of all ISDS cases, and the verdicts overwhelmingly rule in their favor. Not only has this cost the Global South billions of dollars that should have funded domestic investments, but it has instilled a culture of fear among states. Women have borne the brunt of gutted states and public services with rising unpaid care work, poverty, and informal and precarious work. States must be able to stand up to corporations without fear of arbitration and achieve their own policy agendas.

7

Waive intellectual property rights (IPR) restrictions, including the commitments under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement and bilateral and regional trade agreements, on climate and health-related technology. Such a waiver has been a long-standing call of developing countries in various multilateral fora, as it is crucial to ensuring necessary technology transfer from developed to developing countries and stringent IPRs are the main obstacle standing in the way of this transfer.

8

Reinvigorate the principle of special and differential treatment as a core principle in all trade agreements and policymaking. For at least the past decade, but particularly in the last five years as unilateral trade measures aimed at 'sustainability' passed by developed countries have exponentially grown, the principle of special and differential treatment has not received due respect. Developing countries have historically contributed very little to climate change and yet are the primary targets of trade-related environmental sustainability efforts, while developed countries continue to be the largest emitters and the largest consumers. This is fundamentally unjust, and in direct opposition to the principle of special and differential treatment.



9

Prevent corporations from privatizing public services. Multinational corporations (MNCs) have already begun capitalizing on the climate crisis through so-called green investments, which privatize what should be state-led processes, such as adapting food systems. There is an acute danger that corporations will cement their hold over the Global South once and for all through the climate crisis. Only an active state can discipline corporations and prevent what is sure to be a disastrous course for the Global South, and particularly for women who are facing rising burdens of unpaid care work, poverty, food and water insecurity, and displacement in the face of worsening ecological breakdown.

10

Adopt binding international law on the duty of corporations to conduct mandatory human rights due diligence of business activities for all sectors, ensuring their trade-related activities do not violate human rights. While there are non-binding agreements such as the Guiding Principles on Business and Human Rights, there is no enforcement mechanism for breach of these agreements. As corporations have clearly shown their priority is profit over people, even in conflict and post-conflict recovery contexts, it is necessary to create binding legislation regulating their activities.

11

Activate clauses in trade and investment agreements that allow for breach or non-compliance in cases of conflict. Many trade and investment agreements do include such clauses, but they are never activated due to states' fear of capital flight and/or arbitration. But continuing to adhere to terms which were negotiated and accepted prior to a conflict constrains policy space for conflict mediation and post-conflict recovery efforts, and can lead to further human rights abuses. States must have the ability to recognize when trade and investment agreements are hindering rather than helping them, and the courage to walk away from such agreements.

12

Limit the role of extractive industries in post-conflict recovery. While conflict-affected countries need to increase revenues to meet human needs, this must be done in a sustainable way, within safe ecological limits, and guided by human well-being and ecological regeneration. In addition to the wide range of negative social and environmental impacts that extractive industries have had in conflict and post-conflict countries, they have stolen billions of dollars worth of tax and revenue in illicit financial flows (IFFs) from states. Increasing natural resource extraction should not be seen as a surefire way of generating domestic revenue, especially when MNCs control most or all of the mining operations.

13

Foster nationally owned and controlled production, refining, and processing of critical minerals in developing countries, including Least Developed Countries (LDCs). Resource rich developing countries and LDCs must have full policy flexibility to determine their own trade and investment policy with regard to their critical minerals– which is only possible if every aspect of their extraction is autonomously controlled. The extraction of critical minerals in developing countries must uphold the rights of local communities, stay within planetary boundaries, and contribute to domestic structural transformation and economic development using revenue and value additions.

14

Conduct social impact and human rights assessments before, periodically during, and after the implementation of trade and investment agreements. The assessments should be conducted by government-funded independent civil society commissions in consultation with affected communities and contribute to participatory decision-making processes. Most importantly, the assessments should have real impacts on adherence to agreements and on future negotiations. In cases where assessments identify adverse human rights and social impacts, agreements should be amended in order to address the issues identified by assessments. If it is not possible to address these issues while adhering to agreements, then states should pull out of agreements.

15

Include review timelines for labor rights violations of migrant workers, especially women migrant workers, in all labor migration clauses of trade agreements. Migrant workers are crowded into low-paid, high-risk jobs, and women migrant workers face gendered obstacles which further disadvantage them in the labor market and push them towards informal work, including domestic work. All migrant workers are too often seen as disposable by countries of destination, enabled by checkered or nonexistent review of their treatment by countries of origin. This is deliberate on the part of countries of origin: many Global South states rely on remittances as a significant portion of their GDP and so are reluctant to acknowledge or challenge the exploitation inherent in most labor migration programs. The solution is twofold: remittances should not be relied on as a source of GDP, and more investment should be directed at domestic structural transformation, job creation, and skills training, with a particular focus on women. States must take an active role in ensuring the labor rights of their populations, including when they go abroad for work.

16

Widen avenues of regular migration. This is a necessity to reduce the number of people migrating through irregular channels on dangerous journeys and living in precarious situations, whether they are in search of work and/or asylum. The lines between labor and climate-related migration are hardly distinguishable anymore: changes to landscapes, increasing numbers of extreme weather events, and losses of livelihoods are making more and more places (especially across the Global South) unsurvivable. Trade is one of the primary drivers and enablers of climate change, as well as of economic and gender inequality. 70% of all preferential trade agreements signed in the last 10 years have included migration provisions, and an estimated 80% of people displaced by climate change are women. A rights-based, feminist approach to migration calls for addressing the root causes of migration and increasing all migrants' pathways to decent work, family unity, permanent residency, and citizenship. While bilateral trade policies and agreements play an important role in shaping migration governance, and therefore must be improved, the primary arena for equitable, rights-based migration governance has to be multilateral.

