Analysis of Gender Chapters in Five Free Trade Agreements and Its Lessons for Korea

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Abstract

Purpose – This paper attempts to compare five free trade agreements with gender chapters ratified by Chile and Canada and derives lessons for Korea in terms of gender-aware trade policy. While Chile and Canada have three and two FTAs with gender chapter respectively, Korea has none so far, although it has already ratified an FTA with the two countries.

Design/methodology – This study first investigates all the gender-provisions with the gender chapters, conducts a comparative analysis on the five chapters as well as a case study of one target FTA’s implementation and achievements, and finally suggests policy implications for Korea’s trade administration as well as trade-related agencies.

Findings – According to the analysis, there are three phases in terms of advancement in gender-related trade policy. As Chile is in phase two and Canada is in phase three, Korea remains in phase one. It has a ministry related to gender within the government, but not within the OMT. It has statistics on female business, but not of women traders. It has a few gender-related provisions in its FTAs, but not a gender chapter. In this sense, new mandates related to gender-aware trade policy for OMT, KITA, and KOTRA should be provided to realize the concrete economic benefits resulting from empowering women traders and policies promoting them.

Originality/value – Existing studies only focus on introducing gender-related international commitments and Korea’s participation in them. This paper is the first attempt to compare actual gender chapters of five FTAs ratified by two countries with the most advanced gender chapters in the world. To gain benefits from the positive gender impact of trade agreements, negotiating and signing gender responsive FTA with future partners is one of the most efficient, as well as inclusive, trade policies urgently needed for Korea.

Keywords: Free Trade Agreement, Gender Chapter, Gender-aware Trade Policy, Trade and Gender

JEL Classifications: F13, K38, P52

1. Introduction

Gender discussion in international society has been slowly evolving since the establishment of the United Nations (UN). Gender refers to, according to the UN, the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women (Monteiro, 2018, 2). Gender refers to the social, behavioral, and cultural attributes, expectations, and norms associated with being a woman or a man. Gender analysis is the systematic gathering and examination of information on gender differences and social relations to identify, understand, and redress inequities based on gender. Lastly, gender mainstreaming is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and social spheres so that women and men benefit equally, and inequality is not perpetuated (Higgins, 2012, 6).

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Women are often underrepresented in formal or regular jobs and internationally competitive sectors as only 20% of export firms are owned or managed by a woman globally (UNTAD, 2020, 8). There clearly exists gender-differentiated roles in the market, as well as gender-biased business, finance, and investment practices (UNTAD, 2020, 9-11). As an international policy option, free trade agreements (FTAs) can promote gender equality, and gender equality truly advances economic development (World Bank ITC, 2020, 1-2). The economic empowerment of women and international trade share an intricate relationship, as effective regulation of international trade could support the economic empowerment of women. There is, however, a lack of public awareness or efficient political will, scarcity of gender-disaggregated data, and absence of expertise on ‘trade and gender’ issues within government departments responsible for carrying out trade negotiations (World Bank ITC, 2020, 3).

As multilateralism evolves and presents limitations to accommodate gender concerns, FTAs have shown great potential as for gender equality to be adopted as a policy norm between trade partners. Trade agreements can help create a level playing field for women and distribute the benefits of free trade equally between women and men. Gender-inclusive trade agreements create fair opportunities. To ensure that trade agreements create equitable opportunities and contribute to inclusive growth and development, the specific needs of men and women must be mainstreamed in their design, content, and scope. In this regard, it is needed to recognize the role women play in international trade and to eliminate gender discrimination and barriers that block their access to trade and commerce. In fact, there are three cases highlighting why trade policies, programs, and projects should take gender issues into account: business, development, and human rights cases (Higgins, 2012, 5-6; True, 2009, 122).

The first milestone for this issue is the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly on December 18, 1979. Ever since, the gender issue has evolved from a mere social context into socio-economic and developmental contexts, such as its relevance to trade. Trade impacts women through different channels, including work (both paid and unpaid) or work conditions, entrepreneurship, consumption, and allocation of fiscal resources for the provision of social services (Frohman, 2017, 1-2). Major international organizations and for a, including UNCTAD, OECD, G20, and APEC, began to seek means to address this issue more in depth, linking trade and gender (UNCTAD, 2020; OECD, 2020). In 1999, the Framework for Women was firstly committed in APEC (Frohman, 2020). UN subsidiaries, such as World Bank (or WB) ITC, ILO, and FAO, also conducted research on gender-related sectoral issues of their own interests (WB ITC, 2020). In the case of FAO in particular, a case study on the World Banana Forum has even led to the finding of five priority areas: increasing women’s employment opportunities, fostering women’s empowerment, reducing gender pay gap, improving occupational health and safety, and addressing sexual harassment and gender-based violence (WTO, 2019).

Gender discussions in multilateral trade regimes have been active only recently after the establishment of the WTO in 1995. Although the multilateral agreements of the WTO do not include any specific provisions related to gender, different trade-related gender issues have recently been discussed in the WTO (Monteiro, 2018, 2). ‘The Buenos Aires Declaration on Trade and Women’s Economic Empowerment’ launched and was signed at the WTO’s 11th Ministerial Conference in 2017 (Monteiro, 2018; WTO, 2019). 123 WTO members, including Korea, joined this declaration, exploring the links between trade and women’s empowerment through dedicated events, discussions, and the exchange of information (WTO, 2019). For the first time, the members explicitly acknowledged that trade could play an important role
in driving female economic empowerment. Moreover, it is collectively recognized that trade can provide a variety of opportunities for female employment and economic development, with the help of technological developments like e-commerce. Evidence shows although trade tends to increase the availability of wage jobs for women, particularly in export sectors, factors such as discrimination, lower skills, and gender inequalities in access to resources may impede women’s abilities to benefit from trade expansion (World Bank, 2004). In this regard, the WTO seeks to build a more inclusive trading system that will allow more women to participate in trade and to reap the economic benefits of global trading (WTO, 2019). In terms of FTAs, only a few agreements include a separate chapter on gender and trade. They seek to promote gender equality and list areas of cooperation to promote full female participation and advancement in society: for example, female entrepreneurship and leadership (UNESCO, 2020, 12).

A WTO Workshop on Gender in Trade Agreements held in March 2019 at WTO Headquarters in Geneva was a clearly a stepping stone for this issue. It discussed how to incorporate gender issues into FTAs with particularly active countries including Canada, Chile, Uruguay, UK, Iceland, Italy, Switzerland, Botswana, Fiji, and the European Commission (WTO, 2019). Surprisingly, gender discussions in regional trade agreements have a longer history than those in the multilateral regime. In the 1990’s, Regional Trade Agreements (RTAs) such as the treaty of the Economic Community of West African States (ECWAS) and the East African Community (EAC) first tapped “women and development”, pushing gender equality policies from employment to broader issues (Monteiro, 2018). In the 2000’s, not only gender equality but also gender mainstreaming, or incorporating a gender lens in all policymaking, became fundamental principles of the international trade community as the RTA between the European Union and Central American Community included several gender-related provisions on cooperation and labor standards.

**Fig. 1. Evolution of the Number of Gender-related Provisions in RTAs**

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**Note:** FTAs with the largest number of explicit gender-related provisions are dotted on the upper right section of this graph, and these five FTAs are the target of analysis.

**Source:** Monteiro (2018, 8).
In the last half of the 2010’s, the number and share of RTAs with gender-related provisions increased significantly, as did the average number of gender-related provisions. According to the WTO, as depicted in Fig. 1, there have been only five FTAs which have specific gender chapters: Chile-Uruguay, Chile-Argentina, Chile-Brazil, Canada-Chile, and Canada-Israel. The FTAs to which Chile is a party with Argentina and Uruguay, and the amended FTAs negotiated by Canada with Chile and Israel, include the most detailed and comprehensive gender-related provisions to date (Monteiro, 2018, 8). In fact, most of these gender-related provisions are found in a chapter dedicated to trade and gender covering issues ranging from domestic policies and international agreements to cooperation activities and institutional arrangements, including the establishment of a trade and gender committee and consultations procedures. Other gender-related provisions can be found in the preamble, the chapters on investment, labor, and cooperation, or the labor cooperation agreement in some of these RTAs.

Internationally, Korea has been a passive member, participating in relevant discussions in the WTO, APEC, and even MIKTA countries including Mexico, Indonesia, Turkey, and Australia (WTO, 2019). Domestically, however, the government, the trade association, the trade promotion agency, and even academia are more occupied with issues directly related to trade, such as negotiating market access inward and outward, and handling trade disputes with other countries as well as within the WTO. Even the Ministry of Gender Equality and Family, the only governmental gender-related entity in Korea, is already fully occupied with non-trade issues such as family, health, and welfare. This paper attempts to focus on the five FTAs with gender chapters, conduct a comparative analysis of these FTAs, and finally, derive lessons for Korea, especially for the Office of the Minister for Trade.

2. Free Trade Agreements with Gender Chapters

Over the years, the number of RTAs with explicit gender-related provisions has increased slowly but relatively steadily as of 2018. 74 RTAs, representing 13% of all RTAs analyzed, include at least one provision explicitly referring to gender or gender-related issues. In total, 60 RTAs with gender-related provisions have been notified to the WTO and are currently in force. So far, almost 243 agreements include provisions referring potentially and implicitly to gender-related issues, such as the protection of human rights, the social dimension of sustainable development, and the protection of vulnerable groups (Monteiro, 2018, 4-6). Prior to the 1990s, only a couple of RTAs included gender-related provisions, including EEC and ECCAS. Between 1991 and 2001, the number of RTAs with gender-related provisions increased significantly, reaching a peak in 2001. Between 2002 and 2015, the signing of RTAs with gender-related provisions increased slightly, but the average number of specific gender-related provisions in RTAs decreased relatively and remained limited. Since 2016, the number and share of RTAs with gender-related provisions has increased significantly, as did the average number of gender-related provisions. The RTAs to which Chile is a party with Argentina and Uruguay, and the amended RTAs negotiated by Canada with Chile and Israel, include the most detailed and comprehensive gender-related provisions to date (Monteiro, 2018, 7-9).

Trade and gender chapters are one of the items in explicit gender-related provisions with four elements (WTO, 2019). First, this chapter acknowledges the importance of incorporating a gender perspective into economic and trade issues to ensure that economic growth is inclusive. Second, this reaffirms the commitment to implement UN Conventions against gender discrimination, such as CEDAW, and other relevant international instruments. Third,
this chapter provides a framework for Parties to undertake cooperation activities and capacity building on issues related to Trade and Gender. Lastly, this chapter often establishes a committee that oversees cooperation activities, reviews operations of the chapter, reports on the implementation of activities, and monitors other chapters for their effects on gender. In the process of implementation, gender-based analysis and statistics, as well as training and networking programs, for woman traders are shared, discussed, or jointly developed. This section attempts to explore specific provisions in the gender chapters of the FTAs negotiated by Chile and Canada and seeks to find domestic political backgrounds in each country.

2.1. Chile’s Cases

Chile has four ratified FTAs with gender chapters: Chile-Uruguay, Chile-Canada, Chile-Argentina, and Chile-Brazil. This is the largest number in the world. From a trade promotion perspective, Chile has already enhanced its cooperative work with its FTA partners with gender chapters. With the help of the trade and gender committees mandated by its FTAs, Chile is in the process of implementing and cooperating on not only general commitments on gender-related provisions but also specific cooperation activities targeting gender issues. For Chile, the presidency of Michelle Bachelet (2014-2018) has led to the launch of gender equity policies within the public administration and policy formulation (Lopez and Munoz, 2018). While focusing more on female economic empowerment, entrepreneurship, rural development, and access to the financial sector, Chile has conducted gender-mainstreaming, and incorporated gender as a trade relevant issue. By the General Directorate of International Economic Relations (DIRECON), Chile’s Office of Minister for Trade, a Gender Department was established in 2016 under the Ministry of Foreign Relations, the institution responsible for trade policy. This enabled Chile to communicate with other governments as well as ministries within the government in order follow-up on gender topics, enhance internal gender policies, and to manage programs to promote and support female participation in international trade (Lopez and Munoz, 2018). Chile’s the four FTAs with gender chapters mainly make references to the implementation of gender equality commitments included in global conventions, with no specific commitments. Although all are rather soft law approaches where dispute settlement mechanisms do not apply, they are a stepping stone for the international trade society to continue to increase international engagement on trade and gender, as well as to strengthen and innovate the chapter.

2.1.1. Chile-Uruguay FTA (CUFTA)

As shown in Table 1, CUFTA was first ratified in April of 1999, and the first round of moderating this FTA was launched in March of 2012. This FTA was officially signed in April and ratified in October of 2016. This FTA, historic and innovative in the history of inter-

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Source: Author’s analysis based on the WTO RTA Database.
national gender-aware policy, was the first attempt to create an independent chapter for trade and gender in an FTA (Lopez et al., 2019). Although this FTA did not mention Goal 5 of the Sustainable Development Goals (SDGs) of the UN 2030 Agenda in its general commitment nor have binding dispute settlement mechanism, it included 10 areas of cooperation with Uruguay as well as established a trade and gender committee in order to discuss joint proposals to support policies on trade and gender.

2.1.2. Chile-Argentina FTA (CAFTA)

As shown in Table 1, CAFTA was first ratified in August of 1991, and the first round of moderating this FTA was launched on August of 2017. This FTA was officially signed in November of 2017 and ratified in May of 2019. Unlike CUFTA, this FTA made commitments to not only Goal 5 of the SDGs of the UN 2030 Agenda but also the UN CEDAW and ILO Conventions. Although this did not have a binding dispute settlement mechanism, it included 12 areas of cooperation with Argentina, and established a trade and gender committee to discuss joint proposals to support policies on trade and gender.

2.1.3. Chile-Brazil FTA (CBFTA)

As shown in Table 1, CBFTA was first ratified in October of 1996, and the first round of moderating this FTA was launched in March of 2017. This FTA was officially signed and ratified in November of 2018. Unlike CUFTA, this FTA made commitments to not only Goal 5 of the SDGs of the UN 2030 Agenda but also the UN CEDAW and ILO Conventions. This FTA is very similar to CAFTA but had more specified areas for joint discussion and elaboration to support policies on trade and gender with Brazil. Although this did not have a binding dispute settlement mechanism, it included 12 areas of cooperation with Brazil and established a trade and gender committee with 7 mandates listed in the agreement.

2.2. Canada’s Cases

Canada has two ratified FTAs so far with gender chapters: Chile-Canada and Canada-Israel. The two modernized FTAs with trade and gender chapter include four key objectives: reaffirming the importance of incorporating a gender perspective into economic and trade issues, reaffirming a commitment to international agreements on gender equality and women’s rights including CEDAW, providing a framework for parties to the agreement to undertake cooperation activities on issues related to gender and trade, and establishing a dedicated trade and gender committee and other institutional provisions (Trade and Gender in Free Trade Agreements: The Canadian Approach). Canada has an inclusive approach to trade where gender is one of the key issues (WTO, 2019; Zakaria, 2018). It acknowledges that gender-related barriers to trade exist, and that trade liberalization affects men and women in different ways. Thus, it has domestic trade policy priorities, such as feminist foreign policy, gender equality, and inclusive growth.

Prime Minister Justin Pierre James Trudeau (2016–present) accelerated gender-responsive trade policies within the public administration, as well as with ministries of other countries. In fact, Canada has three pillars in conducting gender-aware trade policy: Gender Based Analysis Plus (GBA+), trade and gender chapters in FTAs, and gender mainstreaming. GBA+ means a total government approach to incorporating a gender lens in all policy making in order to help identify potential positive and negative effects of FTAs on people in Canada, support continual strengthening and innovating of the Trade and Gender chapter, and identify new opportunities for mainstreaming new gender responsive and inclusivity provisions in FTAs through consistent and regular updating of GBA+ FTA chapters before each
round of negotiations. This approach also helps the country identify new areas of strategic data collection and analysis, which works as a basic framework. In addition, areas of Canada’s gender-mainstreaming already cover labor, government procurement, investment, trade in services, temporary entry, institutional arrangements, policies related to small and medium enterprises (SMEs), and E-commerce (Larouche-Maltais et al., 2019; WTO, 2019).

2.2.1. Canada-Chile FTA (CCFTA)

As shown in Table 1, CCFTA was first ratified in June of 1997, and the first round of moderating this FTA was launched in April of 2012. This FTA was officially signed in December of 2018 and ratified in February of 2019. This was the first FTA with a gender chapter signed by Canada, as well as the first in the G20 (The Canadian Approach, 2020). This was greatly influenced by the Chile-Uruguay FTA, the first FTA with a gender chapter. Although it did not have a binding dispute settlement mechanism, it included 11 areas of cooperation with Chile, and established a trade and gender committee to discuss joint proposals to support policies on trade and gender. Notably, this new trade and gender chapter acknowledges that trade is not gender neutral and provides the foundation for both countries to work together on the development of gender-focused indicators and analysis.

2.2.2. Canada-Israel FTA (CIFTA)

As shown in Table 1, CIFTA was first ratified in January 1997, and the first round of moderating this FTA was launched in January 2014. This FTA was officially signed in May of 2018 and ratified in September of 2019. This was the first FTA with a binding dispute mechanism for the gender chapter (Trade and Gender in Free Trade Agreements: The Canadian Approach). It included 9 areas of cooperation with Israel and established a trade and gender committee to discuss joint proposals to support policies on trade and gender.

3. Comparative Analysis of the Five FTAs

3.1. General Provisions and International Agreements

In the section on general provisions, all the five FTAs include the sentence that they “acknowledge importance of incorporating gender into the inclusive economic growth and the key role of gender responsive policies.” Except for the Chile-Uruguay FTA, the other FTAs recall “Goal 5 of the Sustainable Development Goals in the United Nations 2030 Agenda for Sustainable Development”. In the case of the two of Canadian FTAs, a member of the OECD, they recognize and follow the OECD Guidelines for Multinational Enterprises as they relate to gender. Although Chile-Uruguay FTA only mentioned “overall commitment towards the effective implementation of international agreements, the other four FTAs “reaffirm their commitment to effectively implement the obligations under the UN CEDAW adopted by the United Nations General Assembly on 18 December 1979.”

3.2. Cooperative Activities

In the section of cooperation activities, all five FTAs include the sentence that they will

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1 This section represents an author’s analysis from Lopez et al. (2019) and the WTO RTA Database (2020). I deeply appreciate Ye-ji Kim, a student at the Catholic University of Korea, for her devoted help in terms of the translation of the Spanish Agreements into Korean.
cooperate in "designing, implementing, monitoring and strengthening policies and programs to encourage women’s participation", and it will be done "with the interaction with businesses, labor unions, education and research organizations, and other NGOs”. All FTAs listed more than nine areas of cooperation, including “skills enhancement; financial inclusion, agency and leadership; access to science, technology and innovation; entrepreneurship”, and priorities for cooperation activities are "to be decided by the Parties based on their interests and available resources.”

3.3. Trade and Gender Committees and Contact Points

In the section on the trade and gender committee and contact points, all five FTAs include the sentence that they will "determine, organize and facilitate the cooperation activities and discuss joint proposals to support polices on trade and gender.” All FTAs listed more than five mandates that

"The Committee shall (a) determine, organize and facilitate the cooperation activities and exchange of information under Article 13.3; (b) report, and make recommendations as appropriate, to the Commission for its consideration on any matter related to this Chapter; (c) discuss any matter of common interest, including joint proposals to support policies and other initiatives on trade and gender; (d) consider matters related to the implementation and operation of this Chapter; and (e) carry out other duties as determined by the Parties."

Except for Chile-Brazil, which meets bi-annually, the rest “meet annually as otherwise agreed by the Parties”. Moreover, within two, three, or five years of entry into force, “the Committee shall consider undertaking a review of the implementation of this Chapter, with a view to improving its operation and effectiveness.”

3.4. Dispute Settlement and Consultations

In terms of dispute settlement, the Canada-Israel FTA is the first as well as the only in the world with a binding mechanism which includes that “If the Parties cannot resolve the matter in accordance with paragraph 1, they may consent to submit the matter to dispute settlement in accordance with Chapter Nineteen Dispute Settlement.” Regarding consultations, all five FTAs include the sentence “the Parties shall make all possible efforts, through dialogue, consultations and cooperation, to resolve any matter that may arise relating to this Chapter.” In most cases, gender-related provisions are excluded from the scope of the dispute settlement system as they are drafted with good-faith cooperation and best endeavors to solve disputes arising from gender-related provisions through dialogue and cooperation. This implies that most gender considerations cannot be enforced through a binding and compulsory dispute settlement mechanism, so a country faces no direct consequence for not meeting its obligations or commitments (World Bank ITC, 2020, 19).

Although CIFTA provides a binding dispute settlement procedure that applies to its gender-related commitments, this jurisdiction is not compulsory as the parties must agree to it when a problem arises (World Bank ITC, 2020, 20). Future trade agreements should consider subjecting gender provisions to binding and compulsory dispute settlement provisions. Parties could subject gender provisions either to the treaty’s general dispute settlement chapter or create a specialized mechanism to enforce gender-related commitments. To ensure enforcement through dispute settlement provisions, marginal and careful policy actions are
to be taken as enforcement often requires deep societal changes and long-term cooperation between stakeholders.

4. Implementation and Achievements: The Case of CCFTA

CCFTA was originally in force from June of 1997, and updated negotiations were initiated in April of 2012, which were signed and enforced from February 2019, according to Table 1. Since CCFTA took effect in 1997, bilateral merchandise trade between the two countries has increased almost fourfold (Trade and Gender in Free Trade Agreements: The Canadian Approach). In Canada, 5,674 jobs were directly or indirectly supported by merchandise exports to Chile, 1,611 of which were occupied by women. More than 1,200 Canadian businesses traded with Chile in 2016, and women-owned and equally owned Canadian businesses played a much bigger role in imports than in exports as the percentage of those businesses in export value was 10.5%, and those in import value was 25.4%. The portion of women-owned and equally owned businesses in the number of exporters recorded 16.4, while that in the number of imports was 29.9%. The gender impacts of CCFTA can be summarized in Fig. 2 below.

Fig. 2. Gender Impacts of the Trade Agreement Applied to CCFTA

Mentions of gender equality and/or women in CCFTA are included in Arts. 15.1–15.6 Canada-Chile, Appendix II—“Trade and Gender” (stand-alone chapter), Art. N bis-03, “female entrepreneurship”, labor side agreement: – Part 1 objectives: art. 11 (m. equality of
women and men in the workplace), Art. 44 (h. equal pay for men and women) – Annex 1, Art. 7 (sex and other factors, in relation to elimination of employment discrimination), and Art. 8 (equal pay for women and men) (Larouche-Maltais and MacLaren, 2019, 7). Fields of cooperation include awareness-raising through programs on gender equality practices in business and female entrepreneurship; policy experience-sharing, especially on the design, implementation, and monitoring of policies for female economic empowerment; access to economic opportunities, especially initiatives to maximize benefits of the agreement for women (as workers or entrepreneurs); female empowerment activities, such as leadership and decision-making skills enhancement, and education in science, technology, and innovation; gender-related data collection, conducting gender-based analysis, the collection of sex-disaggregated data, and the use of gender-responsive indicators and statistics. Activities consider women not merely employees or laborers, but as entrepreneurs, leaders, decision-makers, and scientists (World Bank ITC, 2020, 11). The designated entities of each country, like the Department of Foreign Affairs, Trade and Development for Canada, and the Department of International Economic Relations, are responsible for public reporting on progress toward these types of cooperation. Both countries encourage industries and enterprises to incorporate corporate social responsibility explicitly related to gender.

To support and coordinate bilateral cooperation initiatives, a trade and gender committee has been established under both chapters that oversee cooperation activities, reviews operation of the chapter, reports on implementation of activities, and it monitors other chapters for their effects on gender. This is helpful in that it creates a basic architecture for cooperation in reducing gender inequality for the parties to the FTAs. These chapters do not, however, cover certain areas, including specific funding parameters, timelines for committee meetings or results, and the harmonization of gender-related legislation (pay equity, among others) between FTA parties (Larouche-Maltais and MacLaren, 2019, 30-31). CCFTA identifies several gender issues of importance to both governments but does not mention next steps to operationalize a reduction in gender inequality, nor does it include potential gender indicators associated with each issue to monitor progress. The latter would allow the committees to consolidate and focus work agendas and help establish clarity.

Nonetheless, CCFTA has developed detailed work plans for committees, including descriptions of action items, objectives, implementation plans, expected results, leads, and timelines, as well as a commitment to public reporting on activities and results. The two partners agreed to exchange information on gender equality laws, policies and programs, and female economic empowerment policies and programs, to share experiences and practices on the GBA of trade policy, and the collection and analyses of gender disaggregated data. CCFTA certainly has increased the understanding of the gender dimension of trade agreements and their contributions to better policy making and enhanced public participation as well as increased public awareness. It also promoted gender equity policies alongside trade promotion policies (WTO, 2019).

5. Implications for Korea

There are three phases, as shown in the Fig. 3, in gender-aware trade policy which can be applied to the three traditional steps of trade policy creation in a country. From this paper’s analysis in the previous sections, Chile belongs to the second phase of gender-aware trade policy. In the step for trade promotion, it launched and promoted gender equity policies, and enhanced cooperative work with other governments. Next, in the trade negotiation step, it made a general commitment addressing gender issues either in gender provisions or chapters,
and further implements and cooperates on general commitments including gender, as well as on gender with its FTA partners. In the step for trade dispute settlement, although it does not include binding provisions for the gender chapter, it designates a gender committee and provides contact points. Other than Chile, countries in Central and South America, as well as Members of RTAs with gender provisions, also belong to this phase.

**Fig. 3. Three Steps/Three Phases of Gender-Aware Trade Policy**

![Diagram showing three phases of gender-aware trade policy]

**Source:** Author’s analysis based on Bensalem (2017), World Bank ITC (2020) and WTO (2019).

Canada, on the other hand, belongs to the third phase, the most advanced phase. In the step for trade promotion, it conducts gender-mainstreaming in trade policy, as well as attempts to measure the effects of the gender chapter over time. Next, in the negotiation step, it decided to hold regular review meetings for the gender committee. In the step for trade dispute settlements, it settled a gender committee and provided contact points, such as in its FTA with Israel. This indicates that the gender chapter in FTAs was transformed from that of a soft law approach to that of a hard law approach as the phase changes. Other than Canada and its FTA partner Israel, other USMCA members, including the US and Mexico, as well as EU Members, can be said to be moving toward to the third phase in terms of gender-aware trade policy. In sum, the most significant domestic political factor in strengthening and innovating gender chapter is pro-trade as well as pro-gender presidential leadership in each country, both leading to domestic and international institutional arrangements. As a result of the inclusion of gender chapters in their FTAs, both had an opportunity to conduct gender-aware quantitative analysis as well as develop gender-aware training and promotion programs for female traders.

Korea, according to Fig.3, belongs to the first phase of gender-aware trade policy. In the
step for trade promotion, it just introduces an inclusive approach to trade (Chung et al., 2018). It is in the process of increasing its understanding of the gender dimension of trade agreements. It also needs to overcome resistance and enhance public participation. Next, for the trade negotiation step, it refers to or participates in international conventions or merely mentions in its trade agreements gender/women. In the step for trade dispute settlement, although it does not include any explicit gender provisions or chapters, it raises awareness of gender or gender-related provisions in international trade agreements. Other than Korea, Asia and the Middle East as well as other WTO members with a general commitment to gender issues, also belong to this first phase. Countries in this phase need to seek ways to settle institutional arrangements to proceed into the next phase.

Table 2. Comparison of Global Rankings related to ‘Trade and Gender’

<table>
<thead>
<tr>
<th>Country</th>
<th>UN Human Development Index</th>
<th>UN Gender Inequality Index</th>
<th>WEF Overall Global Gender Gap</th>
<th>Economic Participation Opportunity Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chile</td>
<td>42(4)</td>
<td>62(5)</td>
<td>57(4)</td>
<td>117(6)</td>
</tr>
<tr>
<td>Uruguay</td>
<td>57(6)</td>
<td>59(4)</td>
<td>37(3)</td>
<td>64 (2)</td>
</tr>
<tr>
<td>Argentina</td>
<td>48(5)</td>
<td>77(6)</td>
<td>30(2)</td>
<td>103(5)</td>
</tr>
<tr>
<td>Brazil</td>
<td>79(7)</td>
<td>89(7)</td>
<td>92(6)</td>
<td>89(4)</td>
</tr>
<tr>
<td>Canada</td>
<td>13(1)</td>
<td>18(2)</td>
<td>19(1)</td>
<td>30(1)</td>
</tr>
<tr>
<td>Israel</td>
<td>22(2)</td>
<td>24(3)</td>
<td>64(5)</td>
<td>67(3)</td>
</tr>
<tr>
<td>Korea</td>
<td>22(2)</td>
<td>10(1)</td>
<td>108(7)</td>
<td>127(7)</td>
</tr>
</tbody>
</table>

Notes: 1. The number in the parenthesis is the ranking among the seven countries listed.
2. The base year for figures of Human Development Index is 2019.
3. The base year for figures of Gender Inequality Index is 2018, and it ranges from 0, where women and men fare equally, to 1, where one gender fares as poorly as possible in all measured dimensions.
4. The base year for figures of WEF is 2019.


Table 2 shows that Korea’s status in terms of global rankings related to ‘Trade and Gender’ is not satisfactory. Internationally, its participation and involvement in the ‘trade and gender’ issue is positive, but not proactive. Domestically, solid policy action or implementation of this issue remains ambiguous. As mentioned in the introduction, trade impacts women through different channels, including work (both paid and unpaid) or work conditions, entrepreneurship, consumption, and allocation of fiscal resources for the provision of social services (Frohmann, 2017, 1-2). In summary, Korea has several problems as follows. It only has inclusive trade policy, not gender-aware trade policy, so it should move to phase 2, as shown in Fig. 3. It has not yet conducted any gender-related statistics related to trade for women traders. Neither the Office of Minister for Trade (OMT) or Korea Trade Promotion Agency (KOTRA), Korea’s trade promotion agency has developed any gender-related training and promotion programs based on gender-related statistics related to trade.

To solve these problems, new mandates should be granted to the OMT, Korea Association of International Trade Association (KITA), and KOTRA, respectively. Korea’s FTA team within the OMT should be to have more mandates in terms of gender-aware trade policy.
The most significant mandate is to initiate actions for including a gender chapter in ongoing FTAs. The Korea-Israel FTA was under negotiation between 2016 and 2019, and this was an overlapping period with the five FTAs with gender chapters, according to Table 1. Israel included a gender chapter with Canada, but not with Korea, and this point should be carefully reviewed. In this regard, conducting a gender impact assessment prior to an FTA’s entry into force is needed to identify the potential positive and negative gender impacts of the proposed trade agreement (Larouche-Maltais and MacLaren, 2019, 50).

Table 3. Brief Analysis of FTA Committees in 4 FTAs

<table>
<thead>
<tr>
<th>FTA Committees</th>
<th>Korea - Chile FTA</th>
<th>Korea - Canada FTA</th>
<th>Canada - Chile FTA</th>
<th>Canada - Israel FTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Trade in Goods</td>
<td>3</td>
<td>○</td>
<td>○</td>
<td>×</td>
</tr>
<tr>
<td>Committee on Government Procurement</td>
<td>2</td>
<td>×</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Committee on Sanitary and Phytosanitary Measures</td>
<td>2</td>
<td>○</td>
<td>○</td>
<td>×</td>
</tr>
<tr>
<td>Committee on Standards-Related Measures</td>
<td>2</td>
<td>○</td>
<td>○</td>
<td>×</td>
</tr>
<tr>
<td>Committee on Trade Remedies</td>
<td>2</td>
<td>×</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Committee on Telecommunications Standards</td>
<td>2</td>
<td>○</td>
<td>×</td>
<td>○</td>
</tr>
<tr>
<td>The Free Trade Commission</td>
<td>2</td>
<td>○</td>
<td>×</td>
<td>○</td>
</tr>
<tr>
<td>Trade and Gender Committee</td>
<td>2</td>
<td>×</td>
<td>×</td>
<td>○</td>
</tr>
</tbody>
</table>

Source: Author’s analysis based on the WTO RTA database (2020).

As shown in Table 3, Korea has been focusing on traditional trade issues, such as trade in goods, government procurement, standards-related measures, or trade remedies, while its FTA partners have established gender committees with their partners. For the on-going negotiations for the modernizing Korea–Chile FTA and the Korea-MERCOSUR FTA, the team should make efforts to include a gender chapter or gender-related provisions up to the level of Central and South American countries in phase 2 of Fig. 3. For upcoming negotiations updating FTAs with the Pacific Alliance, EFTA, and the EU, Korea should make progress in terms of introducing gender chapters on behalf of female Korean traders (Björkdahl et al., 2015, 202-203). To realize this, the government should establish a gender department with an OMT domestic institutional arrangement to conduct gender-aware trade policy.

If Korea attempts to initiate a discussion on creating a gender chapter with an FTA partner, the chapter can benchmark the one in the Canada-Israel FTA. Moreover, it is better to decide financial resources for cooperative activities during the negotiation. The trade and gender committee should meet annually, and the review process for the implementation of the chapter should be held within two or three years after the first meeting of the committee. In terms of a dispute settlement mechanism, the new gender chapter for Korea should have a binding mechanism in that one of the parties can submit a matter for dispute settlement in
accordance with Dispute Settlement chapter of the FTA negotiated. Domestically, a new institutional arrangement includes forming a gender department in trade ministry with the government, while the international institutional arrangement means settling a trade and gender committee with an FTA partner to hold regular review meetings. Canada and Chile both have gender departments, not only within the government but also within the trade ministry. With its FTA partners, Korea needs to depict gender-based trade barriers and to make a commitment to overcome such barriers by sharing methods and procedures for collecting gender-focused trade statistics and sex-disaggregated data, exchanging experiences and best practices related to gender-based analysis of trade policies (UNCTAD, 2020, 13).

The OMT also must overcome resistance and increase the awareness and recognition of gender-aware trade policy for interest groups and the public. In Korea, there is still public sentiment that views trade as gender neutral, and FTA is no place for gender considerations and for advancing social issues. Some even see the application of a gender-aware trade policy as a zero-sum game; men will lose if women receive equitable access. As shown in Fig. 4, Korea can experience ‘win-win’ consequences for both genders if it applies a gender-aware trade policy. As more female traders are invited, trained, promoted, and financially sourced, they can contribute to gaining more business opportunities for both genders, which leads to a larger market share in the world market. In this sense, the government should change the ‘zero-sum’ perception of a gender-aware trade policy into a ‘win-win’ context where both female and male traders can gain from the increased market share created by the new policy. Policy makers and experts working in this field need to consider how the participation of women in trade can be promoted to its fullest potential.

**Fig. 4.** Changing Perceptions of Gender-Aware Trade Policy: Zero-Sum to Win-Win

Korea has lack of adequate gender disaggregated data and the capacity to interpret it in a trade policy context, such as indirect employment effects, supply chains effects, and consumer data by gender. The role of KITA in terms of producing gender-aware statistical analysis should be emphasized. In Section 3, each gender chapter includes cooperative activities on sharing methods and procedures for the collection of sex-disaggregated data, the use of indicators, and the analysis of gender-focused statistics related to trade. In the statistics or a survey, topics such as women’s roles in Korean trade in terms of sectors, products or services, and markets should be regularly gathered and scrutinized. Although Korea has already developed and provided policies targeting female-owned businesses by the Korean Women’s
Development Institute, an institute under the Office for Government Policy Coordination, this is the right time for the OMT to target female traders in terms of gender-disaggregated data and surveys.

Gender-award quantitative analysis published by DIRECON, Chile’s OMT, is a good benchmark for this, as shown in Fig. 5. DIRECON published in 2017 the First Scan of Women Exporters in order to contribute to quantitative analysis to design better public policies, with the first section devoted to the statistical analysis of the participation of women in export activities in Chile, while the second compiled the main antecedents of the participation of women in world trade through studies carried out by international organizations (Lopez and Munoz, 2018). It found most of the exports by female traders belonged to the food processing sector, a traditional domestic industry, and its share in exports of services by female traders was still low. Korea promptly needs to elaborate on the impact of trade on women in three dimensions: women as workers, women as business owners, and women as consumers (Larouche-Maltais et al., 2019; WTO, 2019). In summary, KITA can conduct regular research on female participation in exports and imports, detailed statistics on the participation of women-led trading firms in total exports, the proportion of women-led trading firms by size or by sector, but also the history of female traders in Korea, as well as specific barriers for female traders doing business in Korea.

**Fig. 5.** Chile’s Gendering Case in a National Survey on Enterprises

<table>
<thead>
<tr>
<th>Name of the survey</th>
<th>Year</th>
<th>Chile Encuesta longitudinal de empresas (ELED)</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveyed enterprises in total</td>
<td></td>
<td>Universal de empresas encuestadas</td>
<td>325,334</td>
</tr>
<tr>
<td>Proportion of enterprises with <strong>women</strong> CEOs</td>
<td></td>
<td>Proporción de empresas con mujeres como gerente principal</td>
<td>28,4</td>
</tr>
<tr>
<td>Proportion of enterprises with <strong>women</strong> CEOs by size</td>
<td></td>
<td>Proporción de empresas por tamaño con mujeres como gerente principal</td>
<td>28,9</td>
</tr>
<tr>
<td>Participation of women-led trading enterprises</td>
<td></td>
<td>Participación de empresas lideradas por mujeres que exportan</td>
<td>4,4</td>
</tr>
<tr>
<td>Proportion of all export enterprises by size</td>
<td></td>
<td>Proporción del total de empresas por tamaño que exportan</td>
<td>Grandes: 26,2 Pymes: 5,0 Micro: 2,1</td>
</tr>
<tr>
<td>The number of women-led export enterprises</td>
<td></td>
<td>Número de empresas exportadoras lideradas por una mujer</td>
<td></td>
</tr>
<tr>
<td>Proportion of men/women-led direct and indirect export enterprises</td>
<td></td>
<td>Porcentaje de empresas que exportan directa e indirectamente del total lideradas por mujeres/hombres</td>
<td>4,2</td>
</tr>
<tr>
<td>Participation of women-led enterprises in total export</td>
<td></td>
<td>Participación de empresas lideradas por mujeres en el total que exporta</td>
<td></td>
</tr>
<tr>
<td>Proportion of women-led export enterprises by size</td>
<td></td>
<td>Proporción del total de empresas por tamaño que exportan</td>
<td>Grandes: 26,2 Pymes: 41,4 Micro: 11,1</td>
</tr>
</tbody>
</table>

**Source:** DIRECON (2017).

In terms of developing gender-aware training and promotion programs, the role of KOTRA should be emphasized. ProChile, a Chilean trade promotion agency, is a good model for this as it offers ‘MUJEREXPORTA’, a flagship program which aims to help women
businesses join export activities (Lopez and Munoz, 2018, 144). In 2017, a set of training and promotion actions were carried out, benefiting more than 800 businesswomen in the overseas promotion of their products. Although KITA has several promotion programs for female traders now, it only invites female traders in certain regions or target sectors, products, or markets overseas (KITA, 2020). In terms of trade facilitation and logistics projects with a strong gender focus, KOTRA can also initiate projects, such as those providing training and outreach for female traders on customs and border requirements and processes, supporting women’s trading organizations to increase their capacity to educate and support female traders on customs and border issues, and educating female traders about real trading costs and requirements so they can negotiate fairer prices with intermediaries (Higgins, 2012, 40-41). In support of female empowerment, there exists a list of examples for the most used trade policies by trade issue, such as government procurement, agriculture, services, and even standards and technical regulations (Boghossian, 2019).

6. Conclusion

There are six trade policy instruments contributing to gender equality: the generation of detailed data on trade and gender, the evaluation of female impact on trade, promotion of female entrepreneurship as exporters, trade facilitation focusing on gender, gender-mainstreaming in a grade regulation, and a gender chapter in trade agreements (Frohmann, 2020, 19). For Korea, a mere inclusion of a gender chapter in trade agreements is only one of six instruments to be implemented to perform trade policy for gender equality, and unfortunately, this minimum has not yet been met. As Fig.3 indicates, there are three phases in terms of advancement in gender-related trade policy. As Chile is in phase two and Canada is in phase three, Korea remains in phase one. It has a ministry related to gender within the government, but not within the OMT. It has statistics on female business, but not those of female traders. It has a few gender-related provisions in its FTAs, but not a gender chapter. Existing studies only focus on introducing gender-related international commitments and Korea’s participation (Choi, 2018). Furthermore, establishment of gender-related governmental entities is yet to be come. It is the right time for Korea to adopt gender-aware trade policy to encourage its industries and enterprises to incorporate corporate social responsibility explicitly related to gender.

This paper is the first attempt to compare actual gender chapters of Chile and Canada, Korea’s close trading partners. New mandates related to gender-aware trade policy for OMT, KITA, and KOTRA should be provided to realize the concrete economic benefits resulting from empowering female traders and policies promoting them, as shown in Fig. 2. Korea should implement not only inclusive trade policy but also gender-aware trade policy by including a gender chapter in an FTA, as well as establishing a trade and gender division. KITA should conduct gender-related statistics related to trade for female traders. KOTRA should develop and provide gender-related training and promotion programs based on gender-related statistics related to trade. In this way, it can increase the issue’s coverage from one only by the Ministry of Gender Equality and Family, but to one for the Ministry of Trade so that Korea can gain a win-win outcome for both genders in its trade policy, as presented in Fig.4. Further studies, including an elaborate statistical survey on Korea’s female traders or quantitative or comparative analysis using a ‘trade and gender index’, will be further promote policy discussions for this topic (UNCTAD, 2017, 35-37).
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