Corporate Accountability and Women's Human Rights: an Analytical Approach to Public-Private Partnerships (PPPs)

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February, 2021

DAWN Discussion Paper #31

DAWN FEMINIST
DEVELOPMENT ALTERNATIVES WITH WOMEN FOR A NEW ERA

This paper is part of an international research effort by feminist authors from the Global South.

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Corina Rodríguez Enríquez. 2021. Corporate Accountability and Women's Human Rights: an Analytical Approach to Public-Private Partnerships (PPPs). DAWN. Suva (Fiji).

Corporate Accountability and Womens Human Rights:
An Analytical Approach to Public-Private Partnerships (PPPs)[1]

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In the current phase of concentration and financialization of global capital, private corporations have increasingly gained a position of power over other actors. In many regions of both South and North, they are able to impose their own agendas, based on the continuous search for larger profits. Private actors have increasingly come to subordinate public and collective interests, diminishing the capacity of the State to regulate them, threatening human rights, and challenging labour, environmental and other laws and regulations.

Indeed, powerful private interest groups and their partners have gained excessive influence over policy-making, eroding thereby both human rights and democratic processes. This corporate capture of the State has systemic and long-standing influence, and is backed by narratives that argue: i) that States are, through processes of 'rent-seeking', inherently economically inefficient; and ii) that policy issues are of such technical complexity that ordinary citizens cannot understand, and therefore should not (or need not) engage with them. The disingenuous inference often drawn from this is that private corporations operate in the public interest. What is good for corporations is claimed to be good, self-evidently, for the State and its citizens.

This process does not take place only at the national level, but also in multilateral spaces including UN agencies and processes.[2] The private sector has come to be considered by many powerful actors and entities to be a key actor for development. Its influence has grown and is evident in the setting of priorities, the orientation of policy proposals, and the weakening of potential regulatory processes. For example, the private sector and its champions have pushed for the relatively mild UN Guiding Principles on Business and Human Rights in preference to the tougher proposed Binding Treaty on Transnational Corporations with respect to Human Rights.

DAWN has already highlighted the threat that the increasing power of the private sector implies for the fulfillment of women's human rights, through: i) the negative impact of the drive towards competitiveness and rising productivity on women´s working conditions; ii) the spread of the ambiguous discourse on corporate social responsibility and of the belief that corporations are (or may be) gender sensitive; and iii) the impact of tax dodging and corporate lobbying in limiting public revenues as well as policy space (Rodríguez Enríquez, 2017).

The current *avatar* for corporate capture of the State is the Public-Private Partnership. The relentless pressure on States (both South and North) to implement fiscal compression

[1] This document benefited from initial contributions by Veronica Serafini. The participants at the DAWN workshop, held in Addis Ababa (26-27 May, 2019), provided valuable insights and experiences for this conceptual framework.
This is an edited and expanded version of the analytical framework produced in August 2019.
[2] See Adams and Martens (2015).

choice for development programmes and the channeling of investment finance. PPPs, as defined by the Global Campaign Manifesto, “are essentially long-term contracts, underwritten by government guarantees, under which the private sector builds (and sometimes runs) major infrastructure projects or services traditionally provided by the State, such as hospitals, schools, roads, railways, water, sanitation and energy.”[3] While PPPs have a longer history in the global North, they are now being promoted by regional development banks and the International Financial Institutions as a way to guarantee financing for the Sustainable Development Goals, and are spreading fast in the global South.

PPPs have been presented as part of the strategy to move from “Billions” in ODA to “Trillions” in investments[4]. As the development committee of the World Bank and the IMF Stated in 2015 prior to the Third International Conference on Financing for Development, the most substantial development spending happens at the national level in the form of public resources, while the largest potential is from private sector business, finance and investment. This is the trajectory from billions to trillions that the world should embrace to finance and achieve the SDGs, they argued.

PPPs are therefore viewed by governments and many funders as a new silver bullet for the building of large infrastructure and the provision of public services, expected to solve problems of inadequate public financing, technology and skilled human resources, and to improve efficiency and effectiveness. They are also seen as a great opportunity for the private sector, representing a new window of opportunity for institutional investors including Northern pension funds, with high returns and low risk since most of the projects are backed by sovereign guarantees from States. For this same reason, a growing critique of PPPs argues that they reinforce corporate capture of the States. It also challenges their weak effectiveness, and poor transparency and accountability.

This paper develops an analytical framework that aims to bring together critical elements for building a feminist approach to PPPs, while reviewing the arguments that claim that these initiatives favor women’s empowerment[5]. It attempts to highlight what dimensions are necessary to analyze the impact of PPPs on women’s human rights.

PPPs: what are we talking about?

As defined above in the Global Campaign Manifesto, PPPs are “essentially long-term contracts, underwritten by government guarantees…” They are arrangements that involve some form of risk sharing between the public and private sector (Romero, 2015). What differentiates PPPs from public procurement is that a private company is responsible for raising the up-front costs for the investment, which is then paid back by the taxpayer (directly, or through the State) over the course of the contract by which the private company builds, maintains and operates (or some agreed variant) the service. In return, private companies expect a guarantee that they will make a profit on the investment[6]. (The Equality

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[3] https://eurodad.org/files/pdf/1546821-world-bank-must-stop-promoting-dangerous-public-private-partnerships-1549891747.pdf

[4] https://siteresources.worldbank.org/DEVCOMMINT/Documentation/23659446/DC2015-0002(E)FinancingforDevelopment.pdf

[5] See for example Jennings and Gaynor (2004) and Shepherd (2016).

[6] "Public-private partnerships are also referred to as private finance initiatives (PFI) in the UK, and as ‘blended finance’ or ‘blending’ by the UN and multilateral development banks (MDBs) such as the

Trust, 2019). PPPs are also different from “informal or loose collaborations between different actors, including multi-stakeholder partnerships and short-term outsourcing arrangements for the delivery of goods and the provision of services, for instance, in health or education. It also excludes privatization schemes, by which previously publicly owned services and facilities are fully transferred (by sale) to the private sector.” (Romero, 2015: 11).

The analysis of PPPs in health and education needs a more flexible and broader definition since, in many cases, this involves not only corporations but also funders and philanthropic organizations (the last being linked to corporations in many cases). Nonetheless, the core issue remains the role of the private sector in the functioning of the State.

The different and varied definitions of PPPs that countries are currently including in their regulatory frameworks share some common points: i) medium or long-term but finite contracts between the public sector (at national or local level) and a private sector company or consortium; ii) a private finance component, sometimes through a complex net of diverse participants, which must be repaid by the public sector or the users; iii) a relevant role of the economic operator that participates in different stages of the project (design, implementation, execution and financing); iv) a public partner whose main tasks include setting the objectives to be achieved in terms of public interest, overseeing the quality of the proposed services and price policy, and ensuring the achievement of objectives; v) transfer of asset ownership to the public sector upon completion of the contract. (Romero, 2015; Unión Europea, 2004).

The risks to be shared include i) construction risks such as design problems, building cost overruns, project delays; ii) performance risk, such as availability of an asset, the continuity and quality of service provision; and iii) demand risk, such as ongoing and future need for the service/asset with an impact on the project value and project revenues. There are also macroeconomic risks that relate to factors affecting financing costs, such as inflation, interest rates and exchange rates. Finally, there are political and regulatory risks, that refer to changes in regulations and political decisions affecting the project, such as changes in tax policy or new environmental rules (Romero, 2015).

Private sector partners may recover their investment in either of two ways: i) PPPs where the user pays: the private partner is allowed to charge the public for using the facility, generally through paying a fee, which can be supplemented by subsidies paid by government; or ii) PPPs where the government pays, while the private sector company provides and administers infrastructure or services for the public authority. They receive regular payments from the public partner based on the level of service provided (Eurodad et al, 2019).

Advocates of PPPs claim that they are useful because: i) they solve the State’s problems of limited finances; ii) they address the problem of State inefficiency in designing and implementing works and in the provision of services; and iii) the private sector promotes the incorporation of innovation, technology transfer and capacity building. At the same time, PPPs benefit the private sector because they open up business opportunities in sectors that have been historically unavailable for the private sector. On these grounds, PPPs have been promoted as the most appropriate way to finance the SDGs.

World Bank and the International Monetary Fund (IMF) when they also raise financing for the project and add the financing costs to the contractual payments to governments.” (The Equality Trust, 2019: 7)

From billions to trillions to securitization: the role of International Financial Institutions (IFIs) in the promotion of PPPs as tradable assets

The current promotion of PPPs has been framed within the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Agenda for Action on Financing for Development. There, it was agreed that the mechanisms used to generate the capital needed to deliver the 2030 Agenda would need to go beyond international aid (ODA)[7], to include finance available from governments directly and through private sector investment. At the same time, the World Bank announced a new strategy called 'Maximizing Finance for Development' (MFD), which they claimed would 'leverage solutions', and connect and coordinate the public and private sectors. "The MFD approach insists that nothing should be publicly financed if it can be commercially financed in a sustainable way. If commercial financing is not forthcoming for a project, a country must promote a more investment-friendly environment and/or provide private sector guarantees, risk insurance and other inducements" (Alexander, 2018: 7).

In 2017, the approach was also adopted by the G20 in the Hamburg Principles applying across various multilateral development banks (MDBs). This approach is based on the belief that traditional methods of financing are not sufficient to accomplish the SDGs, instead claiming that 'attracting private solutions' is essential. (The Equality Trust, 2019).

As Alexander (2016) has argued, these infrastructure plans involve a new paradigm that was described in the 2015 report "From billions to trillions", built on the following three pillars: i) the use of public money (ie. taxes, user fees, guarantees) to leverage or catalyze private sector investment, particularly long-term institutional investment (ie. pension and insurance funds, sovereign wealth funds, private equity funds); ii) a commitment to create "pipelines" of "bankable" projects, with an emphasis on megaprojects[8] (initially in four sectors: transportation, energy, water and information and communications technology – ICT); and iii) mechanisms to rapidly replicate PPPs, through standardized clauses in PPP contracts, information disclosure requirements, procurement, risk mitigation, etc., as well as updating countries´ legal and financial regulations (ie. land acquisition, investor protections) to attract private investment.

From the private sector perspective, the profitability (or "bankability") of projects is crucial, for these plans to make sense. Depending on the sector and location, PPPs represent a very attractive business opportunity for companies such as construction and engineering companies, service providers (for example healthcare service providers) and banks. The delivery of infrastructure projects traditionally carried out by the public sector represent the 'next frontier to conquer' for the private sector. This is particularly the case for institutional investors, who hold trillions of dollars and are looking for attractive returns and seeking to diversify their portfolios, and so reduce the risks to their investments (Romero, 2015).

More recently, the G20 Eminent Persons Group (EPG) proposed that securitizing on a large

[7] However, UN insists that "Official development assistance is still necessary to help the countries most in need, including the least developed countries, to achieve sustainable development" (https://www.un.org/sustainabledevelopment/development-agenda/)

[8] Since 2010, the G20 has worked with development banks in Africa and Asia, in particular, to strengthen existing infrastructure project preparation facilities (PPFs) to fill the "pipelines" with megaprojects.

scale, across the MDB system, will in effect create new asset classes and attract a wider range of investors. So, they are seeking to engage the private financial sector not only with regard to financing investment in projects, but also by securitizing the projects' future revenue streams from the "pipelines" of projects and bundling them into tradable assets on financial markets (Alexander, 2018).

One of the ways of securing the possibility of easily replicated PPP projects that can feed these pipelines, is the World Bank's Draft Guidance on PPP Contractual Provisions[9]. Civil society organizations have underscored the need to review this Guidance in order to avoid imbalances in the way risks and rewards, rights and responsibilities are allocated between the private sector partners and the public sector contracting authority. A large number of organizations supported a Joint Submission by Foley Hoag LLP, legal experts from the International Institute for Sustainable Development (IISD) and the Observatory for Sustainable Infrastructure, which made a number of critical observations[10]. In their view, for the most part, the Guidance is fixated on getting the PPP deal to a close by motivating the private partner at the expense of the host country and its people. The latter are urged to accept the negative consequences that may fall on them as a result of these contractual provisions as a cost of attracting infrastructure investment. This approach maximizes the profit margin of the private partner while potentially creating large contingent liabilities for the host country.

Following this critique, the updated version of the Guidance seems to have responded to the above critical observations by adding three new chapters that have the potential to assist in the negotiation of balanced contractual provisions, and that recognize the local law as the appropriate governing law of the PPP contract. But the rest of it retains its bias in favor of the private sector. The Guidance does not have a broader sustainable development perspective. While value for money and management of fiscal and financial risks are essential, so too is management of the nonfinancial risks of PPPs, such as environmental, social and governance risks.

Main lessons from PPPs in practice

The organizations that promote PPPs have made efforts to demonstrate their positive impact but have not been able to avoid difficulties. A study from the World Bank's own Independent Evaluation Group (IEG) confirms that there is little evidence that assures the positive impact of Public-Private Partnerships (IEG-WB, 2012). In a study on Latin America and the Caribbean, Alborta et al (2011) indicate that "there has been little impact compared to the initially set objectives."

More critical empirical analysis[11] shows that PPPs are controversial in at least the following dimensions.

The *first* dimension is relative financial cost. In many cases, PPPs have turned out to be more costly than traditional public investment for governments in the long run. This is because the conditions set up in PPPs contracts usually imply heavier financial costs than

[9] Similarly, other frameworks are being discussed and accepted, such as the UNECE Guiding Principles for People First PPPs, as well as the UNCITRAL Legislative Guide on PPPs.
[10] https://eurodad.org/files/pdf/5ccc486d841e9.pdf.
[11] Eurodad (2018) presents a summary of these analysis from various countries across continents.

those arising from direct government borrowing. The cost is even heavier in developing countries, where investors expect higher returns to compensate for presumed higher risks.

The biggest potential financial cost stems from the possibility of generating contingent liabilities due to the poor design of projects whereby obligations are imposed on the State that had not been calculated before. This is worsened by the fact that there are few existing transparency mechanisms within States, the lack of government guarantees in tax accounting registries, and little capacity to manage initial contracts or re-negotiations (Pesino, 2016; Alarco Tosoni, 2015).

Shifting public debt (which was the usual way of financing this type of projects) to government guaranteed debt does not really reduce government debt liabilities, but obscures accountability as it is taken off-budget and is no longer subject to parliamentary, let alone public scrutiny (Romero, 2015). Fiscal implications of PPPs result from i) direct liabilities: payment terms set in the contract (for example, capital contributions to ensure that a project that is economically desirable but not commercially viable can proceed) or ii) contingent liabilities, which are payments required from governments if a particular event occurs (for example, if the exchange rate of the domestic currency falls or if the demand falls below a specified level)[12].

The *second* dimension is efficiency, defined in its "classic" meaning of achieving a goal through the less costly way. IEG-WB (2012) refers to the existence of an in-depth but not statistically representative evaluation of 22 PPPs that indicated that results were mixed in terms of efficiency. In fact, the most positive results were found in countries that have consolidated frameworks to manage PPPs. That is to say, in countries where the State already had strong institutions and better capacities, which undermines the argument of an improvement of this dimension through the private sector.

Third, PPPs might restrict citizens' access to services and challenge their quality, thereby threatening people´s rights. On the one hand, this happens when the financing of the PPPs includes user fees, making access to services more costly, even unaffordable, for large parts of the population. In fact, the existing evaluations rarely focus on the impact of PPPs in terms of equity and when they do, they often reveal that there is limited access by lower income populations to the services on offer (Romero, 2014).

In addition, being profit-led, PPPs are rarely developed in sectors that are not profitable for the private partner, even when there may be social needs to be met. Moreover, considering the expense and time usually expended for PPP preparation, and the uncertainty of demand risk, it is plausible that the private partner would seek to insulate the project from future competition, which prevents citizens accessing alternative providers. In the World Bank's Guidance, this matter is labelled Material Adverse Government Action (MAGA) which may entitle the private partner to terminate the PPP contract and seek compensation. The

[12] Contingent liabilities can be explicit which are the most common public guarantees, such as those related to the risk of inflation, exchange rate instability, etc., or implicit, which depend on the expectations by the public or pressure by interest groups, and are triggered by cases of underperformance, where the public sector ends up bailing out the project (or even worse, bailing out the private sector company). (Romero, 2015)

proposal to turn future competing projects that have significant public benefit into a MAGA event is contrary to public policy, and non-competition clauses of this nature may even be illegal and not enforceable in some jurisdictions. This was pointed out in the Joint Submission by civil society, discussed above. Furthermore, "this line of argument goes against the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises. It negates the due diligence obligation of private investors to assess the need for developing countries to progressively implement all elements of the SDGs. The risk allocation provisions advocated in the current text potentially work to hinder governments in achieving their international commitments, such as those related to human rights, the environment and climate, and pressing national needs on similar issues through enactment of new laws." (Joint Submission, page 8)

The fiscal pressure resulting from failing PPPs reduces the public resources available for implementing needed public policies.

Fourth, poor regulation of PPPs has resulted in serious social and environmental damages. Poor planning, lack of ex ante impact assessment, flawed normative frameworks, as well as weak State capacity to monitor the process, increases the risk of negative impacts on natural sources and people´s livelihoods. Besides, the profit-led nature of private sector participation leads to a push to lower costs including those to prevent environmental damage, or to improve working conditions of workers to at least meet the ILO's decent work standard. Often, existing national labor and environmental laws are set aside in PPP contracts in a variety of different ways, including by invoking lower special economic zone (SEZ) norms. Effective impunity for harms result in costs that are assumed by the State.

Moreover, the current trend towards securitization reinforces this negative impact, since once a project's future revenue streams are securitized, MDB environmental and social safeguards cannot apply unless they have already been built into the value of the security. This is because contract for repayment of the securitized debt held by the investor would be disconnected from whatever underlying project the financing had been for, and from any unanticipated consequences of the underlying project. (Alexander, 2018)

Fifth, PPPs are highly controversial when it comes to transparency and accountability. Most often, PPPs do not go through the normal procedures of procurement, and contract details are not published. There are few or no mechanisms to allow for proper consultation with communities when PPP projects are developed. Thus, PPPs restrict democratic accountability and enlarge the field for growing corruption given that negotiations are often covered by commercial confidentiality.

PPPs are often financed through off-budget mechanisms, taking them out of normal fiscal requirements and parliamentary or other public scrutiny. States are restricted in their ability to regulate PPPs and all too often run the risk of being subjected to international adjudication and to Investor-State Dispute Settlement (ISDS) clauses, that are increasingly used across the globe to discourage governments from demanding accountability from corporations.

In addition to the above, feminist critiques have begun to raise serious concerns because PPPs are spreading into areas central to women's lives and livelihoods: natural resources exploitation, energy, infrastructure, and social services. Existing analyses have already highlighted the impact of corporate power on women and historically marginalized communities, and the risks of PPPs for gender equality, through: i) fiscal constraints that limit the resources available to deliver gender-transformative infrastructure and social provision, while PPPs are expensive and transfer risks to the State and its citizens; ii) a race to the bottom in terms of working conditions in PPPs projects that often do not meet decent work standards or provide social protection; iii) restriction in access to social services due to rising costs; iv) lack of participation in project selection, design and monitoring of PPPs, and a lack of transparency or accountability; v) loss of land, access to water and other private and common resources as these are taken over in the name of PPPs with the full support of governments, reducing women's ability to provide for their own and their families' subsistence, and sometimes even resulting in destitution; and vi) greater violence including sexual violence perpetrated when they dare to resist or demand justice. [13]

Jennings and Gaynor (2004) had previously warned that infrastructure investment with PPPs as a vehicle would not have a positive impact on poverty reduction or the elimination of gender inequality unless these objectives, as well as the mechanisms to achieve them, were explicitly incorporated into projects.

This conclusion is confirmed through the evaluation carried out by Ponnusamy et al (2014) on different PPPs implemented in the agriculture sector in India. Evaluated PPPs with successful results incorporated a gender approach from the beginning of the project, based on an initiative carried out by the Directorate of Research on Women in Agriculture, Bhubaneswar (DRWA, by its English acronym.) The research found positive impact on production, productivity, income and social recognition of women, underscoring that among the elements that facilitated success were the organization of farmers, equal bargaining power of all parties and strong participation of the public sector.

These initial findings point to the need to deepen the analyses of PPPs from a progressive intersectional feminist perspective. In the next section, we propose a framework for doing so.

An intersectional feminist framework for the PPP study: informing agendas and activism

An intersectional feminist approach to PPPs is urgent, in order to produce sound analysis that can inform advocacy and activism to challenge dominant narratives, to prevent and resist the negative impact of PPPs on women´s and historically marginalized communities´ human rights, and to advocate for stronger regulatory frameworks and institutions.

The existing gender analyses, mentioned in the previous section, have focused on the impacts of PPPs on women's lives and inequality gaps, drawing in most cases on studies that were not specifically meant to evaluate gender dimensions. In other cases, the conclusions are reasonable but hypothetical because there is insufficient information to support them.

With the following framework we intend to shed light for future analysis, including through the production of new information.

i) Context

To produce a situational analysis, it is important to locate the PPPs phenomenon (or the specific PPP under study) within the economic framework of the country/region, as well as

[13] Some of these findings are analysed in Eurodad, Femnet, G&DN (2019) and DAWN (2015).

within the dynamic of the corporate capture that is operating in that case, including the impact of trade and investment agreements. That is, investigate how PPPs are located within the economic development strategy of the country or region. Is this strategy favorable or not to close gender inequality gaps and how does the PPP project advance or block this? In addition, the analysis should identify how corporate power / capture works in the country or region, and its links to the push towards PPPs.

ii) Main actors – a power analysis

The actors involved in PPPs development must be identified as well as their role, influence and veto power. Based on what has been studied so far, the suggestion is that the actors to be taken into account should include:

a) the IFIs promoting the narrative in favor of PPPs but also providing guidance for the negotiation of contracts and, in some cases, even financing;
b) the public sector, which requires identifying which government sector participates in negotiations, implementation, supervision and accountability; in some cases, it will be necessary to understand the existing or required institutional coordination;
c) the private sector, identifying whether they are corporate transnational or local groups, or an alliance of both, and what are their characteristics and modes of operation;
d) academic sectors, reviewing the extent to which it is generating information and analyses that will inform the State and the private sector involved, as well as, and particularly, the affected societies; and
e) unions and/or social organizations, communities and people, affected by and/or resisting the PPP project, considering their characteristics and how they fit into the process, underscoring, in particular, their strength or weakness to force citizens' participation and respecting the rights of the population involved. **It will be essential to identify which specific actors of the women's movement participate or should participate, investigating the level of information they have and reviewing the practices and strategies applied, including the coordination with other social actors.**

iii) Regulatory and legal frameworks

It is important to review all regulatory and legal frameworks affecting the development of the PPP project, investigating in particular:

a) whether they include local/national specificities, or whether they simply follow the standardized models encouraged by the IFIs;
b) how they connect with international frameworks that might be relevant for the specific case, and to what extent the right of States to regulate for the well-being of citizens is preserved;
c) to what extent these frameworks provide an adequate balance between responsibility, obligations and rights of public and private actors;
d) what is the mechanism for the selection and prioritization of projects; is there legislative participation and does it properly represent the interests of ordinary people;

e) to what extent do these regulatory frameworks provide spaces for social accountability and mechanisms to raise peoples' voices, particularly women's;
f) are they based on a human rights approach, in particular women's rights, and also environmental and social rights and, consequently, whether they include, or not, the enforceability of carrying out an ex-ante and ex-post assessment of the project impact;
g) what difficulties may these legal frameworks cause to effective implementation or which specific elements facilitate it;
h) to what extent do regulatory frameworks foresee the generation of information to monitor the operation of PPP projects and sustain adequate analyses of the impact on women's lives and inequality gaps;
i) what about access to justice and remedies in case of violation of women human's rights?

iv) PPP characteristics

All the aforementioned aspects should be incorporated under a specific profile of the PPP project, identifying its type, activity field, objectives, goals, timeframes and temporary terms, involved resources, expected results, involved institutions, investors, etc. The profile of the PPP project should include references to its relation with the territory where it operates, the environmental and human resources required, the social, demographic and economic characteristics of the people amidst whom the project is developing.

A profile of the PPP project that is based on a feminist approach must enable the production of information about gender aspects in project functioning, from participation (or lack of participation) of women's and social organizations in the different stages of the project (design, implementation, management, monitoring, evaluation) to full and meaningful participation (or lack of participation) of women and/or other civil society groups, especially marginalized communities, in project management.

v) Gender and Human Rights´ impact of implementation and functioning

Analyzing the impact of the implementation and functioning of PPP projects on women's lives and the inequality gaps requires relevant information that is not always generated and/or available. The generation of this information must be part of the demands to be made in order to carry out this kind of analysis. The analysis must include the consequences of the type of investment (infrastructure or services) and of different types of financing. Thus, the following should be included:

a) the costs of the project and the extent to which it succeeds in providing a service or access to infrastructure in the most economic, efficient and effective way, or, if it ends up generating more fiscal stress in the medium and long term;
b) the impact of PPP forms of financing, either through the payment made by users or by the State;
c) the environmental and social consequences of the implementation of the project, including its impact on the livelihoods of households, access to land, water and other resources that women have traditionally accessed and used;

d) the consequences of this access (either enlarged or restricted) for women's lives and opportunities, either through the improvement of living conditions, participation in the labor market or time devoted to unpaid work;
e) the quality of the services provided;
f) the impact of PPPs on labor conditions in general and, in particular, of women, either in the specific context of PPPs or in related ones, foreseeing the possibility of widespread improvement or, on the contrary, a race to the bottom of working conditions;
g) the impact on violence in communities as a whole, and against girls and women, inside and outside the home.

An impact assessment of the functioning of PPPs from a feminist perspective cannot only rely on the analysis of available documentation and information but should incorporate women's voices and their experiences through qualitative and field studies.

vi) Transparency and accountability

The possibility of citizens' watching over the functioning of PPPs is key to demonstrate the possibilities of involved populations having an impact on the decisions that affect their lives and being able to prevent unwanted and harmful impacts. Transparency and accountability must be present throughout the process of the projects, including the definition of priorities and the pros and cons of implementing them. It must create mechanisms to monitor the specific impact of projects on peoples' rights. This requires the generation and availability of information about:

a) the project selection processes, including ex-ante assessment of its impacts;
b) the signed contracts and monitoring processes;
c) accountability of public funds throughout the process, that should go through within standard norms and not off budget; and
d) performance reports and completion of contracts.

Whether such information is freely available or not will say a great deal about the project's transparency and the accountability of various actors, private and public. An analysis of the effective accountability of a project must also include the analysis of State capacity to monitor legal and regulatory frameworks, as well as civil society capacity to demand accountability. The element of corporate capture of the institutions of the State comes in here, with the possibility that nominal State actors might be acting secretly in the interests of private contractors. The security apparatus of the State may also be abused and violence by both private and public forces may be used to keep citizens' questions and curiosity under check.

vii) Governance and democracy

A feminist analysis of PPPs should also consider governance as a key element and a crosscutting issue and take into account the influence of PPPs on democratic life, including outsourcing of policy making, influence in elections, as well as civil society cooptation. It should also take extra-territorial accountability into consideration.

viii) Resistance

Finally, an important dimension of a feminist approach to PPPs refers to social organization and, particularly, women´s organization, in face of these processes and their consequences. In this sense, it would be necessary to know about advocacy and/or resistance throughout this process, to what extent informed evidence was available to develop strategies, which mechanisms were effective and which were not to make people´s voices heard, and which alliances and which actors are powerful in this sense.

A feminist approach of PPPs should not be restricted to the specific study of its impact on women's lives, but, rather on the way PPPs contribute or not to deepen a financial capitalism that commodifies life, plunders land and destroys Nature, and advances a predatory system that puts profits ahead of the sustainability of life and the boundaries of the planet.

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