



International trade, transparency and gender equality

The case of the Pacific Agreement on Closer Economic Relations (PACER) Plus





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The publication has been edited externally.

United Nations publication issued by the United Nations Conference on Trade and Development.

UNCTAD/DITC/2019/3

ISBN: 978-92-1-112957-1
eISBN: 978-92-1-004286-4
Sales no.: E.19.II.D.19

ACKNOWLEDGEMENTS

This study was prepared by an UNCTAD team including Nursel Aydiner-Avsar, Monica Hernandez, Elizabeth Ramey, Graham Mott and Simonetta Zarrilli. The study was coordinated and supervised by Simonetta Zarrilli, Chief of the Trade, Gender and Development Programme at UNCTAD.

Comments were provided by Lisa Borgatti, Robyn Ekstrom, Carla Isabel Vaca Eyzaguirre, Patrick Goettner, Bengi Yanik-Ilhan, Alex Kahn, Seul Lee, Mariangela Linoci, Alessandro Nicita, Sabrina Varma, and Stuart Zohrab. They are thankfully recognized.

The publication of this study was made possible by the financial support of the governments of Australia and New Zealand, which is gratefully acknowledged.

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LIST OF ABBREVIATIONS

ACP	African, Caribbean, and Pacific Group of States
ADB	Asian Development Bank
AfDB	African Development Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DFAT	Australia Department of Foreign Affairs and Trade
EBA	Everything But Arms
GDP	Gross domestic product
GPI	Gender Parity Index
GSP	Generalized System of Preferences
HDI	Human Development Index
ICT	Information and communication technology
IFC	International Finance Corporation
ILO	International Labour Organization
ISCO	International Standard Classification for Occupations
ITC	International Trade Centre
IWDA	International Women's Development Agency
LDCs	Least-developed countries
MSGTA	Melanesian Spearhead Group Trade Agreement
NTM	Non-tariff measure
PACER	Pacific Agreement on Closer Economic Relations
PANG	Pacific Network on Globalisation
PICs	Pacific island countries
9PICs	Nine Pacific island country signatories of the PACER Plus
PICTA	Pacific Island Countries Trade Agreement
PIF	Pacific Islands Forum
PPA	Pacific Platform for Action on the Advancement of Women and Gender Equality
PPP	Purchasing power parity
SDGs	Sustainable Development Goals
SIWIBA	Solomon Islands Women in Business Association
SMEs	Small and medium-sized enterprises
SPS	Sanitary and phytosanitary
SWP	Seasonal Work Programme
TBTs	Technical barriers to trade
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNDESA	United Nations Department of Economic and Social Affairs
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNFPA	United Nations Population Fund
UN-OHRLLS	United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and the Small Island Developing States
UNSD	United Nation Statistical Division
WTO	World Trade Organization

EXECUTIVE SUMMARY

This report examines the potential implications of the transparency provisions in the Pacific Agreement on Closer Economic Relations (PACER) Plus for gender outcomes in the region of nine Pacific island countries (9PICs) –Kiribati, Nauru, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands and Niue – that signed the PACER Plus agreement with Australia and New Zealand in 2017. It also examines the socioeconomic, gender, and trade profiles of the 9PICs and discusses the gender implications of trade.

The 9PICs share the economic features, challenges, and opportunities of small island developing states. The main challenge is their “smallness” with respect to area, population, and economies, which is a key driver of their economic vulnerability because it implies small domestic economies and a narrow resource base, resulting in limited production, export, and employment opportunities. Given these challenges, the PACER Plus agreement has taken into account the different levels of development through progressive dismantling of tariffs and other trade restrictions that differ across the 9PICs, as well as through financial and technical support to be provided by Australia and New Zealand to the 9PICs in the implementation stage.

The PACER Plus is expected to have significant gender implications in the 9PICs given the importance of services, tourism, and agriculture and fisheries, as well as the large share of small and medium-sized enterprises (SMEs) in their economies. However, the PACER Plus makes limited reference to gender and trade interlinkages. The main text of the agreement has no explicit gender-related provisions, although there is reference to gender and women’s participation in trade in the supporting document on the implementation of development and economic cooperation. This includes capacity-building, assistance for data collection on women in agriculture, and support to establish a women-led garment production cottage industry in manufacturing. However, no details are provided, and broader supply-side constraints that inhibit women’s participation in trade are not addressed. Moreover, no ex-ante gender impact assessment of the agreement was carried out.

Most of the 9PICs have large trade deficits due to their dependence on imports as small economies. They mainly export a narrow range of primary products, with the exception of Solomon Islands and Niue, whose

main exports are resource-based manufactures and medium-technology manufactures, respectively, and Samoa, with more than half of its exports in resource-based and medium-technology manufactures. On the other hand, most of the imports to the 9PICs are resource-based manufactures and medium-technology manufactures, and their imports cover a wide range of products. Broadening the range of exported products seems to be an important challenge for all the 9PICs. There is also room for expanding intra-regional exports within Oceania, since developing and developed economies in Asia are their main export destinations.

The labour markets of the PICs are in general characterized by high levels of underemployment and informality, gender disparities in the labour market, a large share of youth not in education, employment, or training, and limited employment-generation capacity of the formal sector. Women’s labour force participation is lower than that of men in all of the countries, but more severely in Tuvalu, Samoa, Tonga, and Nauru. Moreover, a high prevalence of subsistence work results in a limited capacity of the labour force to earn an income, and this is more severe for women. Most of the 9PICs are also characterized by high labour market informality. Services dominate employment, and more so for women, in Kiribati, Nauru, Samoa, Tuvalu, and the Cook Islands. Agriculture has the highest share of female employment in Solomon Islands and Vanuatu, and industry dominates employment in Tonga. Within the services sector, public administration, social, personal and other services, and wholesale and retail trade are the most important sources of employment for women in all of the 9PICs.

The limited employment opportunities have led the populations of many of the 9PICs to make use of preferential labour mobility agreements established by developed countries such as Australia, New Zealand, and the United States of America, making international migration an important issue in the region. This is also reflected in the role of remittances in the economies of the 9PICs, especially in Tonga, Samoa, Tuvalu, and Kiribati.

The 9PICs need to work on women’s participation in decision-making bodies. The Pacific islands region

as a whole has the lowest level of women's political representation in the world, with a very low share of seats held by women in national parliaments for most of the 9PICs. However, the shares of women in management and decision-making positions are higher than the share of women in national parliaments. In the security domain, gender-based and domestic violence is an important issue in the region that needs to be addressed before any other measures can be fully influential.

All businesses in the 9PICs face certain challenges such as geographical remoteness, poor infrastructure, lack of quality services, and the ambiguity of business procedures and regulations. The latter challenge is particularly acute for women, as getting access to information, including information related to trade rules and customs procedures, is more cumbersome for women than for men. With complex, opaque, and time-consuming customs procedures and product requirements, women may be discouraged from taking advantage of new trade opportunities. Strong social norms on gender relations and unequal distribution of resources add to these challenges. Moreover, national trade promotion organizations lack the required capacity to disseminate information and implement transparency provisions in an effective and timely manner. This negatively affects traders, both women and men.

Some steps have been taken to ease these challenges, such as in women's access to finance in Solomon Islands and Vanuatu. There are also programmes that make use of non-governmental organizations such as women's organizations, business associations, and private enterprises as brokers to help small producers access marketing channels and niche markets for their goods (e.g., in Samoa and Solomon Islands). Gender considerations have also been incorporated into small business development in villages and rural areas through microfinance schemes. E-commerce could be another mechanism to help women access international markets with fewer barriers. Such programmes are already being implemented in the 9PICs, for example, in Samoa, Vanuatu, and Solomon Islands. Even though these steps are important and welcome, there is a need for more trade-focused programmes that take into account the specific needs of women entrepreneurs, producers and traders in each sectoral context.

Besides trade-focused programmes to support women's participation in trade, the legal and institutional framework on gender equality is critical to provide a level playing field for women in economic and social life. In this respect, beyond regional and international commitments to gender equality, it is necessary to introduce and enforce national laws in this area. Kiribati, Samoa, Solomon Islands, Tonga, and Vanuatu, countries for which data were available, have had relative success in improving access to institutions and ownership and inheritance rights. However, these five countries had low performances in providing incentives to work such as maternity leave, childcare services, and tax incentives, and in providing basic education and, to a lesser extent, workplace rights and protections. Discrimination based on gender and marital status is not prohibited in any of the five countries. These issues in national laws on gender equality need to be addressed.

Transparency in trade refers to clear, up-to-date, and accessible information for governments, traders, and other stakeholders regarding the laws, regulations, procedures, and practices under which international trade takes place. Transparency gained increased importance in trade as a result of non-tariff measures (NTMs), which increased over time due to the growing role of trade in services, the rise of global value chains, and increased consumer demand for safe, high-quality, and diversified products. Chapter 13 of the PACER Plus provides the minimum standards on transparency, which include promptly publishing all existing laws, regulations, and administrative rulings related to international trade, publishing all proposed laws, regulations, and procedures on trade in advance, and providing stakeholders with an opportunity to comment on the proposed measures. Each member is also encouraged to notify other members of any actual or proposed measure that may have a detrimental impact on the operation of the agreement or affect the interests of another party under the agreement. Other chapters of the agreement complement Chapter 13 in terms of transparency in trade.

Even though gender equality is not an explicit goal of transparency provisions, there are several potential channels through which transparency provisions in trade agreements may impact gender equality. The benefits from increased transparency in trade are expected to directly affect women entrepreneurs, producers, and traders even though the spillover effects may impact a larger number of women in

different economic roles. Women face a number of gender-specific constraints related to transparency and trade, including the following:

- Limited access to information on trade
- Organizational and technical constraints that adversely affect women's ability to deal with complex trade requirements and border procedures
- Concentration of women in SMEs and the informal sector, which jeopardizes their access to information
- Vulnerability to corruption, harassment, and other forms of gender-based violence
- Being "time poor" to a greater degree than men due to the double burden of combining paid work with unpaid domestic and care work
- Greater concentration than men in sectors such as agriculture and services for which trade requirements are widespread.

Increased transparency in international trade may help reduce the adverse effects of gender-specific constraints faced by women entrepreneurs, producers, and traders. Improved access to information, better predictability in the application of trade rules, reduced cost (both time and money) to trade, and reduced hidden costs such as illegal fees and bribery – all of which are expected to result from increased transparency – would create new trade opportunities. Greater trade potential for existing traders and new trade opportunities for the newcomers would help increase women's employment and income levels by easing their transition from the subsistence sector and informal economy to formal trade.

There are also indirect positive effects such as women's enhanced agency and decision-making power resulting from new employment and income opportunities, women's increased time availability for productive activities, and a reduced likelihood of women's exposure to bribery and sexual harassment. Besides the positive implications of increased transparency on gender equality, there is also a reverse effect. With greater gender equality, women as producers, entrepreneurs, traders, and policymakers may have more opportunity and confidence to provide inputs into the design, administration, and monitoring of transparency procedures. Inclusive decision-making may in turn make transparency provisions more effective.

In the case of the 9PICs, traders face significant barriers with respect to documentation and border compliance. The average number of hours to complete all required documents in the country of origin, transit, and destination is significantly high, particularly in Tonga, Vanuatu, and Solomon Islands. Border costs are particularly high in Samoa, Solomon Islands, and Vanuatu. Women traders would benefit from the introduction of relevant transparency commitments, which would reduce the activity necessary to collect and ensure compliance with relevant regulations, particularly with regard to widespread and numerous NTMs. For example, women have an active role in the production and exportation of liquid soap for personal care, but exportation of that product into Australia requires two sanitary and phytosanitary measures, 11 technical barriers to trade measures, four price control measures, and three pre-shipment inspections. Other sectors where women are expected to benefit from increased transparency include virgin oil, vanilla, cocoa nibs, and some handicrafts.

1. INTRODUCTION

The Pacific Agreement on Closer Economic Relations (PACER) Plus is a regional free trade agreement that covers trade in goods and services, investment, customs procedures, rules of origin, transparency, movement of natural persons, and development and economic cooperation. It also includes mechanisms for dispute settlement. The agreement is associated with a labour mobility arrangement for the temporary movement of workers among the signatory countries. It builds on existing trade agreements, namely the 1981 South Pacific Regional Trade and Economic Cooperation Agreement and the original 2001 PACER agreement. The PACER Plus negotiations commenced in 2009 and concluded in 2017. Nine Pacific island countries (9PICs) – Kiribati, Nauru, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands and Niue – together with two developed countries (Australia and New Zealand) have signed the agreement, which will enter into force 60 days after eight parties have ratified it. Four of the nine developing country parties – Kiribati, Solomon Islands, Tuvalu, and Vanuatu – are categorized as least-developed countries (LDCs) due to their low gross national income, weak human assets, and high degree of economic vulnerability. Samoa graduated from the LDC category in 2014. Fiji and Papua New Guinea, two of the largest Pacific island countries (PICs), have opted out of the negotiations.¹

The agreement has tried to strike the right balance of commitments among its members given their different levels of development. Hence, although under the agreement progressive tariff liberalization will take place, the 9PICs are not required during the initial phase of implementation to have the same level of market opening as Australia and New Zealand. Moreover, the period allowed for the progressive dismantling of tariffs and other trade restrictions differs across the 9PICs, depending on each island's specific situation. Beyond tariff liberalization, the agreement aims to improve customs procedures and make overall trade requirements easy to understand through transparency obligations.

Given the significant differences in the level of development among the parties and the constraints that

the 9PICs face because of their economic size, small population, and geographical remoteness, Australia and New Zealand have committed to providing financial and technical support. This development assistance includes immediate technical support for ratification, customs, notification, and revenue planning; coordinated support across each core aspect of the agreement; and broader aid for trade to build productive capacity (DFAT 2017a). Such support should strengthen the capabilities of the 9PICs to benefit from the agreement, notably regarding supply-side constraints. In addition to development assistance provisions, the agreement is expected to encourage investment and to benefit consumers and producers through lower prices of imports. Hence, the PACER Plus is foreseen as a development-enhancing instrument.

Like other free trade agreements between countries at different levels of development, the PACER Plus has been the target of criticism. Concerns about possible risks for the developing parties include the loss of tariff revenue and the resulting possible decline in the delivery of public services, with negative repercussions for women, diminished policy space, threat to the development of local industries, and environmental hazards. Other potential negative impacts for the 9PICs, as highlighted by civil society groups, include the potential increase in import dependence and the associated negative consequences for food security, and the low degree of predicted skill transfer from developed counterparts, with limited potential for upgrading from low-value-added production. Adding to these concerns is the perception of the geopolitical dominance of the two developed parties to the agreement (PANG 2018). Finally, critics have noted that the 9PICs already benefit from duty-free access to the Australian and New Zealand markets under existing agreements, so benefits from an additional agreement will be limited for them. Hence, from this viewpoint, the progressive dismantling of tariffs will mainly benefit Australia and New Zealand by boosting their exports to the 9PICs (MacIellan 2018). Indeed, the agreement includes special and differentiated treatment provisions to address such concerns regarding the possible adverse effects of trade agreements on developing country counterparts. Criticisms have also been voiced

¹ This report uses the acronym PICs for all Pacific Island countries – including both signatories and non-signatories of the PACER Plus – and the acronym 9PICs for the nine Pacific island countries that are signatories of the PACER Plus.

in the developed members of the agreement. The absence among the signatories of the PACER Plus of the two largest PIC economies – Papua New Guinea and Fiji – diminishes the value of the deal for the business communities in Australia and New Zealand (Maclellan 2018).

The 9PICs share the economic features, challenges, and opportunities of small island developing states. The “smallness” of these countries with respect to area, population, and economies is a key driver of their economic vulnerability because it implies small domestic economies and a narrow resource base. This in turn results in limited scope for exploitation of economies of scale, a narrow range of crops, minerals, and manufactures, limited export and employment opportunities, a high degree of dependence on imports, and high migration rates, especially for skilled labour (UNCTAD 2014a). The lack of diversity in exports is reflected in the high degree of export concentration for the 9PICs, as discussed in section 2.² At the same time, small island developing states have opportunities, for example, through the ocean economy, in sectors such as sustainable fisheries and aquaculture, renewable marine energy, marine bio-prospecting, maritime transport, and marine and coastal tourism (UNCTAD 2014b). In terms of the sectoral structure of economic activity, all the 9PICs have seen an expansion of their services sector, notably the tourism sector, with Samoa and Vanuatu having the largest roles for tourism in their economies (Chen et al. 2014; World Bank 2014; Perrottet and Garcia 2016). In all the 9PICs except Solomon Islands, Tonga, and Vanuatu, the services sector is also the main source of employment, as discussed in more detail in section 3.

An economy is a gendered structure; hence, gendered power relations shape transactions, institutions, and

relations in economies.³ Trade policy has important gender implications for the various economic roles of women and men as workers, producers, traders, consumers, and taxpayers (UNCTAD 2014c). In the case of the 9PICs specifically, the importance of services, tourism, agriculture and fisheries, and the large share of SMEs in their economies all imply that the PACER Plus is likely to have significant implications for women’s well-being and gender equality in the region. However, the PACER Plus makes limited reference to gender and trade issues. The main text of the agreement has no explicit gender-related provisions, unlike previous agreements that make reference to gender in their preambles or as a cross-cutting issue, and unlike the recent trend towards including specific trade and gender chapters in free trade agreements.⁴ However, there is reference to gender and women’s participation in trade in the supporting document on the implementation of development and economic cooperation that is mentioned in article 2.4 of Chapter 10 of the PACER Plus. Specifically, it calls for capacity-building to implement a trade and gender development policy, assistance for data collection on women engaged in the primary sectors in agriculture, and assistance to establish a women-led garment production cottage industry in manufacturing as part of trade and investment-related assistance (DFAT 2017b). Even though the implementation document incorporates gender considerations, however, no details are provided, and broader supply-side constraints that inhibit women’s participation in trade are not addressed. Besides the limited coverage of gender considerations in the agreement, its potential social and economic impact, including on fragile segments of the population such as women, minorities, and youth, was not assessed while the negotiations were ongoing. In other words, an ex-ante impact assessment – such as, for example, the European Union’s Sustainability Impact Assessments⁵ – was not conducted prior to finalizing the PACER Plus.

² As seen in the Concentration Index (also known as the Herfindahl-Hirschmann Index), which is a measure of the degree of product concentration of exports (or imports). Values close to 1 indicate that exports (or imports) are highly concentrated in a few products, while values close to 0 indicate a more homogeneous distribution of exports (or imports) among a wider range of products.

³ For the purpose of this report, gender is understood as the socially constructed set of attributes, roles, and opportunities ascribed to male and female sex categories (UNCTAD 2014c).

⁴ The Chile-Uruguay and Chile-Canada Free Trade Agreements were the first such examples, both introduced in 2017. A more recent example is the Canada-Israel Free Trade Agreement signed in May 2018. These gender chapters highlight the importance of gender mainstreaming in trade policy and provide the basis for cooperation activities between the parties from which women can benefit in areas such as skill development, financial inclusion, entrepreneurship, and access to science, technology, and innovation. See UNCTAD (2017a) for an overview of gender mainstreaming efforts in trade agreements.

⁵ Sustainability Impact Assessments are independent studies meant to assess the potential economic, social, human rights, and environmental impacts of the trade agreement under negotiation.

This would have allowed for identifying areas for policy intervention and developing more specific measures to support women's participation in trade. Both Oxfam Australia and the International Women's Development Agency in fact put forward recommendations to this end during the public consultations carried out by the Australian government in 2009.⁶

The 9PICs face similar issues when it comes to gender inequalities, as discussed in detail in section 3. Gender indicators suggest that violence against women and children, which can take different forms, is one of the major problems experienced by women. Socio-economic inequalities, such as those related to access to productive resources, education, and decision-making, among other areas, are prevalent in all 9PICs, and perpetuated by traditions and customs on gender roles. They all limit women's participation in economic life. Moreover, lack of transparency in procedures for business development and international trade lead to similar adverse effects, especially for women

business owners and traders. This report examines the gender profiles of the 9PICs and the potential implications of PACER Plus transparency provisions for gender outcomes in the region. In particular, it aims to identify ways in which the transparency provisions of the PACER Plus could ease some of the difficulties that women face as producers and traders.

The next section of this report outlines the socio-economic profiles of the 9PICs and introduces an overview of their trade structures. Section 3 presents gender-related outputs (i.e., an assessment of gender inequalities), and section 4 focuses on gender-related inputs (i.e., the legislation and institutions in place to foster gender equality and enhance women's position in the economy and society) in the 9PICs. Section 5 introduces the link between gender and transparency, and analyses the gender implications of transparency provisions in the PACER Plus and beyond. Section 6 presents conclusions and recommendations.

⁶ Oxfam Australia recommended that Australia facilitate ex-ante research on the likely social, political, economic, gender, and environmental impacts of the agreement, allow time to enable Pacific governments to consult with their citizens, and ensure that any PACER Plus measures or financing not have direct or indirect negative consequences for women and children. The Women's Development Agency recommended support for ex-ante gender analysis of trade policy options at a national level through direct funding provision to national governments, regional non-governmental organizations, or bodies such as the Pacific Islands Forum Secretariat; through support for an inclusive approach to the region's future development involving all stakeholders; and by ensuring that gender is visibly integrated into the negotiation agenda and processes.

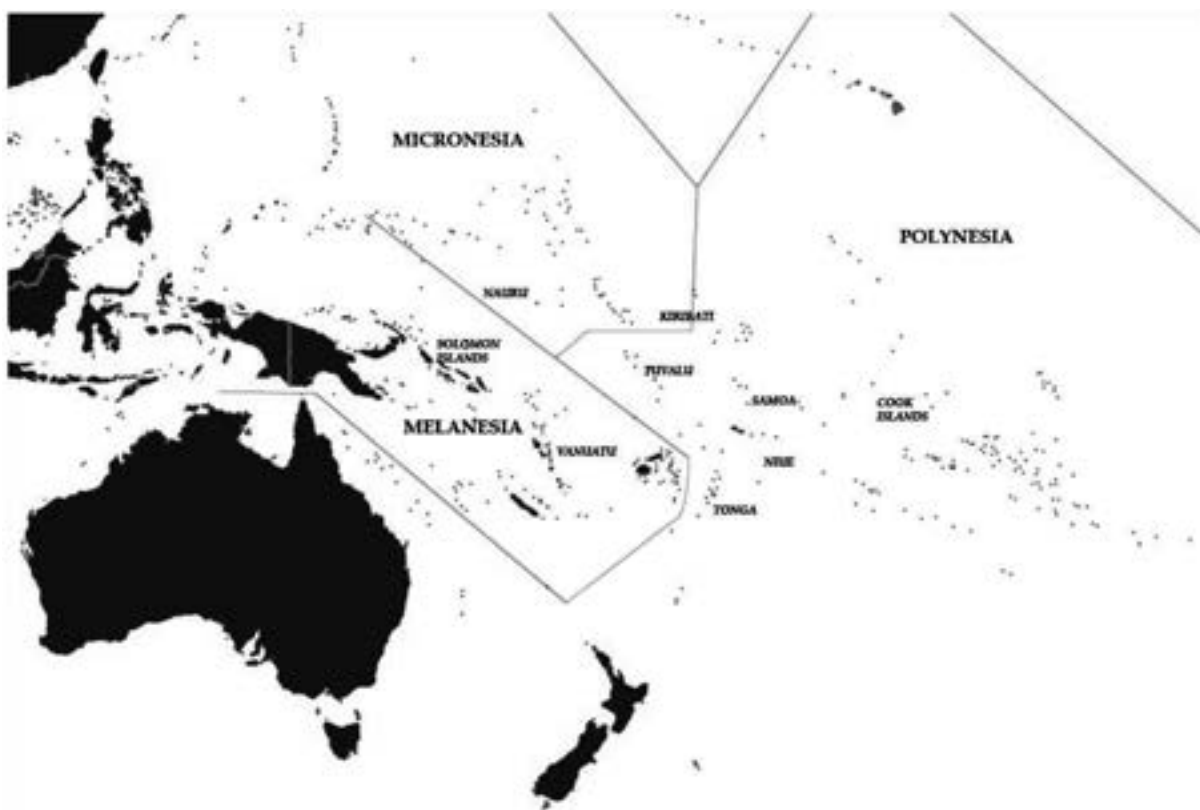
2. SOCIO-ECONOMIC PROFILES OF THE 9PICS

2.1 DEMOGRAPHIC OVERVIEW

The 9PICs have a population of about 1.35 million people and cover a total land area of 45,086 square kilometres.⁷ The region is characterized by cultural and geographical diversity, as expressed in the hundreds of local languages spoken on the numerous islands that make up these nine states (figure 1).⁸

All the 9PICs have relatively small populations and small geographical areas (table 1).⁹ They are also well known for being located in one of the regions of the world most vulnerable to natural disasters and climate change (UNDP 2012; UNCTAD 2014a).¹⁰ Among the 9 PICs, Nauru and Tuvalu have very high population densities due to their small land area. Tonga and Kiribati also have relatively high population densities, while Niue, Solomon Islands and Vanuatu are sparsely

Figure 1.
Pacific island countries, Australia, and New Zealand



Source: UNCTAD secretariat.

⁷ The total population and land area figures for the 9PICs are calculated based on the individual country values presented in table 1.

⁸ The 9PICs are part of three major cultural groups. Kiribati and Nauru pertain to Micronesia. Samoa, Tonga, Tuvalu, the Cook Islands, and Niue pertain to Polynesia, and Solomon Islands and Vanuatu pertain to Melanesia.

⁹ In addition to the land area, in conformity with the United Nations Convention on the Law of the Sea, PICs have control of their fisheries resources out to 200 nautical miles.

¹⁰ This is in spite of their small contribution to the changes in average temperature around the world. The contribution of small island developing states as a group to total greenhouse gas emissions is less than 1 per cent (UN-OHRLS 2015).

Table 1.
Selected demographic indicators

	Land area (sq. km)	Population (thousands)	Population density (people per sq. km of land area)	Urban population (% of total)	Life expectancy (years) for female/ male
Cook Islands	237	17.4	73	75	80/74
Kiribati	810	116.4	144	53	70/63
Nauru	20	13.6	682	100	63/58
Niue	259	1.6	6	44	75/73
Samoa	2,830	196.4	69	18	78/72
Solomon Islands	27,990	611.3	22	23	72/69
Tonga	720	108	150	23	76/70
Tuvalu	30	11.2	373	62	71/65
Vanuatu	12,190	276.2	23	25	74/70
Australia	7,692,020	24,598.9	3	86	85/81
New Zealand	263,310	4,793.9	18	86	83/80

Source: World Bank, World Development Indicators (accessed on 27 March 2019) for all figures except the Cook Islands and Niue (all indicators) and Nauru and Tuvalu (life expectancy indicators). Population figures for the Cook Islands and Niue are from the UNCTADstat database (accessed on 27 March 2019). The land area for the Cook Islands and Niue, and life expectancy for the Cook Islands (2010–2012), Nauru (2007–2011), Niue (2006–2011), and Tuvalu (2003–2007), are from UNFPA Pacific Subregional Office (2014). Life expectancy is for 2016 and other indicators are for 2017 unless specified otherwise.

populated. High population density creates pressure on the environment, housing, and infrastructure. Nauru, the Cook Islands, Tuvalu, and Kiribati are mostly urbanized. In contrast, Samoa, Solomon Islands, Tonga, and Vanuatu have low levels of urbanization. Urban intercensal population growth is the highest in Solomon Islands (4.7 per cent), Kiribati (4.4 per cent), and Vanuatu (3.5 per cent), hence they will become increasingly urbanized in the future (ADB 2016a).

2.2. ECONOMIC ACTIVITY

The economies of the PICs have differences and perform in different ways, but they face similar economic constraints. Specific structural challenges are linked to environmental disasters, geographical dispersion, and remoteness. Even though the expansion of information and communication technology (ICT) is effectively shortening the distance to remote areas around the world, the distance and factual connectivity between islands, and with other economies, remain key challenges for the PICs to expand international

trade and efficiently integrate into regional and global markets.

In addition to distance and isolation, in many PICs the basket of goods and services traded in domestic and foreign markets tends to be small. Having a concentrated production and export portfolio, along with a high dependence on imports and a low volume of exports, has a negative impact on countries' trade balances. While the 9PICs' exports are concentrated in commodities such as agricultural products and minerals, their imports range from basic domestic products to more elaborate consumption products and inputs for their small and low-productivity manufacturing industry, as discussed further in section 2.3. Overall, their geographic characteristics combined with their limited production and export portfolio has contributed to their development challenges.

Solomon Islands, Vanuatu, and Samoa are the three largest economies among the 9PICs, while the Cook Islands and Nauru have much higher levels of

Table 2.
Selected socioeconomic indicators

	GDP (millions of current United States dollars)	GDP per capita (current United States dollars)	GDP per capita, PPP (constant 2011 international dollars)	GDP growth rate (%)	GDP per capita growth rate (%)	Poverty rate	Gini index	HDI value	HDI rank
Cook Islands	309.3	17,798	...	2.4	3.4	...	...	...	...
Kiribati	185.6	1,594	1,986	3.1	1.2	12.9	37.0	0.612	134
Nauru	113.9	8,344	12,896	15.4	10.8	...	...	...	...
Samoa	840.9	4,281	6,036	2.2	1.4	1.1	38.7	0.713	104
Solomon Islands	1,303.5	2,132	2,206	4.9	2.7	25.1	37.1	0.546	152
Tonga	427.7	3,959	5,426	2.0	1.5	1.0	37.6	0.726	98
Tuvalu	39.7	3,550	3,575	2.8	1.9	3.3	39.1	...	...
Vanuatu	862.9	3,124	2,922	2.1	-0.2	13.1	37.6	0.603	138
Australia	1,323,421	53,800	44,649	2.6	1.0	0.7	35.8	0.939	3
New Zealand	205,853	42,941	36,086	2.8	1.4	...	...	0.917	16

Source: GDP, GDP per capita, GDP per capita (PPP), GDP growth rate, GDP per capita growth rate, Gini index, and poverty headcount ratio are from the World Bank's World Development Indicators database (accessed on 27 March 2019) for all except the Cook Islands, whose GDP indicators are from the United Nations Statistical Division's National Accounts Main Aggregates database (accessed on 27 March 2019). HDI values and ranks are from UNDP (2018).

Note: Poverty ratio refers to the poverty headcount ratio based on the PPP US\$1.90/day threshold value. Poverty ratio and Gini index values are for 2006 for Kiribati, for 2013 for Samoa and Solomon Islands, for 2015 for Tonga, for 2010 for Tuvalu and Vanuatu, and for 2014 for Australia. GDP growth rate and GDP per capita growth rate are averages for 2010–2017. The rest of the figures are for 2017. Niue is not included in the table due to lack of data. HDI: Human Development Index; PPP: purchasing power parity; ... = not available.

per capita income than the rest (table 2).¹¹ Nauru, Samoa, and Tonga belong to the group of upper-middle-income countries based on the World Bank's income classification.¹² Kiribati, Solomon Islands, Tuvalu, and Vanuatu are among the 47 LDCs worldwide, although Vanuatu is expected to graduate on 4 December 2020,¹³ and Solomon Islands is expected to graduate on 13 December 2024.¹⁴ Average GDP growth in recent years has been low for all the 9PICs except

Nauru, which had an exceptionally high growth rate (15 per cent on average over 2010–2017). Nauru's exceptional growth has been due to the exploitation of residual phosphate resources, an increase in revenues from fishing licensing fees, and the establishment in Nauru of Australia's Regional Processing Centre.¹⁵

Income inequality is relatively high in the region, with a Gini index value in the range of 36–39 in all

¹¹ The ranking of the 9PICs from the highest to the lowest remains the same when compared with respect to GDP per capita in current United States dollars and GDP per capita in constant 2011 international United States dollars.

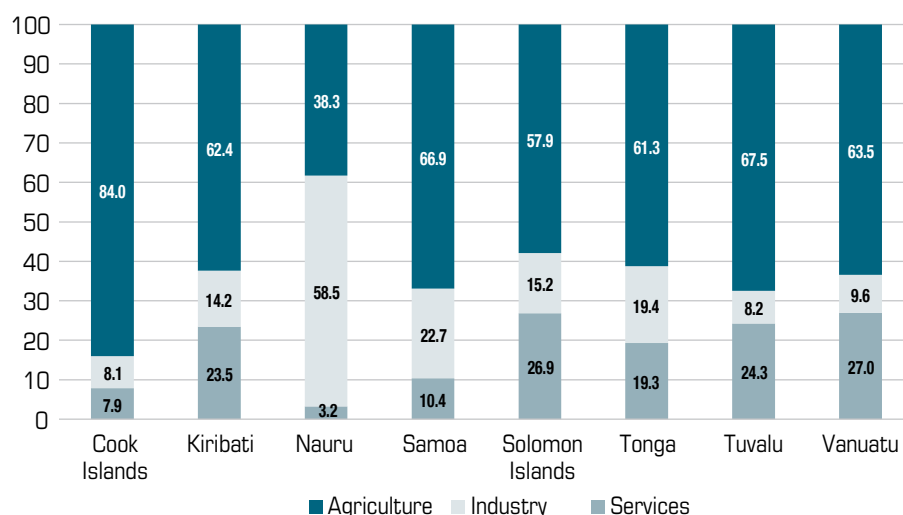
¹² The Cook Islands is not included in the World Bank's list but could potentially belong to the group of high-income countries based on income thresholds. The list can be found at <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

¹³ General Assembly resolution A/RES/70/78 adopted on 9 December 2015.

¹⁴ General Assembly resolution A/73/L.40/Rev.1 adopted on 13 December 2018.

¹⁵ The Regional Processing Centre is an offshore Australian immigration detention facility. The centre's related services are estimated at 35 per cent of Nauru's GDP as of 2017. Its economic impact is also seen in its contribution to fiscal revenue. As of 2017, 35 per cent of Nauru's fiscal revenue (excluding grants) came from that source (IMF 2017).

Figure 2.
Sectoral structure of economic activity, 2016 (per cent share of GDP)



Source: UNCTADstat database (accessed on 10 June 2018).

countries for which data were available.¹⁶ It is still less than the threshold of 40, which is considered as a high degree of income inequality. Solomon Islands faces a very high level of absolute poverty (25 per cent), followed by Kiribati and Vanuatu (both 13 per cent) based on the PPP US\$1.90/day threshold value. In terms of their Human Development Index (HDI), Tonga and Samoa are among the high human development group of countries. Vanuatu and Kiribati are part of the middle human development group, and Solomon Islands falls just below the threshold into the category of low human development.^{17, 18}

The services sector makes the largest contribution to economic activity in all the 9PICS (except Nauru), accounting for more than 58 per cent of value added to GDP (figure 2).¹⁹ In Nauru, industry dominates economic activity, reflecting its dependence on the

exploitation of its phosphate mines. Agriculture accounts for the second highest share of value added in GDP in five of the 9PICS, namely Kiribati, Solomon Islands, Tonga,²⁰ Tuvalu, and Vanuatu. The gender dimension of the broad sectors of the economy is discussed in section 3.

2.3. TRADE STRUCTURE

2.3.1. Trade flows

Like other small island developing states and most developing countries, most of the 9PICS tend to have large current account deficits (UNDP and UN-OHRLS 2015). As for merchandise trade, all the 9PICS except Solomon Islands have large trade deficits as a share of GDP, above the small island developing state average for 2015–2017 (table 3). Samoa and Vanuatu have

¹⁶ The Gini coefficient is the most commonly used indicator of income inequality. It measures the extent to which income distribution among individuals or households in an economy deviates from a perfectly equitable distribution. A Gini index of 0 denotes perfect equality (i.e., everyone has the same level of income), while an index of 100 implies perfect inequality (i.e., one person has all the income). Hence the closer the index number is to 100, the higher the degree of inequality.

¹⁷ The HDI is a composite index that integrates three basic dimensions of human development – education, health and standards of living – and uses life expectancy at birth as a proxy for the ability to lead a long and healthy life; the mean of years of schooling and expected years of schooling as a proxy for acquired knowledge; and gross national income per capita as a proxy for the ability to achieve a decent standard of living. An HDI score close to zero indicates greater distance from the maximum that can be achieved on the factors that constitute the HDI and an HDI score close to one indicates smaller distance from the maximum score. For technical details, see <http://hdr.undp.org/en/content/human-development-index-hdi>.

¹⁸ The 189 countries for which the index is calculated are ranked and assigned a level of human development, which ranges from low to very high. Only five of the nine PICs are ranked in the HDI due to lack of reliable information and small sample sizes (United Nations in the Pacific 2017).

¹⁹ No data are available for Niue in the UNCTADstat database.

²⁰ In Tonga, agriculture and industry shares in the country's GDP value added are almost the same.

Table 3.
Trade flows in PACER Plus member countries (per cent of GDP)

	Merchandise				Services			
	Exports		Imports		Exports		Imports	
	2005–2007	2015–2017	2005–2007	2015–2017	2005–2007	2015–2017	2005–2007	2015–2017
Cook Islands	2.3	5.5	48.1	39.0	...	...	...	...
Kiribati	5.7	6.3	58.4	66.1	8.4	5.0	34.3	40.4
Nauru	30.7	16.9	160.2	63.7	...	...	...	...
Samoa	16.6	6.5	52.4	44.0	28.9	26.5	14.2	10.2
Solomon Islands	25.9	39.2	46.3	43.4	9.7	10.8	14.8	17.8
Tonga	3.3	6.2	44.3	52.6	10.6	19.7	14.3	20.6
Tuvalu	0.3	0.5	57.8	89.0	10.8	9.5	58.8	46.5
Vanuatu	10.0	5.3	43.6	48.5	34.6	39.8	16.4	19.2
Small island developing states	28.3	18.0	40.2	37.0	19.8	23.5	12.5	15.7
Australia	14.5	15.4	16.8	16.0	4.3	4.5	4.4	4.9
New Zealand	19.5	18.7	23.0	19.9	8.7	8.0	7.2	6.5

Source: UNCTAD calculations based on the UNCTADstat database (accessed on 28 March 2019).

Note: ... = not available.

surpluses in services trade, reflecting the influence of tourism, while the services trade deficit was much lower than the deficit for merchandise trade for the rest of the countries in the same period. Solomon Islands, Kiribati, and Tonga showed significant improvements in their terms of trade over time, based on the purchasing power index of exports (i.e., their exports are increasingly financing the volume of their imports).

²¹ In contrast, Nauru, Niue, and Samoa experienced a deterioration in the same indicator.

Merchandise exports as a share of GDP increased significantly in Solomon Islands over the last decade, while there was a small increase in the merchandise exports ratio in Tonga, the Cook Islands, Kiribati, and Tuvalu, and a significant decline in Nauru, Samoa and Vanuatu

(table 3). All the 9PICs, and in particular Tuvalu, Kiribati, and Nauru, have high levels of merchandise imports as a share of GDP, with that share increasing over the last decade in Kiribati, Tonga, Tuvalu, and Vanuatu. Trade in services, on the other hand, shows smaller changes for most of the 9PICs. Only Tonga, Vanuatu, and Kiribati experienced a significant increase in services exports and/or imports from 2005–2007 and 2015–2017.

The economic size, small population, and low productive capacity of the PICs contribute to their import dependency, since many of the goods consumed locally and many inputs used by local industries need to be imported,²² in spite of their high costs.²³ In addition, the PICs' exports tend to be concentrated in commodities or low value-

²¹ The purchasing power index of exports refers to the value index of exports deflated by the import unit value index. It measures the volume of imports that can be financed by a country's exports or, in other words, it shows a country's gain from international trade. If the index increases, it implies that export values grew faster than import values.

²² For example, the PICs are among the major food importing countries (Ng and Aksoy 2008). It is also important to consider that the Pacific region is one of the most aid-dependent regions of the world (Dorman and Pryke 2017). This financial aid is also important to finance the region's imports.

²³ Like other small countries that cannot produce many of the goods they need, the 9PICs tend to have a relatively high trade openness index (UNCTADstat database, accessed in June 2018). The trade openness index is equal to the sum of total exports and imports divided by total GDP. It is a measure of the importance of international trade in the economy of a country. The higher the index, the more open or liberalized the economy is. A high index score may also reflect high vulnerability to external economic shocks. A low index score does not necessarily mean that the economy has high barriers to trade. Generally, exports and imports may play a smaller role in bigger countries than in smaller ones. For example, Australia and New Zealand have lower index scores than the 9PICs.

added products and in a narrow range of products. All the 9PICS have a much higher degree of export concentration on a few products compared to the small island developing state average and to Australia and New Zealand.²⁴ This has worsened over the last two decades in Kiribati, Solomon Islands, Tuvalu, Vanuatu, the Cook Islands, and Niue, while there was some improvement in Nauru, Tonga, and, in particular, Samoa.²⁵ Imports are concentrated on a much broader range of products in all of the 9PICS as shown by their relatively low scores on the import concentration index.²⁶ Such high dependence on a few export products, combined with high import dependency, may increase the vulnerability of the 9PICS to external economic shocks (UNDP 2011).

2.3.2. Trade composition by product groups and trading partners

Table 4 shows the composition of trade by product groups defined in terms of technological sophistication (Lall 2000) for the 9PICS for 2015–2017. Most of the exports of the 9PICS are primary products. The exceptions are Niue and Solomon Islands, for which medium-technology manufactures and resource-based manufactures represent the highest share of exports, respectively. Resource-based manufactures and medium-technology manufactures tend to have an important but more modest role for Vanuatu, Samoa, and the Cook Islands.

The top exports of most of the 9PICS are concentrated in the following products: fish in different forms (processed and fresh) and molluscs, fruit juice, fruit and vegetables, ships and vessels, and perfume plants. Other main exports differ widely across the 9PICS (see annex 1 for detailed information on the top exports of each country).

Most of the imports to the 9PICS belong to the group of resource-based manufactures and medium-technology manufactures (particularly high in Niue).

A third relevant group of imports is primary products, mainly in Kiribati and Tonga. Low-technology and high-technology manufactures have a relatively smaller role in the trade of the 9PICS on average. The top import products in the 9PICS are refined petroleum, meat and meat offal, passenger and cargo ships, recreational and tug boats, and cars and delivery trucks (see annex 2 for detailed import data for each of the 9PICS).

The geographical composition of merchandise exports shows that Asian markets are important destinations for the exports of the 9PICS (figure 3). Specifically, for all the 9PICS except Samoa, more than 40 per cent of total merchandise exports are directed to developing and developed economies in Asia.²⁷ Kiribati and Solomon Islands send above 80 percent of their exports to developing economies in Asia. In contrast, developing and developed economies in Oceania (which includes all members of the PACER Plus) account for a significant share of total merchandise exports only in Nauru, Samoa and Tonga. Hence there is room for increasing intra-regional exports.

Merchandise imports have a different pattern than merchandise exports in terms of geographical composition of trading partners. Developing and developed economies in Oceania account for a significant share of total merchandise imports, ranging between 29 per cent in Tuvalu and 83 per cent in Nauru (figure 4). For all of the 9PICS, developed economies in Oceania provide a larger share of imports than developing ones. Developing Asia is the other important origin of imports, corresponding to 20 per cent or above of total merchandise imports for all the 9PICS except Nauru and Niue. The geographical origin of imports is in line with the product group composition of imports, which mainly corresponds to resource-based and medium-technology manufactures. It is worth noting that neither exports nor imports with developing Oceania (which includes the 9PICS) are significant.

²⁴ An export or import concentration index value closer to 1 indicates a country's exports or imports are highly concentrated on a few products; values closer to 0 reflect exports or imports are more homogeneously distributed among a series of products. On average the export concentration index from 2015–2017 was 0.90 for Kiribati, 0.65 for Solomon Islands, 0.62 for Nauru, 0.56 for Tuvalu, 0.51 for the Cook Islands, 0.47 for Niue, 0.45 for Vanuatu, 0.34 for Tonga, and 0.31 for Samoa. These values stand in comparison to 0.25 for Australia, 0.17 for New Zealand, and 0.19 for small island developing states as a group (UNCTADstat database, accessed on 28 March 2019).

²⁵ This is based on the comparison of the export concentration index between 1995–1997 and 2015–2017 (UNCTADstat database, accessed on 28 March 2019).

²⁶ The import concentration index was 0.18 for the Cook Islands, 0.17 for Kiribati, 0.23 for Nauru, 0.32 for Niue, 0.13 for Samoa, 0.15 for Solomon Islands, 0.13 for Tonga, 0.30 for Tuvalu, and 0.17 for Vanuatu, compared to 0.09 for both Australia and New Zealand, and 0.12 for small island developing states on average from 2015–2017 (UNCTADstat database, accessed on 28 March 2019).

²⁷ The category of developed economies in Asia includes Japan and Israel, while the category of developing economies in Asia is broad, including, among other countries, China, India, the Republic of Korea, and Singapore.

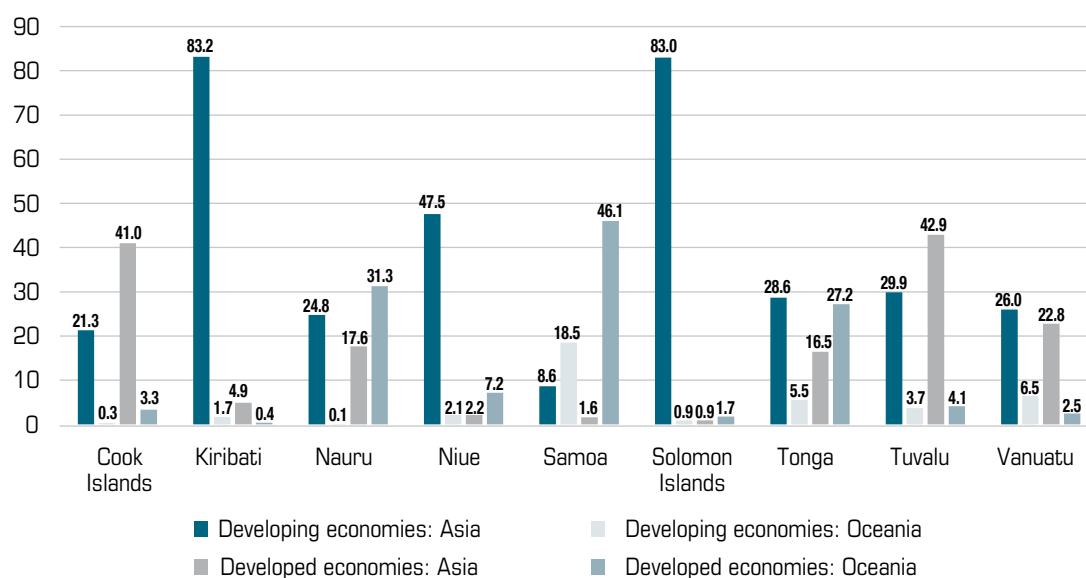
Table 4.
Trade composition of PACER Plus member countries by product group, average for 2015–2017 (per cent shares)

		Primary products	Resource-based manufactures	Low-technology manufactures	Medium-technology manufactures	High-technology manufactures	Unclassified
Cook Islands	Exports	51.7	15.2	1.5	18.8	2.0	10.8
	Imports	9.1	33.6	13.2	28.4	6.6	9.0
Kiribati	Exports	90.2	4.5	0.2	2.9	0.4	0.2
	Imports	12.9	29.0	9.6	34.4	7.5	6.6
Nauru	Exports	63.0	2.0	6.7	22.4	4.7	1.2
	Imports	12.1	26.0	8.5	23.5	9.0	20.8
Niue	Exports	3.4	13.6	9.4	52.2	6.6	14.7
	Imports	6.6	28.9	8.5	48.4	4.7	2.9
Samoa	Exports	24.5	24.1	6.3	33.0	3.7	8.5
	Imports	13.6	36.0	19.3	21.2	8.1	1.9
Solomon Islands	Exports	7.3	86.0	0.1	0.4	0.4	5.7
	Imports	13.5	27.7	15.0	24.8	8.0	11.2
Tonga	Exports	78.4	6.4	2.5	4.7	4.1	3.9
	Imports	15.0	36.7	14.1	19.2	10.7	4.3
Tuvalu	Exports	59.9	2.0	11.4	16.1	8.5	2.1
	Imports	10.1	18.0	9.9	26.6	6.5	28.8
Vanuatu	Exports	48.6	13.2	3.7	31.7	1.4	1.5
	Imports	9.3	29.3	11.5	33.2	16.0	0.8
Small island developing states	Exports	27.0	39.8	8.8	19.6	3.0	1.9
	Imports	20.6	26.9	13.0	27.3	9.6	2.6
Australia	Exports	44.5	33.7	2.0	5.6	3.9	10.3
	Imports	7.0	17.3	16.2	35.5	18.4	5.6
New Zealand	Exports	45.3	34.7	4.4	7.3	3.8	4.5
	Imports	12.1	16.3	16.2	38.0	15.8	1.6

Source: UNCTAD calculations based on the UNCTADstat database (accessed on 27 March 2019).

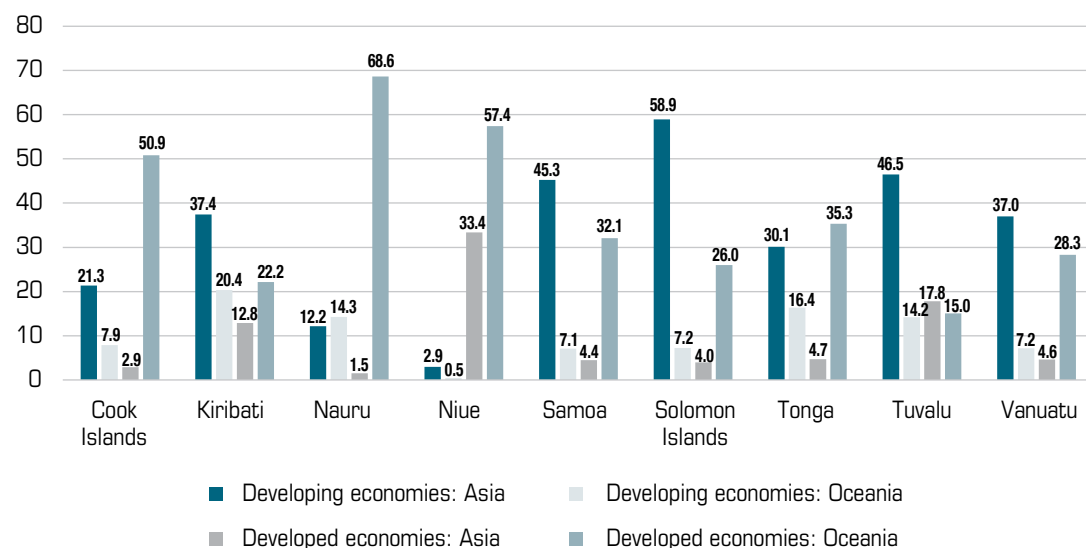
Note: According to the Lall (2000) classification, primary products refer to agriculture and mining products; resource-based manufactures refer to agro-based and other resource-based products; low-technology manufactures refer to textile, garment, footwear, etc.; medium-technology manufactures refer to automotive, process, and engineering products; high-technology manufactures refer to electronic and electrical, etc. products; and unclassified products refer to commodities and transactions not elsewhere specified.

Figure 3.
Geographic composition of merchandise exports for the 9PICS, average for 2015–2017
(per cent shares of total merchandise exports)



Source: UNCTAD secretariat calculations based on the UNCTADstat database (accessed on 6 February 2019).

Figure 4.
Geographic composition of merchandise imports for the 9PICS, average for 2015–2017
(per cent share of total merchandise imports)



Source: UNCTAD secretariat calculations based on the UNCTADstat database (accessed on 6 February 2019).

3. GENDER-RELATED OUTPUTS

This section examines the 9PICs' gender profiles by discussing gender-related outputs in three domains key to gender equality: capabilities (i.e., education, health), access to resources and opportunities, and security. Such an analysis allows for an assessment of the situation of men and women in the 9PIC societies in relation to and beyond the labour market.

3.1. THE CAPABILITIES DOMAIN: EDUCATION

Most of the 9PICs have a relatively high net enrolment rate in primary education for both girls and boys (UNFPA Pacific Subregional Office 2014). All of the 9PICs also have high scores on the Gender Parity Index (GPI),²⁸ and all except Solomon Islands, Tonga, and Vanuatu have achieved full gender parity in primary education (table 5). When it comes to enrolment in the secondary or tertiary levels, female enrolment rates generally outpace male enrolment (Pacific Women 2017). This is the case in most of the 9PICs, except for Niue (secondary), Solomon Islands (secondary and tertiary), and Vanuatu (tertiary). Even though the latter three countries have lower levels of gender parity in education than the rest of the 9PICs, the evolution of their GPI has been positive over the last few years (ADB 2016a). It should be noted, however, that achievements in gender parity in education do not equate with equal employment opportunities for men and women, as discussed in section 3.2.1.

Similarly, adult and youth literacy is above 90 per cent for both male and female populations in Kiribati, Nauru,

the Cook Islands, Samoa, and Tonga (ADB 2016a).²⁹ The youth literacy rate is also high in Vanuatu. Solomon Islands is the only country with a gender gap in favour of the male population: youth literacy is about 88 per cent for females and above 90 per cent for males, and among the 15 years and older group it is 79 per cent for females versus 89 per cent for males.³⁰ Finally, the fertility rate declined by approximately 1 child per 1,000 women in the 9PICs between 1995–2000 and 2010–2015 (UNDESA Population Division 2018). The increase in school enrolment and years of schooling might have contributed to this decline in the fertility rate.

3.2. THE ACCESS TO RESOURCES AND OPPORTUNITIES DOMAIN

3.2.1. Labour force and employment

High levels of underemployment and informality, gender disparities in the labour market, a large share of youth not in education, employment, or training, and the limited employment-generation capacity of the formal sector are the main characteristics of labour markets in the PICs (ILO 2017). These characteristics make it a challenge to create decent employment in the region. Participation in the labour force by gender also shows important differences both across the 9PICs and between the adult (15–64 ages) and youth (15–24) populations (figure 5). Overall, labour force participation is lower for youth than for the adult population, and lower for women than for men, in line with the expectations. In the adult population, the male labour force participation

Table 5.
Gender Parity Index for school enrolment

	Cook Islands	Kiribati	Nauru	Niue	Samoa	Solomon Islands	Tonga	Tuvalu	Vanuatu
Primary	102	101	106	100	103	91	96	100	97
Secondary	116	137	110	86	113	66	99	152	110
Tertiary	100	100	250	113	156	30	99	172	85

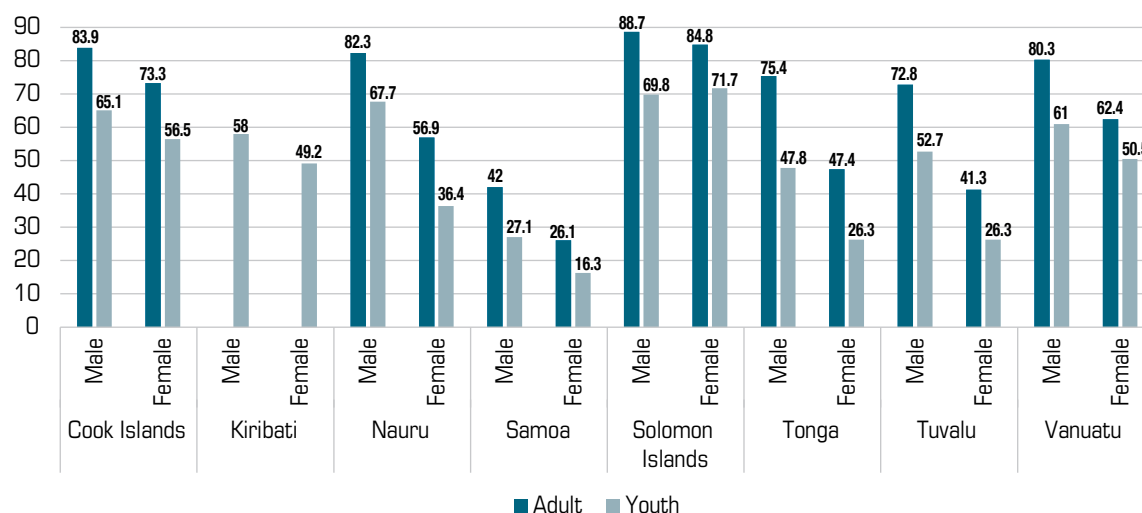
Source: UNFPA Pacific Subregional Office (2014).

²⁸ The GPI is the ratio of female to male achievements. The GPI of enrolment rates is calculated by dividing the female enrolment rate by the male enrolment rate for a given level of education.

²⁹ Adult population refers to the population ages 15 and older while the youth population is between 15 and 24. Data are not available for Niue and Tuvalu. Figures are based on census and UNESCO data for different years after 2010.

³⁰ The data for Solomon Islands are for the 2009 census, which may not reflect the country's current situation.

Figure 5.
Labour force participation rate in the 9PICs (per cent)



Source: ILOstat database (accessed on 7 February 2019).

Note: Data are from the 2011 Population Census for the Cook Islands, from the 2010 Population Census for Kiribati, from the 2013 Household Income and Expenditure Survey for Nauru, from the 2014 Labour Force Survey for Samoa, from the 2014 Household Income and Expenditure Survey for Solomon Islands, from the 2014 Labour Force Survey for Samoa, from the 2016 Household Income and Expenditure Survey for Tuvalu, and from the International Labour Organization's 2017 estimates for Tonga and Vanuatu.

rate is above 70 per cent in all countries covered except Samoa, where it is exceptionally low at 42 per cent. For the female adult population, however, it is above 70 per cent in the Cook Islands (73 per cent) and Solomon Islands (85 per cent). As shown by the stark differences in male and female labour force participation rates in the figure 5, the GPI in labour force participation is particularly low in Tuvalu (0.57), Samoa (0.62), Tonga (0.63), and Nauru (0.69). These figures show that the 9PICs first need to take further steps to support women's participation in the labour market in order to increase their well-being and generate earning capacity before being able to support their participation in international trade.

Both the smallness of the PIC economies (i.e., lack of economies of scale) and their geographic remoteness (i.e., high transportation costs for trade and market access)

hinder their economic growth and employment-generation capacity. An underdeveloped agriculture and fisheries sector is the main source of employment in many of the PICs. However, a growing services sector, particularly tourism, provides new opportunities for employment and income generation in the region (ILO 2017).

Moreover, a high prevalence of subsistence work results in a limited capacity of the labour force to earn an income, and this is more severe for women. For example, only 59 per cent of the female working-age population in the Cook Islands, 56 percent in Niue, 35 per cent in Nauru, 30 per cent in Tonga, 26 per cent in Kiribati, 23 per cent in Vanuatu, 20 per cent in Samoa, and 18 per cent in Solomon Islands hold paid employment (ADB 2016a).³¹ Most of the 9PICs are also characterized by high labour market informality.³² For instance, the share of informal employment is as

³¹ For men, the figures are as follows: 69 per cent of the male working-age population in Cook Islands, 66 per cent in Niue, 58 per cent in Nauru, 44 per cent in Tonga, 37 per cent in Vanuatu, 35 per cent in Solomon Islands, 34 per cent in Kiribati, and 30 per cent in Samoa hold paid employment.

³² According to the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), the "informal economy" refers to "all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements; and does not cover illicit activities" (https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R204). Not being included in the law means that they are operating outside the formal reach of the law. Not being covered in practice means that although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs.

high as 68 per cent in Samoa, 85 per cent in Solomon Islands, and 40 per cent in Vanuatu. It was relatively low in Tonga (10 per cent) (ILO 2017). It is important to note that the public sector accounts for a large share of the limited formal employment in the region; hence private sector is mainly characterized by informality.

As discussed in section 2, the services sector plays a dominant role in economic activity in most of the 9PICs. It is useful to examine how the sectoral structure of economic activity is reflected in the employment structure. Services dominate employment in five of the eight countries for which data are available, namely the Cook Islands, Kiribati, Nauru, Samoa, and Tuvalu (figure 6). The share of female employment in the services sector is higher than that for male employment in all of these five countries, where services provide the main source of employment. For example, 93 per cent of women in the Cook Islands, 89 per cent in Samoa, 80 per cent in Nauru, 77 per cent in Tuvalu, and 66 per cent in Kiribati are employed in services. In contrast, agriculture has the highest

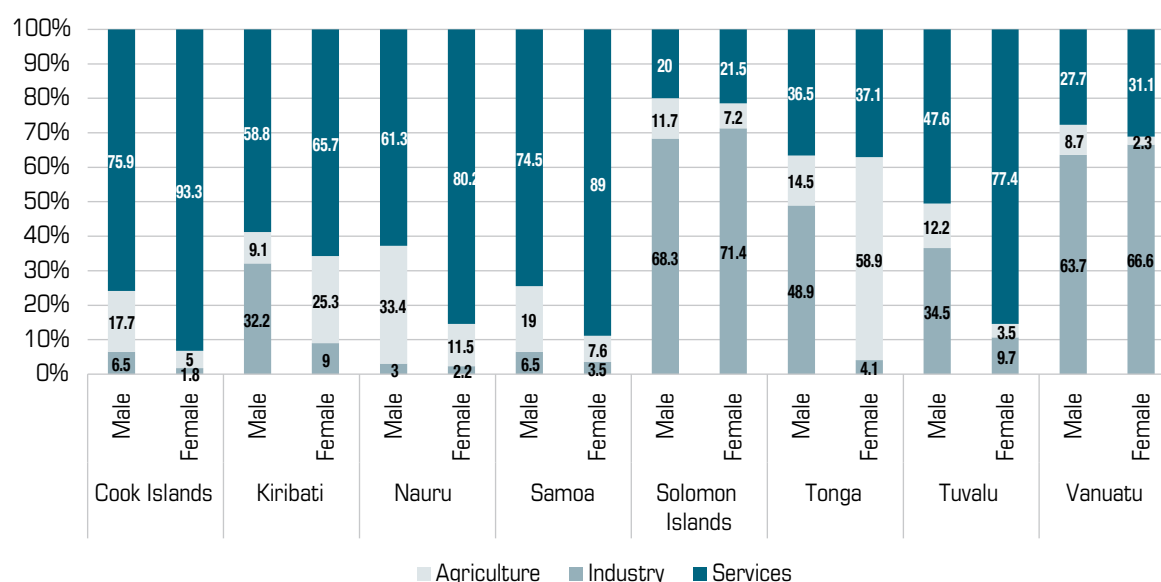
share in total female employment in Solomon Islands and Vanuatu, and industry dominates employment in Tonga. For example, 71 per cent and 67 per cent of women are employed in agriculture in Solomon Islands and Vanuatu, respectively; 59 per cent of female employment is mainly in manufacturing in Tonga.

In terms of changes over time, the sectoral composition of employment has stayed almost the same in four of the 9PICs for which International Labour Organization (ILO) estimates are available for comparison over time. Even in Samoa, where the biggest change occurred, the share of female employment in agriculture fell from 6.8 per cent in 2000 to 3.5 per cent in 2017, and all of this 3 percentage point decline in agriculture shifted to services.³³ The changes were minimal in the other three countries. These figures show that there was little structural change over the last three decades in these countries.

Given the significant role of services in the employment structure in most of the 9PICs, it is relevant to further

³³ These figures are based on ILO estimates (ILOStat database, accessed on 8 February 2019).

Figure 6.
Sectoral composition of employment by gender (per cent share of total employment)



Source: ILOStat database (accessed on 8 February 2019).

Note: Data are from the 2011 Population Census for the Cook Islands, from the 2010 Population Census for Kiribati, from the 2013 Household Income and Expenditure Survey for Nauru, from the 2014 Labour Force Survey for Samoa, from the 2016 Household Income and Expenditure Survey for Tuvalu, and from the International Labour Organization's 2017 estimates for Solomon Islands, Tonga, and Vanuatu.

examine how women and men are distributed within the services sector in these countries. Public administration, community, social, personal and other services is the most important services sub-sector for employment in all of the 9PICs for women; it is followed by wholesale and retail trade (table 6). Women hold a relatively higher share of employment in tourism compared to men, even though the contribution of tourism to total employment is still quite limited except in Nauru and Samoa, where 7.2 per cent of women are employed in tourism sector.

The composition of employment by work status shows a pattern in line with the sectoral composition of employment in the 9PICs. Most workers are wage and salary employees in the Cook Islands, Kiribati, Nauru, Samoa, and Tuvalu, where the public administration, community, social, personal and other services sub-sector accounts for a

large share of total employment (figure 7). Own-account work is the dominant form of employment for men in Solomon Islands and for both men and women in Vanuatu, reflecting the significant role of agriculture in these countries. Women tend to work as contributing family workers in Solomon Islands. Women's share of wage employment in the non-agricultural sector, which is considered an indicator of gender equality in formal employment, is close to half of total wage employment in Tonga (48 per cent), the Cook Islands (47 per cent), Kiribati (47 per cent), and Niue (46 per cent). It is relatively lower in Tuvalu (44 per cent), Vanuatu (41 per cent), Nauru and Samoa (both 38 per cent), and Solomon Islands (33 per cent) (ADB 2016a).

It is also important to note that high fertility rates in the PICs exert pressure on the labour market due to the large number of young people entering it every year.³⁴

³⁴ Between 14 and 20 per cent of the total population in the 9PICs is between 15 to 24 years old (UNFPA Pacific Subregional Office 2014).

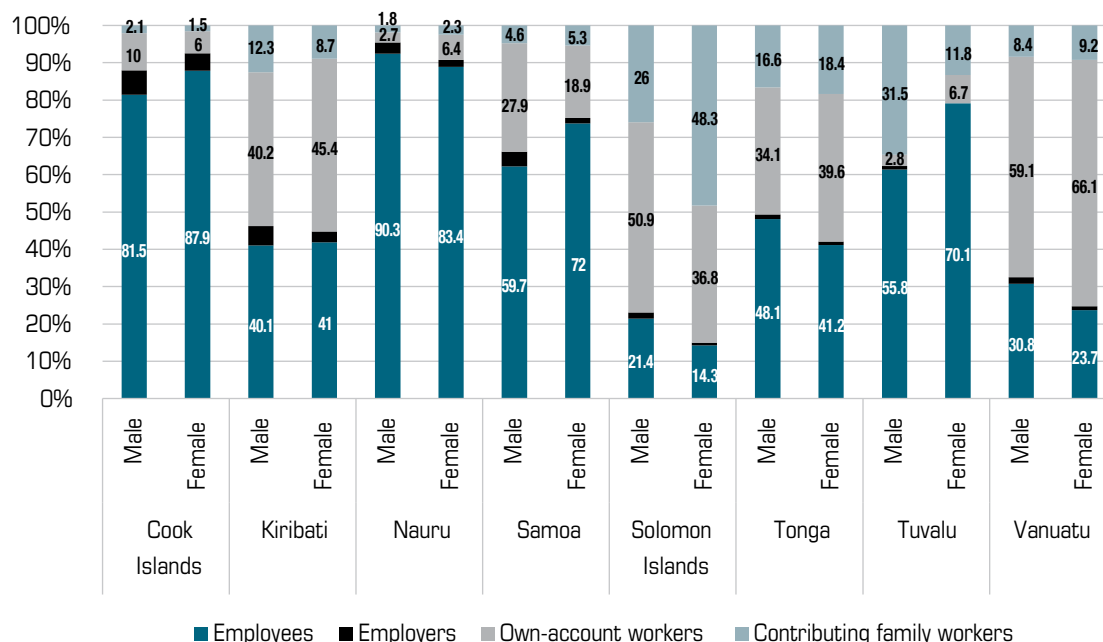
Table 6.
Share of employment in services sub-sectors by gender (per cent)

	Cook Islands		Kiribati		Nauru		Samoa		Solomon Islands		Tonga		Tuvalu		Vanuatu	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Wholesale and retail trade, and repair	30.2	43.9	15.5	20.5	6.4	7.8	9.3	13.6	5.5	7.8	7.1	10.7	7.1	10.5	6.1	9.1
Tourism			0.6	0.9	5.7	7.2	3.9	7.2	0.5	2.0	1.3	2.8	0.7	1.9	3.1	3.4
Transportation	9.0	5.9	7.6	4.9	3.9	0.0	10.3	3.4	3.0	1.2	5.7	2.9	4.0	4.4	4.9	1.1
Finance	3.7	7.2	6.8	6.5	21.3	13.9	13.1	16.4	0.8	0.9	2.1	2.7	4.2	5.3	2.1	1.9
Public admin., community, social, personal and other services	27.4	37.8	28.4	33.0	25.3	55.6	38.1	48.5	10.2	9.6	20.4	18.1	36.7	65.0	11.4	15.5

Source: UNCTAD calculations based on ILOStat database (accessed on 8 February 2019).

Note: "Tourism" refers to accommodation and food services; "transportation" refers to transportation, storage, and communication; and "finance" refers to financial intermediation, real estate, and business services. Data are from the 2011 Population Census for the Cook Islands, from the 2010 Population Census for Kiribati, from the 2013 Household Income and Expenditure Survey for Nauru, from the 2014 Labour Force Survey for Samoa, from the 2016 Household Income and Expenditure Survey for Tuvalu, and from the International Labour Organization's 2017 estimates for Solomon Islands, Tonga, and Vanuatu.

Figure 7.
Employment composition by work status and gender (per cent share)



Source: ILOStat database (accessed on 11 February 2019).

Note: Data are from the 2011 Population Census for the Cook Islands, from the 2010 Population Census for Kiribati, from the 2013 Household Income and Expenditure Survey for Nauru, from the 2014 Labour Force Survey for Samoa, from the 2016 Household Income and Expenditure Survey for Tuvalu, and from the International Labour Organization's 2017 estimates for Solomon Islands, Tonga and Vanuatu.

This pressure in some cases is also exacerbated by migration from rural to urban areas,³⁵ which at the same time is counterbalanced by international emigration that is a common feature of some of the 9PICs (see section 3.2.1).

International migration has been an important characteristic of the labour market in the 9PICs. The limited economic opportunities and poor labour market outcomes in the region have led the populations of many of the 9PICs to make use of preferential labour mobility agreements established by developed countries such as Australia, New Zealand, and the United States (UNESCAP 2007; World Bank

2017, 2018a). Samoa and Tonga, for instance, have a long tradition of using such preferential agreements (UNESCAP 2007).³⁶

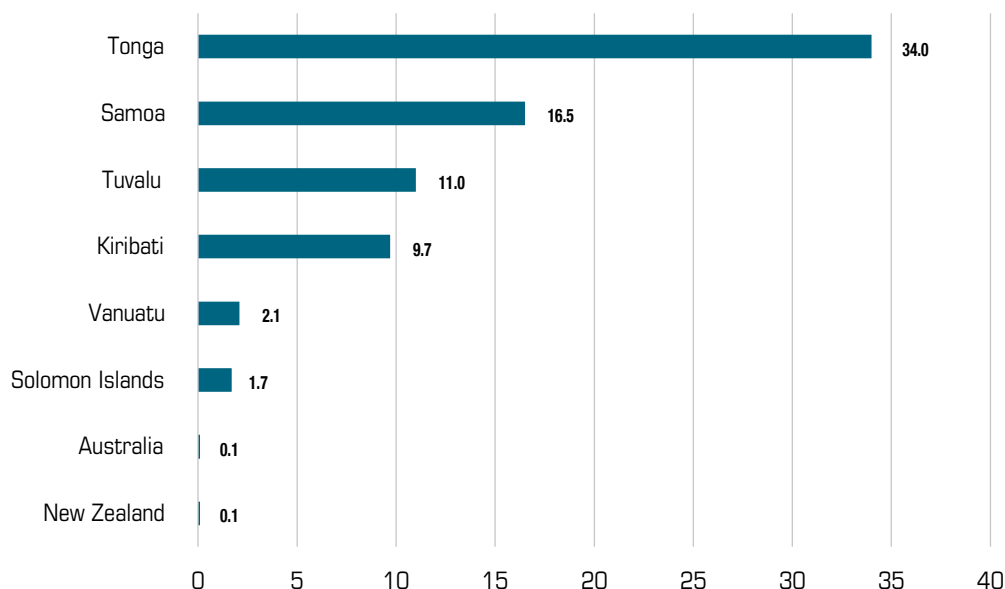
The Seasonal Worker Programme (SWP) established by Australia and New Zealand has allowed workers from Kiribati, Nauru, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu to work temporarily in those countries. The type of work available within the SWP is mainly in agriculture, accommodation, and tourism, and the skill requirements are generally low. Tonga and Vanuatu have provided the largest number of workers into the programme to date.³⁷ It is important to note that the participation of women in the SWP has been increasing.

³⁵ According to UNESCAP (2007), as of the mid-2000s, most of total employment in the 9PICs, with the exception of Cook Islands, was located in rural areas (particularly in the case of Vanuatu and Samoa). In some cases, the distribution of employment was more or less balanced between urban and rural areas (Kiribati, Niue, and Tonga). The large numbers of people migrating to urban areas are not always able to find wage employment, which also contributes to the increase in the urban unemployment rate.

³⁶ Natives of Cook Islands and Niue hold New Zealand citizenship, which has allowed an important proportion of the population of those countries to emigrate to New Zealand (as explained in section 2.1).

³⁷ See also Gibson and McKenzie (2014)8.

Figure 8.
Remittances as a percentage of GDP, 2017



Source: UNCTADstat database (accessed on 15 April 2019).

As for gender issues under the SWP, available data suggest that (1) the participation of women in the SWP has been increasing, (2) women generally tend to earn less than men, and (3) women tend to remit more and thus save less than men (World Bank 2017). According to the World Bank (2017), the lower earnings by PICs' female workers in Australia may be related to a gender division of labour. In agriculture, for instance, men have "picking" jobs and tend to be paid by the piece, while women have "sorting" jobs (e.g., sorting fruits and vegetables) and are paid hourly. It is important to note as well that there have been other initiatives associated with labour mobility and international trade related to the 9PICs, such as the Melanesian Spearhead Group Skills Movement Scheme.³⁸ The PACER Plus is expected to facilitate the temporary movement of people between the parties through the provisions in Chapter 8 of the agreement.

The important role of international migration is also reflected in the role of remittances in the economies of the 9PICs (World Bank 2018a). As of 2016, the ratio of remittances to GDP reached almost 30 per cent in Tonga and more than 16 per cent in Samoa (figure 8). In Tuvalu and Kiribati, the share of remittances to GDP increased to more than 10 per cent. The situation, however, is not

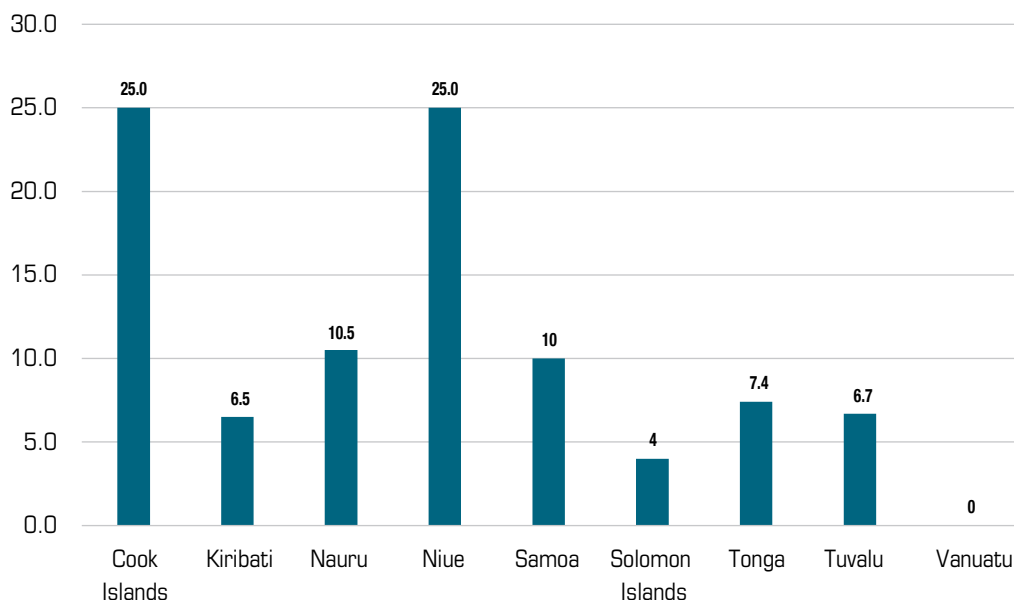
uniform across the 9PICs. For instance, the importance of remittances for the economies of Solomon Islands and Vanuatu is lower (1.8 and 3.1 per cent of GDP, respectively) compared to the rest of the countries.

3.2.2. Women's access to decision-making power

Women's access to decision-making positions and their exercise of political participation in national parliaments and local governments contributes to their well-being and that of their families, communities, and societies. This is an area in which the PICs need to make significant progress. In fact, the Pacific island region as a whole has the lowest level of women's political representation in the world. Traditional gender roles, women's limited social capital, and the lack of a supportive political environment all contribute to this outcome (ADB 2016a). The share of seats held by women in national parliaments is very low for most of the 9PICs (figure 9). For example, in Vanuatu, no women are represented in the national parliament, and in six of the 9PICs, women's share of seats is below 11 per cent. Only in Niue and the Cook Islands are women relatively better represented in parliament, with both at 25 per cent.

³⁸ This only applies to the Melanesian countries.

Figure 9.
Share of seats held by women in national parliaments, 2018 (per cent)



Source: World Bank's Gender Statistics database for all except the Cook Islands and Niue, for which data come from Pacific Women in Politics (<https://www.pacwip.org/women-mps/national-women-mps/>).

The share of women in management and decision-making positions is higher than that for women in national parliaments. As many as 48 and 47 per cent of legislators, senior officials, and managers were women in the Cook Islands and Samoa, respectively. That ratio was 38 per cent in Niue, 36 per cent in Kiribati and Nauru, 30 per cent in Tonga, 29 per cent in Vanuatu, and 19 per cent in Solomon Islands (ADB 2016a).³⁹

3.2.3. Women in business

Women are active participants in the economies of the 9PICs as producers and traders. Many men and women in the Pacific work in the informal sector. While some of them transition to the formal economy through jobs in the private or public sectors and, occasionally, by developing their own businesses, a large majority remains in the informal sector. Women traders in the informal sector are usually constrained by barriers such as lack of access to roads and affordable transport, exploitation, sexual harassment, poor working conditions and infrastructure, and lack of representation in market management bodies and similar organizations

(ADB 2017; Pacific Women 2017). They face barriers in access to affordable financial resources that would allow them to expand their business and increase profitability, and in access to social and legal protections (ADB 2018; IFC 2010; Pacific Women 2017). It is also more difficult for women to obtain simple but critical financial resources such as credit cards from traditional financial institutions (i.e., banks).

Even when men and women transition from the informal to the formal economy, for instance by creating a formal business, they continue to face major challenges to maintaining and developing their businesses. There are challenges that all businesses face in the 9PICs, such as geographical remoteness, poor infrastructure, and lack of quality services, as well as ambiguity of business procedures and regulations. The latter are exacerbated in the case of women because accessing information, including information related to trade rules and customs procedures, is more cumbersome for women than for men. Complex, opaque, and time-consuming customs procedures and product requirements may discourage women from even trying to take advantage of new

³⁹ Managerial positions refer to International Standard Classification for Occupations (ISCO) Major Group 1 (referred to as "Legislators, senior officials and managers" under ISCO-88 and "Managers" under ISCO-08). The indicator shows the share of women in these occupations.

trade opportunities. Moreover, women must cope with strong social norms regarding family and community obligations, including the sharing of time and wealth when called upon to help others. These are significant barriers for women's business prospects, since they impact on the actual time and resources that women can devote to develop their business.⁴⁰ Discriminatory laws that are supported by custom and tradition tend to exacerbate this situation for women (Pacific Women 2017; ADB 2016b, 2017).

According to Pacific Women (2017), weak support for entrepreneurship and business negatively affects women's confidence in business development as well as their access to market-related services, financial resources, and information. This has negative implications for the economic development of their countries as well (ADB 2015a; UNCTAD 2014c). Additionally, national trade promotion organizations lack the required capacity for the effective and timely dissemination of information and implementation of transparency provisions. This negatively affects traders, both men and women.

Some of the 9PICs have taken steps to address issues with women's access to finance. For example, in Solomon Islands, the Pacific Financial Inclusion Strategy - NFIS II (2016–2020) Project focuses on increasing financial literacy and the use of financial services. It aims to make 300,000 adults, half of whom are women, active users of formal or semi-formal financial accounts, and increase the access rate for financial services (to one hour of ordinary travel time from the home) to 90 per cent of the population.

Expansion of mobile money services is another way to reduce gender gaps in access to finance (PFIP 2016). Similarly, in Vanuatu, the Governance for Growth Programme and the Mobile Banking Programme provided financial literacy training to 23,727 people (42 per cent of them women) from 2011 to 2016.

In terms of decision-making in export businesses, even though proprietors, executives, and employees tend to be men, there is an increasing number of women in such roles. For instance, in 2018, women accounted for 32 per cent of total CEOs and proprietors, 41 per cent of executives, and 49 per cent of employees in these firms (Pacific Trade Invest 2018). However, Pacific women still do not engage in business to the same extent as men (ADB 2016b).

As will be discussed in detail in section 5, women in exporting firms are expected to be the direct beneficiaries of transparency provisions in PACER Plus in their roles as producers/owners, managers, and workers of these firms. Table 7 shows that women traders are concentrated in the handicrafts, personal care products, clothing, and organic produce sectors in the 9PICs; hence, women traders in these sectors could be the target of transparency provisions in the implementation process.

Non-governmental organizations such as women's organizations, business associations, and private enterprises can act as brokers to help small producers access marketing channels and niche markets for their goods. There have been some developments in this regard in some of the 9PICs. For example, in Samoa,

⁴⁰ There is a lack of time-use surveys in the Pacific region. According to the Statistics Division of the United Nations (UNSD 2016), between 1966 and 2015 more than 85 countries conducted time-use surveys in order to quantify how individuals spend their time over a specific period. None of the 9PICs is included on that list. The United Nations Economic and Social Commission for Asia and the Pacific, which also compiles data on gender (e.g., the wage gap) for Oceania, does not have data for any of the 9PICs.

Table 7.
Main sectors of activity for women traders in the 9PICs

	Economic sector	Characteristics
Local markets	Flowers Fishing Clothing Shell money and jewellery Produce	Highly informal local central markets Women play a major role connecting urban consumers with rural producers
International markets	Personal care products from oil Handcrafts Clothing Produce (organic)	Formal entrepreneurial activity

Sources: IFC (2010); UN Women; Food and Agriculture Organization; and ADB (2015a, 2017).

Women in Business Development Incorporated, which provides extension services and financial literacy training, and Apia Export Fisheries help small producers, many of whom are women, secure and create export opportunities for organic agricultural products such as virgin coconut oil, cocoa, and commercial tuna (Government of Samoa 2010). Similarly, the Solomon Islands Women in Business Association (SIWIBA) aims to increase women's participation in the private sector by representing salaried or self-employed women based in Honiara (ADB 2015b). However, women as smallholder farmers face challenges in meeting the product requirements of export markets, especially for food and agricultural products. For example, in the production of *koko Samoa*, a local product made of cocoa, smallholder farmers process their goods in their backyard kitchens, making it hard to meet export standards (Schoeffel and Meleisea-Ainuu 2016). This example shows that it is important to also consider the nature of production while targeting different groups of women producers in the implementation of transparency provisions of PACER Plus aimed at improving gender equality. In Solomon Islands, SIWIBA's reach remains small due to its limited capacity to assist small-scale agricultural producers and traders in rural areas (ADB 2015b).

Gender considerations have also been incorporated in small business development in villages and rural areas through microfinance schemes. For example, in Samoa, South Pacific Business Development Microfinance Samoa Ltd. supports women in starting, growing, and maintaining sustainable income-generating micro-enterprises, with a reach of 13,000 families or 78,000 individuals (approximately 40 per cent of the population) (Government of Samoa 2016a). Building links between these micro-enterprises and niche markets overseas would prove useful in supporting women's participation in trade.

E-commerce could be another venue to help women access international markets with fewer barriers. In this regard, in Solomon Islands, the Strongim Bisnis Project, with a focus on women and youth, helps micro, small, and medium-sized enterprises in the tourism, cocoa, and coconut sectors gain an online presence and benefit from e-commerce (UNCTAD 2018c). In Vanuatu, the Vanuatu Women and Girls in ICT Association introduced a pilot project to train women in the e-commerce of handicrafts and vegetables. Additionally, a training programme on the use of ICT was delivered to local tourism

businesses, 35 per cent of which were operated by women (UNCTAD 2018d). The Samoa Tourism Authority introduced an e-tourism facility to connect tourists directly to tourism businesses, many of which are owned by women (UNCTAD 2017b). These examples may prove useful for other country contexts, and from a transparency point of view, the increased use of ICT in trade-related activities and steps taken to close the gender gap in ICT use would also facilitate the effectiveness of transparency provisions in trade agreements, as will be discussed in detail in section 5.

UNCTAD carried out a survey in the 9PICs to learn about the economic sectors relevant for women in the region and the main constraints they face in their business and trade activities. Sixteen women-run businesses in Samoa, Tonga, Tuvalu and Niue responded. Even though the survey responses are not representative of the population, they provide first-hand information about the kinds of constraints faced by women producers and traders in these countries. Most of the respondents produce and/or trade processed food, handicrafts, textiles, jewellery, and cosmetics. Box 1 presents the main challenges faced by women as business owners and traders, key channels of information for them, and the areas in which there is need for support. In terms of transparency in trade, 15 out of the 16 interviewees said that either they miss out on some information due to the problems they face in getting access to information, or they need to use all or most of the channels of information in order to get the information they need. This shows that access to market and trade information seems to be a key problem in the region for women businesses.

3.3. THE SECURITY DOMAIN

The security domain refers to vulnerability to violence and conflict. Gender-based and domestic violence is an important issue faced by women in the PICs and may hinder their participation in the economy in a number of ways. The high prevalence of violence against women inhibits them from being economically active, from retaining their own income, from receiving a share of their spouses' income, and from asserting their rights to travel, access education and training, and engage in their own work. Women entrepreneurs, in particular, are subject to harassment, theft, and assault both in the market and in their communities (ADB 2015a).

Box 1.**Constraints faced by women-run businesses and the types of support needed in the 9PICs****Main constraints faced by women-run businesses in their manufacturing/trading activity:**

1. Limited access to credit
2. Limited support to produce and trade higher-value-added goods
3. Limited support to diversify the set of manufactures/traded goods
4. Lack of information regarding product requirements at home and abroad
5. Time poverty due to household and care responsibilities
6. Distance from markets and supply sources
7. Issues with labelling and packaging and lack of skilled staff to meet standards
8. Lack of organization through associations or cooperatives

Key measures needed to support women-run businesses:

1. Better access to market and product information
2. Support to trade with more countries
3. More information on branding, labelling, and packaging
4. Support to trade higher-value-added and a broader range of goods
5. Better access to information regarding customs procedures

Main issues faced by women-run businesses while trading:

1. Lack of information on how to trade
2. Costs related to complying with foreign market requirements
3. Limited capacity to reach more profitable markets
4. Limited capacity to fulfil standards and quality requirements in destination markets
5. Transport costs
6. Costs related to the fulfilment of customs and documentary requirements

Main channels used by women-run businesses to get access to information on export rules and procedures and on foreign market requirements:

1. Training
2. Business associations and cooperatives
3. Trade portals and websites
4. Other traders and business networks
5. Written material (e.g., official journals, information on legislation)
6. Customs authorities and other local authorities

Types of support needed to overcome the obstacles faced by women-run businesses in their trading activities:

1. Training to understand and meet the requirements in destination markets
2. Training on entrepreneurship
3. Training to improve the quality, quantity, and diversification of manufactured and traded products
4. Training to become familiar with customs procedures and comply with them
5. Training on packaging and labelling

Source: UNCTAD secretariat.

Note: The items are listed in order of importance based on the number of interviewees who selected each item.

World Bank (2018b) presents indicators on protecting women from violence for Kiribati, Samoa, Solomon Islands, Tonga, and Vanuatu. All five of these PICs have domestic violence legislation covering current and former spouses as well as unmarried intimate partners, all have a specialized court or procedure for cases of domestic violence, and all except Samoa have clear penalties for domestic violence. However, sexual harassment is specifically addressed in legislation only in Kiribati and Solomon Islands, and none of the five countries has legislation or criminal penalties/civil remedies for sexual harassment in employment. This is an important shortcoming in law, with potential negative implications for women's participation in overall and trade-related economic activities. Overall, all five PICs score 20 out of 100 in terms of protecting women from violence, reflecting the large overall gap in law (World Bank 2018b). Moreover, in practice, customs and tradition influence decision-makers and prevent them from introducing a zero-tolerance approach to violence against women, as identified in the case of Solomon Islands (ADB 2015a).

The existing gaps in law, especially on sexual harassment, contribute to the high prevalence of gender-based violence in the region. The proportion of women subjected to physical and/or sexual violence in the previous 12 months was 44 per cent in Vanuatu in 2009, 41.8 per cent in Solomon Islands in 2008, 36.1 per cent in Kiribati in 2008, 25 per cent in Tuvalu in 2007, 22 per cent in Samoa in 2000, and 18.9 per cent in Tonga in 2009.⁴¹ Lifetime experience of physical and/or sexual violence by an intimate partner is even higher: 68 per cent of women in Kiribati, 64 per cent in Solomon Islands, 60 per cent in Vanuatu, 48 per cent in Nauru, 40 per cent in Tonga, and 33 per cent in the Cook Islands reported such an experience (ADB 2016a). Gender-based violence affects women traders through episodes of abuse perpetrated by customs officers that are fuelled by traders' lack of information regarding trade rules and customs procedures. In this regard, transparency provisions may help reduce this form of violence by making trade information more accessible.

⁴¹ The figures show the incidence of violence in the last 12 months among women ages 15-49. The figures are based on the World Bank's Gender Statistics database (accessed on 16 January 2019).

4. GENDER-RELATED INPUTS

A country's gender-related inputs are the legal and institutional frameworks that are put in place to foster gender equality and women's empowerment. These inputs play a key role in the realized gender-related outputs, discussed in section 3, in the form of women's actual opportunities in the domains of capabilities, access to resources and opportunities, and security. However, since the focus of this report is on women's participation in economic life, and more specifically in international trade, this section presents an overview of policies and institutions at the international, regional, and national levels that are of particular relevance for women's economic empowerment.

4.1 INTERNATIONAL POLICY INSTRUMENTS

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was signed by governments in 1979, entered into force in 1981, and currently has 187 states parties.⁴² All 9PICs except Tonga are signatories to the CEDAW. The CEDAW is the first legally binding instrument that takes a comprehensive approach to prohibiting discrimination against women in all domains. It is often described as an international bill of rights for women. The convention requires signatories to eliminate discrimination against women in their legal systems and to ensure the elimination of discrimination against women in all acts by individuals and enterprises.

The Beijing Declaration and Platform for Action, which was adopted by the United Nations at the Fourth World Conference on Women in 1995, is the first international legal instrument to incorporate a detailed action plan that sets out strategies to ensure equality and full human rights for women in key areas of concern.⁴³ More recently, the Sustainable Development Goals (SDGs) were adopted by world leaders under the aegis of the United Nations in September 2015. Although SDG 5 explicitly sets

targets to achieve gender equality and empower all women and girls, other SDGs such as SDG 1 (no poverty), SDG 2 (zero hunger), SDG 8 (decent work and growth), SDG 10 (reduce inequality), and SDG 17 (partnership for sustainable development) also recognize the role of women as economic agents and therefore are important for gender equality.

Finally, Kiribati, Samoa, Solomon Islands, Tonga, and Vanuatu have signed onto the Women's Empowerment Principles, which aim to provide businesses a blueprint for empowering women in the workplace.⁴⁴ This initiative was the result of collaboration between the United Nations Global Compact and UN Women.

4.2. REGIONAL POLICY INSTRUMENTS

There have been a number of regional initiatives to promote gender equality in the Pacific region. The first such instrument was the Pacific Platform for Action on the Advancement of Women and Gender Equality (PPA), which was adopted by the Pacific Island countries and territories in 1994. Areas of concern covered health, education and training, economic empowerment, agriculture and fishing, legal and human rights, shared decision-making, environment, culture and the family, mechanisms to promote the advancement of women, violence, peace and justice, poverty, and indigenous people's rights. The PPA was reviewed and revised in 2004, and later in 2013 during the Twelfth Triennial Conference of Pacific Women and the Fifth Pacific Women's Ministerial Meeting, which led to the new Pacific Platform for Action on Gender Equality and Women's Human Rights 2018–2030. The main goal of the platform is to accelerate the implementation of gender commitments at all levels taking into account existing regional and international instruments for promoting gender equality.

⁴² See annex 5 for the 9PICs' ratification and reporting.

⁴³ These areas are poverty, education and training, health, violence, armed conflict, economy, power and decision-making, institutional mechanisms, human rights, media, environment, and the girl child.

⁴⁴ The Women's Empowerment Principles include the following: (1) Establish high-level corporate leadership for gender equality; (2) Treat all women and men fairly at work – respect and support human rights and non-discrimination; (3) Ensure the health, safety and well-being of all women and men workers; (4) Promote education, training and professional development for women; (5) Implement enterprise development, supply chain, and marketing practices that empower women; (6) Promote equality through community initiatives and advocacy; and (7) Measure and publicly report on progress to achieve gender equality.

The Pacific Leaders Gender Equality Declaration was announced at the Pacific Islands Forum in August 2012. This declaration represented a new determination to raise the status of women in the Pacific islands region across areas of social, political, and economic life. In terms of economic empowerment, the declaration specifies the goals of removing measures that limit women's employment or contribute to gender gaps in the labour market; supporting equal employment opportunities for women and men; encouraging women's participation in local economies; and advancing women's entrepreneurship through enhanced access to finance, land, and other productive resources. Following the adoption of the Pacific Leaders Gender Equality Declaration, the Pacific Women Shaping Pacific Development Programme was established as a 10-year, AUD 320 million initiative to improve political, economic, and social opportunities for women of the Pacific region.⁴⁵

On International Women's Day 2018, a five-year regional programme – the Pacific Partnership to End Violence Against Women and Girls – was launched to promote gender equality, prevent violence against women and girls, and increase access to quality response services

for survivors. The initiative, mainly sponsored by the European Development Fund in the Pacific, brings together governments, civil society organizations, communities and other partners. Among the 9PICs, Kiribati, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu will benefit from the programme.⁴⁶

4.3. COUNTRY-SPECIFIC LEGISLATION

World Bank (2018b) calculates summary scores on different dimensions of gender equality in county-level legislation, and table 8 presents the scores for five of the 9PICs – Kiribati, Samoa, Solomon Islands, Tonga, and Vanuatu – for which data were available. “Accessing institutions” examines whether women are treated on par with men while carrying out legal acts in economic and social life.⁴⁷ “Using property” is related to ownership and inheritance rights.⁴⁸ These two are the relatively successful areas in which all five PICs, except Tonga, score 75 and above.

“Providing incentives to work” measures protections for maternity leave, childcare services, tax incentives and basic education.⁴⁹ All five PICs except Kiribati

⁴⁵ The initiative focuses on seven interconnected key result areas that touch on positive changes in social norms leading to gender equality; increased economic and decision-making opportunities for women; improved outcomes for women in education and health; strengthened women's organizations; reduced violence against women; and enhanced knowledge and evidence to inform policy and practice.

⁴⁶ “Pacific Partnership to End Violence against Women and Girls,” UN Women (<http://asiapacific.unwomen.org/en/countries/fiji/ending-violence-against-women/pacific-partnership>).

⁴⁷ Those acts include applying for a passport and a national ID card, travelling outside the country and home, choosing where to live, signing a contract, registering a business, opening a bank account, getting a job or pursuing a trade/profession, and being the legal head of household/family.

⁴⁸ Specifically, it measures who administers marital property, whether there are equal ownership rights to immovable property, whether there are equal rights to inherit assets from parents (and from the woman's spouse in the case of a surviving spouse), and whether nonmonetary contributions are valued.

⁴⁹ It is measured based on whether women are guaranteed an equivalent position after maternity leave, whether the government supports or provides childcare services, whether there are payments for childcare tax deductions or specific tax deductions/credits applicable to only men, and whether there is free and compulsory primary education.

Table 8.
Scores on different dimensions of gender equality

	Accessing institutions	Using property	Providing incentives to work	Building credit	Getting a job
Kiribati	100	75	60	0	68
Samoa	90	100	40	0	68
Solomon Islands	90	100	20	0	30
Tonga	100	20	40	0	42
Vanuatu	100	75	40	25	52

Source: World Bank (2018b).

score below 50, reflecting the inadequate level of incentives for women's participation in the labour market. "Getting a job" is related to workplace rights and protections.⁵⁰ Kiribati and Samoa perform relatively better than the other three countries, while Solomon Islands shows the lowest degree of rights at work.

Finally, "building credit" investigates whether the law prohibits discrimination in access to credit by creditors on the basis of gender and marital status, and whether retailers and utility companies provide

information to private credit bureaus or public credit registries. This is the one single area where all five PICs except Samoa have no score. This shows that these PICs should take the necessary national legislative steps to address all of these legal shortcomings regarding gender equality, but in particular the one on accessing credit, given its critical role for women's participation in the economy as traders and producers. Annex 5 presents further details about each of the 9PICs' country-level legislation on gender equality issues.

⁵⁰ It is measured based on whether there is gender equality in various aspects of provisioning of maternity leave, whether there is parental leave, and whether there is equal remuneration for work of equal value, non-discrimination based on gender in employment, equal working rights (industry, occupation, tasks, etc.), and pension rights for both women and men.

5. TRADE POLICIES AND AGREEMENTS IN THE 9PICS AND THE LINK BETWEEN TRANSPARENCY IN TRADE AND GENDER

Having surveyed socioeconomic profiles, trade structures, and gender-related outputs and inputs of the 9PICS, this section turns to analysing the relationship between trade agreements, particularly their transparency provisions, and gender, both in general and in the 9PICS. There is a two-way relationship between trade and gender. Trade policies, and specifically those policies aimed at fostering market integration and liberalization, tend to have important redistributive effects within the economy, which can either magnify or reduce existing disparities among groups based on factors such as gender, ethnicity, class, and geographical location.⁵¹ On the other hand, gender inequalities tend to affect the outcome of trade strategies and overall economic performance (UNCTAD

2014c). This section considers some aspects of this relationship for the 9PICS by analysing their trade policies, as well as the transparency provisions in the PACER Plus and its indirect link to, and potential impact on, gender equality.

5.1. TRADE POLICIES AND AGREEMENTS IN THE 9PICS

The 9PICS are parties to, and often beneficiaries of, several trade and cooperation agreements both at the regional and multilateral levels (table 9). Their main counterparts outside the PICs in these agreements are Australia, New Zealand, and the European Union. They gained duty-free access to the markets of

⁵¹ It is important to note that within their own group, women (and men) may be differently affected by trade, since they are not homogeneous groups, but differ in terms of age, income, skills, etc. (UNCTAD 2014c).

Table 9.
Trade agreements in the 9PICS

Agreement	Year	9PICS and other member countries	Scope
South Pacific Regional Trade and Economic Cooperation Agreement	1981 (entry into force) 1982 (entry into force in Australia)	Australia, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands, Niue, and Western Samoa.	Duty-free or preferential access to the markets of Australia and New Zealand for most products. Provisions for technical cooperation.
Pacific Islands Forum (PIF)	Founded in 1971 with the name of South Pacific Forum.	Australia, Fiji, Kiribati, Nauru, New Caledonia, the Marshall Islands, Micronesia (Federated States of), New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands, French Polynesia and Niue.	The PIF is the region's premier political and economic policy organization. It fosters cooperation between governments, collaboration with international agencies, and represents the interests of its members.
Melanesian Spearhead Group Trade Agreement (MSGTA) and MSGTA 2	MSGTA entered into force in 1993. MSGTA 2 was adopted in 2005.	Papua New Guinea, Solomon Islands, and Vanuatu have been members since 1993. Fiji joined in 1996.	Gradual liberalization of tariffs and other protectionist mechanisms affecting trade in goods among Melanesian Spearhead Group countries. Negotiations concluded in 2016 to expand the scope of the agreement to cover trade in services, enhanced labour mobility provisions, and cross-border investment. Not yet in force.

Agreement	Year	9PICS and other member countries	Scope
The Cotonou Agreement	2000 (signed) 2003 (entry into force) 2005 and 2010 (revised) 2020 (expires)	European Union and African, Caribbean, and Pacific (ACP) Group of States.	Development cooperation; political cooperation; economic and trade cooperation. From “non-reciprocal” trade preferences in favour of ACP countries (Lomé Conventions) to reciprocal trade preferences through economic partnership agreements.
The Pacific Island Countries Trade Agreement (PICTA)	2001 (signed) 2003 (entry into force)	Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands and Niue.	Progressive reduction/elimination of tariffs among member countries.
Pacific Economic Partnership Agreement	2009 Interim Partnership Agreement between the European Commission and the Pacific States	Interim Partnership Agreement applied by Papua New Guinea since May 2011, by Fiji since July 2014, and by Samoa since December 2018. Negotiations concluded on the accession of Solomon Islands to the Pacific Economic Partnership Agreement (October 2018). Tonga informed the European Union of its intention to accede to the Pacific Economic Partnership Agreement (July 2018).	Trade in goods (duty-free, quota-free access to the EU), asymmetric and gradual opening of Fiji, Papua New Guinea, and Samoa markets to EU goods; trade facilitation; development assistance.
Melanesian Spearhead Group Skills Movement Scheme (MSGSMS)	2012 (entered into force)	Fiji, Papua New Guinea, Solomon Islands, and Vanuatu.	Temporary movement of skilled workers among the parties based on mutual recognition of professional qualifications.
PICTA Trade in Services Protocol (PICTA-TIS)	2012 (negotiations completed; not yet in force)	Kiribati, the Marshall Islands, Micronesia (Federated States of), Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, and the Cook Islands.	Preferential trade among the parties on a range of services.
Pacific Agreement on Closer Economic Relations (PACER) Plus	2017 (signed)	Australia, Kiribati, Nauru, New Zealand, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands and Niue.	Progressive removal of obstacles to trade in goods and services among the parties, temporary movement of skilled workers, investment, development and economic cooperation.
Generalized System of Preferences (GSP)	Instituted in 1971; 13 countries grant GSP preferences	Kiribati, Nauru, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands and Niue.	Beneficiaries have duty-free or preferential access to the preference-giving country markets.
Everything But Arms (EBA)	Introduced in 2001	Kiribati, Samoa, Solomon Islands, Tuvalu, and Vanuatu. Samoa was removed from the list of EBA beneficiary countries as of 1 January 2019	Beneficiaries (least-developed countries) enjoy full duty-free and quota-free access to the European Union market for all products (except arms and armaments).
World Trade Organization membership	July 1996 July 2007 May 2012 August 2012	Solomon Islands Tonga Samoa Vanuatu	Trade in goods and services; intellectual property rights; trade remedies; implementation and monitoring; dispute settlement; capacity-building.

Source: UNCTAD secretariat.

Australia and New Zealand through the South Pacific Regional Trade and Economic Cooperation Agreement in 1982. They formed the Pacific Island Countries Trade Agreement (PICTA) in 2003 to introduce tariff liberalization policies among themselves. In this regard, the PACER Plus will mainly reduce barriers to the markets of the 9PICs for the exports of Australia and New Zealand. The major expected benefits for the 9PICs from the PACER Plus, on the other hand, are the capacity-building and technical assistance to be provided by Australia and New Zealand.

It is useful to assess the trade policy frameworks of the 9PICs from a gender perspective in order to understand their approach to gender and trade policy at the national level. The Cook Islands announced in the inception report of its national trade policy its intention to incorporate the role of women in its economy – especially in handcrafts, agriculture, and niche production for tourism – and to incorporate a gender dimension in its trade policy framework (Government of the Cook Islands 2014). Developing traditional handicraft activities and supporting women handicraft producers are recognized in the context of the Cook Islands Aid for Trade Strategy.⁵² Kiribati introduced its trade policy framework for 2017–2027, in which gender is considered in the context of inclusive trade (Government of Kiribati 2018). The policy framework recognizes the need to provide economic and trade opportunities for women along with youth and people with disabilities, although it lacks sufficient detail. Samoa recognizes gender considerations in its development strategy (Government of Samoa 2016b) and in its trade, commerce, and manufacturing sector plan (Government of Samoa 2010), though without sufficient detail. Solomon Islands launched its trade policy framework in October 2017. The framework recognizes women's groups among non-state actors with which to collaborate while developing productive capacity (Government of Solomon Islands 2017). However, it does not incorporate a gender dimension.

Tonga is in the process of finalizing its first trade policy framework.⁵³ Tuvalu introduced gender considerations in its national strategy for sustainable development (Government of Tuvalu 2016). Vanuatu introduced its Trade Policy Framework in 2012 and is in the process of updating it. Overall, gender considerations are included in national trade policy frameworks to a limited extent; this could be one of the areas to be considered in the context of development assistance under the PACER Plus.

5.2. OVERVIEW OF TRANSPARENCY PROVISIONS IN THE PACER PLUS AND THEIR INDIRECT LINK TO GENDER

This section begins with an overview of transparency in international trade,⁵⁴ both in general and in the context of transparency provisions in the PACER Plus. It then develops the conceptual framework regarding the links between transparency in international trade and gender equality and women's economic empowerment. It concludes with an examination of the specific links between transparency in the PACER Plus and gender issues in the 9 PICs.

5.2.1. Transparency in international trade

What is transparency in trade?

Transparency in trade is a concept that has evolved substantially over time, and particularly in recent decades as it has gained importance as a norm of international trade. At its core, transparency is about the flow of information. It refers to clear, up-to-date, and accessible information for governments, traders, and other stakeholders regarding the laws, regulations, procedures, and practices under which trade across borders takes place (Hinkelman 2008).

Various typologies of transparency in trade exist in the literature, which reflects the lack of consensus

⁵² "Trade and Development," Ministry of Finance & Economic Management of the Cook Islands (<http://www.mfem.gov.ck/development/development-programmes/398-aid-for-trade>).

⁵³ "Tonga to soon finalise its first Trade Policy Framework," Tonga Ministry of Information and Communications, 23 June 2017 (<http://www.mic.gov.to/news-today/press-releases/6779-tonga-to-soon-finalise-its-first-trade-policy-framework->).

⁵⁴ The use of the term "transparency" in finance and economics intensified with the occurrence of financial crises. For instance, the 1997 Asian financial crisis and the 2008 global financial crisis increased demands for transparent markets and institutions and their administration. In this context, the use of the term deepened in the economic-political debate so that it is now also associated with and used in conjunction with the concepts of accountability, good governance, and democracy (Forssbæck and Oxelheim 2014). Lack of transparency, in economics, has traditionally been associated with asymmetric information, which creates a discriminatory environment and an imbalance of power in transactions. This may lead to other problems such as adverse selection and moral hazard (Akerlof 1970).

on its precise meaning. It is difficult to specify, in part, because it operates “behind the scenes” as part of the “soft infrastructure” of services and procedures that enable trade (Bernal Turnes and Ernst 2015). In addition, many regional trade agreements have gone beyond World Trade Organization (WTO) provisions on transparency and expanded the boundaries of the concept over time. Lejárraga (2013) identifies four facets of transparency, or “spheres of policy action,” in trade agreements. In addition to information, transparency includes participation, predictability, and fighting corruption. Participation refers to the involvement of all relevant stakeholders and the sharing of information about decision-making processes. Predictability requires that rules and regulations be clear and applied fairly and consistently. Fighting corruption involves establishing procedures for monitoring and accountability. Similarly, Bernal Turnes and Ernst (2015) identify three dimensions of transparency: predictability, simplification, and accountability, with accountability being the most recent addition to the transparency-in-trade agenda.

The rising role of transparency in trade

Transparency is a key norm underpinning the global trading system. At the multilateral level, it was codified in Article X of the General Agreement on Tariffs and Trade. The article requires the prompt publication and uniform administration of “laws, regulations, judicial decisions and administrative rulings” related to customs, taxes, fees, administrative requirements, restrictions, and prohibitions, among other items, in a way that is available to governments and traders. In addition to publication requirements, subsequent agreements under the WTO have added notification requirements and enquiry points to facilitate the availability of information. Transparency-related measures at the WTO are also in place to monitor members’ trade measures and practices and their impact on the multilateral trading system (WTO, undated).

The Doha Ministerial Declaration in 2001 recognized the importance of transparency for the improvement of international trade. Subsequent trade facilitation negotiations led to a significant milestone in transparency, the Trade Facilitation Agreement,

which entered into force in 2017 with the aim to simplify, modernize, and harmonize import and export processes.

In recent discussions among WTO member countries on modernizing the WTO and strengthening the efficiency and responsiveness of the multilateral trading system, transparency has emerged as a primary concern. The reforms proposed by the European Union and Canada, for example, single out improvements in transparency and notifications system as key objectives (European Union 2018; Government of Canada 2018).⁵⁵

Transparency is also increasingly present in regional trade agreements and free trade agreements. These agreements have expanded the boundaries of the concept over time and gone beyond provisions on transparency in WTO agreements. Improvements in transparency can have the same or an even greater impact as other trade-related measures on regional trade agreements and free trade agreements.⁵⁶ Another stylized fact of the past decade is that countries with high scores on democracy and governance indices are particularly inclined to include transparency obligations in their trade agreements. Domestic regulatory capacity also impacts willingness to undertake transparency commitments. Moreover, transparency provisions are commonly found in trade agreements between developed and developing countries, suggesting that this may be a mechanism for transmitting best practices on transparency.

Among the main reasons for the greater importance and scope that transparency has gained in trade agreements is the rise of NTMs.⁵⁷ This reflects the decline of tariffs in recent decades, the rise of global value chains with unbundled production processes, and the rise in the importance of trade in services. In addition, rising incomes have increased consumers’ demand for higher-quality and a greater variety of products, which means an increased need for NTMs to regulate imports (UNCTAD 2018b; UNCTAD and World Bank 2018). As Lejárraga (2013: 8) notes, “when not only goods, but also factors of production and consumers, move to foreign markets, the needs for information, influence and predictability in the domestic ‘rules of the game’ become all the more important.”

⁵⁵ Incentives to improve notification compliance and the sanctions for non-compliance, and to strengthen the system of counter-notification and the Trade Policy Review Mechanism, are part of the proposed measures to improve the efficiency and effectiveness of the WTO and its monitoring function.

⁵⁶ See Lejárraga and Shepherd (2013).

⁵⁷ NTMs refer to policy measures, other than customs tariffs, that can have an influence on the quantities, prices, or both of goods involved in international trade (UNCTAD 2010, 2018b).

The impact of NTMs differs across countries, sectors, and even products because of how they are applied and the different compliance costs associated with them. It is often the case that developing countries face more hurdles in complying with the requirements in destination markets than their developed country counterparts. Reasons include higher compliance costs for firms in developing countries due to lack of technical or organizational capacity, lack of appropriate infrastructure for compliance or administration, limited access to information about NTMs, and limited capacity to influence efforts to reduce NTMs. Moreover, NTMs particularly affect sectors of export significance for developing countries, especially agriculture (UNCTAD 2018b).

Transparency issues become relevant in this regard because developing countries are characterized by small firms that have relatively less access to up-to-date information about NTMs and their enforcement. Since women in developing countries suffer more than men from many of these same insufficiencies and rely even more heavily on agriculture for their livelihoods, it can also be concluded that women in developing countries are likely to be disproportionately impacted by the use of NTMs and, by extension, lack of transparency about these measures.

The benefits of transparency

The application of transparency in international trade agreements can be found in *regulations* (shaping the way that rules affecting international trade are developed and implemented); *trade facilitation* (shaping the way that merchandise transits from one country to the other); and *consultation processes* (shaping the consultation processes between the private and public sectors pertaining to international trade issues) (Bernal Turnes and Ernst 2015).

Lack of transparency in regulations and procedures related to international trade makes access to information unequal and goes against a competitive business environment, therefore leading to a challenging and discriminatory business environment for those with limited information. The proliferation of excessive and complicated requirements and administrative procedures for trade translates into extra costs related to the collection, interpretation, and implementation of rules and procedures (UNCTAD

2013). Without transparency, there is more room for inconsistency or corruption in customs procedures, resulting in uncertainty and unpredictability regarding the way goods will be treated by customs officers. Also, without transparency, it is difficult to determine whether trade restrictions are legitimate extensions of social, health, or environmental policies, or merely disguised protectionism.

One of the most important applications of transparency for small developing countries is associated with trade facilitation. This is related to the harmonization, standardization, and simplification of administrative procedures, practices, and documents required for the completion of international trade.⁵⁸ In turn, standardization and simplification of practices is associated with benefits such as the reduction of delays at borders, bribery, and costs that affect countries' competitiveness. In that regard, the WTO's Trade Facilitation Agreement is a very significant accomplishment.

Transparency is also essential in the consultation process for trade policy-making, as the lack of it can lead to a challenging and discriminatory business environment. Transparency may act as a trade facilitator by fostering institutional improvement and reducing private sector uncertainties related to foreign transactions (Ing, Cadot, and Walz 2017). Asymmetric information among market participants prevents them from realizing the full benefits of international trade. Transparency in consultation processes also serves as a mechanism to identify obstacles to trade and subtle forms of protectionism so that negotiations can be more effective (UNCTAD 2013).

Indeed, transparency has the qualities of a public good. Once supplied, its benefits are non-exhaustible and non-excludable (Chaffour and Maur 2013). Therefore, transparency can be expected to level the playing field and decrease the discriminatory impact of trade regulations and procedures such as NTMs. Transparency may support inclusive growth by making opportunities visible to all traders, not just those who have well-developed networks and established businesses. Traders' easy, timely, and free access to knowledge and information on current and new market opportunities (e.g., the opening of new markets and changes in existing product requirements), as well as on the laws and procedures related to them, are critical

⁵⁸ Another area of trade facilitation relates to physical infrastructure, which allows for the transit of goods from one country to the other (e.g., roads and ports) (Bernal Turnes and Ernst 2015). In this report, the main emphasis is in the area of rules and procedures required to complete international trade.

to ensuring a fair trade environment (AfDB, ITC, and UNCTAD 2011).⁵⁹

However, even when up-to-date information about trade rules and procedures is available, that information may be more time-consuming to understand and costlier to apply for SMEs⁶⁰ and for foreign firms (UNCTAD 2013). Therefore, when considering transparency, not only its benefits in terms of access of information should be considered, but also its benefits pertaining to simplification, predictability, and accountability. In the case of East Asia and the Pacific, Bernal Turnes and Ernst (2015) find that the region is characterized by complex and expensive procedures along with an unfair business environment. According to a typology of transparency they developed, the authors also find that East Asia and the Pacific is an opaque region with tendencies towards complex and expensive procedures.⁶¹ They conclude that transparency in the region will have a positive impact on institutional frameworks and consultative mechanisms and help simplify trade processes, reduce volatility, uncertainty, and unpredictability, and therefore reduce the costs and risks of trade.

Although the empirical literature on the impact of transparency in regional trade agreements is rare, the existing evidence suggests a positive impact of transparency on trade. For instance, Helble, Shepherd, and Wilson (2009) found that transparency among member countries of the Asia-Pacific Economic Cooperation resulted in a gain of 7.5 per cent in the value of intraregional trade, and that countries that showed the biggest improvement gained the most. Similarly, Lejarraga and Shepherd (2013) found that transparency can promote trade and investment flows, and they estimated that each transparency provision was correlated with a more than 1 per cent rise in bilateral trade. Moreover, they found that the effects are greater in the agriculture and services sectors. Although the actual impact of transparency on trade is country-specific, it is worth exploring such findings in the context of women in the PICs, since the agriculture and services sectors in those countries are of importance to women's employment and livelihoods.

5.2.2. Transparency provisions in the PACER Plus

Transparency in the context of the PACER Plus refers to clear and up-to-date information regarding the rules and processes required to conduct international trade under the agreement. Chapter 13 of the agreement provides minimum standards on transparency, while other chapters include obligations that are complementary or additional to those of Chapter 13. The PACER Plus minimum standards of transparency include three main requirements: (1) to promptly publish all existing laws, regulations, procedures, and administrative rulings related to foreign trade; (2) to publish, in advance, all proposed laws, regulations, and procedures related to foreign trade that a party is planning to adopt; and (3) to provide stakeholders with an opportunity to comment on the proposed measures (table 10).

In addition, each party is encouraged to notify the other parties of any actual or proposed measure that may have a detrimental impact on the operation of the agreement or affect another party's interests under the agreement. Chapter 13 requires a dialogue among the parties, which are requested to provide information and respond to queries related to proposed measures, both those notified and those that have not been notified. Electronic or online notifications are encouraged. Chapter 13 also specifies that the notification of a measure does not necessarily make it consistent with the agreement.

Transparency requirements are carried out through contact points. Therefore, contact points are an integral part of the transparency system. Each of the chapters shown in table 11 specifies the role that contact points play in accomplishing the minimum standards related to transparency.

Although transparency is the central concern of Chapter 13, more detailed transparency provisions are included in different chapters of the agreement. Chapter 2 provides guidelines for ensuring the notification and consultation of safeguard measures. Part of the objective of Chapter 2 is to avoid unnecessary barriers to merchandise trade. For instance, regarding "trade remedies" such as anti-dumping and countervailing measures, as well as

⁵⁹ Wolfe (2003) recognizes three generations of transparency requirements that have evolved from right-to-know requirements, to monitoring and surveillance, and to accessibility, reporting, and engagement (Ing, Cadot, and Walz 2017).

⁶⁰ See also Redden (2017).

⁶¹ The study includes 23 countries in the region, including five of the 9PICS (Kiribati, Samoa, Solomon Islands, Tonga, and Vanuatu). Australia and New Zealand are categorized in a separate group as high-income member countries of the Organisation for Economic Co-operation and Development. That group falls under the transparent region category of the typology.

Table 10.
PACER Plus transparency obligations by chapter

Chapter	Transparency objective	Minimum standards
2	To ensure notification and consultation in the use of safeguard measures	Publication (laws, regulations, procedures, and administrative rulings must be publicly accessible to interested persons); Notification and provision of information (each party shall notify the other parties of any proposed or actual measure that may affect another party's interests or affect the operation of the agreement; Upon request of another party, a party shall provide information and respond to questions related to actual or proposed measures that may affect the interests of the other party or the operation of the agreement); Communication via contact points
4	To ensure clarity, predictability, and consistency in the application of customs laws, regulations, and procedures	
5	To enhance understanding of the application of each party's sanitary and phytosanitary measures and conformity assessment procedures	
6	To promote understanding of each party's technical regulations, standards, and conformity assessment procedures	
7	To ensure consultations and publications of measures affecting trade in services	
9	To ensure exchange of information and consultations on measures that may impact investment	
13	To provide minimum standards on publication, notification, and provision of information on any matters covered by the agreement	

Source: PACER Plus Consolidated Legal Text (<https://www.mfat.govt.nz/assets/Uploads/PACER-Plus-consolidated-legal-text.pdf>).

global safeguard measures (article 7), each party must notify of its related laws, regulations, and administrative procedures (or lack thereof), as well as changes or future plans for adoption; information regarding the competent authorities that could initiate anti-dumping and countervailing investigations; and its domestic procedures to initiate and implement such procedures. Notification is to be done through contact points. Changes of existing laws or regulations and the adoption of new ones should not only be notified but also published.

It is also possible for the 9PICs to apply transitional safeguard measures (article 8) during the transition period of the agreement's implementation in order to prevent specific imports from developed countries from negatively affecting domestic industry. As part of this process, parties are required to notify, in writing and in detail via contact points, the initiation of a transitional safeguard measure; findings about potential threats; and decisions concerning the extension and/or modification of these measures. Similarly, import licensing (article 11) information must be published in a way that allows all parties to be acquainted with it before the effective date of the requirement. This also

applies to laws, regulations, and judicial decisions and administrative rulings of general application that are related to the valuation of products for custom purposes; taxes and other charges; requirements concerning imports and exports (article 13); and information about specified measures (article 14). Article 15 specifies the role of contact points for technical discussions.

Chapter 4 aims to ensure predictability, consistency, and transparency regarding customs laws, regulations, and procedures of the parties. The chapter calls for the facilitation of trade by simplifying and expediting the clearance of goods and by following international standards (article 4); through the submission of single (and if possible electronic) documents per shipment; and through customs cooperation (article 5), for example, regarding the application of systems, simplification of procedures, capacity-building, and technical assistance. Article 13 provides the specific information on inquiry points and guidelines for publication that guarantee transparency provisions of the agreement.

Chapter 5 provides comprehensive transparency provisions on sanitary and phytosanitary (SPS) measures

mirroring those included in the WTO SPS Agreement. Transparency requirements in Chapter 5 include publication obligations, notification obligations, and contact points. Publication obligations consist of the requirement to publish SPS measures that have been adopted and allow a reasonable amount of time (not less than six months) before their entry into force for exporters to adapt to them (article 8). Notification obligations relate to new SPS measures or the modification of existing ones. In the case of SPS measures not based on international standards, or when international standards do not exist, there is an obligation to publish a notice related to the proposed measure, issue a notification of the proposed new measure or modifications to existing ones, and allow other parties under the agreement to provide comments and take the comments into account. The notification obligations are related to measures that have a potential detrimental impact on trade, so trade restrictiveness is at the heart of the notification process (article 10) (Ing, Cadot, and Walz 2017). Finally, contact points should be established to facilitate distribution of requests and notifications (article 9).

Chapter 6 aims, among other aspects, to facilitate trade and ensure transparency of technical barriers to trade (TBTs). The chapter provides guidelines to the parties on how to facilitate trade through the exchange of information (article 6) as well as on how to communicate, publish (article 8), and provide contact points (article 9) that can facilitate the handling of TBTs.

Chapter 7 deals with trade in services. With reference to transparency, it aims to ensure that all measures relating to licensing and qualification requirements and related procedures and to technical standards be published promptly (through printed or electronic means); and that each party responds to all requests from other parties regarding trade in services through designated contact points (article 17).

Finally, Chapter 9 intends to regulate and encourage the flow of investment between the parties. It mandates exchange of information and consultations between the parties on any measure that may affect the operation of the chapter (article 15).

It is worth highlighting that while the WTO members of the PACER Plus have familiarity with transparency because of the need to comply with the related obligations included in the WTO agreements, the non-

WTO members of the PACER Plus may find adherence to transparency requirements more challenging.

5.2.3. The role of transparency in gender equality: A conceptual framework

The link between transparency provisions in regional trade agreements such as the PACER Plus and gender is indirect. While gender equality is not an explicit goal of transparency provisions, there are several potential channels through which those provisions may impact gender equality. Increased transparency can benefit both male and female stakeholders, but given the economic activities in which women are likely to be concentrated, as well as their gender-related constraints and vulnerabilities, women may be more affected than men. The benefits from increased transparency in trade are expected to affect women in their roles as entrepreneurs, producers, and traders involved in trade in a more direct way. Increased transparency has the potential to cause flow-on benefits to a larger number of women in different economic roles. For example, increased trade through transparency can benefit women as workers in export sectors through new employment opportunities and potentially higher wages than those in the subsistence sector, and it can benefit women in the informal sector by easing their transition to the formal economy. Both of these benefits are enabled by increased trade through a more transparent trading system.

As discussed in sections 3 and 4, women face gender-specific constraints related to transparency and trade. These include:

(1) *Women's limited access to information.* Greater transparency reduces the informational barriers to trade and may therefore be associated with trade expansion, as existing exporters will increase their volumes and other local firms will start exporting. Women, however, are likely to face more specific challenges in accessing information compared to men. One of those is low levels of literacy. Transparency can help alleviate the costs of gaining access to information, both for individual women and women's business networks and organizations, which are active in most of the 9PICS. Women's business networks may be more effective if transparency makes requirements for businesses clearer, therefore freeing the resources of these organizations to pursue other activities to advance women's economic empowerment.

(2) *Women's limited organizational and technical capacity to deal with complex trade requirements.* Women often face organizational and technical constraints in their roles as entrepreneurs, producers, and traders that impact their ability to deal with complex trade requirements and border procedures. One reason is that women are represented to a larger degree in SMEs, which tend to be more vulnerable to lack of transparency in trade than large firms (UNCTAD 2013) because, for instance, they are less able to absorb the costs associated with collecting information and complying with regulations (i.e., the marginal cost of production is higher). Moreover, SMEs led by women or having a high presence of women are less likely to have established networks to influence policy or gather market information.

(3) *Women's disproportionate presence in the informal sector, which jeopardizes access to information.* Besides their concentration in SMEs, women are more likely to operate in the informal economy. This is due in part to their need for flexible work arrangements as a consequence of their greater household responsibilities. In addition, they often lack or have limited access to resources such as land, credit, extension services, and training opportunities that could help them grow and formalize their businesses. Informal businesses lack the resources necessary to expand, the legitimacy to seek legal recourse from corruption, and a voice in the policies that affect them. Greater transparency has the potential to facilitate the formalization of trading activities because information about border procedures becomes more easily accessible, and the application of those procedures becomes more consistent and predictable. Formalization can help reduce exposure to economic risk, gender-based violence, and corruption while increasing access to resources and opportunities to take advantage of expanded trading opportunities.

(4) *Women's vulnerability to corruption, harassment, and other forms of gender-based violence.* Women face greater vulnerability to corruption, harassment, and other forms of gender-based violence, as discussed in section 3. Besides the barriers to trade in terms of extra costs and time deriving from lack of transparency, there may be other negative impacts that may directly affect women traders, such as sexual harassment and other forms of abuse. It has been widely reported that abuses by customs officers are not rare, and that officers may take advantage of women's lack or limited knowledge of charges and duties to solicit bribes, or to otherwise discriminate in the way they apply customs procedures. Lack of transparency may also

enable customs officers to apply rules and procedures incorrectly (UNCTAD 2014c, 2017). If transparency means that border procedures and trade requirements can be made simpler and more predictable, and more traders and officials are informed about them, this could increase the accountability of border officials.

(5) *Women's limited time availability.* Women in general shoulder a larger share of unpaid domestic and care work than men. According to the World Bank (2014), women spend one to three hours more than men per day doing housework, two to 10 times the amount of time than men on caregiving, and one to four hours less than men in market activities, on average, worldwide. These responsibilities contribute to women's "time poverty," which constrains their ability to pursue other economic activities and educational opportunities that might improve their incomes and well-being. These constraints are especially severe for women in rural and remote areas with poor infrastructure, as in most cases of the 9PICS (UNCTAD 2014c).

In the short term, one way to reduce the double burden resulting from women's traditional household and caregiving responsibilities is to develop procedures that are clear, information that flows fast, and mechanisms that are in place to inform stakeholders promptly about changes. Doing so would not only save time, it could also increase, and make more predictable, the time women dedicate to trading – including dealing with border procedures, complying with regulations, filling out forms, etc. Furthermore, if transparency requirements are met by making information and procedures available online, this could further ease the burden of having to travel from remote locations to file forms or access information.

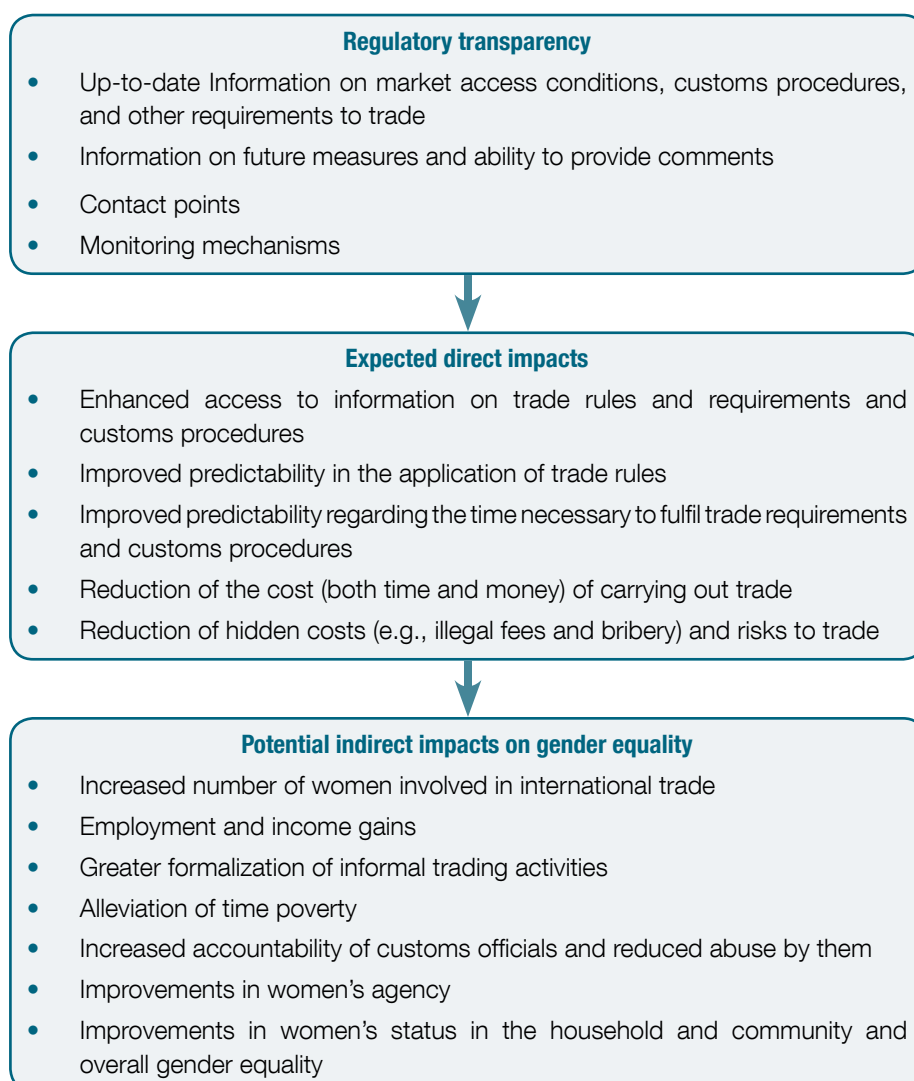
(6) *Women's concentration in sectors or products for which trade requirements are more widespread.* Trade requirements tend to be more widespread and complex in agriculture and services, the sectors where most women work. As mentioned above, agricultural products are among the top exports of the 9PICS and agriculture remains the main employer of women in some of the 9PICS (e.g., Solomon Islands and Vanuatu). Since agricultural products are subject to a wide variety of NTMs, including technical requirements as well as SPS measures, transparency may have a larger impact on the expansion of agricultural exports than on other sectors. In addition, unpredictability in customs clearance means trading perishable goods is more costly and risky, deterring women traders who lack the flexibility to deal with that risk and cost (Lejárraga and

Shepherd 2013). Women may be better positioned to take advantage of commercial export opportunities and participate in global value chains in agriculture if greater transparency lowers the information and time costs of complying with standards. Services are increasingly important for women's employment in developing countries including the 9PICs. For example, in Samoa and the Cook Islands, 88.5 per cent and 93.4 per cent of employed women work in the services sector, respectively. Transparency provisions, by reducing gender gaps in access to market information, and by increasing the predictability of licensing and qualification requirements and related

procedures, may facilitate trade in services, thereby reducing gender inequality.

Even though the link between transparency and gender equality is not straightforward, figure 10 presents an illustration of these indirect linkages. The expected benefits of increased transparency in the trading environment would help generate greater trade potential for existing traders and new trade opportunities for newcomers. This would result in indirect positive impacts on gender equality such as women's employment and income gains, reduced time poverty, and improvements in women's agency.

Figure 10.
The indirect link between regulatory transparency and gender equality



Source: UNCTAD secretariat.

This indirect relation between transparency and gender equality can be weak or strong depending on the soundness of the regulations (which might be country/community-specific), how successfully the transparency provisions are implemented, and how effectively the links unfold between transparency, enhanced trade opportunities, more time availability, raising incomes, and women's empowerment. Factors that may allow for strengthening the linkages between trade transparency and gender equality include improved computer literacy (especially related to access to information and submission of e-documents/forms), and enhanced institutional capacity (such as for customs authorities) to, for instance, understand and monitor practices, enforce the law properly, and process complaints, including those from women.

Although this study focuses on the impact of transparency on gender equality, there is a two-way relationship between transparency and gender equality (figure 11). While increased transparency in trade may reduce gender inequalities, as illustrated in figure 10, increased gender equality may also improve

the effectiveness of transparency measures through increased participation of women in the formulation, administration and monitoring of transparency provisions. Inclusive decision-making procedures and practices would make transparency provisions more effective by accounting for the interests of diverse groups of traders. Thus, measures directed towards greater participation of women's organizations and women policymakers in the formulation and implementation of transparency provisions would strengthen the transparency framework itself by making it more responsive to the needs and expectations of a large group of stakeholders.

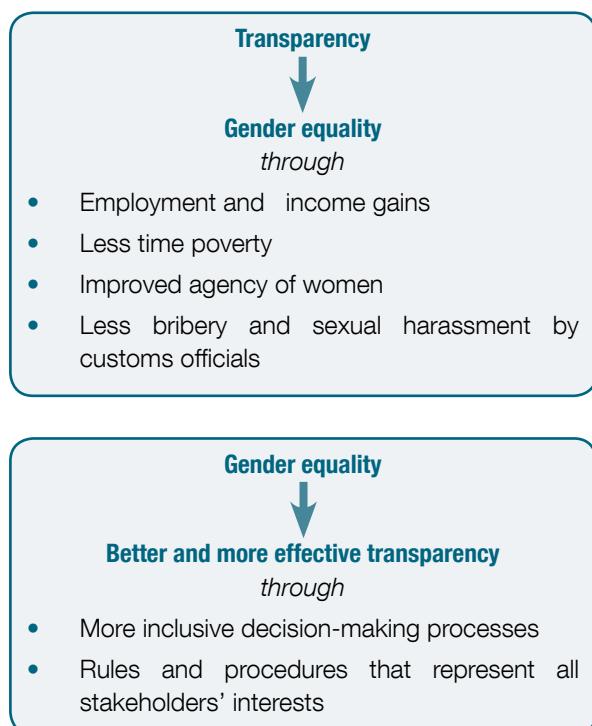
5.2.4. Regulatory transparency in the PACER Plus and its gender implications for the 9PICs

This section illustrates how the transparency provisions of the PACER Plus may have implications for gender equality and women's economic empowerment by presenting examples of trade and customs rules applied to economic sectors in the 9PICs where women play or could play a significant role. It discusses the potential for women's empowerment when those rules become transparent. The section begins with an overview of the burden related to border and documentary compliance in the 9PICs.

Border and documentary compliance in the 9PICs

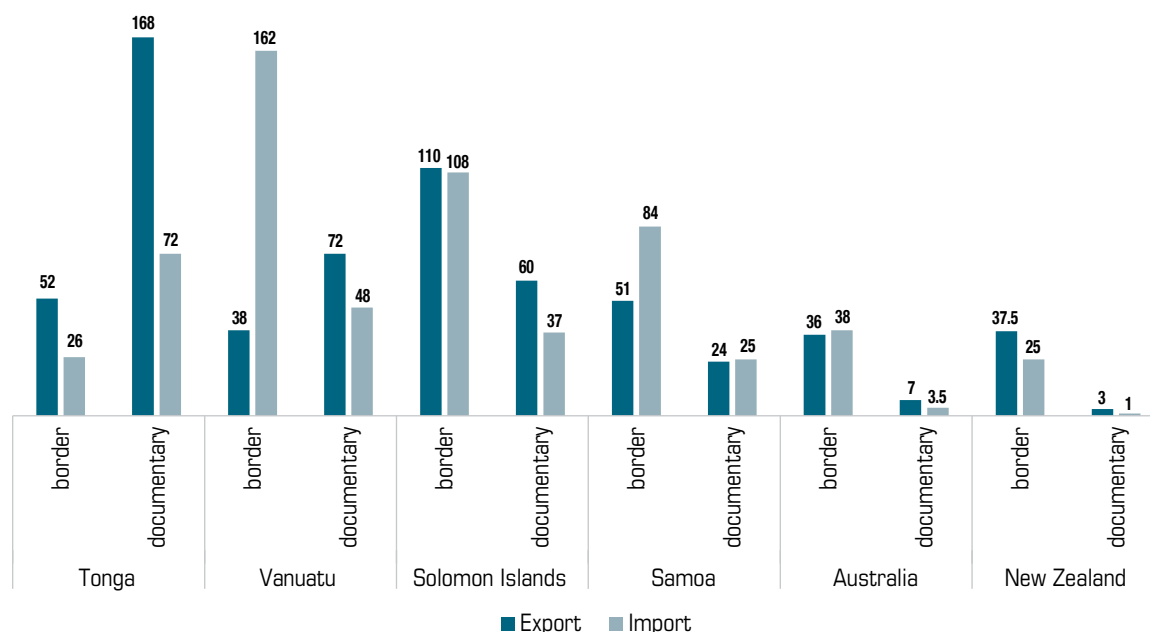
To be able to trade internationally, companies need to comply with both documentary and border provisions. Documentary compliance refers to the time and cost associated with compliance with all documentary requirements of all government agencies of the exporting, importing, and transit countries. Any piece of information that is required by a government agency is considered to be a document. The time and cost for documentary compliance include the time and cost for obtaining, preparing, processing, presenting, and submitting documents in electronic and paper forms. Border compliance refers to the time and cost associated with compliance with a country's customs regulations and with regulations relating to other mandatory inspections necessary for a good to cross the border. It also includes the time and cost for the handling that takes place at the country's port or border. An example of cost and time related to border compliance is phytosanitary inspection. Border compliance only includes the time and costs of government agencies' requirements in the country of origin of the merchandise. It does not include the time

Figure 11.
The two-way relationship between transparency and gender equality



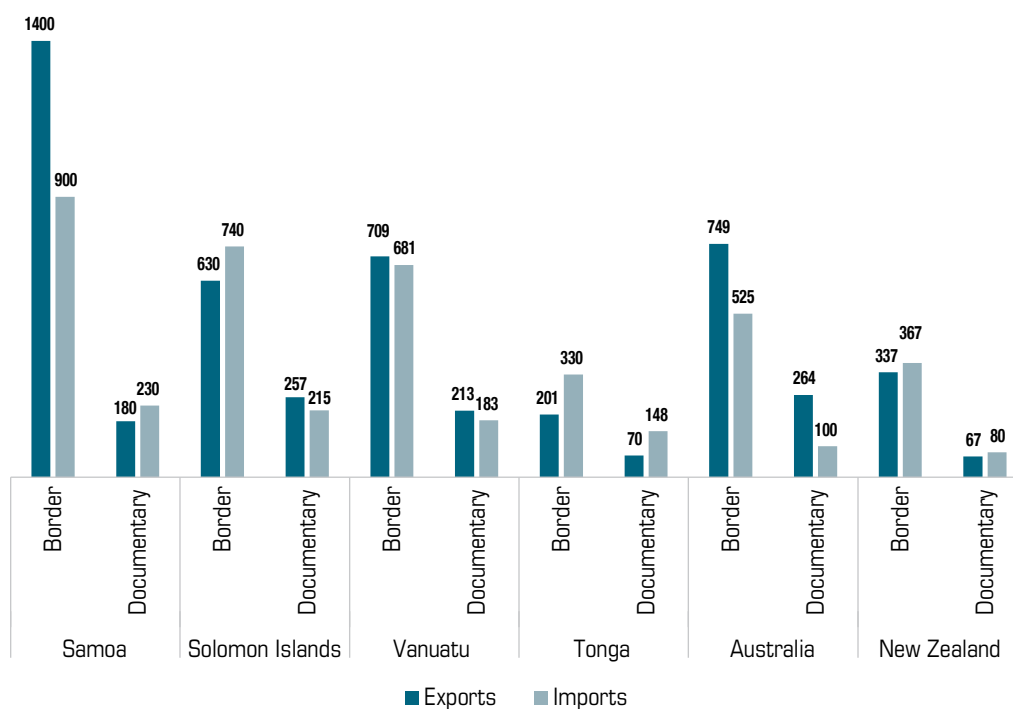
Source: UNCTAD secretariat.

Figure 12.
Time to trade, 2014–2017 (average hours for border and documentary compliance)



Source: UNCTAD calculations based on the World Bank's Doing Business Indicators database (accessed on 10 October 2018).

Figure 13.
Cost to trade, 2014–2017 (border and documentary compliance; in United States dollars)



Source: UNCTAD calculations based on the World Bank's Doing Business Indicators database (accessed on 10 October 2018).

and costs of similar procedures while the merchandise is in transit or when it is in the destination market.

Figures 12 and 13 depict the burden of obtaining, preparing, processing, presenting, and submitting documents and forms, as well as the burden of satisfying all border and customs requirements. The average number of hours to complete all required documents in the countries of origin, transit, and destination is significantly high, particularly in Tonga, Vanuatu, and Solomon Islands (figure 12). In each of these countries, the hours spent to meet export-related document requirements exceeds by far the time required to fulfil the requirements related to imports. In the case of border compliance, the average time for customs clearance and inspections procedures outpaces the time related to documentary compliance in Solomon Islands and Samoa, as well as in Vanuatu for the case of imports.

The costs of border compliance are higher than the costs of documentary compliance in all countries (figure 13). Border costs are particularly high in Samoa, Solomon Islands, and Vanuatu. In the case of Samoa and Vanuatu, borders costs related to exports are higher than those related to imports, while the opposite is true in Tonga and Solomon Islands. The cost to export in Samoa is by far the highest in the entire East Asia and Pacific region. When it comes to costs related to documentary compliance, they are

high mainly in Solomon Islands and Vanuatu in the case of exports and in Samoa and Tonga in the case of imports.

Take, for example, the case of exporters of liquid soap for personal care, a sector in which women have an active role in the Pacific Islands. In Australia, this product faces two SPS measures, 11 TBT measures, four price control measures, and three pre-shipment inspections. Additional measures apply if the product contains “new chemicals” or if it is used for therapeutic purposes. Exports into Australia of another product in which women play an active role, virgin coconut oil, require 11 SPS measures, seven TBTs, four price controls, and three pre-shipment measures. Additional measures apply if certain substances (such as vitamins or additives) are added to edible oil.⁶²

The introduction of relevant transparency commitments in international trade is important for women traders, particularly with regard to widespread and numerous NTMs, since these commitments reduce the activity necessary to collect and ensure compliance with relevant regulations and greatly benefit time- and capacity-constrained women. Transparency, therefore, can contribute to the development of women’s businesses while at the same time contributing to the improvement of women’s overall situation by alleviating time poverty and providing broader access to trade opportunities.

⁶² UNCTAD Trade Analysis Information System database and Australia’s Department of Foreign Affairs and Trade.

6. CONCLUSIONS AND RECOMMENDATIONS

This study has examined how the concept of transparency is related to international trade and has introduced the ways in which this relationship could ease some of the difficulties women face as producers, entrepreneurs, and traders in the context of international trade agreements. In short, transparency, like trade, is not likely to be gender-neutral.

The lack of transparency regarding the procedures necessary to create and develop businesses, as well the procedures to participate in international trade, tend to disproportionately affect SMEs, many of which are managed or owned by women. Besides corruption and harassment that tend to affect women traders more than their male counterparts, high costs and time demands to fulfil documentary and border compliance requirements and to meet destination-market requirements constitute additional barriers that tend to affect women more than men due to the gender gaps in access to information, ability to meet the requirements, and other gendered supply-side constraints such as lack of education, limited access to productive resources, and time poverty experienced more severely by women due to their unpaid domestic care and work burden.

The recommendations outlined below are crucial to enhancing the beneficial impact of transparency on gender equality and women's economic empowerment.

“Gender-responsive” implementation and monitoring of the PACER Plus is key to more effective policy

There is increasing awareness that economic agreements, policies, and programmes are most effective at realizing sustainable gains when the gender dimension is an integral part of their constitution. Specific to the Pacific region, the Pacific Horticultural and Agricultural Market Access Programme, Labour Migration Assistance Programme, Pacific Association of Supreme Audit Institutions, and Pacific Partnership and Pacific Financial Inclusion Programme have all undertaken activities that contain gender-specific elements.

The PACER Plus does not include gender-related provisions in its main text, but its supplementary implementation document on development and

economic cooperation calls for capacity-building in gender and trade, data collection on women in agriculture, and assistance to support the women-led garment production cottage industry. Even though the implementation document incorporates gender considerations, however, it contains no details and no specific focus on broader supply-side constraints that inhibit women's participation in trade-related activities. This implies that more targeted policies could be designed to ensure that women and men equally benefit from the PACER Plus in the implementation stage. Gender-responsive implementation of the agreement would be an opportunity to address gender in a region characterized by a persistent lack of recognition of the importance of gender equality for sustainable development due to, among other things, poor integration of gender issues in policies and strategies (Government of Vanuatu 2015).

Once the agreement enters into force, monitoring progresses on various elements – such as women's employment in export sectors, women entrepreneurs' participation in international trade, women's familiarity with customs rules and procedures, and women's awareness of requirements in PACER Plus destination markets for their products and services – could help in assessing whether the agreement is being implemented in a gender-responsive manner and whether it is contributing to overall efforts to improve Pacific women's standing in economies and societies. It is also important to monitor indicators on gender inequalities that are relevant for trade. These include access to resources such as land and credit, access to education and training, participation in trade-related capacity-building programmes, access to formal and higher-skilled/managerial jobs, and time-use patterns.

Monitoring changes in these areas would aid in assessing the extent to which women in PACER Plus member countries, and especially the developing ones, are benefitting from the agreement and how much the agreement is contributing to creating a more favourable work environment for them.

Widespread ICT access and training enhance the benefits of transparency

Improvements regarding transparency are increasingly associated with the use of information and communication technologies. The installation of

undersea fibre-optic cables in the Pacific region has increased Internet bandwidth, further leading to price decreases for Internet access (Pacific Region Infrastructure Facility 2015). However, despite improvements, connectivity and costs pose a major obstacle for widespread Internet access. The situation is more challenging for poor and marginalized women, who often have limited access to basic amenities, technology, and public services (IWDA 2016). The gender gap in access to ICT results from limited technology literacy, social norms, and time and mobility constraints that are more severely felt by women. At the same time, digital technologies have the potential to reduce gender gaps in the labour market by making work more flexible and generating new opportunities in e-commerce and online forms of work (World Bank 2017). Therefore, there is a need for initiatives such as training programmes on digital literacy and ICT use that target women and for support programmes to ease access to ICT infrastructure in order to close the gender gap in access to ICT. Changes in women's access to the Internet and in the share of women-owned business that use ICT, among other activities, could be tracked in order to monitor progress over time.

Gender-related data and statistics are critical for pertinent trade and gender policy advice

One of the key obstacles to designing and implementing gender-responsive trade policies across the 9PICs is the limited availability of sex-disaggregated data on gender and trade. This makes it difficult to carry out analysis, determine objectives and priorities, and evaluate policies and programmes with regard to trade policy. Frequently, studies use interview-based qualitative data as a basis for establishing priorities or targets, since good-quality quantitative data are available with

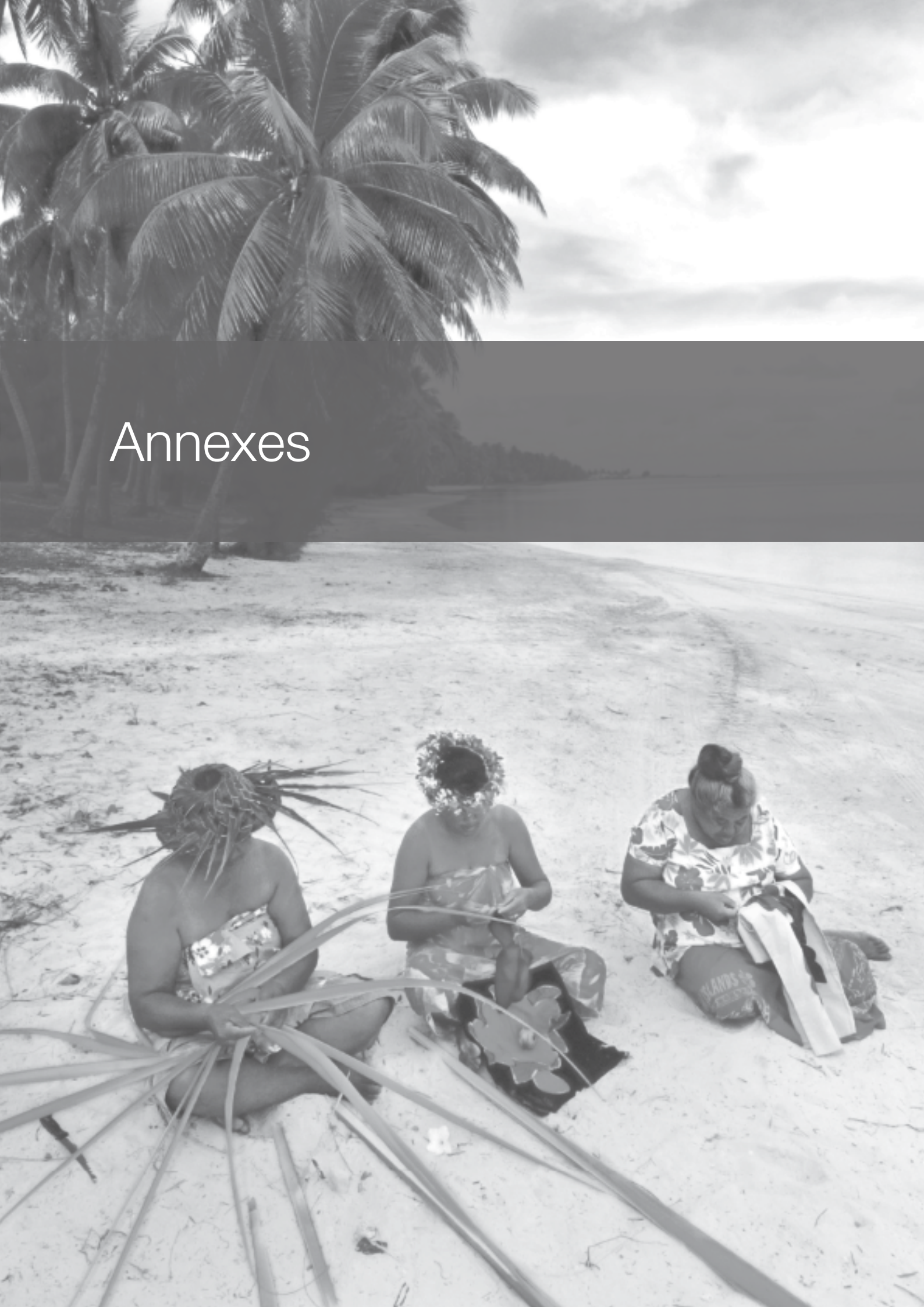
limited coverage or only for a few years. It is important to develop ways further to expand the collection of survey data on gender and trade linkages in a way that is representative of the population. The challenge is to overcome the limited capacity of the 9PICs in the collection of such disaggregated data in a systematic manner, and to link data sets (e.g., data on business and households) for better analysis of gender and trade linkages.⁶³

Women's participation in the implementation of transparency provisions is critical

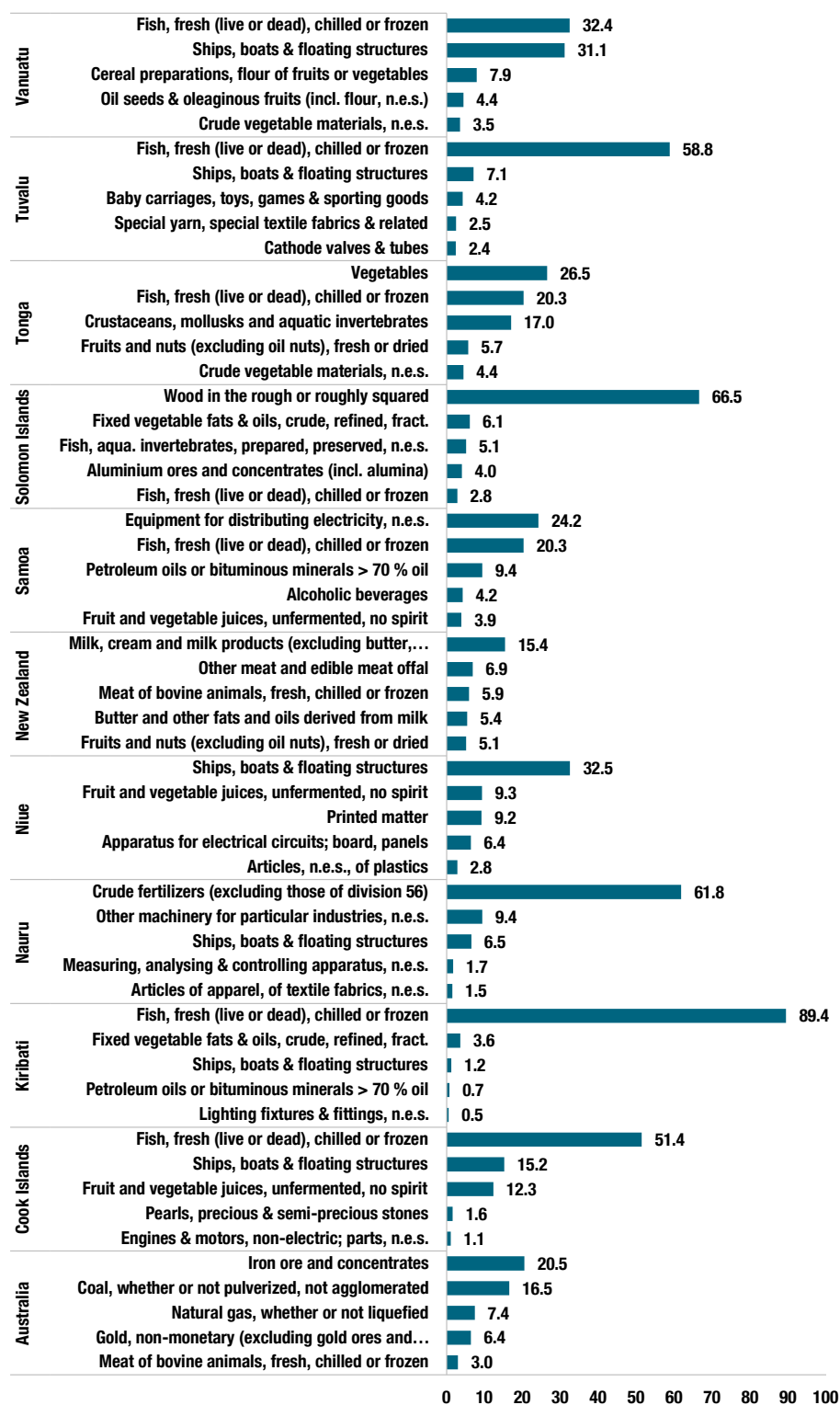
Inclusive decision-making and consultative processes are important for formulating and implementing more effective policies. While the PACER Plus specifies the “what” of transparency provisions, the “how,” or the ways in which provisions are implemented and monitored, will be left to the discretion of individual countries and organizations. As mentioned above, the PACER Plus and its transparency provisions can be implemented in a gender-sensitive manner. This could imply involving women in the functions and tasks of contact points and paying attention to the specific difficulties women traders face by setting up mechanisms for submitting enquiries and complaints. Aside from helping to ensure that women's voices are heard so that policy can be responsive to a more inclusive group of stakeholders, gender balance can provide other benefits as well. For example, groups with greater gender parity may be more innovative and effective (UNCTAD 2018a). Greater gender equality can result in more effective trade policy. In conclusion, using transparency for gender equality can have beneficial effects not only on women, but on the economy and society, by unleashing positive spillover effects.

⁶³ See UNCTAD (2018a, 2019) on the possible ways to improve data collection on gender and trade linkages.

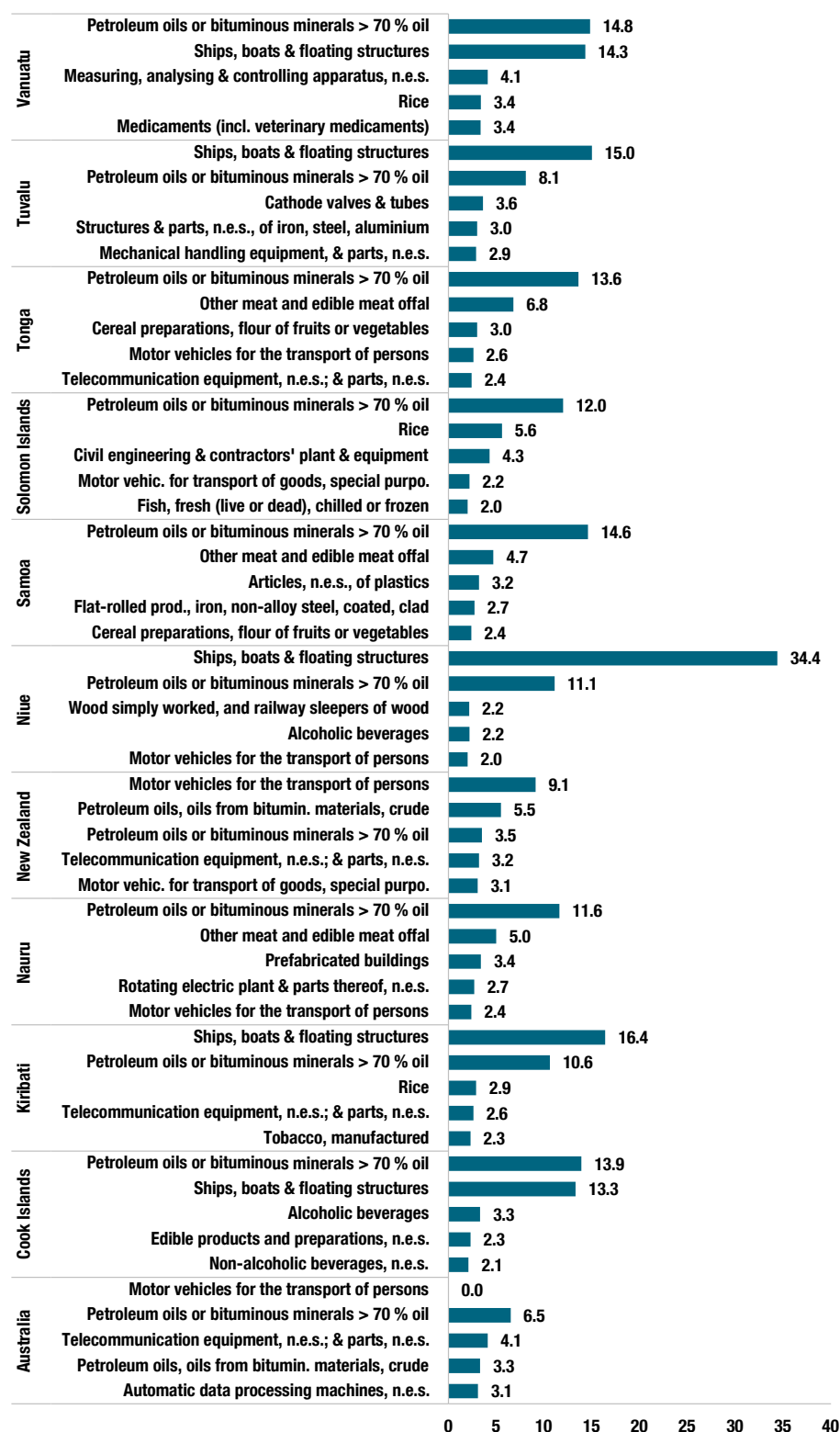
Annexes



ANNEX 1. MAIN EXPORT PRODUCTS OF PACER PLUS MEMBERS, 2015–2017 (PER CENT SHARE OF TOTAL EXPORTS)

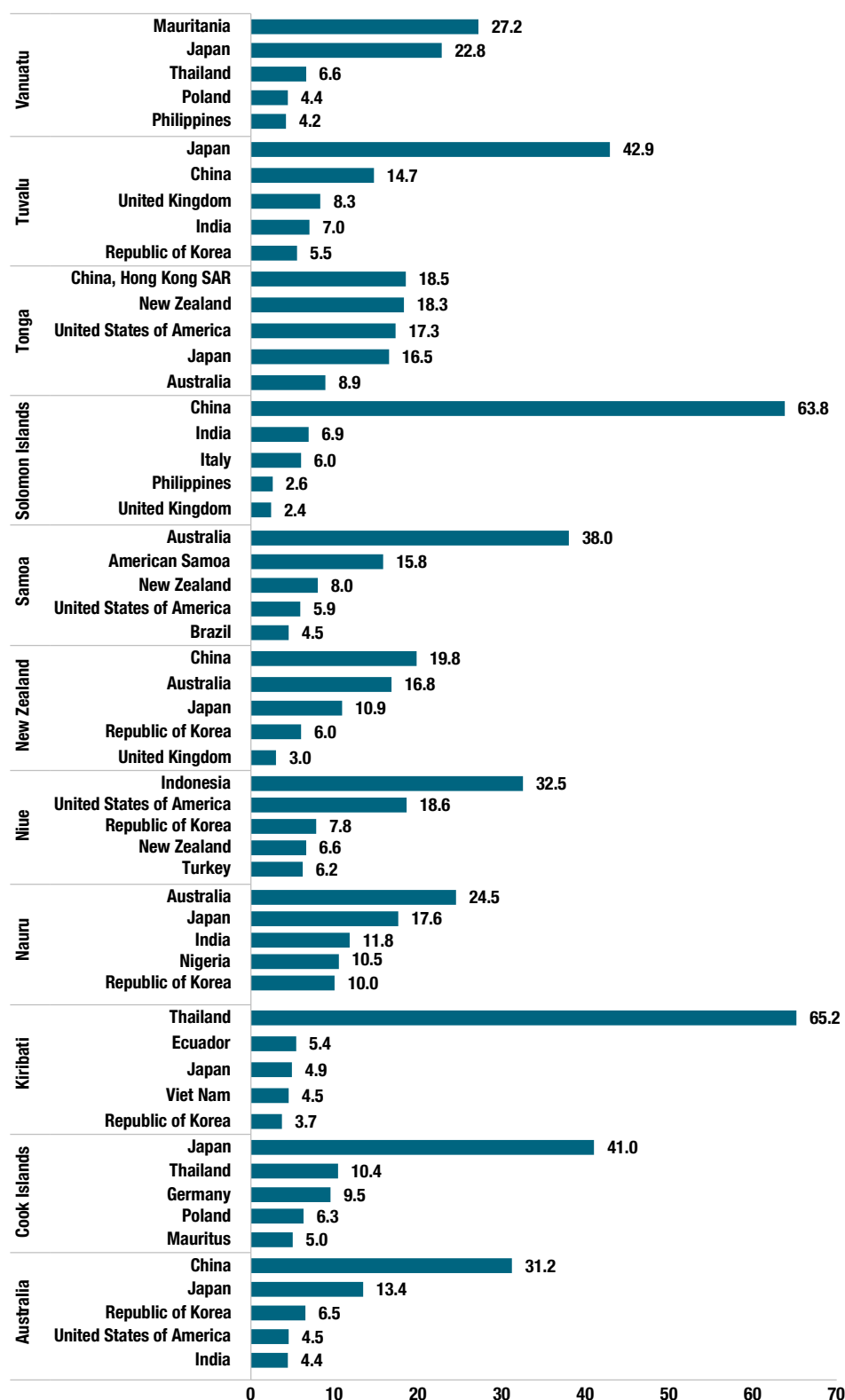


Source: UNCTAD calculations based on the UNCTADstat database (accessed on 2 April 2019).

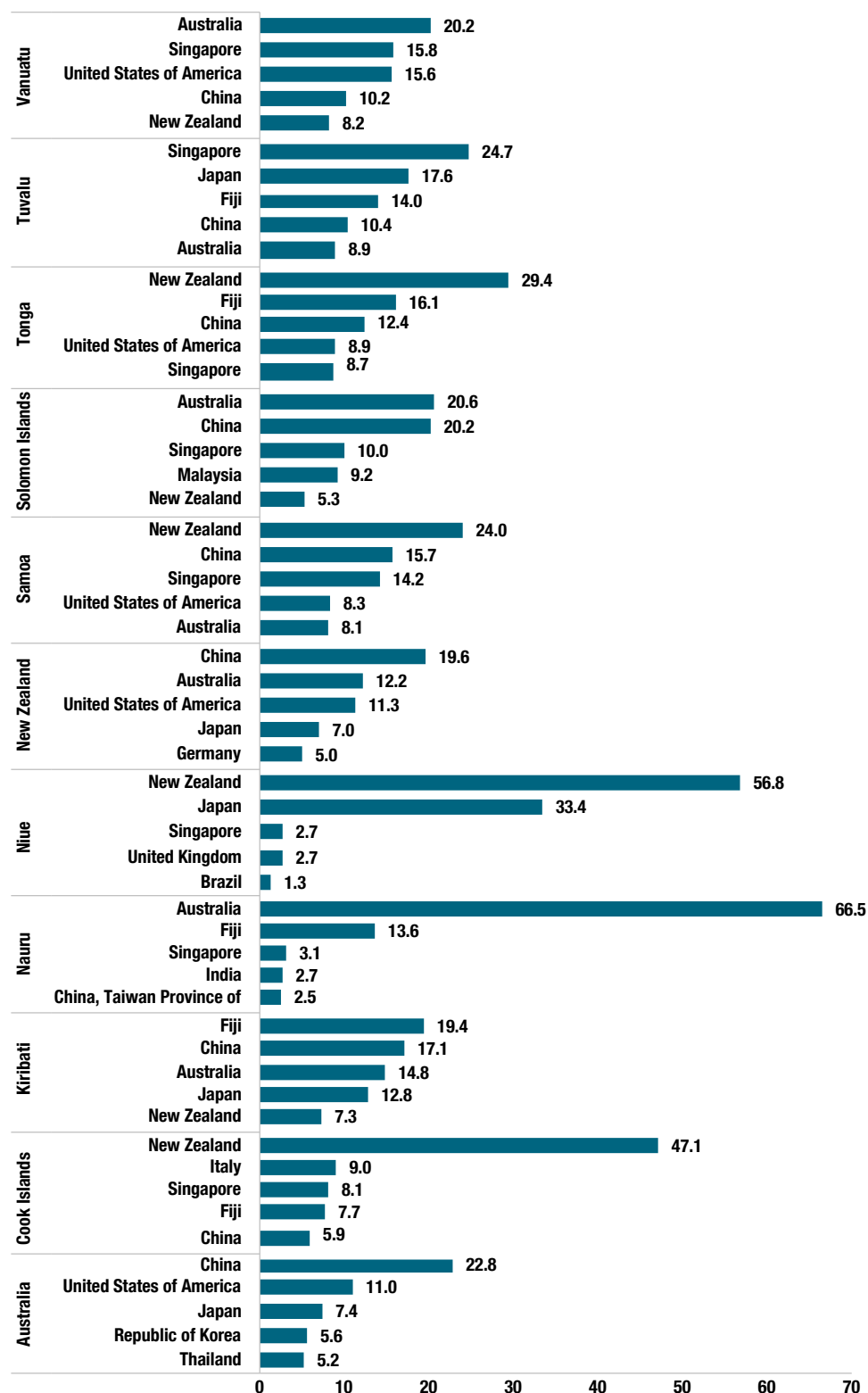
**ANNEX 2. MAIN IMPORT PRODUCTS OF PACER PLUS MEMBERS, 2015–2017
(PER CENT SHARE OF TOTAL IMPORTS)**

Source: UNCTAD calculations based on the UNCTADstat database (accessed on 3 April 2019).

ANNEX 3. MAIN EXPORT PARTNERS OF PACER PLUS MEMBERS, 2015–2017 (PER CENT SHARE OF TOTAL EXPORTS)



Source: UNCTAD calculations based on the UNCTADstat database (accessed on 2 April 2019).

**ANNEX 4. MAIN IMPORT PARTNERS OF PACER PLUS MEMBERS, 2015–2017
(PER CENT SHARE IN TOTAL IMPORTS)**

Source: UNCTAD calculations based on the UNCTADstat database (accessed on 3 April 2019).

ANNEX 5. COUNTRY-LEVEL LEGISLATION ON GENDER EQUALITY ISSUES

The Cook Islands

The Constitution of the Cook Islands acknowledges that all people have fundamental rights and freedoms, including the right to equality before the law and freedom from discrimination based on sex.

Article 64 (1) prohibits discrimination by reason of *race, national origin, colour, religion, opinion, belief, or sex* with respect to the exercise of fundamental human rights and freedoms, including the right to equality before the law and the protection of the law, and the right of the individual to own property and not to be deprived of it.

The *Employment Relations Act 2012* prohibits discrimination on the basis of gender or sexual preference in both public and private employment. In addition, the *Workplace Gender Equality Act 2012* promotes gender equality in the workplace and grants maternity provisions.

The government of the Cook Islands established the *National Policy on Gender Equality and Women's Empowerment and Strategic Plan of Action 2011–2016*, which prioritized the following areas:

- Gender-responsive government programmes and policies
- Equitable participation of women and men in decision-making and governance systems
- Enabling an environment for the full participation of women in economic development
- Improved capacity of women to contribute to climate change adaptation and disaster risk reduction strategies
- Improved capacity of women to address health issues
- Elimination of violence against women

The *Cook Islands Country Plan (2013–2015)* outlined the following as the most pressing issues facing women:

- Low participation of women in decision-making and leadership

- Unequal access to productive and economic resources
- Violence against women
- Recurrent health issues
- Specific challenges for women living in the outer islands
- Lack of capacity within Cooks Islands' women's machinery,⁶⁴ with personnel facing technical capacity challenges and multiple demands on their time
- Failure to mainstream gender equality across government programmes

Further, the *Cook Islands National Sustainable Development Plan 2007–2010* outlines the goal of integrating gender equality policies into government strategies.

The Cook Islands acceded to the CEDAW in 2006, last reporting in 2017 (Government of the Cook Islands 2017). In 2017, the Cook Islands Parliament also enacted the *Family Protection and Support Act*, which enables no-fault divorce and establishes measures to protect families and children from domestic violence.

The Gender Division of the Ministry of Internal Affairs of the Cook Islands is responsible for overseeing the implementation of gender policy and the CEDAW.

Kiribati

Despite Article 15 of the Constitution of Kiribati prohibiting discrimination, neither sex nor gender is explicitly specified as a basis for which discrimination is prohibited. This implies that the constitutionality of laws and public actions discriminating on the grounds of sex or gender is ambiguous.

The *Kiribati Strategic Action Plan (2011–2021)* sets out five areas to pursue to achieve the goal of eliminating of sexual and gender-based violence:

- Develop national leadership and commitments to eliminate sexual and gender-based violence
- Strengthen legal frameworks, law enforcement, and the justice system

⁶⁴ "Women's machinery" refers to formal government structures assigned to promote gender equality and/or improve women's status and rights in the society.

- Build institutional and community capacity
- Strengthen and improve preventive, protective, social, and support services
- Eliminate and prevent sexual and gender-based violence through civic engagement and advocacy

The action plan also outlines the following priority issues:

- Address the high rate of violence experienced by girls, women, and children
- Review laws that are related to violence against women to ascertain which areas of the law need improvement
- Address the lack of availability of support services, particularly in the outer islands
- Expand and strengthen formal support services with trained professional staff throughout the country, including the outer islands, to enable women to safely disclose their experiences of violence and receive the requisite support and care

In 2008, an amendment to the *Employment Act* was passed prohibiting direct and indirect discrimination in employment based on sex and ensuring equal pay for equal work. The *Family Safety Act 2013* criminalizes domestic violence and establishes a victim protection system. The *Kiribati Family Peace Act 2014* outlines measures to address domestic violence, support victims, and hold offenders accountable.

Kiribati acceded to the CEDAW in 2004 but has not yet submitted a report.

Nauru

The Constitution of Nauru acknowledges that all people have fundamental rights and freedoms, regardless of sex, but does not contain specific equality or non-discrimination provisions. The *Public Service Act* grants some protections to women working in the public sector.

The *2014 Nauru National Women's Policy* identifies six goals to be addressed by national policy:

- Heightened participation of women in decision-making and leadership in government and state-owned enterprises
- Elimination of all forms of violence against women
- Improved economic status of women, including workplace equality with men

- Improved women's health services (including reproductive health and rights)
- Improved and equitable participation at all levels of education for girls and women
- A strengthened Women's Affairs Department and improved capacity of government departments to mainstream gender equality programmes

In 2016, reform of the *Crimes Act* broadened the definition of rape and criminalized marital rape. The *2016 Child Protection Policy* and the *2017 Domestic Violence and Family Protection Act* provide legal protection and services for survivors of violence, with the latter establishing a safety and protection order system.

Nauru acceded to the CEDAW in 2011, first reporting in 2016 (Government of Nauru 2016). The Women's Affairs Department of Nauru is responsible for overseeing implementation of gender policy and the CEDAW, and has the overall goal "to advance and improve the quality of women's lives in Nauru." Nauru is in the process of updating its *National Action Plan for Women (2004–2015)*.

Niue

The Constitution of Niue does not contain equality or non-discrimination provisions. Further, there are no women-specific labour provisions for the private sector and there is no law specifically addressing domestic violence. Due to its free association with New Zealand, Niue acceded to the CEDAW through New Zealand's ratification in 1985. Niue has not ratified the CEDAW and has yet to report to the committee.

Samoa

The Constitution of Samoa acknowledges that all people have fundamental rights and freedoms, including the right to equality before the law and freedom from discrimination based on sex (Article 15.2). A 2013 amendment to the Constitution of Samoa, enshrined in Article 44.1A, provides a quota system requiring women to hold a minimum of 10 per cent of parliament seats.

The Strategy for the Development of Samoa 2016–2020 commits the government to "improve quality of life for all" and has led the government to prioritize the mainstreaming of gender, children, youth, and disability in policy development. *The Samoa National Policy for*

Gender Equality 2016–2021 outlines the following priority outcomes:

- Safe families and communities, including ending violence against women and children
- Healthy women and girls
- Equal economic opportunities for women
- Increased participation of women in public leadership and decision-making
- Increased access to education and a gender-sensitive education curriculum
- Enhanced gender-equality approaches to community resilience and disaster preparedness
- Enhanced institutional mechanisms for the promotion of gender equality

Further, the *Labour and Employment Relations Act 2013* prohibits sex discrimination and sexual harassment in employment and provides for equal pay and maternity leave. The *Divorce and Matrimonial Causes Act 2010* grants provisions to victims of domestic violence seeking divorce. The *Family Safety Act 2013* and *Crimes Act 2013* aim to reduce instances of domestic violence and sexual assault.

The Ministry of Women, Community and Social Development is responsible for overseeing the implementation of gender policies and programmes as well as the CEDAW. Samoa acceded to the CEDAW in 1992, last reporting in 2017 (Government of Samoa 2017).

Solomon Islands

Article 3 of the Constitution of Solomon Islands acknowledges that all people have fundamental rights and freedoms, while a non-discrimination provision that includes sex as a basis is outlined by Article 15.

The *Solomon Islands Gender Equality and Women's Development Policy (2016–2020)* identifies seven priority outcomes:

- More gender-responsive government programmes and services
- Improved economic status of women
- Equal participation of women and men at all levels of decision-making, governance, and leadership
- Increased prevention and effective response to violence against women and girls

- Increased awareness and acknowledgement of the role of women in peace and security
- Increased access to education and providing a supportive school environment
- Improved access for women's right to sexual and reproductive health

The *Solomon Islands Gender Equality and Women's Development Policy (2016–2020)* is aligned with the country's *National Development Strategy (2016–2035)* and builds on the previous *Gender Equality and Women's Development Policy (2010–2013)* and *Eliminating Violence against Women Policy*. The *Women, Peace and Security National Action Plan (2017–2021)* acknowledges the role of women in peacebuilding and the importance of female representation in decision-making processes. Solomon Islands was the first PIC to pass such legislation.

The *Political Parties Integrity Act 2014* requires each party to field a minimum of 10 per cent female candidates and grants financial provisions to those parties with women holding parliamentary seats. The *Family Protection Act 2014* criminalizes domestic violence, and reforms to the *Penal Code* in 2016 criminalize marital rape, trafficking, and exploitation. Solomon Islands acceded to the CEDAW in 2002, first reporting in 2013 (Government of Solomon Islands 2013).

Tonga

The Constitution of Tonga, under Article 4, provides for the equality of all classes of people but does not contain a specific clause on non-discrimination on the basis of sex. The Constitution and the *Land Act 1988* regulate land rights. The laws of succession, under Article 111 of the Constitution, favour males. Therefore, women will only inherit land in the absence of male heirs. Article 113 of the Constitution grants a widow rights "to succeed to her deceased husband's tax and town allotment."

Tonga adopted a *National Gender and Development Policy* in 2001, and the policy was revised in 2014. The revised national policy identifies six priority issues to be addressed:

- Family and social issues
- Unequal access to employment and productive assets
- Unequal political representation and participation in decision-making

- Different vulnerability, roles, and capacity to respond to disasters and
- environmental and climate change not properly acknowledged by national strategies
- Vulnerable women
- The weak enabling environment for gender mainstreaming

Tonga has not signed or acceded to the CEDAW.

Tuvalu

The Constitution of Tuvalu grants special recognition to Tuvaluan values, culture, and tradition. As a result, Tuvaluan customary law can discriminate against women when non-discriminatory and equality principles conflict with the specially recognized traditional values. This is the case in areas of land, inheritance, and decision-making (Pacific Islands Forum Secretariat 2016).

A constitutional review is currently under way, including a proposal to include gender and disability as grounds for non-discrimination. The government of Tuvalu believes that adding gender and disability in the revised Constitution is consistent with Tuvalu's obligations under international human rights conventions (including the CEDAW, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities) (United Nations Human Rights Council, undated). The *Tuvalu Human Rights Action Plan 2016–2020* includes a commitment to cover gender in the non-discrimination clause.

The *Tuvalu National Gender Policy (2014–2019)* has identified the following outcomes as priorities:

- Increase capacity within all sectors of government to address key issues of concern in achieving gender equality and women's empowerment within each sector
- Reflect government commitments to gender equality and women's empowerment in legislation

and in sector policies affecting government and civil society

- Create an enabling environment for the full participation of women in economic development
- Take measures to ensure women's and men's equal access to and full participation in decision-making as a means of enhancing leadership and governance at all levels
- Eliminate all forms of violence against women

Tuvalu acceded to the CEDAW in 1999, last reporting in 2012 (Government of Tuvalu 2012). The Department of Women Affairs is responsible for overseeing the implementation of gender policy and the CEDAW.

Vanuatu

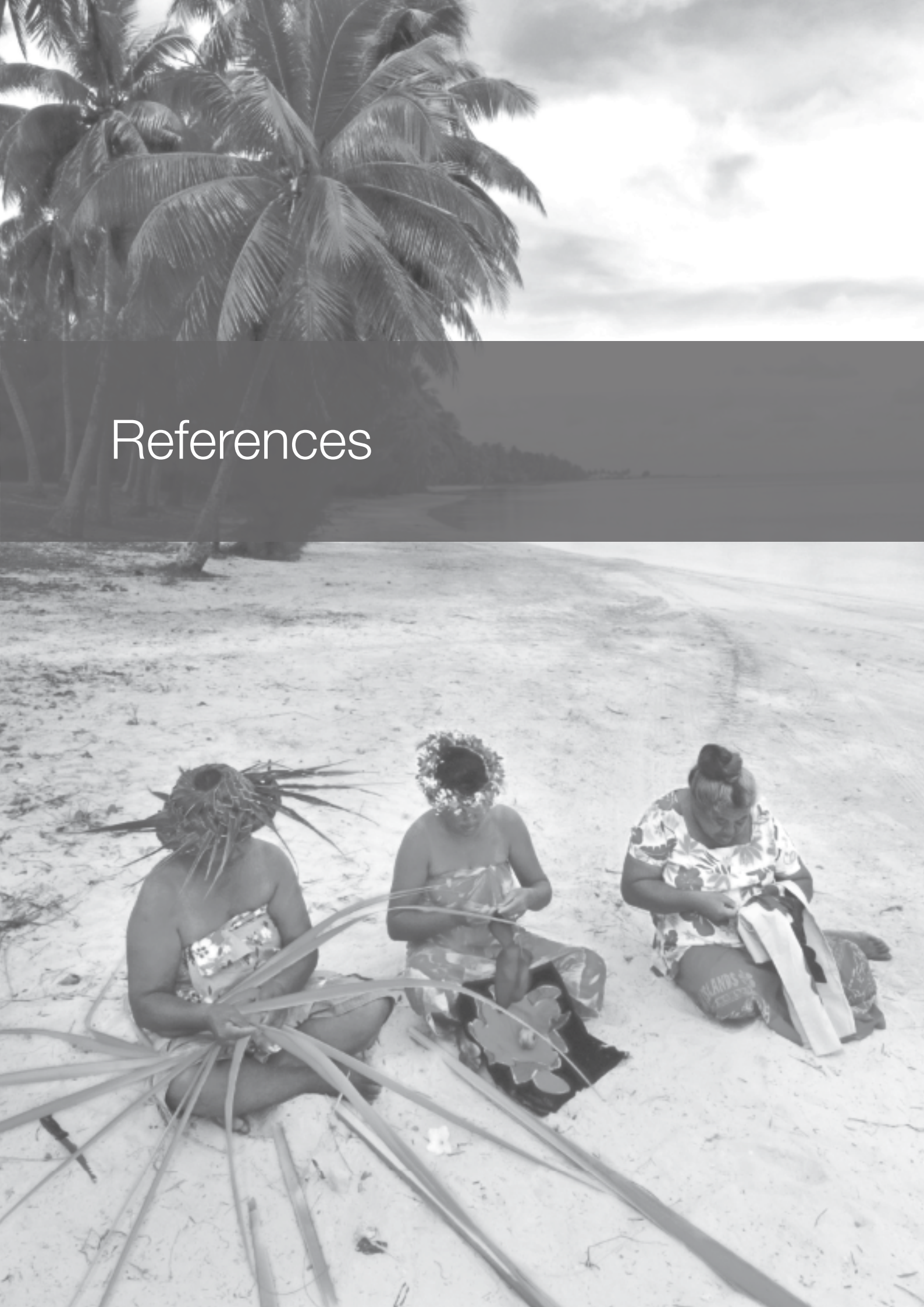
The Constitution of Vanuatu under Article 5 acknowledges that all people have fundamental rights and freedoms, including the right to equality before the law and freedom from discrimination based on sex.

Vanuatu's *National Gender Equality Policy 2015–2019* has identified the following outcomes as priorities:

- Reducing domestic and gender-based violence
- Enhancing women's economic empowerment
- Promoting women's leadership and equal political participation
- Building a foundation for gender mainstreaming

The policy builds on previous national policy initiatives and is informed by extensive background research and consultation, including the 2006 National Women's Forum; the *National Plan of Action for Women 2007–2011*; the gender mapping and associated stakeholder consultations (2013); policy development consultations undertaken in Torba, Sanma, Penama, Malampa, Shefa, and Tafea provinces (2012–2013); and the 2015 national and provincial policy validation.

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