A Feminist and Human Rights Based Analysis of Public Private Partnerships in Ghana's Markets

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February, 2020

DAWN Discussion Paper #21

DAWN
Development Alternatives with Women for a New Era

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Gertrude Dzifa Torvikey, Sylvia Ohene Marfo. 2020. A Feminist and Human Rights Based Analysis of Public Private Partnerships in Ghana's Markets. DAWN. Suva (Fiji).

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Acronyms

AFRC – Armed Forces Revolutionary Council

BOP – Business Operating Permit

BOT – Build Operate Transfer

BWI – Bretton Woods Institutions

CEPA – Cambridge Economic Policy Associates Ltd

DACF – District Assembly Common Fund

DMD – Debt Management Division

GDP – Gross Domestic Product

GNI – Gross National Income

IGF – Internally Generated Funds

MCE – Municipal Chief Executive

MDAs – Ministries, Departments, and Agencies

MMDAs – Metropolitan, Municipal, and District Assemblies

MOFEP – Ministry of Finance and Economic Planning

MP – Member of Parliament

NaBCO – Nation Builders Corps

NIP – National Infrastructure Plan

NPP – New Patriotic Party

PAU – Project Advisory Unit

PFA – Project and Financial Analysis

PID – Public Investment Division

PPP – Public Private Partnership

SAP – Structural Adjustment Programme

SDGs – Sustainable Development Goals

SOEs – State Owned Entities

Executive Summary

Public Private Partnerships (PPPs) are increasingly becoming vehicles for public infrastructural financing globally. Proponents of PPPs have listed impressive positive potentials of PPPs such as increasing efficiency, a good source of rapid infrastructural development, transfer of knowledge, and technology among many others. PPPs are not entirely novel. In Ghana, PPPs began to be part of the development agenda after the overthrow of the Kwame Nkrumah regime in 1966. Yet, they were not as common as today. From the 1980s, through the Structural Adjustment Programme (SAP) loan conditionalities from Bretton Woods Institutions (BWIs), the Ghanaian state has systematically pursued de-investment in public infrastructure financing ceding this role to the private sector and local governance structures. The Central government's fund allocation to the local government structures has always remained insufficient while the latter's role continued to expand. On the back of their expanded mandates at the local level internally generated funds especially those in local markets have become crucial for revenue mobilisation. To increase revenue mobilisation, the local government authorities have made market modernisation and reconstruction a key part of the development agenda. PPPs have become therefore become the vehicles to modernise markets. In Ghana, markets are spaces for women's economic survival and accumulation and historically feminised in character. The market space is also hierarchical, political and heterogeneous in its structure with varied interests and socio-political affiliations. With traders operating on different scales, and others in tow to transition to the higher echelon of the scale, PPPs have increased class struggles within the market. This study focused on the construction of lockable shops and open shed PPP projects at the Dome Market in the Ga East Municipal Assembly in the Greater Accra Region to highlight the ramifications of market PPPs for gender inequality and women's socioeconomic rights. The findings of this work are based on a qualitative study and review of documents

The results show that the projects which were arbitrarily conceived and implemented by the financiers and the Ga East Municipal Assembly dispossessed traders without reallocation of alternative trading spaces, fragmented the market leadership, created new forms of class divisions in the market while exacerbating new ones. One of the questions raised by opponents of PPPs is who benefits from the projects. The study found that many of owners of the PPP shops were not traders of the Dome Market but rather traders from older and relatively better-off markets. Many of the traders in the Dome Market who could not acquire

the PPP shops blamed it on lack of sufficient consultation and transparency prior to and after project implementation. As a result, lease was costly, the shops improperly designed and information on how to acquire them very opaque and payment terms inflexible. The PPP and its processes exacerbated class differentiation among the traders and reproduced structural inequality between men and women as the PPP shop financiers were all men and among the female traders themselves. The PPPs also deepened the power struggles in the market leadership structure by weakening the women's front. However, the women mobilised, used various strategies including demonstrations, political threats and complaints to invite the state to take charge of the construction of the market. The resistance collapsed other PPP construction works in the market as the central government has begun constructing sheds for allocation to the women.

1. Introduction

Ghana is a located in West Africa with about 30 million people. Women constitute about 51% of the population (Ghana Statistical Service, 2016). The country has made impressive progress over the past three decades regarding democracy and multi-party system although two major parties have dominated the political landscape for a long time. Ghana's democratic advancement has not benefitted men and women equally, as women continue to struggle to have the same socioeconomic rights as men. Women's political engagement remain lower than that of men due to the adherence to sociocultural norms that restrict women's participation in public spaces.

Ghana's Gross Domestic Product (GDP) amounted to US $65.556 billion as at 2018 with a 6.3% annual growth rate and a US $4650 gross national income (GNI) per capita, making it a low middle-income country. Its lower middle-income status meant that it can no longer access certain types of loans available for poorer countries. It now has to borrow at higher interest rate and compete with other borrowers to access loans at favourable terms. Ghana's economic performance is a Janus-headed one. While its GDP keeps growing and the growth figures soar, it is however experiencing jobless growth, high unemployment and increasing inequality between men and women (Aryeetey and Baah-Boateng, 2016).

Ghana's labour market is highly gender segregated and segmented and women accounted for 64.7% of the economically active population compared to 71.4% of men (Ghana Statistical Service, 2016). There are more women (91%) in the informal sector than men (81%) (Ghana Statistical Service, 2012). Over the years, Ghana's development agenda has incorporated the private sector for service delivery and infrastructural development projects. Ghana's shift from statist development to the inclusion of private sector predates Structural Adjustment Policy (SAP) and economic recovery programmes that started in the 1980s. The Privatisation of State Own Enterprises (SOEs) started in earnest after the overthrow of the Kwame Nkrumah regime in 1966. From late 1960s, the country moved from statist development model, to state partnership with multinational organisations and International Finance Institutions (IFIs) especially in the agricultural sector (Graham, 1993).

Nonetheless, SAP conditionalities increased the private sector involvement in development. Ghana was the first country in Africa to accept market driven public sector reform policies inspired by the World Bank and other donor institutions (Awortwi 2011) and the country, from the 1980s, embarked on a vigorous privatisation of state entities which were in line with loan conditionalities of the BWIs. Many of the SOEs were established as part of a national project during the early independence period with the policy framework of increased industrialisation, import substitution and self-determination. Appiah-Kubi (2001) notes that between 1987 and 1999, 14% of Ghana's GDP came from privatization. By 2005, over 335 SOEs were privatized in agricultural and manufacturing sectors (Bank of Ghana, 2005) and Ghana was praised as a SAP success. Thus, PPPs are seen as part of the trajectory of the state's de-investment in development and the institutionalization of private sector participation in development.

2. PPPs: The Next Phase of Privatization of the Public Space?

PPPs in Africa, and for that matter in Ghana, should be seen in the light of the transmission of global standards and regulatory regimes to national levels. Since the beginning of the new millennium, development financing has crucially embraced PPPs as a global policy. This model has gained traction and popularity with UN agencies, IFIs, governments, continental bodies, continental development banks, international consulting firms and corporate forums among others. These have endorsed the PPP vehicle as a development instrument, an alternative to traditional development financing. This clamour for PPPs makes the model distinct from privatisation. Yet, PPPs are also framed in equity vs. efficiency logics, the same arguments that underlined privatisation. That makes the integration of PPPs as a UN global policy a novel trend in the discussion on development vehicles. The United Nations Sustainable Development Goal (SDG) 17 "Partnerships to achieve the Goal" illustrates the global institutional consensus on PPPs as development instruments and financing regime making it a global policy. The UN's post-2015 agenda report which gave birth to the SDGs was authored by the World Bank and PPPs found a prominent place in the document and this gives PPPs more legitimacy.

While some of the PPP projects predate the regulatory regimes that many African countries have developed, the similarities of the frameworks cannot escape critical eyes. PPPs are hosted at the ministries of finance with the creation of PPP units, showing the overly fiscal mindedness of the model. The laws and policies are almost uniform and have emerged within the same decade. A few are illustrative-Public Private Partnership Act No. 18 of 2010 and an amendment in 2014 (Tanzania), Sierra Leone's Public-Private Partnership Act 2010 (Sierra Leone), Public Private Partnership Act No. 15 of 2013 (Kenya) and Public Private Partnership Act 2014 (Uganda). A key part of all these laws is the emphasis on solicited and unsolicited bids which also runs counter to transparency and accountability. Similarly, the PPP regulatory decision making platforms are top-down with important implications for local level structures.

3. **Data Sources**

The study is based on both primary and secondary data. The primary data are mainly qualitative interviews comprising key informant interviews with personnel of the Ga East Municipal Assembly, market leadership and in-depth interviews with displaced women and tenants of PPP stores in the market. Non-participant observation and transect walk in the market were also used to gather important information that would otherwise not be gleaned from formal interviews. One Focus Group Discussion (FGD) was organised with women in the market. Secondary data sources include document reviews, particularly, the PPP Policy and PPP contracts signed between the Municipal Assembly and contractors of the PPP projects in the market.

4. The Context, Trend and Pattern of PPPs in Ghana

Ghana's PPP trajectory is in tandem with the global drive for PPPs in development discourse and the call to develop legal frameworks to regulate them. Ghana's National PPP Policy was approved in 2011 while 2013 PPP Bill is yet to be passed. Lack of laws have been blamed for the successful implementation of PPPs (CEPA, 2015) which is a mechanistic view that has characterised the aid conditionality that PPPs have become, assuming that the existence of laws solve all problems of the financing model. In Ghana, 26 PPP projects in the energy, port infrastructure and telecommunication reached financial closure between 1990 and 2019. The majority of these big projects are in the energy sector (Table 1).

Table 1: Summary of PPPs with Financial Closure (1999-2019) -Ghana

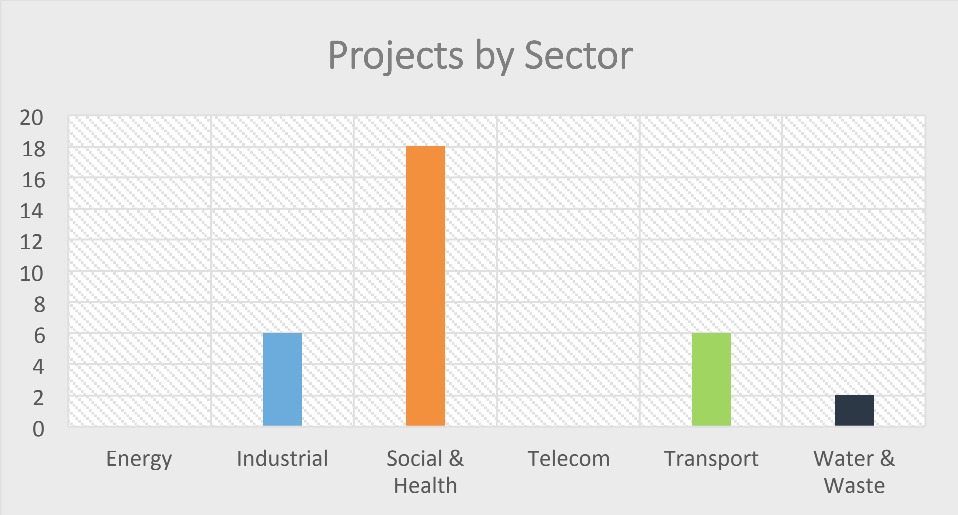
Project Name	Sector	Financial Closure Year	Investment Amount ($US Million)
Electricity Company of Ghana Distribution and Retail Business Concession	Electricity	2019	580.00
Tema LNG Import Terminal	Ports	2017	550.00
Tema Port Expansion	Ports	2016	1,500.00
Amandi Energy Power Plant	Electricity	2016	552.00
Bridge Power	Electricity	2016	953.00
Kpone Independent Power Project	Electricity	2014	900.00
African Coast to Europe Submarine Communications Cable Phase 1	ICT	2012	700.00
Sunon-Asogli Gas Fired Power Plant	Electricity	2007	590.00
West African Gas Pipeline Company Limited	Natural Gas	2005	590.00
Takoradi 2 and 3	Electricity	1999	550.00

Source: Cuthbert and Mukherjee 2017[1], Ministry of Finance, 2019

Thirty-two PPP contracts were also signed in other sectors such as social and health, transportation, industry, water and waste management between 2017 and 2018, of which more than half (52.3%) were in social and health sectors (Figure 2)

[1] https://www.mondaq.com/unitedstates/Government-Public-Sector/563326/Legal-Insight-Overview-Of-PPP-LawsFrameworks-In-Selected-African-Jurisdictions

Figure 1: National Level PPPs by Sector



Source: Ministry of Finance and Economic Planning, 2019[2]

Most PPPs in social sector are market projects which point to a trend of PPPs in the informal sector and women's economic spaces. The intersection between formality–expressed in PPPs–and informality of community markets have important implications for gender equality and human rights. With private finance in the informal sector such as markets, it raises questions about who owns and controls what in the PPP model.

The arguments that have made PPPs prominent in Ghana's development agenda are similar to those associated with privatisation in the 1980s. These were mainly financial crisis with increasing sovereign debt. Ghana's debt to GDP rose consistently from 2011 and had reached 60% in 2018. It is projected to reach 62% in 2020. The trend was similar between 1980 and 1990 which led to the privatisation of SOEs. While the private sector has been an active participant in service delivery especially in the management of public services such as sanitation, water, energy and telecommunication (Osei-Kyei and Chan, 2015), the state remained the sole provider of physical infrastructure through its reliance on international donors and national budget funds while leaving a funding gap of 0.4 billion dollars per year (World Bank, 2011). With its attainment of lower middle income status, some loan facilities for lower income countries are no longer available to Ghana so it has to access loans with

[2] http://ppp.mofep.gov.gh/

higher interest rates. Ghana faces the Janus-faced growth that have characterised the surge and justification of PPPs in global discussions. PPPs are useful due to the global economic crunch in the 2000s which affected the availability of funds while at the same time global pension funds needed safe places to invest.

In 2004, a national PPP policy was already under discussion and a National PPP guideline was launched in 2011 (MOFEP, 2011). Currently, the institution responsible for the oversight of PPP projects in Ghana is the Public Investment Division (PID) under the Ministry of Finance and Economic Planning (MOFEP). The unit is responsible for developing the legal, institutional and regulatory framework for PPP programmes in the country. The unit works in collaboration with the PPP Approval Committee which provides technical expertise to support the relevant ministries, departments and agencies in the development and management of prospective transactions. The unit also has a Project and Financial Analysis (PFA) unit and the PPP Advisory Unit (PAU), which performs gatekeeping functions (see Table 2)

Table 2: Institutions, Actors and Mandates within PPP Framework in Ghana

Key Mandate	**Actors**
Spearheading, developing regulatory framework, coordination and provision of advisory services, budgeting and risk management for all PPP projects	MOFEP and its appropriate units (Public Investment Division (PID); Project and Financial Analysis Unit (PFA); PPP Advisory Unit (PAU); Debt Management Division (DMD) and The Budget Division.
Planning Infrastructure	National Development Planning Commission through its National Infrastructure Plan (NIP)
Approval Authorities	PPP Approval Committee Cabinet General Assembly of the MMDAs Parliament
Regulatory Authorities	Public procurement authority Public Utilities Regulatory Commission, Water Resources Commission, Ghana Railway Development Authority etc.
Facilitating Roles	Ministry of Trade and Industry
Contracting Authorities	MMDAs MDAs
Legal and Judicial issues	Attorney General’s Department and MOFEP’s Legal Division

Source: MOFEP, National PPP Policy, 2011

Ghana’s National PPP Policy document, see PPPs as necessary for Ghana due to the model’s ability to promotes quick delivery of public infrastructure projects; reduce government financial burden and allow for shared risks. The model will improve quality, costeffectiveness and deliver infrastructure in a timely manner. There are several PPPs models operating in the country with the build-operate-transfer been the most patronised.

Institutional framing and literature about the problems of PPPs in Ghana are very technicist by blaming lack of expertise as a challenge to successful implementation of PPPs (Osei-Kyei, Chan and Dansoh 2017).

5. PPPs in the Context of Decentralization: The End Game for Political Conditionality?

PPPs are consistent with the economic and political conditionalities that have characterised development and aid in the Global South since the 1980s. Consequently, governance, human rights and democracy became associated with aid conditionalities which have caused major shifts in aid ideologies moving from market fundamentalism to inclusive neoliberalism (Mawuko-Yevugah, 2014) and a shift from direct to indirect conditionalities that guide development cooperation. The new development aid architecture reproduces politics of inclusive-exclusion and the co-optation and incorporation of selected actors into state and global institutional frameworks creating power inequalities between the state and global institutions. This structure is transmitted from the central government to local government and to citizens incurring self-disciplining (Crawford, 2008) while donors prioritize their own economic and political interests over the inclusion of citizens.

Ghana's local governance structures illustrate this disjuncture in the central and local governance structures and how PPPs are situated in there. Lynch and Crawford (2012) have argued that, the aid conditionalities have produced paradoxes which are good for the long term vision of the BWIs. The SAP on the other hand needed authoritarian regimes to thrive. Although decentralization is meant to increase citizen's participation in Ghana's development, the state continues to appoint District/ Municipal Chief Executives instead of making the position an elected one. To continue the Ghanaian state's grip on the local governments, a referendum was scheduled to be held in October 2019 to make the position of heads of Municipal, Metropolitan and District Assemblies (MMDAs) a partisan elected one. However, the referendum was unpopular as many Ghanaians thought that partisanship at the local level would disintegrate its structures. They argued that elite patronage and capture which exist at that level would worsen with partisan politics.[3] The weak local governance is used as an excuse for rubber stamping donor packages and development models. Therefore,

[3] https://citinewsroom.com/2019/12/govt-cancels-december-17-referendum/

rather than opening the space for political debates, the voices of citizens do not reflect in project design and implementation.

6. Local Governance in Ghana

SAP repurposed the state's role in development. While pre-SAP, the Ghanaian state funded 50% of the local government activities, post-SAP, there was a big shift in the relationship between the state and local governments. By 1985, the state reduced its financial assistance to the local assemblies but expanded their role which means the assemblies have to intensify revenue mobilisation (Crook, 2017). With less funds and more responsibilities[4], dependency on tax extraction from residents has intensified and markets have become key sites for revenue mobilisation.

The MDAs and MMDAs are the contracting authority for PPPs at the local level. The District Assembly Common Fund (DACF), which has been in existence for over two decades, remains the main source of financing for the provision of infrastructure development at the local level. However, the Districts operate tight budgets due to delays in the release of the DACF, the inadequacy of the allocations and the politicised nature of disbursement which affects the operations of the MMDAs. The common fund is pecked at GHS1.2 million (USD 240,000 at current rates) for the entire year. This makes internal revenue mobilization a crucial means for generating resources. Property taxes, although a key components of the MMDAs revenues, do not give the assemblies sufficient revenues. In the past, the MMDAs' borrowing was limited to USD 5,000 which was woefully inadequate compared to their tasks and responsibilities. In 2016, a Public Financial Management Act 921 (2016) was passed to allow MMDAs' borrow from internal sources. This also has administrative bottlenecks since beyond some thresholds, the MOFEP has to approve the loan applications. The PPPs at the local level becomes a means Assemblies to show their governance strength (Seidu, 2018). Until recently, MMDAs were required to autonomously utilise the DACF for developmental projects. However, in 2018, the central government proposed a retention of 80% of the funds for its School Feeding, Planting for Food and Jobs and Nation Builders Corps (NaBCO) flagship programmes, leaving the Assemblies only 20% of the funds for development with implications for local development.

[4] The Local Government Law of 1988 and the Local Government Act (Act 462) of 1993, came into force to devolve power, functions and responsibility at the local level

The informal sector concentrates 80% of Ghana's economy and local authorities mostly rely on resources from this sector. Thus, local markets have become important arenas for resource mobilisation particularly in big cities due to their reliability for tax extraction at the local level. Two types of taxes are collected in the markets; flat daily tolls paid by both mobile and stationary traders and Business Operating Permits (BOP) paid annually by traders in big shops. BOP rates are further differentiated by scale of trading unit and type of items in the unit. If markets are still important and must be modernized or built, then someone must build them. While the state would not directly build markets, the assemblies do not have adequate resources to do so hence the increasing use of PPPs to develop markets.

In the past, women and communities themselves created and started markets. When the state began to take keen interest in markets, the construction of markets by the state became politically expedient. It is not surprising that nine out of eighteen PPPs listed at the national level in 2019 were markets. Many well-known markets in big cities are either already built or have been completed as PPPs. Major markets such as Kejetia, Kotokuraba, Sheanut, Aboabo, Afiakobi, Kojokrom and Old Tamale are examples of PPP market projects (Seidu, 2018). At the local level, BOT is the most popular PPP model as the assemblies only provide land while the financiers bring capital for the project

7. Women, Markets and the Ghanaian State: A Context

That market trading in Ghana, and in most parts of West Africa, is women's domain is a well-known fact. Markets enable women to achieve economic autonomy and to assert themselves socially and culturally as citizens (Darkwah, 2007b). Market trading is both an accumulative and a survival strategy for many women in Ghana (Clark, 1994). Since the implementation of colonial policies that promoted male education over that of females, men in commerce left for school and women especially uneducated ones began to replace them in trading making markets feminised spaces (Aidoo, 1985). However, the demographic character in the market has continued to change in tandem with the socioeconomic fortunes of the nation. In recent times, especially after SAP induced retrenchment and high levels of unemployment, women and men of different educational backgrounds have found the market a secured abode for economic survival.

Historically, traders and the state – both colonial and post-colonial – have had ambivalent and multi-layered relationships that include temporary alliances and fall-outs. In the market space the state is the landowner that extracts rent through allocation of market stalls, space, and payment of tolls, tax, license fees and business operating permit fees. In return, the state is required to secure the working environment for traders through the provision of adequate sanitation amenities, electricity and security. However, the socioeconomic interests of traders are almost always in friction with the state's quest to control the space and the sector producing different forms of resistance and agency.

The general economic transformation at the national level resonates in markets where traders also flow with the transitioning by strategizing to take advantage of policies or protect their interest during economic expansion and contraction (Clark, 2010b; 2004). While in the past agricultural goods were the main consignments for trade, the implementation of economic recovery programmes in the 1980s opened avenues for women to include consumer goods in their portfolio. Their trading centres have also shifted from rural-urban and urban-rural to sub-regional and to international destinations especially in Asia (Darkwah, 2007a; 2002). The SAP policies eased importation of consumer goods and richer traders travelled to global manufacturing and trade centres in Asia and Europe to bring goods. However, the same policies eroded women's gains as currency devaluation affected their profits.

The state used scapegoating to control traders' economic activities. Public markets were the main targets of state repression during economic crisis in the 1980s where brutalities including the open flogging and its worse form- stripping women naked had happened (Robertson, 1983; Clark, 2010a; Britwum, 2013). Market women are held responsible in times of macro level economic crisis. Traders are often publicly blamed for causing shortage of goods or price hikes. The demolition of the country's then premier market, Makola No 1 market, in 1979 is illustrative. Soldiers acting on behalf of government, used bulldozers to bring the foremost centre of women's economic activity down under the military regime of the Armed Forces Revolutionary Council (AFRC). The market, built in 1924, was demolished to teach women a lesson for their "wickedness" and "economic sabotage". Manuh (1993) argues that the resentment towards women's economic activities emanates from patriarchal ideologies of the proper role of women in society inherited from the colonial era. Other markets were destroyed in Ashanti, Eastern and Western regions by the military regime.

In addition, traders on streets, open spaces and markets are consistently harassed by city authorities for making the cities unclean. They have to succumb, resist and struggle against city authorities who find it difficult to contain them. Sometimes, in the name of beautification of the city and formalization of the informal trading sector, traders are evicted amidst violence and relocated against their will (Spire and Choplin, 2018). With this history of the state's relationship to markets, MMDAs using PPPs to "develop" and "modernise" markets should be received with a pinch of salt.

Market spaces are social, economic and political since activities in that milieu are intrinsically linked with national and local government policies and global developments. Markets remain sites for the contestation of both central and local government policies (Assimeng, 1990). The contentions revolve around urban planning, price controls, trade regulations and control of the sector in general. Markets are sites for political expression and activism (Awuah, 1997; Clark, 2010b). Traders use these to defend their collective and individual interest and socioeconomic rights.

Market traders have their unique leadership organisation structure. In each market, depending on the size, commodity associations remain the smallest unit of organisation. These associations are traders that sell similar items which mobilise as a group such as tomato, yam, maize, used clothing, vegetables and fruits (Britwum and Akorsu, 2017). Each commodity association has its leader known as "item queens" who are elected or nominated. The commodity associations play roles such as trade regulation, negotiation with other commodity traders, credit and financial assistance for members, dispute resolution and supporting the general welfare of members. The larger market has a queen who superintends activities by coordinating with the commodity leaders. The framing of the leadership structure with the traditional chieftaincy structure of "queens" shows the social embeddedness of the market space. Although the market space is also hierarchical in its class and ethnic dimensions, the leadership structure revolves around cooperation and collectivistic ideologies. According to Awo (2010), market leadership negotiates their interest through the use of their networks in political structures. In addition, Tanja (2017) posits that the power that market associations wield with their structure sitting between partisanship and non-partisanship makes it imperative for involving them in development planning. He also noted that although they might be less recognised in the body politic, associations have enormous influence beyond the market, which makes by-passing them a brutal mistake.

In January 2013, the Ga East Municipal Assembly used its DAFC and 2011 District Development Fund totalling GHS101, 538. 00 (USD 17,478 at current exchange rate)[5] to build 72 sheds in the market for the traders. The sheds belonged to the Assembly, but the women had user rights and could trade in it as long as they wish. This did not necessarily give women the autonomy they used to have when they built their own sheds. Market spaces are umbilical cords that link generations of females in a family. Sheds can be privately owned, heritable and trading an occupational gift to a child (Clark, 1994; Seidu, 2018). With assembly involving itself in shed building, ownership of the market is beginning to change.

8. Dome Market Redevelopment Public Private Partnership

The PPPs studied are located at the Dome Zonal Council of the Ga East Municipal Assembly. Dome Market is arguably the biggest in the Zonal Area and important for revenue generation. The old market developed along the rail line where women took advantage of the transport hub to trade. Traders mobilised to start the market at its current location as overcrowding and safety concern became paramount due to the collapse of the rail transport resulting from the collapse of the Achimota Bridge which links the various trading places. The Municipal Assembly purchased the land, however, the structures were built, owned and controlled by the individual traders. The Assembly declared that there were about 3,000 traders in the market as at the end of 2019. The Assembly as part of its modernization drive decided to rebuild the market using BOT PPP model for lockable shops and open sheds/stalls.

8.1 PPP Model One: Construction of Lockable Stores

The agreements for the building of the first batch of lockable shops were effectively signed in 2014 between the Assembly and seven Ghanaian private contractors. The contractors were arbitrarily selected by the Assembly - contractors brought bids and the Assembly also hand-picked some of them. In one of the agreements signed in 2016, the contractor indicated the cost of the project to be GHS2, 500, 000.00 (USD 431, 034)[6]. The contractors then had to work with the Assembly's technocrats to ensure that there was value for money. It was not clear how the value for money assessment was done and what it entailed. In all, 209 units of lockable shops of different sizes were built by the contractors and completed in 2018. The dimensions of the stores ranged between 10ft by 6ft and14ft by 12ft.

[5] 1 GHS=USD 0.60994 in 2011 (average)
[6] 1USD=GHS5.8(June, 2020)

Per the agreement, the structures belong to the contractor for 20 years after which they become property of the Assembly. The Assembly retains its management role of the market however. The structures were to be returned in good shape at the end of the 20 years. Also the contractors were to donate a unit each of stores to the Assembly. The Assembly used some of the units donated as microfinance, sanitation, information centre offices. This was not entirely altruistic since the cost will be added to the lease cost. All the PPP shops had electricity with about 85% having sanitation amenities such as toilets and sinks. There was a water tank in the market but many of the shops did not have running water. Occupants of the PPP stores have to buy water to use in their shops.

8.2 Construction of PPP Open Market Sheds/ Stalls

A total of 1,700 open sheds were planned to be constructed on BOT agreement in the market. The plan included one assembly administration block to be used as a health post, police post, sanitation office, credit facility office, day care centre etc. In 2018, 100 of the sheds were completed. At the space where this new PPP projects were planned, 2, 300 traders were registered as users of the space and were to be considered for allocation once the structures were built. Each trader paid GHS30 (USD 5.17) registration fee to the Assembly. That means that when the PPP is complete, 600 traders will be displaced since the space would only take 1,700 sheds. In this model, the Assembly was to rent the shed on behalf of the financiers and use the revenue to pay the financiers. The assembly pegged the price for a shed at GHS9, 000 (USD 1,552) for 10 years comprising a GHS2 (USD 0.35) daily rate for ten years, including sanitation costs.

PPPs in Markets: Who benefits from the PPPs?

The debates about the important of PPPs have included what users gain from it. The fall-outs of the Dome Market lockable shop PPP highlights some of these.

i) Insufficient Consultation and Marginalisation of Voices of Traders

Many of the traders considered the PPP as a bane of the development of the market. Prior to the projects, the leadership of the market comprising item leaders and the market queen's office were consulted and informed about the project. At the meeting, they were promised that the market traders would be prioritised in the allocation of the shops upon project completion. The leaders asked that the design of the building take into account the items sold and the financial capacity of the women. They thus asked for smaller and preferably open sheds. However, the participation of the market leadership was only an "add them and stir affair". The Assembly and the contractors built closed lockable shops and the women soon realised the shops were too big and not appropriate for the items they sold.

In addition to these issues, the displaced women complained that process was not transparent. There were a group of 40 women who owned containers in which they sold various goods. In December 2018, fire destroyed their shops and this was the third fire outbreak since December 2013 at the same spot of the market. The space where these fires had consistently burnt and destroyed wares is near the busy main road and the front of the Dome market. This has alerted the women to suspect arson since the Assembly tried evicting them several times to give way for the construction of PPP shops in the past. They insisted, their refusal to vacate the place was the reason fire had to be used to evict them. All traders at that part of the market lost their wares and nothing was salvaged. Although the alleged that the fire was arson, it is important to recognise women work in precarious conditions in market spaces in Ghana with frequent fire outbreaks.[7] The Member of Parliament (MP) convinced the aggrieved women to vacate the space with the promise of prioritising them when the shops are built and this quelled the women's resistance. After the completion, one of the forty displaced traders at that particular site owned a shop at the now modernised site. The women blamed this on information asymmetry, high cost of lease and unfavourable payment terms.

Akos, 32 years of age and a tertiary graduate who lost three shops to the fire complained about the process of getting a new shop and the cost: She said *"I do not know if the allocation of the PPP shops is politicized or some elements in the political and municipal assembly structures have hijacked it for their personal interests. The things are not clear and we are confused."*

ii) Fragmentation of Market Leadership

PPPs in the market have also changed the process of space ownership in the market. In the past, market Queens played a role in space allocation and integration of traders in the market. They were even given contracts to collect market tolls on behalf of the Assembly which they did efficiently. An Assembly official confirmed that revenue collection in the market was smoother when the market leadership was in charge as they collected about GHS61, 000

[7] Market fire outbreaks are some of the commonest reminders of the congestion in markets, insanitary condition and the unplanned nature of the space which exposes traders to vulnerabilities

(USD 10, 517) quarterly. However, the politicization and fragmentation of the market front took the contract away from the market leadership. In its place, a committee of 21 people comprising politicians, party foot soldiers, traditional authorities and many others were tasked to take tolls and this was later abandoned due to a dip in the revenue.

Middlemen became key players in the market shop ownership. A trader needed to know a middle man or a contractor in order to lease a shop. The PPPs have further polarized the already politicized space. The Municipal Chief Executive (MCE) of the Assembly, who until her appointment in 2017, was a trader in the market, failed to recognise the existing leadership and legitimized and recognised another market queen. Thus, two market queens and leadership exist in the market. Partisanship was at the centre of the politics of the market leadership where the Municipal Chief Executive belonged to the ruling party and the first market queen a member of the then ruling party and now the opposition party. Party and statist politics in markets has a long history, with successive governments courting different groups of women, favouring those who support them and punishing those who do not (Clark 2010b; Assimeng 1990; Tsikata, 1989).

The politicization of the market demonstrates the vulnerability of many traders. Now divided, some women are directing their energies at fighting the Assembly for imposing a new Market Queen on them, while others are fighting the PPP projects. How will the traders fight PPPs that threaten their economic spaces with two types of leadership – one unrecognized and the other deemed illegitimate? In July 2017, the women threatened to strip naked and demonstrate to protest the politicization of the market through the imposition of a new market queen.

Many women blamed the PPPs for fragmenting women's front in the market and weakening the mobilization strategies of the traders. First of all, the new occupants in the shops are "foreign" to the market. Since the contractor would have to rent the stores before the 20 years expires, he has to sell to whoever can afford to rent and the Assembly has no control over this due to the contract terms which give the prerogative to the contractor to rent the shops. Therefore, the new occupants do not identify with the market leadership and do not subject themselves to their governance regime. The market leadership was effectively disabled and unable to organise due to the division in the market.

iii) Lease Process, Cost and Payment Structure

The cost of the PPPs and stalls became very apparent and the main point of exclusion of traders in the market. One of the big gaps in the contract was about the non-disclosure of the costs of the shops before they were constructed. The contractors/financiers determined the price upon completion of the structures. Due to this arrangement, the contractor retains the lease agreement while the Assembly issues allocation letters to the tenant. When a shop is rented, the contractor informs the Assembly which prepares the allocation agreement and issues it to the trader. The rented shops are not transferable, which means once leased, it cannot be sublet.

The payment arrangement was not sensitive to the women's financial abilities. Shops were rented with cash payment of GHS40, 000 (USD 10,000) for top floor and GHS65, 000 (USD 13,000) for ground floor. This amount was above the means of the average trader whose annual turnover does not exceed GHS15, 000 (USD3, 000). This is not only an outcome of poor planning, but also an exclusionary tactics to bring affluent traders to the market. The Assembly itself would prefer having bigger traders who would pay fixed BOP annually making revenue collection and planning easier compared to daily toll payment by smaller traders.

The PPPs sheds received similar reactions on cost. With a ten years lease period which does not guarantee security of tenure and high costs, the PP sheds generated much more protest and resistance than the lockable shops. The women resisted the payment of the initial GHS9, 000 (USD 1, 551) which was a ten year calculation of GHS2 (USD 0.35) per day for ten years. They also rejected the MPs offer to subsidise each trader with GHS1, 500 (USD 259) to bring the cost to GHS7, 500 (USD 1, 293). They found that as a trap and were adamant. One can see within these conversations between the women and the Assembly the dichotomy between the public and private logic of development which present differential impacts.

V. Male Control of Women's Economic Space

All PPP contractors were men who technically and legally own those parts of the market for the number of years stated in the agreements. This structure does many more things. It is male elite capture of the local government for individual benefit and the male control of women's economic spaces. With this, we can say that in a few years, men will own markets at the back of PPPs and this will have ramifications for women's economic, social and political rights.

VI. Transparency and Accountability

In terms of participation and accountability, although the Assembly's objective of accepting the PPPs was to modernise the market by decongesting it, improving sanitary conditions and improving the general working environment for the women, its decisions were taken unilaterally. The design, project costs, location and selection of financiers were done by the Assembly while the traders were excluded. The traders did not know the cost of the project, the source of finance, access procedures to the shops upon completion and estimated price for leases. These were not publicly disclosed. The design was also not known in advance. In cases where the women made suggestions, especially to the design, they were ignored. This affected the economic rights of the women whose livelihoods were altered by the project. The exclusion of women in market redevelopment has being blamed for massive displacement and inappropriate designs in other markets (Asante, 2020).

9. The State Must Come Back: Women's Resistance to PPPs

Prior to the initiation of the PPP sheds, traders in the market vehemently rejected a proposal to build sheds in the market with the perception that the assembly will sell them out to them at unaffordable prices. They demonstrated for several days resulting in the destruction of property belonging to the market association. The allocation of the already completed 100 PPP sheds is in limbo due to multiple forms of protest and resistance. The cost and tenure regime were the main concerns of the women. One woman asked "where will a tomato, pepper and plantain seller get such a huge amount to pay for ten years?"

The PPP sheds triggered a number of protests in the market**.** The women used a variety of strategies to register their displeasure with the model. They confronted the Assembly officials and sought audience with the Speaker of Parliament, who was once an MP on the ticket of the ruling New Patriotic Party (NPP). Unsuccessful, they moved the case to the Head Office of the NPP in Accra to complain about the PPP and its cost. The case travelled from the party head office to the presidency. The presidency then referred the case to the Ministry of Special Initiatives.

The women also used the impending December 2020 general election as a bargaining chip as the constituency in which the market is located voted for the ruling government in past elections and has become one of the Party's "world banks". The NPP continue to increase its share of votes in the constituency from 60% in 2008, 61.93% in 2012, and 62.52% in 2016.

The women having realised that stakes are high in the next general election, resorted to threats to abstain from voting or to vote against the ruling party both at the presidential and parliamentary levels. With these conceited struggles, the Ministry of Special Initiatives made a commitment to take up the cost of the sheds. Currently, 500 sheds are under construction as part of the state's agreement with the traders. When the project is done, the traders would pay an allocation fee which the Assembly is yet to determine. However, since the sheds will not cater for all users of the space, the allocation will be done on first-come-first serve basis. There are however fears that there will be politicization of the allocation just like many other government projects. By the women's action, they have insisted on the government's social contract with them and have succeeded in reversing the PPP. The state has now taken the centre stage in the development of the market.

The new sheds are smaller as the women had earlier suggested. It now recognised that the items sold in the market such as vegetables, perishable food crops, fruits and fish do not necessarily have to be sold in lockable shops. Therefore, the new design takes into account the nature of the items sold in the market. The Municipal Engineer reiterated the women's concerns by saying *"The women's agitations helped in the re-designing of the now collapsed PPP sheds. It has also informed the new phase which government will fund and which will be free of charge to the traders"*.

Given the historic relationship between the state and traders, the women's call on the state to come back to develop the market is ambivalent but not surprising. However, beneath this call for the state to return has implication for the trader's economic survival in the future. With the state taking over the construction of the new stalls, it means that ostensibly, the traders are indirectly dispossessed perpetually since the market which is now being modernised was built by the women themselves. The women traditionally owned the structures no matter how small. But they would now become full tenants to the state.

10. Gender and Human Rights Impacts of the Market PPPs

The exclusion of traders from market redevelopment plans and implementation is a known occurrence in the country, especially in recent years (Okoye, 2020). The conception and implementation of the PPP projects in the market violate all human rights-based approaches to development such as participation, accountability, non-discrimination and equality, empowerment and legality. Feminist critics of PPPs have highlighted the coalface of the model and how women's interests are muddled in these kinds of market-driven development paradigms and logics. PPPs are written in a language of neoliberal development that target women's empowerment (Prügl and True, 2014) but often does not take into consideration the heterogeneity among and between women.

Similarly, access to information was vague. Many women did not know the contractors and how to contact them. This information process was hijacked by middlemen who mediated the process. The role of middlemen further complicated the women's quest to lease the shops. In the case of the lockable shops, some middlemen rented in their own names and sublet at exorbitant prices for shorter lease periods. In one of the shops we visited, a young man said that he, through his mother, leased the shop at GHS50, 000 (USD 8, 621) for a period of six years while the going price for the ground floor which he occupied according to the Assembly was GHS65, 000 (13, 000) for 20 years. The young man did not know the contractor. In other cases, the middlemen added their commission to the total cost of the shops. Also, many shops were sublet against the Assembly's by-laws which were stipulated on the allocation letters. This means the assembly did not know some of the actual current occupiers although these occupants pay BOP. This is either a collusion or negligence on the part of the assembly. To be fair to the Assembly, many of the shops remained closed due to the high cost. The market-driven modernization in the market created little room for accountability as there were no safeguards in terms of resolving the issues that the women raised. Mechanisms for resolving the gross economic injustices against the women were non-existent or weak.

The majority of the users of the PPP shops were not selling in the market previously. Also, wealthy female traders from bigger markets such as Makola used the opportunity to rent more shops as an accumulation strategy. The project has also created spatial, economic and social differentiation among traders. Moreover, while the shop owners have bigger space and most of them sold items in a supermarket-like fashion with paved spaces in front, their counterparts continue to sell in the more deplorable areas of the market which in fact justifies the modernisation. But who gains from the modernisation? It is not the small-scale traders from the Dome market but wealthier traders from other markets, middlemen and financiers of the PPPs. One can see economic differentiation by just observing the goods that the traders occupying the two spaces sold.

Despite the many challenges with the project, it included sanitation facilities in the design to benefit the traders in those shops. The old structures lacked these facilities. The shed PPP that collapsed on the back of the women's protests had in its design a clinic and a day care centre. These facilities would still be provided in the new design although the women have successfully forced the government to lead the development of structures in the market. The traders have signalled that government participation could also threaten the livelihoods of some others who do not support the ruling government. Thus, while the shed PPP might have collapsed, the lingering questions of allocation politicisation, a burning issue in other markets in the country[8], worry the women in the market.

Again, some of the former users of the space where the PPPs are now built argued that were the new users originally from the market, they would have sold their goods in front of their shops but they are unable to do so since they do not have that cordiality with the new owners. The traders also reiterated the lack of information sharing in this process by arguing that were they told earlier about the prices of the shops, they would have secured some of the shops through a collective funds model and then divide the shops into smaller units among themselves. After the displacement, some traders displaced shop owners became hawkers in the market while others stopped trading entirely. Those who still got spaces are constantly harassed by the Assembly's taskforce for squatting and threatened with eviction. Others have to squeeze their wares in tiny spaces or sell items that fit their now vulnerable situation. Many of the women complained about livelihood insecurity since the Assembly did not resettle them when they were displaced.

The cost of the PPP shops structurally excluded poorer traders. Thus, the principle of non-discrimination and equality were put on the back burner which is not surprising in projects of this nature which prioritise profit. In general, while the leading the construction of the PPP shops disempowered women, it did not silence them completely. The women mobilized, protested and brought the state back to the market.

11. Conclusion

Ghana's privatisation trajectory has come to a new phase where PPPs are increasingly used for infrastructure financing and development. This is happening at the back of the country's "Ghana beyond aid" agenda, and also the country's attainment of middle income status and

[8] https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Ho-traders-unhappy-about-allocation-of-market-stalls-989944

the subsequent drying up of donor funds. Simultaneously, pension funds in the Global North are looking for safe and long term investment spaces. PPPs have therefore come in handy. But these are not without critic and consequence. While there is a national PPP policy, there is no law to regulate the unfolding public financing paradigm although the existence of a law would not necessarily solve the many complexities that entangle equity and efficiency or private sector logic and public sector ones. One must see PPPs as global level politics transmitted to the local level. The discussion about PPPs in Africa has been blamed on expertise as if that alone would solve the ideological complexities that have characterised PPPs and how this explain power inequality between the Global North and South and women and men. The tyranny of expertise is the reasons the private sector is left to drive the process. At the local levels, resource constraints have made PPPs the first alternative for development.

Markets, where women derive economic autonomy, have become attractive for PPPs in the name of modernisation. However, as seen in the Dome Market case, PPPs fail to improve the economic status of traders in the market. Instead, some women were dispossessed with no resettlement or alternative trading spaces. The processes leading to the implementation of the PPPs were opaque as the Assembly and the project financiers were unaccountable to women in the market. The projects further deepened the already fragmented governance structures in the market. The women were however not passive to the developments in the market. They staged fierce resisted using all weapons at their disposal to bring government back to development. The women's protest is a contestation of efficiency driven market economic development and its logic of profit maximisation. Their demand on the state to come back to fulfil its social contract with them is a just call in an era of elite capture of the state and the state's de-investment in public infrastructure development. Yet, we cannot lose sight of the election cycle in Ghana and the *politricks* of unsustainable election promises. The women are aware of this as they race against time, including contributing to feed the labourers on the government-sponsored project site so that the structures could be ready before the December, 2020 elections. The 500 sheds and the other facilities such as day care centres, police station, clinic and Assembly's officers are at varied levels of completion. The commodity leaders are at the forefront and they are mobilising their members to get allocation and ready to mount further protest in case of politicisation of stall allocation.

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