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
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A FEMINIST AND HUMAN RIGHTS-BASED ANALYSIS OF PUBLIC-PRIVATE PARTNERSHIPS IN GHANA’S MARKETS

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ABSTRACT
Public-Private Partnerships (PPPs) are becoming vehicles for public infrastructural financing at global level. Proponents of PPPs have listed the impressive positive potentials of PPPs, such as increasing efficiency, a good source of rapid infrastructural development, knowledge transfer, and technological advancement, among many others. PPPs are, however, not entirely novel. In Ghana, PPPs began to be part of the development agenda after the overthrow of the Kwame Nkrumah regime in 1966, although they were not as common as they are today. From the 1980s, through the Structural Adjustment Program (SAP) loan conditionalities of the Bretton Woods Institutions (BWIs), the Ghanaian state has systematically pursued de-investment in public infrastructure financing, assigning some of these roles to the private sector and to local governance structures. The central government’s fund allocation to local government institutions has always remained insufficient, while the role of the latter has continued to expand. On the back of their expanded mandates, at local level, internally-generated funds - especially those in local markets - have become crucial for revenue mobilisation, and, to this end, local government authorities have made market modernisation and re-construction a crucial part of the development agenda. Thus, PPPs have become vehicles to modernise markets. In Ghana, it is the markets that provide the spaces for the economic survival of women and for asset accumulation. 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 with others in tow in the transition to the higher echelon of the scale, PPPs have increased class struggles
within the market. This study focuses on the construction of lockable shops and open-shed PPP projects at the Dome Market in the Ga East Municipality in the Greater Accra Region. Based upon qualitative research and a review of documents, the study aims to highlight the ramifications of market PPPs for gender equality and the socio-economic rights of women.

The results show that the projects which were arbitrarily conceived and implemented by both the financiers and the Ga East Municipal Assembly dispossessed traders without reallocating alternative trading spaces to them. It has also fragmented both the market and its leadership, and has created new forms of class divisions in the market. One of the questions raised by the opponents of PPPs is that of who benefits from the projects. The study found that many of the owners of the PPP shops were not traders of the Dome Market, but traders from older and relatively better-off markets. Traders in the Dome Market who could not acquire the PPP shops blamed it on the lack of sufficient consultation and transparency both before and after the implementation of the project. As a result, the shops were inappropriately designed, leases were costly, and the information on how to acquire them was very opaque, while the payment terms were inflexible. The PPP and the implementation processes both served to exacerbate the existing class differentiation among the traders and reproduced structural inequality between men and the women. The PPPs also deepened the power struggles in the market leadership structure by weakening the position of the women in the market and their collective-bargaining platforms. The women, who realised that the PPPs have weakened their socio-economic status, mobilised, and used various strategies, including demonstrations, political threats, and complaints, in order to convince the state to take charge of the construction of the market. Their protest led to the abandoning of the remaining PPP construction works in the market, as the central government has begun constructing sheds to be allocated to the women.

1. **INTRODUCTION**

Ghana is located in West Africa and has a population of about 30 million people, of which women constitute about 51 per cent (Ghana Statistical Service, 2016). The country has made impressive progress over the past three decades concerning democracy and a multi-party-political system. Notwithstanding this, two major parties have dominated the political landscape for a long time. Nonetheless, Ghana’s democratic advancement has not benefited both men and women equally, as women continue to struggle to obtain the same socio-economic rights as men. The political engagement of women remains lower than that of men.
due to the adherence to socio-cultural norms that restrict the participation of women in public spaces.

Ghana’s Gross Domestic Product (GDP) amounted to 65,556 billion USD as of 2018, with a 6.3 per cent annual growth rate and a 4,650 USD gross national income (GNI) per capita, making it a lower-middle-income country. Its lower-middle-income status meant that it could no longer access certain types of loans which are available only for poorer countries. Consequently, it has to borrow at higher interest rates and compete with other borrowers in order to access loans on 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 gender-based inequality (Aryeetey and Baah-Boateng, 2016).

Ghana’s labour market is highly gender-segregated and segmented, and women accounted for 64.7 per cent of the economically active population, compared to 71.4 per cent of men (Ghana Statistical Service, 2016). Over the years, its development agenda has incorporated the private sector in sectors that required service delivery and infrastructural development projects. Ghana’s shift from statist development to the inclusion of the private sector predates the Structural Adjustment Program (SAP) and economic recovery programmes that started in the 1980s. The privatisation of state-owned enterprises (SOEs) started in earnest after the overthrow of the Kwame Nkrumah regime in 1966. From the late 1960s onwards, the country moved from a statist development model, to state partnership with multinational organisations and international finance institutions (IFIs), especially in the agricultural sector (Graham, 1993).

The conditionalities of the Structural Adjustment Program increased the private sector involvement in development. Ghana was the first country in Africa to accept the market-driven public-sector reform policies inspired by the World Bank, International Monetary Fund (IMF) and other donor institutions (Awortwi, 2011) and, from the 1980s, the country embarked on vigorous privatisation of state entities. This policy was in line with the loan conditionalities of the BWIs. Many of the SOEs had been established as part of a national project during the early period (1957-1966) of Ghana’s independence from Britain with the policy framework of increased industrialisation, import-substitution, and self-determination. Appiah-Kubi (2001) notes that, between 1987 and 1999, 14 per cent of Ghana’s GDP came from privatisation. By 2005, over 335 SOEs had been privatised in the 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 institutionalisation of private-sector participation in development.

2. **PPP: THE NEXT PHASE OF THE PRIVATISATION 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 the United Nations (UN) agencies, IFIs, governments, continental bodies, continental development banks, international consulting firms, and corporate forums, among others. These institutions have endorsed the PPP as a development instrument, seen as an alternative to traditional development financing. This call for PPPs makes the model distinct from that of privatisation. However, PPPs are framed within equity versus efficiency logics, the same arguments that were behind privatisation. This 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 a development instrument 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, giving them even more legitimacy.

While some of the PPP projects predate the regulatory regimes that many African countries have developed, the similarities of these 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 emerged within the same decade. This can be seen in Tanzania’s Public-Private Partnership Act No. 18 of 2010 and amendment of 2014, Sierra Leone’s Public-Private Partnership Act 2010, Kenya’s Public-Private Partnership Act No. 15 of 2013, and Uganda’s Public-Private Partnership Act 2014. A crucial part of all these laws is the emphasis on solicited and unsolicited bids for PPPs, which also runs counter to transparency and accountability. Similarly, the PPP regulatory decision-making platforms are top-down institutions/ regimes, with important implications for structures at local level.

3. **DATA SOURCES**
The study is based upon both primary and secondary data. The primary data are mainly qualitative interviews comprising interviews with staff of the relevant institutions in the Ga
East Municipal Assembly, the Dome Zonal Council, and leadership of the Dome Market. In-depth interviews were conducted with displaced women and tenants of the PPP shops/stalls at the market. Non-participant observation and transect walks 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 female traders 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 the 2013 PPP Bill is yet to be passed. Ironically, the unsuccessful implementation of PPPs is attributed to a lack of laws (CEPA, 2015), which is a mechanistic view that has characterised the aid conditionality that PPPs have become, assuming that the existence of laws overcomes all the problems of the financing model. In Ghana, 26 PPP projects in the energy, port infrastructure, and telecommunications fields attained financial closure between the years 1990 and 2019. The majority of these significant projects are in the energy sector (Table 1).

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

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Sector</th>
<th>Financial Year</th>
<th>Closure</th>
<th>Investment Amount (million USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity Company of Ghana Distribution and Retail Business Concession</td>
<td>Electricity</td>
<td>2019</td>
<td></td>
<td>580.00</td>
</tr>
<tr>
<td>Tema LNG Import Ports</td>
<td>Ports</td>
<td>2017</td>
<td></td>
<td>550.00</td>
</tr>
<tr>
<td>Tema Port Expansion</td>
<td>Ports</td>
<td>2016</td>
<td></td>
<td>1,500.00</td>
</tr>
<tr>
<td>Amandi Energy Power Plant</td>
<td>Electricity</td>
<td>2016</td>
<td></td>
<td>552.00</td>
</tr>
<tr>
<td>Bridge Power</td>
<td>Electricity</td>
<td>2016</td>
<td></td>
<td>953.00</td>
</tr>
<tr>
<td>Kpone Independent Power Project</td>
<td>Electricity</td>
<td>2014</td>
<td></td>
<td>900.00</td>
</tr>
</tbody>
</table>
African Coast to Europe Submarine Communications Cable Phase 1

<table>
<thead>
<tr>
<th>Project</th>
<th>Sector</th>
<th>Year</th>
<th>PPP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunon-Asogli Gas-Fired Power Plant</td>
<td>Electricity</td>
<td>2007</td>
<td>590.00</td>
</tr>
<tr>
<td>West African Gas Natural Gas</td>
<td>Natural Gas</td>
<td>2005</td>
<td>590.00</td>
</tr>
<tr>
<td>Pipeline Company</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Takoradi 2 and 3</td>
<td>Electricity</td>
<td>1999</td>
<td>550.00</td>
</tr>
</tbody>
</table>


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 the social and health sectors (Figure 1).

![Projects by Sector](image)

**Figure 1: National Level PPPs by Sector**


Most PPPs in the social sector are market projects which point to a trend of PPPs both in the informal sector and in the economic spaces of women. The intersection between formality - expressed in the PPPs - and the informality of the community markets has 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 on Ghana’s development agenda are similar to those associated with privatisation in the 1980s. These were mainly those of the financial crisis with the increasing sovereign debt. Ghana’s debt to GDP ratio rose consistently from 2011 and had reached 60 per cent by 2018. It is projected to reach 62 per cent in 2020. The trend was similar to that between 1980 and 1990, which led to the privatisation of SOEs. While the private sector has been an active participant in the delivery of services, especially in the management of public services such as sanitation, water, energy, and telecommunications (Osei-Kyei and Chan, 2015), the state has 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 US dollars (USD) 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 higher interest rates. Ghana faces the Janus-faced growth that has characterised the surge and justification of PPPs in global discussions. PPPs are useful due to the global economic crunch which occurred in the 2000s, and affected the availability of funds, while, at the same time, global pension funds needed safe havens in which to invest.

In 2004, a national PPP policy was already under discussion, and national PPP guidelines were 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, and it 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 the PPP Framework in Ghana

<table>
<thead>
<tr>
<th>Key Mandate</th>
<th>Actors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spearheading, developing regulatory framework, co-ordination and provision</td>
<td>MOFEP and its appropriate units (Public Investment Division (PID);</td>
</tr>
<tr>
<td>of advisory services, budgeting and risk management for all PPP projects</td>
<td>Project and Financial Analysis Unit (PFA); PPP Advisory Unit (PAU);</td>
</tr>
<tr>
<td></td>
<td>Debt Management Division (DMD) and The</td>
</tr>
</tbody>
</table>
Ghana’s National PPP Policy document sees PPPs as a necessity for Ghana because of the model’s ability to promote the quick delivery of public infrastructure projects, to reduce the financial burden on the government, and to allow for shared risks. It is thought that the model will improve quality and cost-effectiveness and will deliver infrastructure promptly. There are several PPP models operating in the country, with the “build-operate-transfer” (BOT) being the most favoured. Institutional framing and literature about the problems of PPPs in Ghana are very technical, and see lack of expertise as a challenge to the successful implementation of PPPs (Osei-Kyei, Chan and Dansoh, 2017).

5. PPPS IN THE CONTEXT OF DE-CENTRALISATION: 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 all became associated with the aid conditionalities which have caused significant shifts in aid ideologies, moving from market fundamentalism to inclusive neoliberalism (Mawuko-Yevugah, 2014), and a shift from direct to indirect conditionalities, which serve to guide development co-operation. The new development-aid architecture
reproduces the politics of inclusion-exclusion and the co-optation and incorporation of selected actors into the state and global institutional frameworks, thereby creating power inequalities. This structure is transmitted from the central government to local government, as well as to citizens (Crawford, 2008).

Ghana’s local governance structures illustrate this disjuncture between the national and the central governance structures. Lynch and Crawford (2012) have argued that the aid conditionalities have produced paradoxes which, they believe, are suitable for the long-term vision of the BWIs. The SAP, on the other hand, needed authoritarian regimes in order to thrive. Although de-centralisation is meant to increase the participation of citizens in the development of Ghana, the state continues to appoint district/municipal chief executives, instead of making the position an elected one. A referendum was scheduled to be held in October 2019 to make the position of the heads of Municipal, Metropolitan and District Assemblies (MMDAs) partisan, in order to maintain the Ghanaian state’s control over local government. However, the referendum was unpopular, as many Ghanaians thought that partisanship at local level would lead to the disintegration of its structures. They argued that the élite patronage and capture which exists at that level would only worsen with partisan politics. Weak local governance is used as an excuse for rubber-stamping donor packages and development models. Thus, rather than opening or creating the space for political debates, the voices of citizens are not reflected in project designs or in their implementation.

6. LOCAL GOVERNANCE IN GHANA
The SAP gave a new purpose to the state’s role in development. While, in the pre-SAP period, the Ghanaian state-funded 50 per cent of all local government activities, in the post-SAP period, there was a major shift in the relationship between the state and the local governments. By 1985, the state had reduced its financial assistance to the local assemblies. However, it had also expanded their role, which meant that the local assemblies had to intensify their revenue mobilisation (Crook, 2017). With fewer funds and more responsibilities, dependency on tax collection from residents intensified, and markets became key sites for revenue mobilisation.

The MDAs and MMDAs are the contracting authorities for PPPs at local level. The District Assembly Common Fund (DACF), which has been in existence for over two decades, remains the primary source of financing for the provision of infrastructure development at 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 the disbursement, all of which affects the operations of the MMDAs. The common fund is pegged at Ghanaian Cedi (GHS) 1.2 million (240,000 USD at current rates) for the entire year. This makes internal revenue mobilisation a crucial means for generating resources. Property taxes, although a key component of the MMDAs revenues, do not provide the assemblies with sufficient revenues. In the past, the MMDA borrowing was limited to 5,000 USD, which was woefully inadequate, given their tasks and responsibilities. In 2016, a Public Financial Management Act 921 (2016) was passed to allow the MMDAs to borrow from internal sources. This also has administrative bottlenecks, since, beyond a certain threshold, the MOFEP has to approve the loan applications. The PPPs at local level become a means for the assemblies to show their governance strength (Seidu, 2018). Until recently, MMDAs were required to utilise the DACF for developmental projects. However, in 2018, the central government proposed the retention of 80 per cent of the funds for its School Feeding, Planting for Food and Jobs, and Nation Builders Corps (NaBCO) flagship programmes, leaving the Assemblies with only 20 per cent of the funds for development, which had enormous implications on local development.

The informal sector accounts for 80 per cent of Ghana’s economy, and local authorities mainly rely upon the resources from this sector. Thus, local markets have become essential arenas for resource mobilisation, especially in big cities, due to their being reliable sources for tax extraction at local level. Two types of tax are collected in the markets; flat daily tolls paid by both mobile/ambulatory and stationary traders, and Business Operating Permits (BOPs) paid annually by the traders in the big shops and stores. BOP rates are further differentiated by the size of the trading unit and the type of goods in the unit. If markets are still essential and have to be modernised, re-furbished or built, then someone must build them. Given that the state does not build markets directly, and the local assemblies do not have adequate resources to do so, there is increasing use of PPPs in order to develop and build markets.

In the past, both the women and the communities themselves created and set up markets. However, the state has recently begun to take a keen interest in markets, and this is for the sake of political expediency. It is not surprising that nine out of the eighteen PPPs listed at national level in 2019 were markets. Many well-known markets in major cities have either already been built or have been completed as PPPs. Major markets such as Kejetia, Kotokuraba, Shea nut, Aboabo, Afiakobi, Kojokrom and Old Tamale are all examples of PPP
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market projects (Seidu, 2018). At local level, BOT is the most popular PPP model, as the local assemblies only provide the land, while it falls to the financiers to raise the capital for the project.

7. **WOMEN, MARKETS, AND THE GHANAIAN STATE: A CONTEXT**

It is a well-known fact that market trading in Ghana, and in most parts of West Africa, is the domain of women. Markets enable women to achieve economic autonomy and to assert themselves - both socially and culturally - as citizens (Darkwah, 2007b), and market trading is both an accumulative and a survival strategy for many women in Ghana (Clark, 1994). The implementation of colonial policies promoted male education over that of females. Consequently, men who used to trade left for school, and women - especially uneducated women - began to replace them in market trading, converting the markets into female spaces (Aidoo, 1985). However, the demographic characteristics of the market have continued to change in tandem with the socio-economic fortunes of the nation. In recent times, especially after the SAP-induced retrenchment and the high levels of unemployment, men and women of different educational backgrounds have found the market to be a secure space for their economic survival.

Historically, traders and the state - both the colonial state 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 the allocation of market stalls, space, and the payment of tolls, taxes, licence fees, and “business operating permit” fees. In return, the state is required to secure the working environment for the traders through the provision of adequate sanitation amenities, electricity, and security. However, the socio-economic interests of the traders are almost always at odds with the state’s quest to control the market space.

The general economic transformation at national level resonates in the local markets, as traders follow the transformation by adopting strategies which either take advantage of government policies or serve to protect their interests during periods of economic expansion and contraction (Clark, 2010b; 2004). Whereas agricultural goods had been the main trading items in the past, the implementation of economic recovery programmes in the 1980s opened new avenues for women to include consumer goods in their market portfolios. Their trading centres have also shifted from rural-urban and urban-rural to sub-regional and to international destinations (Darkwah, 2007a; 2002). The SAP policies facilitated the importation of consumer goods, and the more prosperous traders from Ghana travelled to global
manufacturing and trade centres in Asia and Europe to buy goods. However, the SAP eroded the gains that these women made, as currency devaluation affected their profits.

The state used scapegoating as a technique to control the economic activities of the market traders. Markets were the main targets of state repression during the economic crisis in the 1980s, where episodes of brutality – in its worst form – women being stripped naked and flogged, had taken place (Robertson, 1983; Clark, 2010a; Britwum, 2013). Market women are often held responsible for economic sabotage in times of macro-level economic crisis. Traders are often publicly blamed for causing shortages of goods or price hikes. The demolition of the country’s then premier market, Makola No One, in 1979, is illustrative of this. Soldiers, acting on behalf of the government, used bulldozers to raze the foremost centre of the economic activity of women during the military regime of the Armed Forces Revolutionary Council (AFRC). The market, built in 1924, was demolished in order to teach the women a lesson, to punish them for their “wickedness” and “economic sabotage”. Manuh (1993) argues that the resentment towards the economic activities of the market women emanates from the patriarchal ideologies of the “proper” role of women in society inherited from the colonial era. Other markets were also destroyed in the Ashanti, the Eastern, and the Western regions by the military regime.

Furthermore, traders in the streets, in the open spaces, and in the markets are consistently harassed by the city authorities for making the cities unclean. They have to succumb to, resist, and struggle against the city authorities, who find it difficult to contain them. Sometimes, in the name of the beautification of the city and the formalisation of the informal trading sector(s), traders are evicted with violence and re-located against their will (Spire and Choplin, 2018). With this history of the state’s relationship to markets, proclamations about MMDAs using PPPs to “develop” and “modernise” markets should be taken with a pinch of salt.

Market spaces are social, economic, and political spaces since activities in these milieus 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 the control of the sector in general. Markets are also sites for political expression and activism (Awuah, 1997; Clark, 2010b), and traders use them to defend their collective and individual interests, as well as socio-economic rights.
Market traders have their own unique leadership organisational structure. In each market, depending on its size, commodity associations remain the smallest unit of organisation. These associations are made up of traders who sell similar items, and they mobilise themselves as groups for products/commodities such as tomatoes, yams, maize, used clothing, vegetables, and fruit (Britwum and Akorsu, 2017). Each commodity association has its leader, and these leaders are known as “item queens”, who are either elected or nominated. The commodity associations act as trade regulators, negotiate with other commodity traders, provide credit and financial assistance for their members, settle disputes, and support the general welfare of their members. The broader market has a “queen” who oversees activities by co-ordinating with the other commodity leaders. The framing of the leadership structure with the traditional chieftaincy structure of the “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 co-operation and collectivistic ideologies. According to Awo (2010), the market leaders negotiate their interests through the use of their networks in the political structures. In addition, Hendriks (2017) posits that the power that market associations wield, with their structure being something between partisanship and non-partisanship, makes it imperative for them to be involved in the development planning of the markets. She also noted that, although they might be less recognised in the body politic, these associations have enormous influence beyond the market, which makes by-passing them a serious mistake.

In January 2013, the Ga East Municipal Assembly used its DAFC and 2011 District Development Fund, totalling 101,538.00 GHS (17,478 USD at the current exchange rate), to build 72 sheds in the market for the traders. The sheds belong to the assembly, but the women have user rights and can trade in the market/sheds as long as they wish. This did not necessarily give the women the autonomy which they used to have when they built their own sheds. Market spaces are umbilical cords that link the generations of females in a family. Sheds can be privately owned, heritable, and traded as an occupational gift to a child (Clark, 1994; Seidu, 2018). With the assembly involving itself in shed-building, the ownership of the market is beginning to change.

8. **DOME MARKET RE-DEVELOPMENT PUBLIC-PRIVATE PARTNERSHIP**

The PPPs studied are located at the Dome Zonal Council of the Ga East Municipal Assembly. The Dome Market is arguably the biggest in the Zonal Area, and essential for revenue
The old market developed along the railway line, where the women took advantage of the transport hub in order to trade. Traders mobilised to start the market at its current location, as overcrowding and safety concerns became paramount due to the disappearance of rail transport as a result of the collapse of the Achimota Bridge, which linked the various trading places. The Municipal Assembly purchased the land, but 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 of the end of 2019. As part of its modernisation drive, the assembly decided to re-build the market using the BOT PPP model for lockable shops and open sheds/stalls.

**8.1. PPP Model One: The 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 made 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 2,500,000.00 GHS (431,034 USD). The contractors then had to work with the assembly’s technocrats to ensure that the project was profitable. It was not clear how the value for money variables were determined. 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 3 metres by 1.8 metres, and 4.2 metres by 3.6 metres.

As per the agreement, the structures belong to the contractor for 20 years, after which they become the property of the assembly. The assembly retains its management role of the market, however. The structures are to be returned in good condition at the end of the 20 years. In addition, the contractors were to donate one unit of each of the stores to the assembly. The assembly used some of the donated units as micro-finance, sanitation, and information-centre offices. This is not entirely altruistic as the costs will be added to the leasing prices. All the PPP shops had electricity, and about 85 per cent have sanitation amenities such as toilets and washbasins. There is a water tank in the market, but many of the shops did not have running water. The occupants of the PPP stores have to pay for the water they use in their shops.

**8.2. The Construction of PPP Open Market Sheds/Stalls**

The construction of a total of 1,700 open sheds/stalls was planned in the BOT agreement for 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 project was planned, 2,300 traders were registered as users of the space and were to be considered for the allocation of the units once the structures were built. Each trader paid a 30 GHS (5.17 USD) registration fee to the assembly. This means that when the PPP is complete, 600 traders will be displaced, as only 1,700 sheds were planned to be built. 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 9,000 GHS (1,552 USD) for ten years, comprising a 2 GHS (0.35 USD) daily rate for ten years, including sanitation costs.

8.3. **PPPs in Markets: Who Benefits from the PPPs?**

The debates about the importance of PPPs have included what the actual users gain from it. The pitfalls about the Dome Market lockable PPP shops highlight some of these.

i. **Insufficient Consultation and the Marginalisation of the Voices of Traders**

Many of the traders considered the PPPs to be the cause of the market’s development drawbacks. Before this project, the leadership of the market – which was made up of the item leaders and the office of the market queen - were consulted and informed about the proposed project. At the meeting for the Dome Market, they were promised that the market traders would be prioritised in the allocation of the shops upon the completion of the project. The leaders requested that the design of the building take the items sold in the market into account, and that the financial capacity of the women also be taken into consideration so that they would be able to afford the shops. They thus asked for smaller and, preferably, open sheds/stalls. However, the participation of the market leadership was only an “add them and stir” affair, as their views were not incorporated in the design of the project. The assembly and the contractors built closed lockable shops, and the women soon realised that the shops were too big and inappropriate for the items that they sold.

In addition to these issues, the displaced women complained that the allocation process was not transparent. There were a group of 40 women who owned containers from which they sold various goods. In December 2018, a fire destroyed their container stores. This was the third outbreak of fire in the same part of the market since December 2013. The area where these fires had repeatedly taken place and destroyed merchandise is near the busy main road at the front of the Dome Market. This has alerted the women to suspect the fires to be arson since the assembly had tried to evict them several times in the past in order to make...
way for the construction of PPP shops. They insisted that their refusal to vacate the area was the reason why the arson had to be used to evict them. All the traders at that part of the market lost their wares and were able to salvage nothing. Although they alleged that the fire was arson, it is important to recognise that women work in precarious conditions in the market spaces in Ghana and that outbreaks of fire are frequent.\(^6\) The Member of Parliament (MP) for the area convinced the aggrieved women to vacate the space with the promise of prioritising them when the shops/stalls were built, and this placated them. Upon its completion, only one of the 40 displaced traders at that particular site obtained a shop at the new modernised site. The women blamed this on information asymmetry, the high cost of leasing, and unfavourable terms of payment.

Akos, 32 years of age, and a graduate of tertiary education, who lost three shops in the fire, complained about the process of obtaining a new shop and the cost. She said,

“I do not know if the allocation of the PPP shops is politicised or [if] some elements in the political and municipal assembly structures have hijacked it for their interests. The things are not clear, and we are confused.”

ii. **The Fragmentation of Market Leadership**

PPPs in the market have also changed the process of space ownership in the market. In the past, the market queens played a role in the 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 61,000 GHS (10,517 USD) quarterly. However, the politicisation 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 was tasked with collecting the tolls. However, this was later abandoned due to a dip in the revenue collected.

Middlemen became key players in the shop ownership in the market. A trader needed to know a middleman or a contractor in order to lease a shop. The PPPs have further polarised this already politicised space. The Municipal Chief Executive (MCE) of the assembly, who, until her appointment in 2017, was a trader in the market, refused to recognise the existing leadership, and legitimised and recognised another market queen. Thus, two market queens and the market leadership exist in the market. Partisanship was at
the centre of the politics of the market leadership, as the MCE belonged to the ruling party and the first market queen was alleged to be a member of the then ruling party, now the opposition party. Party and statist politics in markets have 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 politicisation of the market demonstrates the vulnerability of many traders. Although divided, some of the women are directing their energies to challenge the assembly for imposing a new market queen on them, while others are fighting the PPP projects per se. But how will the traders fight PPPs that threaten their economic space with two types of leadership – one unrecognised and the other deemed illegitimate? In July 2017, the women threatened to stage a naked protest in order to protest against the politicisation of the market through the imposition of a new market queen.

Many women blamed the PPPs for fragmenting the “women’s front” in the market and thereby weakening the mobilisation strategies of the traders. First of all, the new occupants in the shops are “foreign” to the market. Since the contractor has to rent the shops for the first 20 years, after which they revert to the assembly, he has to lease to whoever can afford the rent, and the assembly has no control over this, as the contract gives the prerogative to rent the shops to the contractor. Thus, the new occupants do not identify with the market leadership and do not subject themselves to their governance regime. In this way, the market leadership is effectively disabled and unable to organise due to the division in the market.

iii. The Lease Process, Cost and Payment Structure

The cost of the PPPs and shops/stalls became very apparent and was the main point of exclusion of the traders in the market. One of the significant gaps in the contract was about the non-disclosure of the costs of the shops/stalls before they were constructed. The contractors/financiers determined the price only upon the completion of the structures. Due to this arrangement, the contractor retains the lease agreement while the assembly issues the allocation letter 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 non-transferable, which means that, once leased, they cannot be sub-let.

The payment arrangement was not sensitive to the financial abilities of the women. Shops were rented for a cash payment of 40,000 GHS (10,000 USD) for top-floor shops, and
65,000 GHS (13,000 USD) for ground-floor shops. This amount was well above the means of the average trader, whose annual turnover does not exceed 15,000 GHS (3,000 USD). This is not only the result of poor planning but also an exclusionary tactic aimed at bringing more affluent traders to the market. The assembly itself would prefer to have more prominent traders who would pay the fixed BOP annually, thereby making the revenue collection and planning more manageable, compared to the daily toll payment made by the smaller traders.

The PPPs sheds received similar reactions with regard to unit cost and costs. With a ten-year lease period which does not guarantee the security of the tenure, and has high costs, the PPP sheds/stalls generated much more protest and resistance than the lockable shops. The women resisted the payment of the initial GHS 9,000 (1,551 USD), which was a ten-year calculation of 2 GHS (0.35 USD) per day for ten years. They also rejected the MP’s offer to subsidise each trader with 1,500 GHS (259 USD) to bring the cost to 7,500 GHS (1,293 USD). They considered this to be a trap and rejected it. In the conversations between the women and the assembly, one can see the public and private logic of the development, both of which have differential impacts.

iv. Male Control of the Economic Space of Women

All the PPP contractors were men who - both technically and legally - own specific parts of the market for the number of years stated in the agreements. However, this structure goes much further. It is male-élite capture of the local government for individual benefit and for male control of the economic spaces of women. With this, we can say that, in a few years, it will be the men who will own and control the markets thanks to the PPPs, and this will have ramifications for the economic, social, and political rights of women.

v. Transparency and Accountability

In terms of participation and accountability, although the assembly’s objective of accepting the PPPs was to modernise the market by de-congesting it, and improving both the sanitary conditions and the general working environment for the women, its decisions were taken unilaterally. The design, project costs, location, and selection of the financiers were all carried out by the assembly, while the actual traders were excluded. The traders did not know the cost(s) of the project, the source of finance, or the access procedures to the shops upon completion, nor could they estimate the price of the leases. These were not publicly disclosed. Nor was the design known in advance. In cases where the women made suggestions, especially with regard to the design, they were simply ignored. This affected the
economic rights of the women whose very livelihoods were altered by the project. The exclusion of the women from the market re-development has been blamed for massive displacement and inappropriate designs in other markets (Asante, 2020).

9. THE STATE MUST COME BACK: THE RESISTANCE OF WOMEN TO PPPS

Prior to the initiation of the PPP sheds, the traders in the market vehemently rejected a proposal to build sheds in the market, on the grounds that the assembly would sell them at unaffordable prices. They demonstrated against this for several days, and the protest resulted in the destruction of property belonging to the market association. As a result, the allocation of the 100 already completed PPP sheds was now in limbo, due to the multiple forms of protest and resistance. The cost(s) and tenure regime were the main concerns of the women. One woman asked the question:

“Where will a tomato, pepper and plantain seller get such a huge amount to pay for ten years?”

However, by mid-June 2020, the 100 sheds completed were allocated to some of the women, who were moved to make way for the construction of 500 state-funded stalls/sheds.

The PPP sheds triggered a number of protests in the market. The women used a variety of strategies to register their disapproval of the model. They confronted the assembly officials and sought an audience with the Speaker of the Parliament, who was once an MP on the ticket of the ruling New Patriotic Party (NPP). They were unsuccessful in this and moved the case to the Head Office of the NPP in Accra in order to complain about the PPP and its cost. The case travelled from the party head office to the presidency, who 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 continued to increase its share of votes in the constituency from 60 per cent in 2008, 61.93 per cent in 2012, and 62.52 per cent in 2016. Having realised that the stakes were high in the next general election, the women resorted to threatening to abstain from voting or to vote against the ruling party both at the presidential and at the parliamentary level. Faced with these protests, the Ministry of Special Initiatives made a commitment to investigate 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 completed, the traders will have to pay an allocation fee, which the assembly has yet to determine. However, since the sheds will not cater for all the users of the space, the allocation will be done on the first-come-first-served basis. There are fears that the allocation will be politicised as has occurred in many other government projects. By their action, the women have insisted that the government enter into a 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 previously suggested by the women. It is now recognised that the items sold in the market - such as vegetables, perishable food crops, fruit, and fish - do not necessarily have to be sold in lockable shops. Thus, the new design takes the nature of the items sold in the market into account. The Municipal Engineer reiterated the women’s concerns by saying:

“The agitation of the women helped in the re-designing of the new PPP sheds. It has also informed the new phase which the government will fund and which will be free of charge to the traders.”

Given the historical relationship between the state and the traders, the women’s call on the state to intervene in the development of the market is ambivalent, but not surprising. Underlying this call for the “return of the state” are the implications for the economic survival of the traders 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. Traditionally, the women owned the structures, no matter how small. Now, however, they will become full tenants of the state.

10. THE IMPACT OF GENDER AND HUMAN RIGHTS ON THE MARKET PPPS

The exclusion of the traders from market re-development plans and implementation is a well-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, equality, empowerment, and legality. Feminist critics of PPPs have highlighted the pitfalls of the model and how the interests of women are muddled in these kinds of market-driven development paradigms and logics. PPPs are written in the language of neo-liberal
development that target the empowerment of women (Prügl and True, 2014), but often do not take the heterogeneity among women into consideration.

Similarly, access to information about the project was vague. Many women did not know the contractors or how to contact them. This information process was hijacked by the middlemen who mediated the process. The role of the middlemen further complicated the women’s quest to lease the shops. In the case of the lockable shops, some middlemen rented the shops in their own names and sub-let at exorbitant prices for shorter lease periods. In one of the shops that we visited, a young man said that, through his mother, he had leased the shop at 50,000 GHS (8,621 USD) for six years, while the going price for the ground-floor shop which he occupied was, according to the assembly, 65,000 GHS (13,000 USD) for 20 years. The young man did not know the contractor. In other cases, the middlemen added their commission costs to the total cost of the shops. Also, many shops were sub-let in violation of the assembly’s by-laws, which were stipulated in the allocation letters. This means the assembly did not know some of the actual current occupiers although these occupants pay BOP. This is either an act of collusion or negligence on the part of the assembly. However, to be fair to the assembly, many of the shops remained vacant due to the high rent requested. The market-driven modernisation 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 had not been selling in the market previously. Also, wealthy female traders from more significant 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 more 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 justifies the modernisation. Nevertheless, who gains from the modernisation? It is not the small-scale traders from the Dome Market, but the wealthier traders from the other markets, the middlemen, and the financiers of the PPPs. One can see the economic differentiation by just observing the goods that the traders occupying the two distinct spaces sold.

Despite the many problems with the project, the project design included sanitation facilities, which benefited the traders in those shops. The old structures lacked such facilities. The proposed shed PPP that was withdrawn after the women’s protests had a medical facility
and a day-care centre in its design. These facilities are still to be provided in the new design, although the women have successfully forced the government to take charge of the development of structures in the market. However, the traders have stated that the government participation could also threaten the livelihoods of those who do not support the ruling government. Thus, while the shed PPP has been abandoned, the lingering question of allocation politicisation, a burning issue in other markets in the country, continues to worry the women in the market.

Again, some of the former users of the space where the PPPs have now been built have argued that, were the new users 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 the same cordiality with the new owners. The traders also reiterated the lack of information-sharing in this process, by arguing that, had been they told earlier about the prices of the shops, they would have secured some of the shops through a collective-funds model and would then have divided the shops into smaller units among themselves. After the displacement, some of the displaced traders became hawkers in the market, while others stopped trading entirely. Those who still had spaces were constantly harassed by the assembly’s taskforce for squatting, and were threatened with eviction. Others have to squeeze their wares into tiny spaces or sell only items that fit the vulnerable situation in which they now find themselves. Many of the women complained about livelihood insecurity, as the assembly did not re-settle them when they were displaced.

The cost of the PPP shops excluded the poorer traders structurally. 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, however, while the construction of the PPP shops disempowered the women, it did not silence them completely. The women mobilised, protested, and brought the state back into the market.

11. CONCLUSION
Ghana’s privatisation trajectory has entered a new phase in which PPPs are increasingly used for infrastructure financing and development. This is happening against the background of the country’s “Ghana beyond Aid” agenda, and the country’s attainment of lower-middle-income status and the subsequent drying up of donor funds. Simultaneously, pension funds in the Global North are looking for safe and long-term investment opportunities. PPPs have therefore proven useful. Nevertheless, these are not without criticisms and consequences. While there is a national PPP policy, there is, however, no law to regulate the unfolding
public financing paradigm, although the existence of such a law would not necessarily solve the many complexities that entangle equity and efficiency or private sector logic and its public sector counterpart. 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 though that alone could solve the ideological complexities that have characterised PPPs and explain the power inequality between the Global North and the Global South, and between men and women. The tyranny of expertise is one of the reasons why the private sector is allowed to drive the process. At 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 the traders in the market. Instead, some women were dispossessed with no re-settlement 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 the women in the market. The projects further deepened the already fragmented governance structures in the market. Notwithstanding this, the women were neither inert nor passive to the developments in the market. They put up fierce resistance, using all weapons at their disposal, in order to bring the government back into the development. The protest by the women is a contestation of efficiency-driven market economic development and its logic of profit maximisation. Their demand that the state be brought back in to fulfil its social contract with them is a just call in an era of élite capture of the state and the state’s de-investment in public infrastructure development. However, we must not 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, and this has included their contribution to feeding 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 the day-care centres, the police station, the medical clinic, etc., are at varying stages of completion. The commodity leaders are at the forefront, and they are mobilising their members to obtain allocation and are ready to mount further protests in the event of the politicisation of the stall allocation.
Notes

3 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.
4 1 GHS=USD 0.60994 in 2011 (average).
5 1 USD=GHS 5.8 (June 2020).
6 Market fire outbreaks are some of the commonest reminders of the congestion in markets, unsanitary conditions and the unplanned nature of the space, which exposes traders to vulnerability.
References


