

Trade negotiation dialogue and capacity building: applying the PXA Framework

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Abstract

The increasing trend of the inclusion of gender equality and women's economic empowerment concerns in the negotiation of trade agreements creates a need to strengthen informed dialogue between the public and private sectors. Trade negotiators are often not aware of the specific barriers faced by women in their various economic roles, and as a result, face a challenge in promoting provisions that will successfully address these barriers. At the same time, the private sector is often not equipped to communicate its needs to a policy audience and identify the ways in which it can inform the negotiation processes with its information and experience. This gap can be bridged with the help of an institutionalized and structured dialogue between public and private, and international organizations can provide the required institutional and structural support. The public-private coordination and exchange can also help countries – particularly developing countries – overcome the capacity gap in trade negotiations as they can benefit from the inputs coming from the private sector and experts.

In this chapter, the authors propose a first-of-its-kind framework that can be employed to foster public-private dialogue in the context of integrating gender considerations in the negotiation and implementation of trade agreements. This new methodology, known as the PXA Framework, calls for a facilitated workshop divided into three phases: (i) progress and problems; (ii) eXperience; and (iii) application. Each phase of the framework has a dedicated focus area, aim and a set of strategies to engage and foster exchange between both trade negotiators and private sector representatives.

Introduction

The increasing trend of the inclusion of gender equality and women's economic empowerment concerns in the negotiation of trade agreements creates a need to strengthen informed dialogue between the public and private sectors. Engagement of private sector is crucial to ensure that trade negotiations lead to inclusive, as well as informed trade agreements, and this claim is based on a number of reasons. First, the existing literature has already discussed how the private sector can play a significant role in drafting international norms through negotiated trade agreements (Callista, 2018). Second, private industries and companies are generally the key beneficiaries and potential victims of international trade policies, and hence some form of public-private coordination in the conduct of trade negotiations is embedded in the very nature of such agreements (Je, 2018). Third, trade negotiators are often not aware of

the specific barriers faced by women in their various economic roles and as a result, face a challenge in identifying or negotiating provisions that can successfully address the barriers that women face. Fourth, the private sector has crucial information, evidence and experience that can inform trade negotiations, but they often are not equipped to communicate their needs to a policy audience and identify ways in which they can inform the negotiation processes.

For these reasons and beyond, efforts are needed to create a channel of communication between public and private stakeholders before, during and post negotiations. This gap can be bridged with the help of an institutionalized and structured dialogue between public and private, and international organizations can provide this institutional and structural support. This mechanism can also help countries – particularly developing countries – overcome the capacity gap in trade negotiations as they can benefit from the inputs coming from the private sector and from the expert intervention of international organizations.

A trade negotiation consultation mechanism between the government and private sector can be referred to as a “public–private consultation arrangement”. One report notes with respect to trade negotiations that with this arrangement in place, “the private sector will have clear mechanisms to convey their views (based on their knowledge, practices and experiences) to government negotiators, who can then receive timely information and inputs from the private sector needed for successful FTA negotiations” (Callista, 2018). This mechanism can keep private sector sufficiently informed, supplement the government’s negotiation capacity and resources with privately owned resources and information, and ensure that the negotiation process is well-informed and inclusive in nature.

To make these negotiations even more inclusive and comprehensively informed, governments can also engage non-business stakeholders in this process (Petersmann, 2015). This engagement can enhance a country’s negotiating capacity as non-governmental organizations, academics, think tanks and research centres can gather, disseminate and analyse the information and evidence required in trade negotiations. However, many scholars have observed that the plurality of this engagement could hamper or otherwise slow down the processes of decision- and policymaking at international fronts (Hannah *et al.*, 2017; Nichols, 2014). Hence, the authors in this chapter seek to propose a structured consultation framework designed to foster interaction and exchange between trade negotiators and business stakeholders, balancing the need for trade negotiators to understand and be able to represent the concerns of their private sector within limited available time and resources.

In this chapter, the authors propose a first-of-its-kind framework that can be employed to foster public–private dialogue in the context of integrating gender considerations in the negotiation and implementation of trade agreements. This new methodology, entitled the PXA Framework,

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calls for a facilitated workshop divided into three phases: (i) progress and problems; (ii) eXperience; and (iii) application. Each phase of the framework has a dedicated focus area, aim and a set of strategies to engage and foster exchange between both trade negotiators and private-sector representatives. The methodology embeds capacity building at every phase to ensure a base level of understanding and the introduction of new evidence where appropriate, enhancing the level of dialogue and helping address the previously mentioned capacity gap in trade negotiations.

The focus in the first phase (progress and problems) is on identifying the problems and challenges negotiators face in trade negotiations and business stakeholders face in accessing market opportunities, together with a discussion on tracking the past progress in these respects. The focus in the second phase (experience) is on exchanging the industry, regional and global practice experience between the industry and negotiators, in line with their concerns and challenges regarding the ongoing negotiations. The focus in the third phase (application) is on assessing how the experience (discussed in the second phase) can be applied to overcome the problems and challenges (discussed in the first phase). This stage of application helps the facilitator define the path ahead by identifying the most suitable practice examples, concrete action points and key lessons learned, which can then practically inform the ongoing negotiations. The first iteration of these phases is conducted with private-sector representatives while the second iteration mirrors these steps for the negotiators, informed by industry experience. The intended output is a set of concrete recommendations that can be considered for negotiations of trade agreements and their supplementary instruments including a protocol.

This methodology is inspired by and is built on a review of the available methodologies relating to trade and gender, including the EU Sustainability Impact Assessment and Canada's Gender-Based Analysis+, which provides a rigorous method for the assessment of systemic inequalities of trade policies and agreements.

Public–private partnership for international trade negotiations: the conceptual underpinnings

A public–private consultation framework for international trade negotiations is a win-win arrangement for both government and businesses. For business stakeholders, a commercial entity that wants to protect or expand its market access interests has reasons to provide its government with the relevant resources (such as information, evidence, finances and even legal or subject-matter expertise) required for the removal of trade barriers and expansion of market access. The privately owned resources can be utilized by the government to carry out the research work to understand the markets and their needs, and accordingly inform the negotiation of their trade policy instruments. In this manner, the constitutional authority of a government to negotiate trade agreements (which are state-to-state treaties) can be indirectly invoked by private industry. The arrangement, therefore, provides industries with an indirect route to access international trade negotiations (Bahri, 2018).

In general terms, a public–private dialogue or exchange refers to an arrangement or understanding between the public and private sectors, where both sectors interact and invest their unique resources to achieve a mutually beneficial goal and both sides share the risks and rewards from the partnership or understanding. In the context of trade negotiations, this

arrangement can refer to the synergy of resources between a government and industry during the conduct of negotiations for a trade agreement or an associated policy instrument.

At stake, during this arrangement, are the respective national and exporting interests of a government and an industry, and both sectors are mutually dependent on each other's resources for the protection of their respective interests. Their distinct, yet overlapping, interests can be protected with the reciprocal exchange of resources through an effective partnership arrangement between them (Bahri, 2018). Kooiman (1993) observes that "[n]o single actor, public or private, has all the knowledge and information required to solve complex, dynamic and diversified problems". It is therefore important that the governments and industries function in a complementary manner even during trade negotiations which are in fact complex, dynamic and diversified in nature.

This exchange of resources is even more vital for the resource-constrained governments of developing and least-developed countries. Powell (1991) explains the rationale behind the envisaged relationship in the following statement: "A basic assumption of network relationships is that one party is dependent on resources controlled by another, and that there are gains to be had by the pooling of resources". On the basis of this rationale, the primary objective of the proposed public-private dialogue is to mainly enable the developing country governments to mobilize resources in a cost-effective manner, and thereby strengthen their capacities to engage in trade negotiations with developing or developed country partners.

Methodology employed

The authors have employed multiple research methods for over two years to prepare this framework in its current form. The research commenced with an in-depth review of the literature on trade and gender, gender and development, and feminist economics to gain a conceptual understanding.¹ Together with the literature review, a review of selected free trade agreements (FTAs) was also carried out to understand the ways in which gender considerations have been included in the FTAs so far. Thereafter, the authors employed an empirical approach to gather practical insights. This entailed group discussions, conference participation and semi-structured interviews at various locations with trade negotiators, policymakers, gender studies scholars and international diplomats. Subsequently, the authors carried out a more in-depth content analysis of all FTAs currently in force to understand the nature, scope and strategies employed to include different kinds of gender provisions in FTAs. This then led the authors to understand where we stand in respect of regional as well as global practices of gender mainstreaming in current trade agreements.

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Box 1: Pilot consultations: Nairobi workshop, June 2022

The pilot of the Framework's preliminary version was held jointly with the African Continental Free Trade Area (AfCFTA) Secretariat and convened selected negotiators and public and private sector representatives from Kenya and the East African region during a three-day workshop in Nairobi in June 2022 to jointly engage in consultations on the AfCFTA Protocol on Women and Youth in Trade. The authors facilitated this workshop and tested this framework with the help of presentations, group discussions, questionnaires, polls and other activities.

Subsequently, the authors carried out a review of the already available methodologies supporting the integration of gender considerations in trade policy. These included the following: the EU Sustainability Impact Assessment, Canada's Gender-Based Analysis+ and the Mexican Cuarto Adjunto ("Room Next Door") approach. This review of the existing methodologies provides a good understanding of how existing trade negotiations and their impact assessments are conducted with an appropriate gender lens or focus on promoting women's empowerment. It explores the role, if any, that private stakeholders can play in these trade negotiations, and how can they work with trade negotiators to provide inputs for ongoing negotiations. Apart from the Mexican approach, existing frameworks do not specifically create a framework for public–private dialogue during trade negotiations. PXA, therefore, applies the strengths of existing methodologies to a new approach to gender and trade analysis in the context of a public–private dialogue framework that uniquely integrates capacity building.

In order to test the proposed approach, the authors ran a pilot of the Framework's preliminary version jointly with the African Continental Free Trade Area (AfCFTA) Secretariat, convening public and private sector representatives from the East African region on AfCFTA Protocol on Women and Youth in Trade (see Box 1). The Framework was also presented during a dedicated sessions at the WTO Public Forum 2022 and benefited from feedback from experts. Methodological triangulation was used to ensure the comprehensiveness and credibility of the research that led to the creation of this framework (Olsen, 2004).

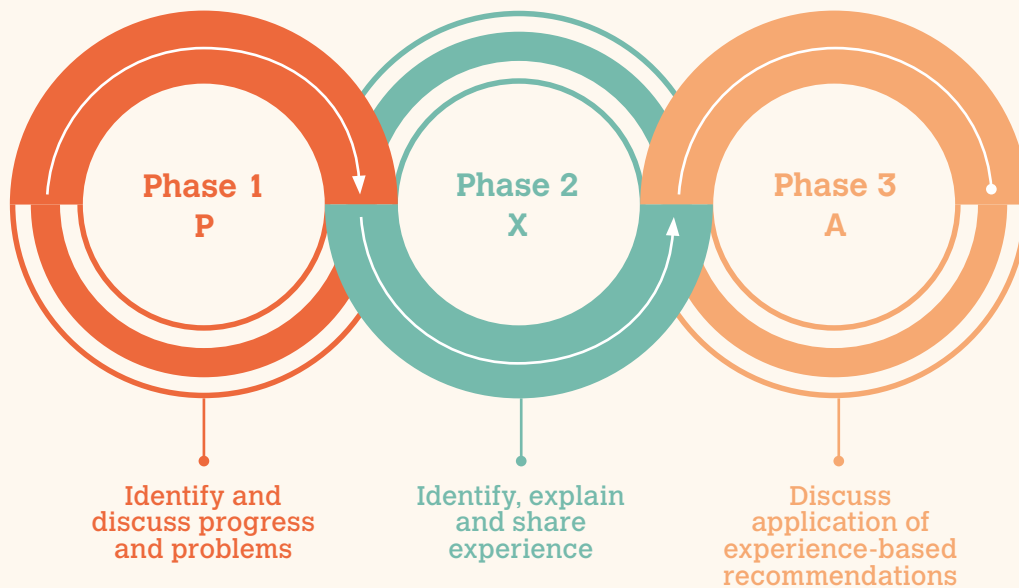
Proposing the PXA Framework: the nuts and bolts**The PXA Framework**

Every consultation or capacity-building workshop for ongoing trade negotiations involves discussion on a range of issues that fall within the scope of that particular trade agreement or policy. These matters could range from market access, liberalization, dispute settlement to concerns relating to rule of law, social development or social justice. This makes the nature of such consultations quite complex, and this complexity increases when such consultation sessions are organized for a diverse range of audiences such as trade negotiators and industry officials. This is mainly because public and private stakeholders have different ambitions and interests, and varied approaches and understanding to deal with the matters that they are required to engage in.

For example, when it comes to discussions on adding obligations to reduce gender inequality in trade agreements, the negotiators' idea of fostering gender equality may not fully align with the actual needs of women on the ground and the precise barriers they face in their respective jurisdictions. This may especially be the case if the negotiators have no or inefficient means of exchange with the private sector or women that engage in trade (as entrepreneurs, employees or consumers). This may also depend on the level of organization of these women as well as the level of interaction among government institutions responsible for trade, gender and small and medium-sized enterprise, among others. Finally, the capacity of both the public and private sector officials to understand and communicate the relevant issues may present an additional barrier. This disconnect can be addressed if these stakeholders are able to engage in well-structured and streamlined consultations keeping a common goal in mind. Consultation sessions or capacity-building sessions directed to the negotiation of trade policy instruments including protocols such as the AfCFTA Protocol on Women and Youth in Trade need to have a specific structure that can allow its participants to maximize the results by effectively engaging different stakeholders in the negotiating process.

To achieve this, the authors have carried out a detailed assessment of the existing methodologies as well as the negotiating strategies used by various regions in negotiating their trade agreements. Based on this assessment, the authors have prepared a first-of-its-kind framework known as the PXA Framework. This proposed framework aims to provide a structure to such capacity-building workshops and consultation sessions with public and private stakeholders during trade negotiations that are intended to be carried out with a gender lens.²

Figure 1: The three phases of the PXA Framework



Operationalizing the Framework

The structure is divided into three phases: (i) progress and problems; (ii) experience; and (iii) application. For each phase, there are defined steps, activities, expected outputs and focus areas associated with that particular phase. The focus in the first phase (progress and problems) is on identifying the problems and challenges that negotiators, as well as businesses, are facing. Additionally, it involves a discussion on the progress made on negotiating a given trade instrument. Once we have identified the barriers, the focus in the second phase (experience) turns to exchange the industry, regional and global practice experience between industries and negotiators on a given subject, in line with their concerns and challenges. Finally, in the third phase (application), with the knowledge of barriers as well as how the current global and regional experiences can possibly address these barriers, we become well-equipped to discuss how to apply this experience to current negotiations to overcome the discussed barriers and challenges. The intended output is a set of concrete recommendations for ongoing or future trade negotiations.

Phase 1: progress and problems

This phase has a two-fold purpose, as it seeks to engage participants in discussions on progress as well as problems. In the first part of this phase, the participants gain an understanding of a number of issues, such as the nature and purpose of ongoing negotiations, the progress achieved in these negotiations so far, what lies ahead and what remains to be achieved. This is usually done with the help of presentations by negotiators, facilitators and other experts, ensuring a common understanding among all participants and preparing them to engage actively in further conversions and activities.

This phase allows the participants to understand where the ongoing negotiations stand; they are then encouraged in their respective groups to discuss and deliberate upon the problems they face. The nature of these problems differs for trade negotiators and business stakeholders. While the trade negotiators and other public sector stakeholders convene in their individual groups to discuss the problems and challenges they are facing in negotiating the relevant concerns with their counterparts, the business stakeholders organize in their teams to discuss and identify the barriers that impede them from accessing business as well as market access opportunities (see Box 2). Following this pattern, the group discussion concludes with a request to fill out a questionnaire wherein these participants are prompted to underline the key findings and realizations from this discussion.

This phase allows participants to avail multiple benefits. Industries gained an understanding of: what trade agreements are and how they can benefit women-owned businesses; the expected benefits of the given trade agreement to the region, economy and their businesses; the progress and advances made in the negotiations; and how these advances will be relevant and beneficial to their businesses. This helps them define the precise role they can play in supporting and informing the ongoing negotiations process.

For negotiators, benefits include: an understanding of the progress made in respect of negotiating policy instruments they are not directly involved in; the opportunity to share insights with other negotiators and public-sector representatives on the progress they have made on this and other protocols; the underlying tasks and challenges they face; and strategies other negotiators may have employed or ideas they may have to overcome these challenges.

Box 2: Nairobi workshop, June 2022: Phase 1

During the AfCFTA pilot consultation held in Nairobi in June 2022, the African Continental Free Trade Area (AfCFTA) Secretariat and external subject-matter experts provided presentations on the following: (i) the aim and objectives of AfCFTA; (ii) opportunities for women from AfCFTA; (iii) the progress made so far in respect of negotiating the Protocol on Women and Youth in Trade; and (iv) its expected benefits for women in the region.

Public-sector stakeholders were asked to discuss the problems and concerns they are facing in negotiating the AfCFTA Protocol on Women and Youth in Trade and the nature of the resistance they continued to face from their counterparts in other parties. The private sector and their associations were asked to discuss the types of barriers they faced in participating in trade, whether during incorporation of their business, identifying markets and clients, accessing information or credit, accessing banks and trade finance instruments, exporting or importing, or any other area relevant to trading activities. They were also asked to assess whether and how trade agreements can help them overcome one or more of these barriers, and the areas of intervention that may most effectively address those barriers. Observed benefits include an improved understanding of the expected benefits of the AfCFTA, the progress made in the negotiation of the AfCFTA and its protocols, and the potential role of the private sector in process of negotiating the AfCFTA Protocol on Women and Youth in Trade.

Phase 2: experience

Once the barriers are identified, phase 1 concludes with a discussion on the progress made in the given negotiations. The focus in the second phase includes the exchange of experiences between industries and negotiators on a given subject, in line with their concerns and challenges. This phase focuses on four kinds of experiences: the industry experience; the experience from a given trade agreement or negotiation; the practice experience from a particular region; and the global practice experience.

For the industry experience, the findings gathered through questionnaires in the previous phase are presented to the participants of the session. In particular, the focus here lies on the findings pertaining to the barriers that industries face and the policies, strategies and interventions that have worked (or not worked) to address those barriers.

The second element relates to the experience of negotiating the agreement at hand and its relevant provisions, including the possible benefits and risks of the existing provisions to women.

The third element of experience relates to the regional practice experience, wherein subject-matter experts can deliver presentations on the trade agreements that already exist in the region, the relevant provisions included in these agreements relating to trade and gender considerations, how these provisions can achieve their goals, and the gaps that ongoing negotiations can be expected to fill. Participants can also discuss, based on their experience, the level of implementation of these provisions and also use this as a basis to understand the existing level and nature of concurrence between parties.

The fourth element of experience relates to global practice experience, wherein subject-matter experts can deliver presentations on: the trade agreements from other regions that are currently in force, the relevant provisions these agreements contain, how these provisions can support women's empowerment, what the receiving region and its ongoing negotiation efforts can learn from global practice experience, and the remaining gaps that the ongoing regional negotiations can be expected to fill. Any evidence of the effectiveness of given provisions can be shared by experts during this phase (see Box 3).

This phase is useful in many respects. It helps industry representatives articulate the common barriers women in businesses face and the possible solutions based on industry experience; how given provisions can address the identified barriers; and more broadly, how the previous inclusions of gender-related provisions in trade agreements in the region as well as in other regions can help women protect and strengthen their business interests.

It helps trade negotiators gain a number of useful insights including: the barriers and challenges women in the region face in conducting or expanding their businesses; what businesses think about the effectiveness and impacts of trade agreements in general and about the given provisions and associated policies, strategies and interventions more specifically; expectations that businesses have from this ongoing negotiation, from the trade agreement in general and from trade in the region more broadly; and the kinds of provisions or commitments that businesses think would be most effective or beneficial to address the barriers raised, for consideration in the agreement.

Box 3: Nairobi workshop, June 2022: Phase 2

During the African Continental Free Trade Area (AfCFTA) pilot consultations, the session facilitators presented the findings on the most common and leading barriers that women businesses in Africa face in accessing business and market access opportunities. Women entrepreneurs were invited to comment and elaborate on these barriers and the policies they have found useful and less useful, and this helped trade negotiators understand the nature and extent of these barriers that they are expected to address as they negotiate the AfCFTA Protocol on Women and Youth in Trade. For the second stage, experts were invited to present the experience of negotiating AfCFTA Agreement and the negotiations that led to the finalization of this Agreement. In doing so, the focus was given to the relevant provisions already added in the Agreement, relevant provisions which are currently being negotiated, and their benefits for women (and risks if any), in line with the barriers discussed in the previous phase. Third, the participants received presentations from regional experts on the other trade agreements that are negotiated on the African continent, which of these agreements are most vocal about women's interests, the types of gender commitments these agreements have already included, and how such provisions can already help women in the region to overcome the barriers they commonly face. Participants discussed the level of implementation of existing provisions, which added to insights on their effectiveness. External experts shared evidence on other trade agreements negotiated by different regions, which of these agreements are most vocal about women's interests and why, the types of gender commitments these agreements have already included, and how can such provisions help women to overcome the barriers they face in these respective regions.

Phase 3: application

By the final phase, the participants are well equipped to discuss how to apply this experience to current negotiations to overcome the discussed barriers and challenges based on the knowledge of barriers as well as how the current industry, global and regional experiences can possibly address these barriers (or not).

For negotiators at this stage, the focus now turns to what is already known, what can be learned from what has been discussed, and what would work (or not) going forward for the negotiations at hand.

For business representatives, this phase signifies an opportunity to identify the gaps in the ongoing negotiations, define the interests they expect these negotiations to protect and advance, and propose a strategy to ensure that these interests are addressed and considered in the future negotiating efforts (see Box 4).

This final phase is beneficial in multiple ways. It helps industries define their priorities and proposals that they expect the negotiators to consider, updating their expectations on the feasibility of addressing their recommendations in the trade agreement. It also enables negotiators to gain practical inputs in the form of concrete priorities and proposals from the private sector that they can then consider during the ongoing as well as future negotiating efforts. Furthermore, negotiators can identify additional proposals and steps that can help them advance the negotiations in a particular respect, while at the same time ensuring that these steps are aligned with expectations and needs of the private sector in their respective regions (see Box 5).

Box 4: Nairobi workshop, June 2022: Phase 3

During the African Continental Free Trade Area (AfCFTA) pilot consultations, negotiators and public sector stakeholders were invited to ponder upon the issues that had already been identified (or the ones they had decided to identify) for the AfCFTA Protocol on Women and Youth in Trade and the outstanding issues dealt with in other regional agreements. They were then asked to identify the areas or actions that remain missing and are needed to address the barriers, how these additional commitments can help, and in what forms and shape they can be included in the ongoing negotiations. Finally, using a questionnaire, they were invited to define a list of recommendations and assess their suitability, associated risks, and challenges for adoption in the Protocol on Women and Youth in Trade. They then assessed the technical, economic, political, diplomatic and legal challenges the parties may face in adopting these recommendations and drafting provisions in the protocols based on these recommendations.

Business representatives were invited to identify their areas of priority, list the elements that they think are missing from the current negotiating agenda of the Protocol, devise a strategy on how they would like the negotiators to approach the barriers they have discussed in the previous phase, and propose relevant recommendations for negotiators to consider as they define their own negotiating strategy during this final phase. It also became essential to have private-sector stakeholders deliberate on the recommendations that would be appropriate for the level of a trade agreement as distinct from the level of implementation, based on the capacity building they received in the experience phase on global and subregional practice.

Box 5: Lessons learned from the pilot consultation

From this experience, the authors estimate the desired application of the framework to take place over a two to three-day period for each stakeholder group. The sequencing is also important, with the private-sector workshops required to be conducted ahead of those for negotiators. The authors found it valuable for the public sector to be present during the application of the framework with the private sector, as they can share the progress they have made so far on understanding and addressing the challenges of women in trade, are better able to understand the points raised, and can also have a more constructive dialogue on the effectiveness of certain policies in place. Similarly, it is considered desirable for the private sector to directly present the industry experience and their recommendations during the workshop with negotiators.

Limitations of this approach

This framework is an evolving initiative and might undergo revisions in the future with the signing and enforcement of new agreements and as progress is made on the understanding of this topic with the collection of data to better understand the interaction between trade and gender equality. As of now, there are four main limitations of the current framework.

The need to have an organized and informed private sector

An organized private sector is a vital requirement for the establishment and smooth functioning of the proposed partnership arrangement. The significance of an organized private sector is two-fold. First, it facilitates the industry to represent a wide economic interest that can then influence and inform the ongoing negotiations. Second, it enables industry representatives to gather and consolidate the required resources possessed by affected business entities. The industry representatives may require these resources to assess the market conditions and possibilities for market access expansion, the risks and associated challenges, and the impediments that different groups may face in accessing such opportunities (Grossman and Helpman, 2001).³

Moreover, a lack of awareness among private sector entities about trade negotiations, the importance of trade agreements, and what these instruments represent for them is a problem that may impede the formation of effective partnership arrangements between government and industry. Unfamiliarity with the possibility of approaching the government for the protection and expansion of their trade interests and the benefits which trade agreements could potentially extend to business communities can be a common characteristic of an unorganized or institutionally underdeveloped industry. Certain private stakeholders in developing countries may even opine that international trade laws and foreign trade policies are there to protect the interests of the government, and hence, the government should be solely responsible for the handling of such matters. Therefore, awareness among the private sector and the appropriate selection of representatives is key for this arrangement to work.

In targeting business associations, this framework intentionally focuses on women's role as entrepreneurs, fostering dialogue between businesses and negotiators to inform trade agreements. If desired, the framework could be adapted to capture inputs from women in

their role as employees⁴ by engaging further with labour unions, though this has not yet been tested. Notably, the important process of targeting stakeholder groups for participation should be informed by the objectives of the trade agreement at hand.

Floodgates of private expectations

It is similarly challenging to identify private-sector representatives that are focused on women in trade, who are able to articulate concerns at the policy level, and who are sufficiently well-versed to understand the possibilities and limitations of a trade agreement in addressing the challenges faced by women. This may lead to a “wish-list” approach, whereby the private sector can recommend multiple facets of intervention at binding levels of commitment that are not deemed feasible or desirable to incorporate at the level of a trade agreement. Opening such a channel of communication may create an expectation that the public sector will be able to address multiple concerns faced by women through a trade agreement, again emphasizing the need for capacity building to be well-integrated into the application of the framework.

Distinguishing between those recommendations that would be appropriate to agree upon at the level of a trade agreement compared to the level of national implementation becomes important. This step was added to the framework following its piloting and requires both dedicated capacity building and an informed private sector oriented towards policy dialogue. Subsequently, applying the evidence and recommendations to the context of a trade agreement requires the participation of both economic and trade law experts.

Threat of private capture

The trade negotiation partnerships should aim to achieve maximum protection of countries' trade, as well as other non-trade interests. However, it is crucial to avoid a situation where the protection of trade interests or specific business interests of a business group injures the national interests or other non-trade interests of other stakeholders in that country. There may be situations, where an industry can have an economic interest, the protection of which may not be in line with those of other industries or other groups (such as women employees or indigenous communities, or people with disability) or may not be in line with that of the national interest as a whole. The government, in such cases, especially where an industry is closely coordinating and collaborating during the negotiating process and providing relevant information, may find it difficult to reconcile the conflicting interests.⁵

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This is mainly because public–private partnerships could provide greater opportunities for business entities to engage in rent-seeking activities, thereby protecting their own private interests. When a government official prioritizes resource contributions on a higher scale, a profit-motivated business entity might exploit this opportunity to induce a government action that selectively protects its business interests, even at the cost of broader economic, social or environmental interests. In this manner, public–private dialogue during trade negotiations can possibly lead to a situation of private capture or corporate regulatory capture where government officials can be inclined (for various reasons) to uphold private interests at the cost of national interest. Grossman and Helpman (1994) define corporate regulatory capture as an interplay between special interest groups and government organizations that can influence and shape up a nation's foreign trade policy to the detriment of other broader economic and social concerns.

Insufficient channels of communication, leading to a lack of transparency and confidence

A lack of confidence between government and industry is another factor that can impede the formation of effective networks between the two; this is especially the case between government and women entrepreneurs, as the latter have comparatively limited resources and social capital to approach the former. If government authorities are not proactive in disclosing information about ongoing negotiations, the system will suffer from a lack of transparency and paucity of information exchange. A secrecy-favouring approach by the government and a consequential lack of transparency can act as serious deterrents to the formation of public–private partnership arrangements, as industries might be unwilling to share their trade knowledge and information with government entities that might act covertly in relation to such matters. Consequentially, the resulting lack of information will possibly constrain the government's ability to analyse, consider and incorporate the overall business, national and international perspectives that are needed to be assessed for any given trade negotiation. Smooth conduct of trade negotiation procedures requires a relationship of confidence and trust between a country's government and industry, and this can mainly be possible if there are open channels of communication and a smooth exchange of information between the two parties.

Conclusion

The proposed PXA Framework provides a novel methodology for fostering public–private dialogue in the context of integrating gender considerations in the negotiation and implementation of trade agreements. The authors highlight the need for a structured dialogue between the public and private sectors, particularly in light of the increasing inclusion of gender equality and women's economic empowerment concerns in trade negotiations. The chapter argues that such a dialogue can help to bridge the gap between the policy and private sectors and overcome the capacity gap in trade negotiations, particularly in developing countries. The pilot workshop demonstrates the practical application of the framework and provides insights into effective implementation and how the methodology can be applied more widely in ongoing and future trade negotiations.

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Endnotes

1. Some of these leading works include Baldwin (1984), Fontana (2009), Fontana and Paciello (2010), Levinsohn (1999), Melanson (2005), Oostendorp (2009), Quintero-Ramírez (2002), Reeves and Baden (2000), Sauré and Zoabi (2014), Van Staveren *et al.* (2007) and Wood (1991).
2. The Framework was piloted in Nairobi in June 2022 in the context of informing the negotiations of the upcoming AfCFTA Protocol on Women and Youth in Trade with public and private-sector representatives from Kenya and the East African region (see Box 1 for more details).
3. Grossman and Helpman (2001) state that "an organised group can take advantage of the economies of scale by researching issues centrally and educating its rank-and-file members. The groups also may use the information they gather to win over policymakers".
4. This is in response to feedback from experts during a review of the framework during the WTO Public Forum who may wish to employ the framework to inform the inclusion of provisions relating to women as employees in trade agreements.
5. Interview with an official, Ministry of Economy, Mexico. See also Shaffer *et al.* (2008).