

# BRIDGING THE GAP BETWEEN TRADE BENEFITS AND ECONOMIC EMPOWERMENT OF WOMEN THROUGH THE WTO OBJECTIVES IN THE INDIAN CONTEXT

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## Abstract

The preamble of the WTO covers economic objectives such as, trade should be conducted to raise the standards of living, ensure full employment, and a steadily growing volume of real income while promoting free trade. These goals question the existing role of women in the economic contribution of any nation and further adopt ways for bringing the position of women at parity with men and bridging the gap. The Gender gap in terms of the WTO objectives can be bridged by adopting a sustainable development model of society through women's economic empowerment. The aim of women's economic empowerment through the WTO objectives, in the globalized world order can automatically play a vital role in achieving Sustainable Development Goals (SDG). The authors attempt to critically evaluate the efficiency model exclusively adopted in the WTO-based trading system. Furthermore, the authors also aim to analyze the existing barriers both at rural and urban levels for the participation of women in international trade and provide suggestions for their removal.

**Keywords:** Economic empowerment, Free trade, Gender, Women, WTO

## I. Introduction

INTERNATIONAL LEGAL frameworks are important tools, for regulating international trade and business, and often these frameworks also aid member states in accomplishing desirable social outcomes, that are universal in scope. Key objectives of the World Trade Organisation (WTO), as enshrined in its preamble, state that trade should be carried out to maximize the use of the world's resources while raising living standards, guaranteeing full employment, and increasing the amount of real income. From this standpoint of the WTO, reaching economic standards as one of the main objectives of trade liberalization can be further hypothesized as a welfare-based goal that primarily depends on fair trade practices as an underlying principle for the Member countries.<sup>1</sup> It appears that the WTO has embraced free trade as its primary trading concept, with a fair-trade approach, serving as a regulatory tool that aligns with the goals outlined in the Agreement founding the WTO.<sup>2</sup> To put it plainly, reaching these targets places women at the center of the WTO's ambitions and directs the needle toward everyone embracing a sustainable model of societal development based on the economic empowerment of women. Despite the far-reaching role that women play in sustainable economic growth and development, the link between Trade and Gender remains ignored by policymakers. There is a paucity of research highlighting the link between trade-based Gender empowerment goals and how Gender equality can be addressed through the various features of trade.

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<sup>1</sup>Edwin J Madaj, "J. Jackson, The World Trading System: Law and Policy of International Economic Relations," 14 (1)*Fordham International Law Journal* 309-327 (1990).

<sup>2</sup> Agreement Establishing the World Trade Organization (Marrakesh Agreement), 1994, Preamble.

India is categorized as one of the developing countries, and in that reference, author is forwarding the concern of India's position and entitled this paper as '*Bridging the Gap Between Trade Benefits and Economic Empowerment of Women Through the WTO Objectives in the Indian Context.*' The theme gets logical support from the dialectic between John Rawls's *egalitarian liberalism* and Jeremy Bentham's *utilitarianism*.<sup>3</sup> Achieving distributional parity between men and women, as one of the main goals of social justice is the underlying concept analysed in this study.<sup>4</sup> There is irrefutable evidence that economic development and social equality grow together and societies where income disparities and gender discrimination are lower tend to grow with speed.<sup>5</sup> Justice and distributional equity are more closely related concepts because they share common factors of equality.<sup>6</sup> Equality is one of the pillars of justice. However, equality can be further classified into two categories, *freedom to* and *freedom from*, which is based on a comparative study of how justice is perceived.<sup>7</sup> "*Freedom from*" encompasses both the liberation of so-called weaker people from stronger people and the liberation from patriarchy in the context of women's empowerment. The other is "*freedom to*," which refers to giving someone the ability to make choices, and decisions that may pave the way for distributional equity.<sup>8</sup> Raising the level of living for everyone, including women, is one of the WTO's primary goals that is achievable through distributional fairness. An important strategy for achieving distributional fairness goals is the economic empowerment of women. Reasonably women's economic empowerment can be achieved through WTO goals such as full employment and a rise in living standards.

The goal of the economic empowerment of women can be seen from various perspectives as defined in different international institutions, before attributing the WTO with the role of realizing this goal. The economic empowerment of women is both a constitutional goal as well as subject matter of International Law. International law serves as the foundation for the creation and operation of the WTO. The protection of human rights guaranteed by the 1948 Universal Declaration of

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<sup>3</sup> Gurwinder Singh *Subsidies in International Trade from the WTO Perspective: A Legal and Economic Analysis* 5-6 (University of Turku, Faculty of Law, Turku, 2015)

Rawls is liberal in his toleration and promotes diversity of lifestyle. He is egalitarian in wishing the right thereto to be distributed equally and in wishing that material conditions for the exercise of the right be distributed equally at least in principle. Bentham was a leading figure in the utilitarian movement that held action should be judged based on its ability to promote the greatest happiness for the greatest number of people. He applied this principle to a wide range of social and political issues advocating for reforms such as prison reform, abolition of the death penalty, and codification.

<sup>4</sup>*Ibid.*

<sup>5</sup>United Nations Inter-Agency Network on Women and Gender Equality (IANWGE) *Gender Equality & Trade Policy* Resource Paper, 2011 "Womenwatch: Gender Equality and Trade Policy," available at J, <https://www.un.org/womenwatch/feature/trade/Gender-Perspectives-in-Trade-Policy.html>. (last visited on July 24, 2024).

<sup>6</sup>Thomas Nagel, "Rawls on Justice," 82, (2)*The Philosophical Review* 22-34 (1973).

<sup>7</sup>Sylvia Walby, "Sen and the Measurement of Justice and Capabilities: A Problem in Theory and Practice," 29 (1)*Theory, Culture & Society* 99-118 (January 2012).

<sup>8</sup>*Ibid.*

Human Rights (UDHR)<sup>9</sup> is supported by international law. The right to Gender equality is one of the essential components of human rights, which is recognized in the UDHR and numerous other international initiatives. The SDGs of the UN, the Buenos Aires Declaration on Trade and Women's Economic Empowerment of the WTO, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which more affirmatively asserts the right to gender equality forms the connecting link between other international initiatives taken for advancing gender equality and the earlier mentioned WTO objectives.<sup>10</sup> The combined effect can be achieved by bridging the objectives taken in the form of other international initiatives further placing SDG 8 values of inclusivity, productivity, and decent working conditions as core values for achieving these objectives.<sup>11</sup> Indicator 8a. of SDG covers financial support in the form of Aid for Trade (AFT) as an initial step for supporting women entrepreneurs.<sup>12</sup> While setting this as an agenda for change through trade measures of the WTO, the commercial and trade policies of the member states shall create a wider scope for achieving the goal of economic empowerment of women through their participation in trade.

## **II. Women's Participation in Trade: Indian Position in the light of Global Figures**

Women entrepreneurs play a vital role in economic growth and social entrepreneurship in their countries. While their presence is marked by innovativeness and novelty of ideas in industries, their presence is visible in all industrial sectors, products, and service markets however, the participation is not in sync with their population. The data from various countries developed, developing and LDC can be vital for the policymakers to know the gaps and suggest the models for filling those gaps. The global figures stated in *GEM 2022/23 Women's Entrepreneurship Report: Challenging Bias and Stereotypes* on established rate of their participation in business is 5.5 percent in comparison to men which is 8.1 percent.<sup>13</sup> Countries where women have established business ownership are Togo (18.9%) and South Korea (15.3%), with a significantly high number of women heading established trades, followed by other countries namely Greece (10.2%), Poland

<sup>9</sup>The Universal Declaration of Human Rights available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. last visited on July 23, 2024).

<sup>10</sup>Nisha Taneja, Sanjana Joshi, et al "Gender Mainstreaming and Trade Facilitation in G20 Countries" *Asian Development Bank Institute*, November 1, 2023).

<sup>11</sup>United Nations Sustainable Development Goals, SDG 8, available at <https://sdgs.un.org/goals/goal8> (last visited on July 20, 2024). Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all

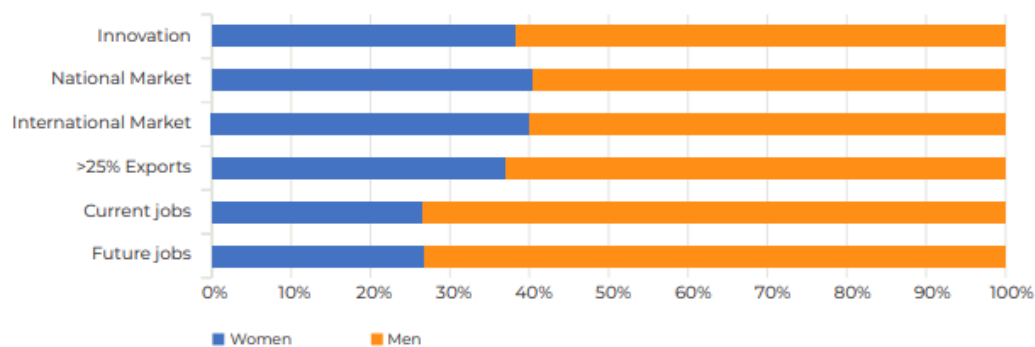
<sup>12</sup>United Nations Sustainable Development Goals, SDG 8 a. available at [https://sdgs.un.org/goals/goal8#targets\\_and\\_indicators](https://sdgs.un.org/goals/goal8#targets_and_indicators) (last visited on July 20, 2024).

8.a Increase Aid for Trade support for developing countries, in particular least developed countries, including through the Enhanced Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries.

<sup>13</sup>GEM (Global Entrepreneurship Monitor) (2023) *Report on Women's Entrepreneurship Report* available at <https://www.gemconsortium.org/reports/latest-global-report>. (last visited on July 24, 2024).

(9.6%) and Guatemala (9.6%).<sup>14</sup> Next are Latvia (8.3%), Switzerland (8.1%), the US (7.8%) and India (7.6%). Gender differences can be found in all regions throughout the world. The reasons for this disparity vary from nation to nation.

When referring in terms of high growth indicators, studies suggest that women are less inclined to reach the top of the business hierarchy and leadership roles in the global trading system. Figure 1 shows the gender composition of high growth indicators.



*Figure 1: Gender composition of high growth indicators, GEM 2022*

Taking here the data of industrialized G20 economies for comparing it with the Indian position of women from economic perspective. The findings are that most G20 economies have retained their previous Female Labor Force Participation Rate (FLPR) levels for the past twenty decades while there is a decline in India's position. In 2021, India's position was at bottom in comparison to other G20 economies.<sup>15</sup>

<sup>14</sup>*Ibid.*

<sup>15</sup>Cledwyn Fernandez and Havishaye Puri, "A Statistical Portrait of the Indian Female Labor Force" available at [https://www.adb.org/sites/default/files/publication/928471/adbi-statistical-portrait-indian-female-labor-force\\_0.pdf](https://www.adb.org/sites/default/files/publication/928471/adbi-statistical-portrait-indian-female-labor-force_0.pdf) (last visited on July 10, 2024)

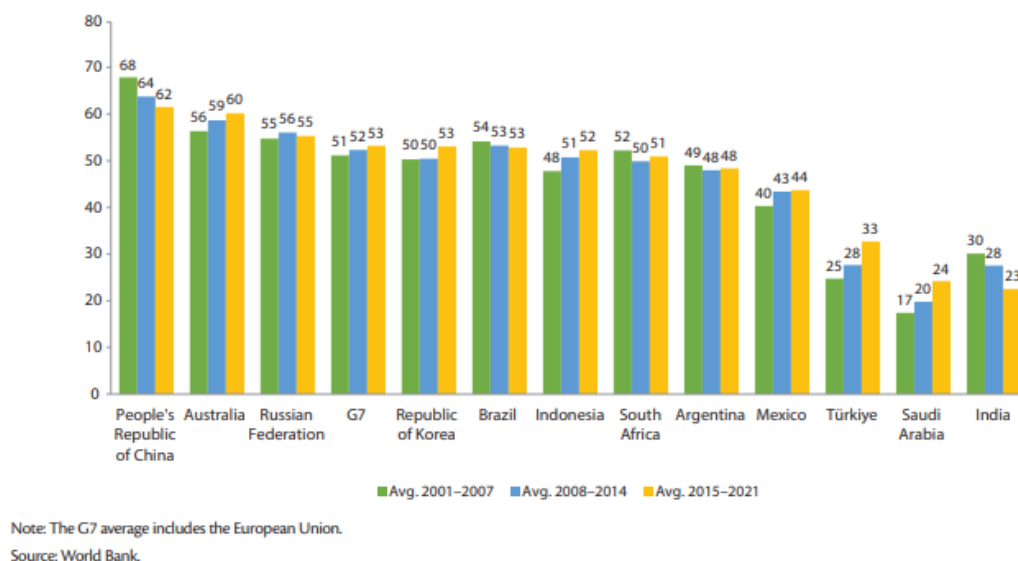


Figure 2: FLPR across G20 countries in percentage<sup>16</sup>

The World Bank Data Report, titled as *India's Gender Landscape* corroborates the low participation of women in trade and economic empowerment. The report brings on record that there is slow growth in labour force participation rate which was 27.9 in 2011 and 28 in 2022.<sup>17</sup> There can be seen an increase in female wage and salary workers that rose to 21.4 percent in 2022 from 13.2 in 2011. Nearly stagnancy can be seen in employment of females in the agriculture sector which was 62.9 percent in 2011 and 59.2 percent in 2022.<sup>18</sup> Further, as far as women's engagement in leadership roles, the figures are not very progressive. Firms with female participation in ownership (% of firms) were 9.10 percent in 2006 and 3.90 in 2022.<sup>19</sup> In a worldwide comparison of participation in work by urban women done by Collyer and Langlois, India stood 4<sup>th</sup> from the bottom.<sup>20</sup> The work participation rates (WPR) of women in rural India are much higher in comparison to the urban. But the wages in rural sector are less paid due to barter system where labor is paid in terms of goods and women engaged in their family occupation business as supportive labour force. At the national level, 30.03 percent of rural women are engaged in the workforce and in urban it is only 15.44 percent, which is subject to regional variation.<sup>21</sup> There are findings from research that urban jobs are

<sup>16</sup>*Ibid.*

<sup>17</sup>World Bank Group, Gender Data Portal "India Gender Landscape" available at <https://documents1.worldbank.org/curated/en/099116007012231127/pdf/IDU198b40b9e1f0b6143ec1b51d17c00e31478db.pdf>. (last visited on July 11, 2024).

<sup>18</sup>*Ibid.*

<sup>19</sup>*Ibid.*

<sup>20</sup> Nath, K. "Urban Women Workers: A Preliminary Study" *The Economic Weekly* 1405–1412 (1965).

<sup>21</sup>Bapan Biswas and Nasrin Banu "Economic empowerment of rural and urban women in India: A comparative analysis" 31 (1) *Spat Inf Res* 73-89 (2023).

high paid and more offered to men than women because of the preconceived mindset of the employers and business leaders.<sup>22</sup>

Comparing this position with that of the WTO Objectives of “... *trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income...*” seems to be ignored. The inequality in the economic front has effect on the social levels and is a big hindrance also in achieving constitutional equality, distributional equity, and social equity. This further leads to the vulnerable and dependant position of women in the society. This requires finding the odds between the economic reform policies and adopting corresponding social changes.

### **III. The Odds Between Economic Reforms and the Corresponding Social Changes:**

The gender-restrictive social norms<sup>23</sup> existing in India impede women’s economic empowerment. Social norms create barriers for women that detrimentally affect their participation in the formal employment sector, skill development, and their movability across the places, developing leadership responsibilities. Consequently, this will lead to very minimal participation of women in for instance, which includes jobs in the export sector. Their potential participation in all the sectors will automatically create their space and will narrow down the patriarchal set up. In India, social norms tend to attribute the primary earning and work-related responsibility of securing household income through employment to men, while women are expected to devote their time to household management, nurturing children, and domestic care. This itself shows the wide gap between gender roles leading to the least participation of women as a positive contributor to the factors of production in the technological or skill-demanding sector and leadership roles. Consequently, women in India are on average marginally skilled and less educated.<sup>24</sup> The predominance of feudal mindset women also have less access to land, credit and financial capital, which may inhibit their ability to find paid work.

Since India being plurilateral society where multiple cultures existing so there cannot be a generalisation about women’s role in the social and economic setup.<sup>25</sup> Norms affecting female

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<sup>22</sup>*Ibid.*

<sup>23</sup> Negative gender social norms are defined here as cultural mindsets and stereotypes that determine societal values and define roles between men and women; these norms hinder and limit women’s economic life by preventing them from accessing economic opportunities, developing their entrepreneurial activities, and reaping the benefits of trade (der Boghossian forthcoming)

<sup>24</sup> Steven Kapsos, Andrea Silberman, et.al *Why female labour force participation declining so sharply in India* ILO Research paper No. 10 (August 2014).

<sup>25</sup> *Supra* note 15 at 4. While states within the northeast of the country and those primarily adjacent to the Himalayas like Himachal Pradesh (66%), Uttarakhand (33%), Sikkim (58%), Meghalaya (50%), and Nagaland (51%) have a relatively

participation often differ by region, religion, and social group. In addition, a large proportion of women prefer to participate in home-based work, which is more easily combined with domestic care responsibilities. This may create difficulties in correctly measuring the amount of market work relative to domestic care (non-market) work carried out by women. One premise is that there are insufficient formal wage structure based employment opportunities for the country's growing population and that has adversely affected employment prospects of both which has adversely affected employment prospects for both women and men.<sup>26</sup> Another possibility is that increased educational attendance and higher levels of education among the female population contributed to the decline in participation, through these factors. Patriarchy prevalent in India also contributes to married women's less participation in work. The incidents of domestic violence on married women further contribute to her lesser participation.<sup>27</sup> These findings have helped the policy makers at reducing occupational segregation in India such as discouraging discriminatory employment practices. Further this data has been used for promoting skill development programs for women industries and different occupations having high potential for employment growth. One can notice the segregation in their occupational structure. Women are more seen in occupations such as nursing, healthcare, teaching, domestic work or less risk jobs. Some of the identified factors for this difference are occupational patterns, different educational requirements for entry in urban sector jobs, and income disparities. Despite some progress in certain areas, the decline in others cannot be ignored. Due to disadvantageous social norms, the human capital of females cannot be translated into the right form of social treasure. Hence to ensure that economic reforms reach their threshold and distributional equity and social justice is achieved in terms of equality of women it is important to turn human capital investments into economic gains, and economic gains are translated to economic empowerment for achieving gender goals.

#### **IV. Globalisation and Dilemma of New Opportunities**

Over the past few decades, globalization has led to increased cross-border trade and this is accompanied by the presumption that with the removal of barriers of geography, culture, gender restrictions, etc., there will be an increase in participation and productivity beneficial to all. There are positive impacts of trade liberalization that has benefited society. With the increase in the number of

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higher FLPR as compared with the Indian average (33%); states along the Indo-Gangetic plains like Punjab (24%), Haryana (19%), Delhi (12%), Uttar Pradesh (26%), Bihar (10%), and West Bengal (28%) have performed poorly as compared with the rest of the country. States situated in southern and western parts of the country are better performers than the rest of India, with Telangana (45%) and Andhra Pradesh (43%) leading the FLPR metric, followed by Tamil Nadu (41%), Maharashtra (38%), Kerala (37%), and Gujarat (34%).

<sup>26</sup>*Supra* note 24 at 6.

<sup>27</sup>*Supra* note 21 at 6.

job opportunities, there is development of new ventures with better work and income, promotion of trade in goods and crafts, home-based efficient and adapted services.<sup>28</sup> However, that's not always the case, many times all these promises are in theory, and women could not avail those opportunities. Research also shows that women tend to be negatively affected by trade liberalization, and face many challenges while attempting to avail opportunities that WTO's trading system offers. Globalization has created a competitive economy and not a welfare system. The economic opportunities offered to women are of inferior and weaker quality, with the high insecurity in jobs. These high insecurities are because of maternity leaves, and child-rearing responsibilities which are essential aspects of society.<sup>29</sup> Unfortunately, these essential aspects are ignored by the policymakers. Hence women are left with the option of employment in home-based part-timework such as knitting, handicrafts, food processing etc.,. In developing countries like India, there is a decline in the traditional work sector and also on the services side because there is a shift in the mode of production from handmade work to industrial mode. Women earlier employed in rural production bases now in a post globalisation scenario need to be trained in the industrial and technological skills to provide them equitable opportunities and also to make positive contributions to the Gross National Productivity, and human resource development and simultaneously empower themselves economically.<sup>30</sup> There is also a decrease in local production of goods, mainly handicrafts because of the shifts towards availability of cheap labour market. Women remain marginalized despite liberalization of policies.<sup>31</sup> Women are often paid low wages, compelled to work for long hours and also lack participation and voice. The standard trade theory contains outward-looking policies through larger participation in international trade and an increase in exports, that will result in increased employment. The countries with unskilled labor surplus can be said to be benefitted in terms of employment generation but this comes with the factor of mobility. In developing countries from the gender perspective, this may not work evenly, as women have a lot of restraints for mobility, capital, and access to resources.<sup>32</sup> Such a situation further leads to the overcrowding of women in informal sectors such as engaging in small trades, domestic help etc. where productivity, contribution to the trade economy, barriers, and remunerations are low. Women are underrepresented in powerful and decision-making positions and are numbered more in low paid and pernicious forms of work or are confined to work only at home. It has become clear that economic policy including

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<sup>28</sup>Rashmi Umesh Arora, "Gender Inequality, Economic Development, and Globalization: A State Level Analysis of India," 46 (1) *The Journal of Developing Areas* 147–164. (2012).

<sup>29</sup>Deepaboli Chatterjee and Nilanjan Sircar "Urbanisation, Gender, and Social Change: Why Is Female Labour Force Participation so Low in India?," *Ideas for India* 6 Dec 2021.

<sup>30</sup>*Supra* note 28 at 8.

<sup>31</sup>*Supra* note 5 at 2.

<sup>32</sup>*Supra* note 28 at 8.



trade policy can play a vital role in reducing gender gaps only if the policymakers are sensitive to the existing gender inequalities, and unequal distribution of resources and take into account the same while framing policies.<sup>33</sup> Taking into account the gender perspective can lead to a better understanding of trade objectives and can give various new directions to the formation of the policy framework for women's inclusiveness.

Gender perspective is essential for highlighting patterns of inequality that would otherwise go unnoticed, such as wealth, income, caste, race, ethnicity, and age. Finally, the gender approach includes social and cultural analysis of economic model. Thus, it contributes to improving trade policy's social significance, bring social changes by filling gaps in many areas that women faces and exploring new societal norms (UNCTAD 2012).<sup>34</sup> The social objectives as they are very much aligned with objectives set in the Preamble of WTO, can be achieved by assessment of equitable approach of liberalization policies on both men and women on sectoral, national, and international fronts. This will encourage policymakers at national and international institutional level to incorporate such issues that remained underachieved and has both societal and economic effect.

## **V. Gender Inequalities and its Impact on trade performance and economic growth**

Gender disparities have a varying impact on trade policy. Depending on men and women, gender inequalities certainly have an impact on trade policy outcomes and economic growth. For instance the economic growth of China is itself a reflection of large section of women participation in export sector thus making China as one of the leading exporter.<sup>35</sup> World Bank in its report released in 2011 stated countries that do not promote women's participation in the economy and are internationally less competitive.<sup>36</sup> The findings of Dollar and Gati (1999) on relationship between economic growth and gender equality showed that gender inequalities are higher in less developed and developing countries in comparison to developed economies.<sup>37</sup> Countries with higher gender inequality have low per capita income, less scientific development, less human resource development in comparison with nations having gender equality.<sup>38</sup> Nations may have high per capita income for instance Middle East countries but their level of scientific development and human resource development remains relatively low leading to many forms of social and cultural stagnation. The

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<sup>33</sup>United Nations Conference on Trade and Development *Looking at the Trade and Gender Nexus From a Development Perspective: A Brief Overview: Concepts, Definitions and Analytical Frameworks* (United Nations, 2022),

<sup>34</sup>*Ibid.*

<sup>35</sup>*Supra* note 15 at 4.

<sup>36</sup>World Bank and World Trade Organization, *Women and Trade: The Role of Trade in Promoting Gender Equality* (Washington, DC: World Bank, 2020),

<sup>37</sup>*Ibid.*

<sup>38</sup>*Supra* note 28 at 8.

high per capita income of Middle East Nations is not based on their innovativeness but rather by relying on their natural resources. Thus there is no added value addition in their development skill. One of the method that Gender equality can contribute to sustained. economic growth is by allowing women and girls to develop as human resources potential and contribute as key factor in economic growth. This will accumulate more human capital which is essential for the growth of the country's productive potential.<sup>39</sup>

In support to women's active participation in export promotion, the authors refer to the Comparative Cost Advantage Theory (CCAT). The CCAT propounded by Ricardo is one of the key theories based on which WTO has set free trade as its principal objective.<sup>40</sup> According to comparative cost, gains from the trade are possible even though the country does not have an absolute advantage in the production of any commodity. The reason why comparative cost advantage theory is a better option, because gains from the trade depend on the combination of factors of production.<sup>41</sup> Conventionally, in developing countries men are considered economic factors, as contributors which shows the biased attitude in the market sector. There are women who are better talented and have relatively better working potential. Denying them equal opportunities in the different areas of economy itself is a negation to the comparative cost advantage and this also means that State is not able to use all its production factors. The newly added objective of economic empowerment of women through the WTO would meet both the goals, i.e., reaching the optimum potential by a State by applying factors of production to its maximum scale and giving women freedom to choose through economic empowerment. Certainly, this will enable the state to create a system that promotes freedom of choice which is a significant to reach target of social justice. This means that including women in the market-oriented factors by developing their skills at different levels will enable many developing countries such as India to make positive contributions to their economies and realising social objectives.

## **VI. Indian Perspective**

Presently in India, the working opportunities for women are mainly because of the initiatives taken by feminists and the role played by women in various national and international institutions. In the Indian context, scholars working for women's economic empowerment, differentiate gender

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<sup>39</sup>*Supra* note 5 at 2.

<sup>40</sup>Paul R. Krugman, Maurice Obstfeld, et.al., *International Economics: Theory & Policy*, The Pearson Series in Economics (Boston: Pearson Addison-Wesley, 9th ed,2012).

<sup>41</sup>*Ibid.*

equality in the phases of time i.e. The history of women's perspective to the modern outlook.<sup>42</sup> The rise of economic empowerment among women in India came during the British rule period. A number of demands centering women empowerment were the offshoot of anti-colonial movement. However, there were some positive sides of the British system as they took several initiatives for bridging the gap between men and women by applying the law without gender discrimination.

Later on after independence in the year 1991, the extensive trade reforms were carried on by the government with the objective of reducing controls and easing trade policy to achieve greater integration with the world economy and to follow the pathway for achieving development goals. However, as a matter of impact assessment of this integration, its implication for different groups of people such as rich, poor, women, and marginalized is subject to both qualitative and quantitative analysis. In the post-liberalization scenario, the question in the context of economic empowerment of women gets unfolded for knowing whether the WTO objectives such as raising the standard of living, and wealth distribution how far have been achieved. This also puts a question mark whether a fast-growing and globally integrated economy is able to procure a sustainable rightful share of women's participation in comparison to its male counterpart in the Indian context. Gender inequality in terms of free trade policies cannot be denied and the disparities between individuals are not homogenous but connecting link with various kinds of social and economic problems also as discussed above.<sup>43</sup>

Research conducted by the World Bank and WTO confirmed that trade is an impactful tool for Gender equality in developing countries such as India. Figures on the involvement of women in international trade in developing economies are disappointing with few exceptions such as China and South Korea. For instance, in India, less than 5% of working women participate in trade and trade-related services such as transport, customs clearances, maritime-related works and logistics among others in comparison to their male counterparts whose participation is 15%.<sup>44</sup> Globally, women spend far more time on unpaid and domestic work than men, on an average an additional 2.4 hours a day.<sup>45</sup> Indian women spend 8.4 times as many hours on unpaid work in comparison to men.<sup>46</sup> The voices of women is not heard due to their underrepresentation at trade associations and government consultations. Another challenge women in India faces because of being less exposed to the digital

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<sup>42</sup>Amrita Bahri, Dorotea López, and Jan Yves Remy, eds., *Trade Policy and Gender Equality*, 1st ed. (Cambridge University Press, 2023), <https://doi.org/10.1017/9781009363716>.

<sup>43</sup>*Supra* note 28 at 8.

<sup>44</sup>Ministry of Statistics and Program Implementation GOI “Annual Report, Periodic Labour Force Survey” July 2021-June 2022, GOI, Ministry of Statistics and Program Implementation accessed July 7, 2024 [https://www.mospi.gov.in/sites/default/files/publication\\_reports/AnnualReportPLFS2021-22F1.pdf?download=1](https://www.mospi.gov.in/sites/default/files/publication_reports/AnnualReportPLFS2021-22F1.pdf?download=1).

<sup>45</sup>Atlas of SDG 2023, accessed July 8, 2024 <https://datatopics.worldbank.org/sdgatlas/goal-5-Gender-equality?lang=en>

<sup>46</sup>Toppling the barriers to Indian women's participation in trade July 8, 2024 <https://blogs.worldbank.org/en/trade/toppling-barriers-indian-womens-participation-trade>

world which deprived them from easy access, understanding, and functionality of digital tools which is the most convenient means of conducting business in present times. Continuing social norms and cultural practices in India that place on her burden of unpaid work of care giving and household, limits her time availability which hinders her aspirations of becoming an entrepreneur or seeking administrative positions in trade and trade-related services.<sup>47</sup> Therefore removal of these bottlenecks along with positive efforts providing platforms to women will together work in bringing women to the mainstream in trade and trade-related activities.

Increased trade openness, through increased trade opportunities may lead to greater participation in the paid workforce, hence resolving many such kinds of crisis. Participation in the workforce will motivate women toward education, better health care, and efficient mobility. The theory of free trade proposes outward-looking policies through greater participation in the international economy and enhancing exports that will result in increased employment of women.

To accomplish this goal India advocates for the inclusion of gender equality in policy making and creating a world of equity and dignity for all. In this regard, India has signed several UN Conventions including CEDAW, the Beijing Platform for Action and the Convention on the Rights of Child among others. Additionally, several steps have been taken by the Indian government, NGO and women empowerment groups to challenge the patriarchal mindset, promote gender-based equality and additional measures aimed at improving women's health, education and economic opportunities across the countries. Some of the initiatives taken by the government include Stand up India,<sup>48</sup> PM mudra Yojna to promote micro enterprises by providing easy financial assistance<sup>49</sup>. Special initiatives for women also include ALEAP (Association of Lady Entrepreneurship of India) which aims to raise women entrepreneurship development in India for economic empowerment of women. Further, they aim to support MSMEs in formal and informal sectors.<sup>50</sup> Setting up of Women Entrepreneurs International Trade and Technology Center – WE ITTC. WE ITTC is an entrepreneurial movement, for helping women grow worldwide in manufacturing, trade, and technology domains.

## **VII. WTO's Roadmap for Women as Front Runners in the Economy**

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<sup>47</sup> *Ibid.*

<sup>48</sup> Stand up India Initiative is to promote entrepreneurship at the grassroot level to SC, ST and Women wherein government provide financial assistance to set up a new enterprise in manufacturing, services, agri allied activities or trading sector. Central level schemes under Stand up India include Skill Upgradation & Quality improvement and Mahala Coir Yojna, Trade-Related Entrepreneurship Assistance and Development (TREAD). State level schemes include Subsidy, Exemption from Stamp Duty: MSMEs, Registration, Tax exemptions, Subsidy for setting up Effluent Treatment Plant (ETP): Manufacturing MSMEs etc available at <https://www.standupmitra.in/Home/SubsidySchemesForWomen>. Last accessed Aug 20, 2024.

<sup>49</sup> Mudra Yojna available at <https://www.mudra.org.in/AboutUs/Genesis>.

<sup>50</sup> <https://www.aleap.org/vision-mission.php> last accessed Aug 20, 2024.

The pathway to achieve gender equality and economic empowerment of women is by developing gender-responsive national trade policies comprising of laws, regulations, strategies, and plans, and the comparative discourse with foreign feminist policies thinkers. Gender-responsive trade policies would require accurate instruments and different methodologies for sex-disaggregated data so that it benefits policymakers for informed policy-making. This will enable the incorporating gender provisions in FTA and for achieving goals through financial aid from WTO. However, the model depending upon various kinds of aid and support demands continuous impact assessment.

Women's economic empowerment and their contribution in international trade share a relationship wherein the former could be improved through the holistic regulation of the latter. The economic empowerment agenda of the WTO also does have a connecting link with the broader objectives of UN SDGs. The Addis Ababa agenda of action and the United Nations's 2030 Agenda for Sustainable Development recognize foreign trade as an important instrument to reach the objective of Gender equality. The SDGs directly focus on the need to achieve full, complete, and effective participation of women for further economic growth and sustainable development.<sup>51</sup> Inclusion of women empowerment goals require changes in the WTO setup all across its hierarchical level.

WTO functions in a systematic order, at the apex of which is the Ministerial Conference. It was in the 11<sup>th</sup> MC, a collective initiative was taken to increase the participation of women in trade and to remove the bottlenecks, and foster, women's economic empowerment by advancing Gender equality. As a matter of preliminary step towards achieving equality, incorporating a Gender perspective, while promoting trade liberalization for the promotion of inclusive economic growth where women can make active contribution and can play path making role.<sup>52</sup> At the second level, there is a General Council that also functions as a Dispute Settlement and as a Trade Policy Review Mechanism (TPRM) Body, conducting the job of surveillance of national trade policies. The goal of the TPRM is to support members' compliance with WTO obligations and the efficient operation of the multilateral trading system. The review mechanism allows for regular collective appreciation and evaluation of the full range of individual member's trade policies and practices and their impact on

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<sup>51</sup>Dr Amrita Bahri, "Mainstreaming Gender Considerations in Free Trade Agreements:," n.d.

<sup>52</sup>"WTO | 2017 News Items - Buenos Aires Declaration on Women and Trade Outlines Actions to Empower Women," available at [https://www.wto.org/english/news\\_e/news17\\_e/mc11\\_12dec17\\_e.htm](https://www.wto.org/english/news_e/news17_e/mc11_12dec17_e.htm). (last accessed on .July 12, 2024)

the functioning of the multilateral trading system.<sup>53</sup> For the inclusion of Gender objectives in the WTO the treaty rules need to be used as an instrument for change within the Member States.

In the WTO, primary treaty rules sets rights and obligations binding the member states of the international organization. The normative development for these treaty rules can be explained by the creation, maintenance and revision of legally binding and non-binding practices. These non-binding rules are also termed soft law.<sup>54</sup> Soft law can also be applied for filling the gaps in the existing set of binding rules. The goal of economic empowerment having a non-binding nature can be termed as soft law presently.<sup>55</sup> Nevertheless, with time, the soft law rules can be upgraded to hard laws by their reference to international treaty instruments and making them binding on the parties. Repetitive practices based on soft law rules can also transform the same into mainstream legal principles. With further emphasis of the WTO on the member states to implement economic empowerment policies for women such as through the Generalised System of Preferences (GSP) and Special and Differential Treatment (SDT) measures will translate the soft law rules regarding '*Gender equality in trade*' to binding obligations.

Furthermore, the legal basis for achieving the WTO goals of gender empowerment can be ascertained through these parameters. Firstly, through the existing legal basis of the member states with focus on constitutional law, policies, and judicial system for their execution. Secondly, the goals can be achieved after seeking the correct data and information through various legal and statistical instruments. This will help to know gender disaggregated and gender-sensitive data for framing appropriate policies. Thirdly financial support for encouraging trade can be used to know the right kind of policy adopted, providing trade-related infrastructure, capacity-building programs, technical support, and skill development programs that are specifically for women.

Efforts on the part of WTO started in the year 2016 when trade and gender development agendas, gained momentum. First WTO Action Plan on Trade and Gender 2017-2019 (extended to 2020) was launched in 2017. The focus of the Plan was to "lay foundations of a new work program on trade and gender issue in the WTO, building work and projects from the ground level."<sup>56</sup> The Action Plan was made with the object of highlighting trade and gender through education, awareness, support to actions taken by WTO, collecting and maintaining data on trade measures taken on Gender and for executing these goals by providing training and information tools to the

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<sup>53</sup>Caroline Dommen *Global and Regional Order Gender Equality in WTO Trade Policy Reviews: The Case of Germany*Friedrich-Ebert-Stiftung – Gender Equality In WTO Trade Policy Review

<sup>54</sup>*Supra* note 53 at 13.

<sup>55</sup>*Ibid.*

<sup>56</sup>*Ibid.*

government officials.<sup>57</sup> Accomplishment of these goals is expected by the member states in furtherance of the trade and gender agenda of the WTO.

## **IX. Conclusion and Suggestions**

This paper has attempted to identify how women's participation in trade can affect facets of women's lives and their role in multidimensions. Despite several measures adopted to empower women economically several key areas remain. From the above discourse, this can be analysed that women are often affected by trade practices and opportunities in different measures than their male counterparts. Until the recent past trade issues remain devoid of gender issues but for achieving social objectives through trade measures, the author suggests the trade policy measures to be complemented with relevant social issues and economic empowerment of gender is one such. For practical implementation of these gender goals, the internal committees at different levels taking care of women's agenda shall be created with affirmative statutory support. The pathway suggested for economic empowerment of women is through WTO objectives as stated in the WTO preamble. The objectives as stated in the WTO Preamble should be interpreted as setting the premise for the equal role of women in the economic contribution of any nation and further alleviating the position of women and bridging the socio-economic gap between men and women. Further for achieving SDGs economic empowerment through WTO Objectives can play a vital role. The authors is critical of the traditional roles of women and advocate for policy-level support such as state-sponsored financial support, start-ups, self help groups for making women self-reliant, and gradually achieving the leadership role in internal and cross-border trades. In reference to the gender objectives, the authors see the comparative cost advantage through a critical lens. The efficiency model created by comparative cost leads to competitive practice in the market and hijacking the mindset of the people for obtaining material gains. Consequently, this creates irreparable social damage as the majority of the people deprioritise the social values leading to many forms of social outcomes with disorder in comparison to monetary gains.

It is suggested based recent experience in trade liberalisation that there is a strong case for the need to incorporate gender perspectives into overall trade policy design of the WTO and its implementation. Proposing here mainstreaming of gender consideration in trade policy measures also means uplifting the status of women, providing them with dignity and making them self-reliant to

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<sup>57</sup> Sreelakshmi S. Kurup Rishabha Meena & et.al., *Gender Mainstreaming In Preferential Trade Agreements: An Examination Of The Evolution Of Gender Dynamics In International Trade*, The Centre for Trade and Investment Law, Indian Institute of Foreign Trade available at [https://ctil.org.in/cms/docs/Papers/Discussion/CTIL%20Study%20Trade%20and%20Gender\\_Working%20Paper\\_FINAL%20\(1\).pdf](https://ctil.org.in/cms/docs/Papers/Discussion/CTIL%20Study%20Trade%20and%20Gender_Working%20Paper_FINAL%20(1).pdf). (last visited July 6, 2024).

take care of other challenges such as toward education, better health care, and efficient mobility which will contribute to the holistic development of the society. The developing nations are facing several bottlenecks in creating economic opportunities for women and further suggestion is made to incorporate these features in their trade policy measures such as providing safeguard measures in case of specific challenges better understanding the specific challenges and opportunities that women and men face from trade policy; designing and implementing trade policy reforms both at micro and macro level to maximize opportunities for all; as a matter of human resource skill development facilitating the successful integration of women into more technologically advanced and dynamic sectors of the economy; avoiding the increase of gender disparities and mitigating the existing ones by relevant statutory, and facilitating women's empowerment and well-being both in the rural and urban sector. It is expected that based on these suggestions the women will be empowered and will be able to enjoy freedom of choice and finally a path towards achieving SDGs.