

5 Regional and bilateral agreements

'The MTS is facilitated by a network of bilateral, regional and quasi-regional arrangements on aid, development and trade cooperation assistance'.

'Regional arrangements sometimes drive the global trade liberalisation process'.

These two statements were made in Unit 4. But they raise the question: if the market place is global, why is there a need for regional and bilateral agreements?

This unit looks at what regional and bilateral trade agreements (RTAs and BTAs) are, how they relate to the MTS and the WTO and their possible gender impacts. It then looks at Economic Partnership Agreements (EPAs). It will help you to:

- define the scope and constraints of RTAs and BTAs
- plan steps to brief trade negotiators in relation to RTAs for your own country/region
- identify gender analysis requirements in relation to RTAs.

RTAs and BTAs: background briefing

Definitions

- **Regional trade agreement (RTA)** – an agreement to support regional trade arrangements. The coverage and depth of preferential treatment varies from one RTA to another. RTAs tend to go beyond tariff cutting and may extend beyond traditional trade policy mechanisms to include regional rules on investment, competition, environment and labour.
- **Bilateral trade agreement (BTA)** – an agreement between two countries to support their trade arrangements. It gives the two countries favoured trading status between them. In addition a bilateral investment treaty (BIT) is an agreement establishing conditions for private investment by companies of one country in another, i.e., foreign direct investment (FDI).

Examples of RTAs, BTAs and BITs are:

- European Union (EU)
- Cotonou Agreement (ACP-EU)
- North American Free Trade Agreement (NAFTA) (Canada-Mexico-US)
- Free Trade Agreement of the Americas (FTAA)
- Central American Free Trade Agreement (CAFTA)
- African Growth and Opportunity Act Agreement (Africa-US)
- Caribbean Basin Trade Partnership Act (CBTPA)
- European Free Trade Association (EFTA)
- ASEAN Free Trade Area (AFTA)
- Asia Pacific Economic Cooperation (APEC)
- Association of South East Asian Nations (ASEAN)
- Caribbean Community and Common Market (CARICOM)
- Southern Common Market (MERCOSUR)
- Southern African Development Community (SADC)
- West African Economic and Monetary Union (WAEMU)
- Economic Community of West African States (ECOWAS)
- Common Market for Eastern and Southern Africa (COMESA).

Types of RTAs

From less formal to more formal
Free trade area (FTA) Removal of trade barriers between parties, but retention of national trade barriers to third parties – e.g., EFTA/NAFTA. This includes EPAs (see overleaf).	Custom union Removal of trade barriers between parties; common external tariff/ barriers – e.g., European Economic Community (EEC).	Common market As custom union + freedom of factor flows (free movement of capital and labour as well as goods and services) – e.g., European Union.	Economic union Unification of all policies (fiscal, monetary) – e.g., United States.

What's the purpose of RTAs?

On the plus side

They play an important part in the MTS to:

- maximise trade and increase employment at home
- create more exports and fewer imports
- give access to resources and know-how.

But

They create discrimination against non-members.

They may lead to trade diversion (i.e., trade may be diverted from a more efficient producer to a less efficient one who is part of an RTA).

North-South RTAs may push out deeper regional integration commitments.

How are RTAs and the WTO related?

Similarities

Both are strategies for opening markets (RTAs are quicker to conclude; WTO offers successive rounds of negotiations). Both are based on reciprocity.

Differences

Rules of origin (different approaches) most-favoured-nation (MFN) approach – i.e., a country should not discriminate among its trading partners (RTAs bypass or depart from this)

Dispute settlement (potential conflict with WTO).

How do RTAs fit into the WTO framework?

For the WTO

They can help to strengthen the MTS, but they are discriminatory (departing from the MFN principle) and their effects are not clear.

The increase in RTAs and BTAs produces overlapping memberships.

Different trade rules for different partners can coexist in a single country. This makes them complex to administer and expensive to enforce.

There is a risk of inconsistencies, confusion and problems of implementation, especially where RTAs overlap.

For developing countries

There may be reason for caution.

RTAs and BTAs may include 'WTO plus and minus' provisions that go beyond the WTO negotiating agenda. These may not be consistent with development goals.

There is concern that negotiating dynamics may be one-sided in North-South RTAs and even in South-South RTAs.

Gender and RTAs

Do RTAs address gender concerns?

RTA trade rules, like MTS rules, do not actually address gender issues as part of the agreement. The social impact of trade agreements on different sectors has only recently been recognised, e.g., in relation to non-trade concerns such as labour conditions and the environment.

What are the gender impacts of RTAs?

The likely gender impacts are those of trade liberalisation generally – primarily on employment, wages and the care economy. The impact of RTAs may be felt more acutely in the short run since they have ambitious market access agreements.

So the questions to ask are: what are the specific ways a specific RTA has an impact in a specific sector in a specific region – the basic gender analysis questions.

Activity 5.1: Filling in the background

If you can, answer the following in relation to your country. If you can't, plan next steps to find the answers, then search for the information.

What RTAs/ BTAs is your country partner to?

Who are the other partners?

What type of RTA is it?

What are the main features of the agreement(s) (e.g., sectors covered)?

What are the negotiating dynamics (e.g., North-South or South-South balance)?

What are the perceived threats and opportunities?



Economic Partnership Agreements (EPAs)

As an example of RTAs and related gender issues, this action guide looks in more detail at EPAs.

What are EPAs?

Economic Partnership Agreements (EPAs) are proposed new trade agreements under negotiation between the European Union (EU) and six regional groupings from the African, Caribbean and Pacific (ACP) group of nations. The European Commission (EC) is mandated to negotiate for the EU. EPAs originated from the proposal of the EU in 1996 to negotiate with the six ACP regional groupings on the basis of reciprocal free trade agreements, by contrast with previous agreements based on trade preferences. The EPAs are RTAs, but are more plurilateral in nature.

Between 1975 and 2000 trade between the EU and ACP countries was governed by the Lomé Convention. This granted ACP countries better access to the European market than other developing (and developed) countries by granting them trade preferences. The preferences granted to ACP countries under these conventions were non-reciprocal: ACP countries did not have to extend preferences to the EU in return.

There is much debate about the potential impact of EPAs. The EU argues that EPAs will facilitate economic integration of ACP countries, which will eventually lead to poverty eradication. They argue that reciprocity in market access will increase competition and lead to economic growth. To this end, EPAs are development-centred agreements designed to stimulate such growth.

On the other hand, critics argue that EPAs are simply free trade agreements designed to ensure EU access to developing country markets. They argue that EPAs will require ACP countries to provide reciprocal market access to EU imports in a short timescale. This will make it difficult for them to compensate for loss of tariff revenues and deal with supply constraints that prevent their producers competing successfully with EU imports.

After the Lomé preferences expired, the EU and ACP countries in 2000 signed a trade and development accord known as the Cotonou Partnership Agreement. This provided for the negotiation of new trade agreements between the EU and ACP by 1 January 2008.

In 2002 the European Union and the ACP agreed on internal negotiating directives to guide their position in the EPA negotiations.

Negotiating positions of the EU and the ACP

The two positions are very different. Broadly:

EU

- envisages reciprocal liberalisation of trade in goods and services, in accordance with WTO rules
- envisages EPAs as free trade agreements and makes no provision for alternatives
- pushes for new agreements on investment, competition policy and government procurement.

ACP

Wants to:

- change WTO rules especially those relating to RTAs, to conclude a better trade agreement through EPAs with the EU
- have the development dimension better taken into account
- make future EPAs compatible with the WTO
- ensure that no ACP State should be worse off after 2007 than under the current arrangements
- extend the transition period for RTAs.

Controversial issues

- the impact of reciprocal trade liberalisation on both development strategy and revenue loss through tariff cuts
- the EU's push to include new agreements on investment, competition policy and government procurement (which would further remove the policy tools that governments need for national development goals)
- the question of alternatives to EPAs if they cannot be reformed enough to become truly developmental agreements, so that ACP countries have a genuine choice of trade deals
- the impact on regional integration
- the negotiating dynamics, given that on one side there is an economic superpower (the EU) and on the other an economic minnow (the ACP)
- the transparency of the negotiations. (NGOs are largely excluded beyond the civil society dialogue process.)

Openings for negotiations

The Cotonou Partnership Agreement of 2000 does include some gender-relevant provisions that could be taken up by EU or ACP negotiators or by NGOs.

Article 1 states that, 'Systematic account shall be taken of the situation of women and gender issues in all areas – political, economic and social'.

Article 31 refers to gender as a 'thematic and cross-cutting' issue. To summarise, this states that cooperation should:

- ensure the equal participation of men and women in all spheres of life
- help improve the access of women to all resources required for the full exercise of their fundamental rights
- create a framework to integrate a gender-sensitive approach and concerns at every level of development and encourage the adoption of specific positive measures in favour of women.

However, the economic and trade co-operation provisions of the Cotonou Agreement do not refer explicitly to the gender aspects of trade.

In addition to the main Cotonou Agreement, a Compendium lists five principles that should guide cooperation:

- 1 Gender analysis at macro-, meso- and micro-levels must be mainstreamed in the conception, design and implementation of all development policies and interventions, as well as in monitoring and evaluation.
- 2 Women and men should both participate in and benefit from the development process on an equal basis.
- 3 Reducing gender disparities is a priority for society as a whole.
- 4 The analysis of differences and disparities between women and men must be a key criterion for assessing the goals and results of development policies and interventions.
- 5 Co-operation must encourage and support changes in attitudes, structures and mechanisms at political, legal, community and household levels in order to reduce gender inequalities and in particular:
 - Political power-sharing and full and equal participation in decision-making must be promoted at all levels;
 - Economic empowerment and equal access to and control over economic resources must be strengthened;
 - Equal access to and control over social development opportunities must be fostered.

Next, here are two different views of EPAs – from an EU negotiator and from campaigning NGOs in the Caribbean.

EPAs: a negotiator's view

From an EU negotiator involved in the EPA negotiations

? What do you as a trade negotiator need to know in order to integrate gender issues into negotiations?

Trade negotiators need to know:

- 1 The legal/ negotiating framework in which they are operating – so how gender fits into the framework. The negotiator cannot include anything outside the framework (e.g., many developing countries have refused to include labour issues in the Doha Development Agenda (DDA), so under the framework negotiators cannot include labour issues in the DDA negotiations). If a gender issue lies within the framework, then negotiators need to know where (e.g., in a social provision of the agreement).
- 2 Clear, specific objectives. What is the negotiator expected/ trying to achieve? E.g., commitments to the International Labour Organization (ILO) core conventions, more jobs for women, anti-discrimination in the workplace, better health and safety, commitments to social dialogue.
- 3 Understanding priorities. Negotiations cover a vast array of issues. Negotiators need to know where each issue comes in priority (this is difficult, and priorities may change during the negotiations). However, it is easier to prioritise if the negotiator has clear, specific objectives.

? What do you as a trade negotiator need to do in order to integrate gender issues into negotiations?

For EU negotiators, the Member States provide their mandate. Negotiators will negotiate the issues that Member States agree on. More generally, negotiators tend to work best on issues that are clear, and that they believe will make a difference.

? What kind of practical tools would be helpful for you?

- 1 Reliable data that shows the positive and negative impacts of trade liberalisation on people. In terms of gender, evidence that these positive/ negative impacts affect women and men differently.
- 2 Reliable predictions of how trade agreements will impact on women and men.

? What are the opportunities and difficulties for trade negotiators in getting gender and trade issues included in discussions and negotiations?

The most important obstacle is persuading developing countries that social issues (including gender) are not a means of protectionism by developed countries, but are actually beneficial to developing countries themselves.

The ILO core conventions provide an opportunity to use a framework (though they have been excluded from the DDA). Incentives provide an opportunity. The core conventions are part of the EU's Generalised System of Preferences (GSP) and GSP+ schemes for providing countries with incentives to meet labour standards and basic human rights. Sustainable Impact Assessments (SIAs) can highlight the impacts on gender and suggest mitigating measures.



Activity 5.2: Briefing a negotiator

In the light of the negotiator's view above, list five messages you would like to get across to an EPA negotiator negotiating for your country/ region.

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Caribbean NGOs' view of EPAs

Caribbean NGOs are calling attention to the need to ensure the protection of livelihoods in the EPA negotiations.

Operation Get Up! Stand Up! It's About Livelihoods

- 1 **What is the campaign about?** Operation Get up! Stand up! It's About Livelihoods is a rallying call for civil society to be mobilised against the continuing destruction of livelihoods due to the current process of trade liberalisation.

- 2 **Who or what will the campaign target?** This campaign is specifically targeting the negotiators involved in the third phase of the Economic Partnership Agreement (EPA) negotiations between the Caribbean and the European Union. The third phase, which is the real negotiating phase, will be launched in St Lucia on the last week of September 2005.

- 3 **Why should you get involved?** The impact of trade liberalisation will affect us all. Right now, it is affecting farmers and their families; it is affecting workers as firms move from the region to cheaper places of business. It is affecting our government's policy space.

All of this affects our lives, our future prospects. These agreements will affect the types of jobs we have, the conditions of work, ownership of intellectual property and our food security.

In this year alone, we have seen EU policies that will further devastate the region, particularly our small farmers in rural areas. We need to make sure that our negotiators remember that development is not about numbers, it's about people. It's time for the Caribbean people to take a stand.

- 4 **Why are we targeting the EPA process?** The EU restructuring process under the aegis of WTO compatibility has devastated both the sugar and banana industries in the Caribbean, destroying thousands of livelihoods and potentially disrupting the social and economic fabric of our societies. In Guyana alone, the sugar industry accounts for 20 per cent of GDP, 30 per cent of export earnings and provides a livelihood for at least 125,000 persons. The EU price cuts for sugar will cost the region some €100 million annually.

In the Windward Islands it is estimated that over 100,000 persons live in households whose income is derived wholly or significantly from banana farming. These banana households represent between 24 and 40 per cent of all households in various countries.

It was estimated that banana-producing countries would lose over €25 million annually from the first WTO banana ruling. The new WTO ruling on the proposed tariff has the potential to dismantle the industry altogether.

Our key question becomes therefore: How much more will it cost us in the EPA negotiations?

We believe that the EPA negotiations must be based on the spirit of the Cotonou agreement, which spoke to ensuring development, respecting levels of development and ensuring that countries would be no worse off from the process.

5 What do we want? We want our small farmers, small producers and workers to realise that they are not alone; that we understand their plight and recognise that the process will impact on each and every one of us.

We want to ensure that the negotiators from both the EU and CARIFORUM remember that it is not about deal making but about the livelihoods of thousands of people.

We want to ensure that the EU's definition of 'substantially all trade' does not result in further erosion of our government's ability to provide critical public services.

We want our regional leaders to be empowered by our support to stand up to any bullying from the EU.

We want to ensure that Commissioner Mandelson and the EU officials remember the spirit of the Cotonou agreement, which prioritises development and poverty reduction as stated in Article 19 and Article 34(1) of the Agreement.

6 What are our messages/ issues? 'Trade as a tool and not as a rule'. WTO compatibility should not be used as an excuse to under-deliver on development imperatives.

'Protect livelihoods'. Protecting people's jobs, their way of live, their prospect for a decent job at a good wage is the only way to ensure development.

'No back door here!' Don't bring the Singapore issues into the Caribbean.

'Compensate to alleviate'. Adequate compensation should be provided to directly alleviate the farmers who will be disenfranchised in the process.

7 What are we doing? As part of our campaign we are undertaking the following activities:

Our Petition Campaign – We want to collect at least 10,000 signatures from all across the Caribbean and the world.

Our Rally – Come to St Lucia on September 30th 2005 to march with us as we remind our negotiators what the process should be about

Our Education Programme – We will be having mini-consultations and education awareness programmes so that the region can become mobilised around the issue. JOIN US!

8 Who is involved in Operation Get Up! Stand Up! It's About Livelihoods?

Operation Get Up! Stand Up! is a campaign supported by major regional network organisations, national organisations and international partners. These organisations represent trade unions, farmers, women, development agencies – all of whom agree that the process is disadvantageous to small vulnerable economies and their populations.

SOURCE: MUNRO-KNIGHT, 2005.



Activity 5.3: More messages for a negotiator

Look at the messages/ issues in section 6 of the description of the Get Up! Stand Up! Campaign.

Note how they compare with your messages for briefing a negotiator in Activity 5.2.

Putting yourself in the place of a negotiator, list five things you would ask the campaign to tell you to help the case for integrating gender issues into EPA negotiations.

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EPAs: likely impact

One World Action is undertaking research that aims to make recommendations on how to include gender analysis more systematically in trade negotiations. The research focuses on one key export in each of three countries – sugar in Mozambique, beef in Namibia and cut flowers in Zambia.

According to One World Action, 'The project will examine the likely implications of EPAs for women's rights and gender relations. It will make recommendations on how to include gender analysis more systematically in Sustainability Impact Assessments and in trade negotiations in order to ensure that EPAs promote, and not undermine, gender equality.' <http://www.oneworldaction.org/indepth/project.jsp?project=255>.

This short case study takes the example of sugar exports in Mozambique to look at impacts and gender analysis questions to be asked.

As you read it, compare the case described with relevant experiences in your country/ region.

Case study 5.1: Sugar exports in Mozambique – the likely impact of EPAs on women's livelihoods

This case study best illustrates the broader challenges of applying a gender analysis to discussions on EPAs because it shows that even though an EPA could be good for the Mozambican sugar industry because of industry expansion, this will not de facto lead to an improvement in the lives of poor women and men and hence have a positive impact on poverty levels. The industry plays a vital role in the Mozambican economy. It has contributed to increased employment and exports and it is the major employer within the private sector and the second highest employer in the public sector, where women represent 14 per cent of the labour force. However, this has not contributed to positive changes in women's lives.

Employment

The sugar industry employs more than 21,500 seasonal and permanent workers, which is equivalent to a little more than 17,000 full time workers. These figures exclude workers of companies that are contracted by some sugar growers for cutting, collecting and transport of cane, as well as those who work for outgrowing independent farmers. After the public sector, the sugar industry employs the highest number of people in Mozambique.

The number of female workers in the sugar industry is just above 16 per cent of the total workforce of the industry. Xinavane, one of the factories in the southern region, stands out from the other industries as it employs nearly 56 per cent of the total female workforce of the four factories.



Jobs in the Sugar Sector, 2005

	Marromeu	Mafambisse	Xinavane	Maragra	Total
Permanent	4,442	1,399	2,062	1,214	9,117
Seasonal/ short term	3,356	4,235	3,490	2,292	13,373
Women	461	370	2,221	873	3,925
Total	7,798	5,634	5,552	3,506	22,490
Seasonal/ short term ETI	2,797	2,588	2,133	1,655	9,173
Total ETI	7,239	3,987	4,195	2,869	18,290
Sharing	35%	25%	25%	16%	100%

The number of women employed in the sugar industry, compared to men, is low considering that the majority of women in the Mozambique economy are in the rural areas and they are in the agricultural sector. Although available data does not explain the differences between men and women's participation and contribution, it is known that women do not have equal access to and participation in formal employment nor to income agriculture. Women are more likely to be involved in subsistence agriculture. Given the restrictions they have in doing cropping activities, women should be compensated by having more access to other kind of activities such as cultivation and the factory work.

Women mentioned the fact that fertilisation is a heavy duty because they have to carry huge and heavy amounts of fertiliser: a container on their backs and another refill quantity on the top of their heads. They walk long distances spreading the fertiliser. This can cause health problems (e.g., back/ spinal injuries) in the long term. Women with babies or small children have limited access to jobs due to childcare activities. There are no efforts from the sugar factory to create childcare facilities near the workplace. The single crèche in the Manhica village is far away from the factory. Women working in the factories cannot afford to pay the amounts charged due to the low level of salaries they earn. Most of the women are heads of households and many men from Manhica District work in the South African mines. These result in work overloads on women who have to combine paid employment, subsistence agriculture and house care activities. Where families, relatives or neighbours are affected by HIV/ AIDS, women also have to provide care support (unpaid care work).

If the EPAs are developmental, as stated by the EU, and considering the

opportunities foreseen for the sugar industry in Mozambique, it is likely that this sector can contribute to poverty reduction. However, to make this happen it is important that the period of preferential access to EU markets by LDC countries after 2009 is extended and that policies and procedures are put in place in order to improve access to employment for women, working conditions (particularly for pregnant women), childcare services, access to literacy programmes, access to information and communication technology and promotion of investment by local producers. In other words, the developmental dimensions of EPAs need to be strengthened. Opportunities should be given to women to engage in local farmers' cane production for supplying the sugar factories. But for that, they need access to and control of land, capacity building in terms of training, access to new technology to improve and increase productivity, and access to credit to allow them to invest in land.

Gender analysis questions

Because One World Action is interested in how poor women would potentially be impacted by EPAs, questions covered the following areas:

- Where are women in the formal and informal economy relative to men?
- What levels of employment/ unemployment exist among women relative to men?
- What kinds of national policies/ strategies are in place to address poverty and unemployment?
- In what ways precisely is the sector affected directly or indirectly by import and export trade? What is the impact on women relative to men?
- How do current trade policy and other government trade-related policies (e.g., on marketing inputs and outputs) affect the situation? How are things different now because of these policies than the way they would be without those policies? What is the relative importance within this group of policies of the ones that might be changed in an EPA? How would women be impacted relative to men?
- How will the status quo change if the current policies are altered in the way that may be necessary under an EPA? What would this mean for women relative to men?
- Are there other policies (not affected – or not necessarily affected – by the EPA) that could be used to offset any adverse effects identified in the previous bullet?

SOURCE: DA GRACA SAMO, 2006 AND KHAN, 2006.



Activity 5.4: EPAs and gender analysis

Look again at the gender analysis questions in the Mozambique case study.

- Are these gender analysis questions the relevant ones for your situation?
- Is the information available? If so, where?
- If not, what steps are needed to collect it?

What other questions are relevant for your situation?



- Collect information about the relevant RTAs/ BTAs and consider them in more detail – for example, using Activity 5.1: Filling in the background.
- Work on a local case study to replace the Mozambique case study, or identify a local example (e.g., a particular industry/ sector), share information and identify the most important gender analysis questions and information needs.
- Get group members/ small groups to work on Activity 5.2: Briefing a negotiator, making it relevant to the particular situation, and depending on the knowledge and expertise of group members. (See Unit 7 Tools #2 Influencing trade negotiators.)
- Do a group exercise to define the work needed to collect reliable data and make reliable predictions for a negotiator. Depending on the participants, this could go into more detail about valid and reliable research methods and evidence.
- Get participants to research and analyse latest developments in EPA negotiations.



Key readings Unit 5 (on CD-ROM)

The key readings for this unit are the following two papers.

'Economic Partnership Agreements – where we are with the regional negotiations', by Tom Sharman, Policy Officer, ActionAid International UK. Paper presented at the Workshop on Gender in Global and Regional Trade Policy: Contrasting Views and New Research, University of Warwick, 5–7 April 2006.

This paper provides factual background to the EPAs, with a brief history of EU-ACP trade agreements and EPA negotiations, and an overview of negotiating mandates and controversial issues.

Khan, Z (2006) *Making Trade Work for Women: The Likely Impact of Economic Partnership Agreements on Women's Rights and Gender Equality* One World Action.

Report on the likely impact of the EPAs on women's rights and gender equality in Southern Africa. It makes recommendations on how to integrate gender analysis more systematically in regional trade negotiations and agreements.

The material on EPAs in this unit is based on these two papers.

Unit review

Use the review to assess your progress. For example, look again at the unit objectives and check if you can now do them. Look through your answers to the activities again and see if you want to add to them.

This unit has covered the following main points:

- RTAs and BTAs – what they are, definitions, types, purpose, how they relate to the WTO and their possible gender impacts
- EPAs – the respective positions of the EU and ACP countries; openings for negotiations on gender-relevant provisions
- a negotiator's view and some NGOs' view of EPA negotiations
- the Mozambique case study of sugar exports and the likely impacts of EPAs.

To recap, the learning objectives were to:

- define the scope and constraints of RTAs and BTA, with a focus on EPAs
- plan steps to brief trade negotiators in relation to RTAs for your own country/ region
- identify gender analysis requirements in relation to RTAs.

References

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