



MASTER THESIS

**THE ROLE OF EU PUBLIC POLICY IN PROTECTING WOMEN'S RIGHTS:
A STUDY OF THE CSDDD AND WOMEN IN THE AGRICULTURAL
SECTOR OF ARGENTINA**

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ABSTRACT

The complexity of Value Chains (VCs) is one of the most important factors that leads to Human Rights (HR) violations, and women's particular challenges are often overlooked by policy-makers addressing these violations. In this paper, we are conducting a case study on women in the agricultural sector of Argentina and the state of their "Capabilities", and the potential of EU trade policies to impact these Capabilities. For this purpose, we are investigating the potential of a Gender Mainstreaming (GM) approach in the EU's proposal for a Corporate Sustainability Due Diligence Directive (CSDDD), which seeks to hold companies accountable for their adverse HR and environmental impacts. The research is using qualitative data, analysing interviews with experts related to the agricultural sector of Argentina, and the CSDDD draft. Our results lead to the conclusion that the CSDDD proposal lacks a GM approach as it does not consider the state of women's Capabilities a Public Policy Problem. Moreover, the approach of the EU on GM is not enough to effectively address women's challenges. Lastly, the EU and the companies affected by this directive should adopt a transformative approach to GM, and use a Capability approach in order to achieve their goal of mitigating Human Rights violations along companies' VC.

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LIST OF ABBREVIATIONS

CSDDD and/or Directive	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937.
EU	European Union
GM	Gender Mainstreaming
HR	Human Rights
LMICs	Low and Middle-Income Countries
UN	United Nations
VC(s)	Value Chain(s)

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INTRODUCTION

“How many people think of farmers when they have a cup of tea or coffee, or drink a glass of wine, or enjoy a good meal? Only a small number of people, I guess. When it comes to female farmers, even fewer.” (Angela Joo-Hyun Kang in IICA, 2019, p.59)

The EU's trade policy has a major impact on countries around the world. Through its Value Chains (VCs), the economy of EU Member States is linked to millions of men and women workers and communities around the world. In the past decades, a widely discussed topic in the field of Business and Human rights (HR) has been how these VCs are negatively impacting the Human Rights of their stakeholders and investigating the best solutions to address this problem. Despite numerous reform initiatives, standards and soft-law regulations, the operation of VCs shows that ethical, environmental, and HR concerns remain unaddressed (Buhmann, 2022; Ferner et al., 2012; Min & Kim, 2012; Reinecke, 2010).

In order to stand up for its responsibilities in the global market, and particularly within its VCs, the European Commission presented the CSDDD on February 23, 2022. This Directive seeks to integrate sustainable practices into companies' operations and their VC to identify, prevent, mitigate and account for their adverse HR and environmental impacts and also incorporate a suited corporate governance system (European Commission, 2023a).

One of the critics of this proposal was their lack of a gender perspective in its drafting, even though the EU has been a promoter of gender equality for the last 20 years (Oxfam Deutschland & ActionAid France, 2021). Moreover, the EU promotes a 'Gender Mainstreaming' approach which they understand as “The systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies and actions.”(European Institute for Gender Equality, 2023a). Thereafter, it seems to be a dichotomy between the EU's strategy on paper, and their concrete actions.

The Directive puts companies under pressure to act and commit to environmental and HR standards. However, the question is, if, and to what extent, the proposed way to address HR has an actual impact on companies' VCs and will therefore have a concrete impact on the situation of women. The Capabilities approach by Martha Nussbaum offers an alternative approach to investigating life quality by focusing on Capabilities which entails the need to respect HRs and further provide basic constitutional principles (Nussbaum, 1999). However, Nussbaum argues that the mere existence of rights in the legal frameworks does not necessarily entails that women are able to exercise them and therefore it is necessary to talk about Capabilities which is what women are 'actually able to do and to be' (Nussbaum, 1999, p. 228)

To further review and investigate the actual impact of a lacking GM approach in the CSDDD on women's Capabilities, a case study in the agricultural sector in Argentina is conducted. Argentina as one of the biggest economies of Latin America and being part of the G20 has important trade relations with the EU making it highly relevant to investigate when looking at the CSDDD. Therefore the following question will guide our research:

What are the causal mechanisms influencing women's Capabilities in the agricultural sector of Argentina and how could the implementation of a Gender Mainstreaming approach in the EU Proposal for a Corporate Sustainability Due Diligence Directive (CSDDD) impact women's rights in order to improve their Capabilities?

The methodology follows a qualitative case-study approach by conducting expert interviews with a thematic analysis as well as doing a document analysis.

The research is structured as follows: First, a brief contextualization of Argentina, its agricultural sector, as well as the complexity of VC, existing international regulations and the CSDDD are introduced. Second, a literature review on the role of the EU, the critics of the CSDDD, the challenges of women in the Argentinian agricultural sector and the GM approach is presented. In the third part, we are introducing the chosen theories of Martha Nussbaum's Capabilities theory and the Public Policy Theory by Knoepfel et al (2007). In the fourth part of the paper, the methodological approach is explained and justified, followed by the analysis of the collected data in the fifth part. Finally, we are discussing our results and connecting it with the existing literature, presenting our limitations, practical implications and future research suggestions.

CONTEXTUALISATION

In this first part, the overall context surrounding this research is presented to better understand five dimensions essential to our research: The situation in the agricultural sector in Argentina, the impact of businesses on human rights violations through their VC, the discussion about International Regulations and their effectiveness to address these adverse impacts, the presentation of the CSDDD and finally the introduction of the EU's and Argentina's GM approach.

THE AGRICULTURAL SECTOR IN ARGENTINA

Latin America has historically played a crucial role in the global market, supplying the world with natural resources (Turszi, 2017 in Giraudo and Grugel, 2022, p.802). As such, the production of these natural resources has become for many countries a strong symbol of their national identity (Giraudo and Grugel, 2022). Argentina holds an important place in the global market, with some qualifying the country as the “breadbasket of the world” (Giraudo & Grugel, 2022, p.807).

The History of the Agricultural Sector in Argentina

In the early 1900s, the country was one of the biggest growing economies in the world, surpassing even Europe (Giraudo and Grugel, 2022, p.806). The strong link between economic growth, agriculture and cattle farming has contributed to creating the idea that the “key to national economic success in the future, as in the past, lies in *el campo*¹.” (Beattie, 2009 in Giraudo and Grugel, 2022, p.807). Thereafter, Argentina needed to keep up with the international market and began a process of agricultural modernization (Giraudo and Grugel, 2022, p.807). With time, Argentina signed many international trade agreements such as the GATT in 1967, The Southern Common Market or MERCOSUR for its Spanish initials in 1991 and in 1994, and the World Trade Organization Agreement (Gobierno Argentino, 2019; WTO, 2023a, 2023b). In June 2019 the EU and MERCOSUR concluded the negotiations for the signing of an Association Agreement between the two regional blocs (Gobierno Argentino, 2019). This agreement would include three pillars: a political dialogue, cooperation and commerce, which would promote foreign investments in Argentina, increase the exports of regional economies, consolidate the participation of Argentinian companies in VCs, accelerate the process of

¹ Countryside

technology transfer and increase the competitiveness of the economy (Gobierno Argentino, 2019).

Agriculture in Argentina Today

In Argentina two main forms of agriculture and livestock production are found:

“[...] on the one hand, a highly financed sector, with standardized production processes, on a large scale, with a high level of equipment and inputs, which hires salaried labour directly or indirectly. On the other, family farms, with less and less presence in the territory, with mostly family labour, with diversified and small-scale production, marketed locally or regionally or for self-consumption, low level of equipment and little use of inputs. (seeds, agrochemicals).” (Arce, 2022, p.9).

In Argentina, the most important agricultural zone is the Pampas region (Leguizamón, 2020, p.23). The region produces mainly grains, oilseeds and beef, industries characterised by large-scale export-oriented producers with well-developed value chains (OECD, 2019, p.159). Other regions produce mainly fruits (pears and apples), vegetables and agro-industrial (OECD, 2019, p.159). As for the exportation of agricultural goods, Argentina exports mainly soybeans, maize and sugarcane (OECD, 2019). Moreover, the EU is Argentina's third trading partner (after Brazil and China), with 14.1% of total trade in 2019 (EU Parliament, 2022). The agricultural sector of Argentina has to compete with the international market and thus, invested heavily in biotechnology and modernization (OECD, 2019). Other technologies have been incorporated such as genetically modified seeds, agro-chemicals and new digital solutions (OECD, 2019).

HUMAN RIGHTS AND VALUE CHAINS

We chose the definition from the CSDDD to stay within the EU's understanding of a Value Chain (VC):

“Value Chain’ means activities related to the production of goods or the provision of services by a company, including the development of the product or the service and the use and disposal of the product as well as the related activities of upstream and downstream established business relationships of the company. “ (*Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937*, 2022, p. 51)

However, it has to be acknowledged that this definition is created by the EU and therefore reflects their own conceptualization of a VC.

The Complexity of Value Chains

In the early 1960s, multinationals began to include qualified suppliers from different low-wage areas in their value chains (Gereffi, 2014)). The aim was to lower the costs of production, which led to the geographical fragmentation of these VCs in generally different LMICs (Gereffi, 2014). The complexity of a VC is one of the most important factors that lead to HR's violation. A VC is made up of transnational networks formed by thousands of subcontractors related to the lead firm via inter-firm and intra-firm relationships (Gereffi, 2014; Phillips, 2017). Numerous diverse components that interact in unpredictably complex ways and evolve to become more complicated as businesses expand their supplier bases abroad, incorporate new technology, and enhance the variety of their products (Aitken et al., 2016; Akin Ateş et al., 2022). This complexity is one of the most urgent concerns facing modern supply networks and can have numerous impacts on workers along the VC (Adams et al., 2016; Wiengarten et al., 2017). A study found that complexity has a detrimental effect on environmental and social performance, while it has barely any impact on financial performance (Wiengarten et al., 2017).

The rising complexity of VC leads to a lack of transparency. The communication and reporting standards between different tiers and along the VC get more complex the more players are involved (Bateman & Bonanni, 2019). Bateman & Bonanni (2019) state that this intransparent and complex situation in VCs emerged because it has long been a concern of businesses and suppliers that disclosing too much information might damage their competitive edge or make them a target of criticism. Finally, investment in transparency does not necessarily yield a return that meets short-term needs (Bateman & Bonanni, 2019). Nevertheless, research, pressure from international NGOs and customer demand leads to more transparent operations in the VCs in order to track social and environmental offences (Bateman & Bonanni, 2019).

Human Rights and Value Chains

Despite the fact that many individuals have benefited from globalisation, there is still a consistently high number of people living in absolute poverty and both within- and between-country inequality is on the rise (World Inequality Lab, 2022). Moreover, human and labour rights are frequently violated in VCs to reduce production costs under the push of economic globalisation (Clarke & Boersma, 2017; UN HCR, 2008). People who are most impacted by HR violations in a company's Value Chain come from groups that don't have a realistic chance to bring these issues to light or secure a solution, like women workers, migrant workers, child labourers, or citizens of rural or underdeveloped urban areas (Kippenberg, 2016).

These negative impacts on women workers at the bottom of the VC face precarious employment, long hours, and unreported and unpaid/underpaid work, are severe (Oxfam Deutschland & ActionAid France, 2021). Women workers also experience a disproportionate amount of work-related risks due to pesticide exposure and unsafe working conditions in food packing and processing facilities (Oxfam Deutschland & ActionAid France, 2021). They also experience labour exploitation, discrimination, social exclusion, poor housing conditions, and inadequate access to healthcare and social protection (Oxfam Deutschland & ActionAid France, 2021).

INTERNATIONAL REGULATIONS

“Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. (...) Everyone is entitled to these rights, without discrimination”(United Nations, 2023b)

The Universal Declaration on Human Rights of 1948 along with the International Covenant on Economic and Social Rights and the International Covenant on Civil and Political Rights constitute the International Bill of Rights which is considered to contain the statement of basic HR (Buhmann, 2022). One remarkable step was the inclusion of business enterprises as obligated subjects on the responsibility of respecting HR; in 1948 businesses weren't considered part of “all organs of society”, so they didn't have any responsibility on this subject, but today there is a general consensus in the international community that businesses should be responsible for their impacts on HR (Buhmann, 2022).

There are many international regulations, like HRs, that have a non-binding character in the domains of labour and HR and they can not be universally enforced. International law can be categorised as (a) hard which is legally binding but in reality, there are no or few international courts able to enforce it an example of this is the CSRD of the EU; or (b) soft which is guiding but not legally binding so from the beginning it is not enforceable, for example, the Paris Agreement. This state of affairs for businesses and HRs where companies operate in several jurisdictions leads to an inadequacy of international courts for attributing responsibility to those that adversely impact HRs; these courts may evaluate the states in their duty to protect HRs but will not attribute responsibility when the authors are businesses (Buhmann, 2022) (p.24). Conversely, national law can attribute responsibility to companies but only if they operate within the borders of their jurisdiction, which makes it inefficient due to the multinationalism of its VCs (Buhmann, 2022) (p.25). This circumstance leads to a legal void in which businesses with VCs operate leading to experts arguing for a universal jurisdiction (De Jonge, 2011). Due to the governance gap created by such a legal vacuum, outsourcing firms are furthermore able to

take advantage of the low level of labour and HR protection in nations with lax laws (De Jonge, 2011). As a way of addressing these issues, mixtures of compliance requirements, guidance, and economic incentives, usually defined in the business and HR field as ‘smart mixed regulation’, are being generated to outline the businesses’ behaviour regarding HR (Buhmann, 2022) (p.25).

In order to further address this governance gap various Global Business and HR regulations have been adopted, all as non-binding voluntary principles. The adoption of the UN Global Compact of 1999, the UN Framework Report of 2005 as well as the United Nations Guiding Principles on Business and Human Rights (Buhmann, 2022), which contain professors John Ruggie’s three pillars of HR ‘Protect’, ‘Respect’ and ‘Remedy’ are some of the most extensively debated and applied global policies throughout the business world (Buhmann, 2022). The field of Business and Human Rights recognizes these three pillars of John Ruggie’s to adjudicate the responsibility of states of protecting HR, and that business enterprises have the duty of respecting them and finally, that the victims of HR violations have the right to be provided with a remedy for that (Buhmann, 2022). The UNGPS were created taking into consideration several years of consultations with several stakeholders such as businesses, trade unions, civil society organisations, policy makers, who often have contrasting interests (OHCHR, 2022). The revision of 2011 of the OECD Guidelines for Multinational Enterprises (OECD Guidelines), and the release in 2010 of the International Standardization Organisation 26000 Social Responsibility Guidance Standard (ISO 26000) are further important frameworks in the sphere of HR and business operations in the past years (Buhmann, 2022).

To overcome this legal void, international organisations such as the United Nations and the European Union have been working on drafting hard law regulations to acknowledge this issue. Since the year 2014, the UN has been working in an international instrument with the characteristic of being legally binding to deal with the operations of transnational companies and business enterprises, this was a result of the resolution 26/9 of the Human Rights Council that created the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to HR, the end goal is for the operations of the businesses to be based on principles, responsibility and accountability (OHCHR, 2023). At the same time, the European Commission drafted the CSDDD to provide a hard law standard for preserving human and labour rights in the EU Member States and third businesses in other countries operating in the EU.

THE CSDDD

The Relevance of the CSDDD

Countries from Western Europe laid the foundations to promote democracy, protect HR, and the rule of law with the creation of the Council of Europe in 1945 (European Union, 2023c). Among the rights guaranteed by the Member States are the right to equality and freedom from discrimination can be found, as well as the freedom from violence against women, the right to freedom and security, and the right to property (Council of Europe, 2023). While many headquarters of the largest multinational companies are located in the EU Member States, most HR violations related to the business operations of these businesses happen in LMICs, along their VCs (Bernaz, 2017).

The CSDDD is based on a study conducted for the EU by the British Institute of International and Comparative Law (lead), Civic Consulting, and LSE Consulting (British Institute of International and Comparative Law et al., 2020). It reached the conclusion that the current "soft-law" approach to business and HR had proven unsatisfactory and underlined the growing support for EU-wide HR and environmental due diligence (HREDD) legislation among States, business firms, and civil society organisations. By integrating HR and environmental concerns into business operations and corporate governance, the CSDDD aims to promote sustainable and responsible corporate behaviour (European Commission, 2023a). With the new regulations, firms will be required to address the negative effects of their actions, including those along their VCs inside and outside Europe (*Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937*, 2022; European Union & International Trade Center, 2022).

The current circumstances of a large number of existing international voluntary standards and national laws on sustainability issues can generate business enterprises an environment of fragmentation, legal uncertainty, and unequal competition due to the differentiated requirements each company has considering the regulations applicable to them (*Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937*, 2022). For that reason, when companies were asked in the open consultations launched by the European Commission in 2020 about the necessity of the development of an EU legal framework for due diligence 68.4% agreed with this and 81.6% of the respondent companies saw as the most important potential benefit of such a directive the avoidance of fragmentation (European Commission, 2021). Thereafter, it seems that all the actors involved in this law and impacted by it, are asking for it to become a reality.

The Policy Creation Process

The European Union, on February 23rd 2022, adopted a Proposal for a Directive of the European Parliament and the Council on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937² Reference Nr. 2022/0051 through its Commission, that would hold companies in the European market accountable for the adverse impacts on HR and the environment occurring on their VC if those are the product of a lack of an acute due diligence process.

The drafting of the Directive was charged to the Directorate-General for Justice and Consumers, which is responsible for the EU's policies on matters of justice and fundamental rights, consumer rights, gender equality and also the European Commission priorities among which the European Green Deal can be found and which seeks to reach climate neutrality (European Commission, 2023c). As respecting HR and reaching climate neutrality depends largely on the behaviour of companies this Directive, in its current wording, would establish clear obligations for business enterprises under its scope. On the one hand, companies have to perform corporate due diligence on their operations which includes identifying, preventing, ceasing, mitigating and remediating harmful impacts they could have on HR or the environment (European Commission, 2023a). On the other hand, the Directive states obligations for the senior management of the obligated companies which are controlling the accurate building up and functioning of the due diligence process, as well as, making it part of the company's strategy (European Commission, 2023a).

If approved, the Directive contemplates a two-stages company inclusion. In the first stage, two years after the approval, the Directive would be mandatory for large companies based in the EU that operate in the EU and have more than 500 employees and net EUR 150 million plus turnover worldwide (European Commission, 2023a). The second stage which starts two years later than the first stage, would be mandatory for companies based in the EU that have more than 250 employees and net EUR 40 plus million turnover worldwide, and operating in sectors that have a high impact on HR and the environment such as the agricultural sector (European Commission, 2023a). SMEs affected by this Directive are considered and are entitled to supporting measures by the large companies (European Commission, 2023a). The Directive includes companies from third countries operating in the Union's market. The turnover calculations focus on the Union's market, and there is no minimum employee requirement for third countries (European Commission, 2023a).

² DIRECTIVE (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2019 on the protection of persons who report breaches of Union law.

European Union's directives can be adopted by a non-legislative act, a legislative act passed only by the Council of Europe or together with the European Parliament, which is the case for the CSDDD (European Commission, 2023d). These legal acts are passed when there is an obligation of result from the EU to its members, the Member States are the ones obligated to implement the Directive, leaving them the decision about the means to use in order to fulfil it when incorporating them into their national law at the given time. Moreover, the Member States have to communicate their compliance to the European Commission (European Union, 2023b). Member States would be the ones in charge of stipulating an administrative authority to supervise its compliance and apply the corresponding sanctions in case of non-compliance (European Union, 2023b). Notwithstanding, the European Commission would create a European Network of Supervisory Authorities for the CSDDD in order to guarantee a coordinated response among the Member States (*Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937*, 2022). Moreover, the Member States are the ones watching the correct provision of remedy to the ones negatively impacted by the non-compliant companies (*Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937*, 2022).

Regarding the current stage of the Directive process, it unfolds as we write. On March 25th, 2023, the European Parliament's Committee on Legal Affairs (JURI) submit its report in which several amendments were required, some of the critics that will be addressed in the Literature Review were taken into consideration and inserted in this report, among them we can find: the necessity of maximising the number of companies obligated by the Directive, having an extended interpretation of the concept 'Value Chains', having a risk-based approach, including the principle of remediation, etc. (European Parliamentary Research Service, 2023). The CSDDD was voted and approved in plenary in the May II 2023 session, and now negotiations between the European Parliament, the Council of the European Union, and the European Commission can begin, this process is denominated as 'Trilogue'. Afterwards, there are two remaining steps which are that the Directive should be approved in plenary and finally, the adoption should take place, which is calculated by experts on the subject for 2024 and its implementation for 2026 (European Parliamentary Research Service, 2023).

GENDER MAINSTREAMING

Gender Mainstreaming in the EU

The EU's development policy has promoted gender equality since 1996 (European Institute for Gender Equality, 2023b). The European Institute for Gender Equality thereby defines gender equality as:

“(...) the equal rights, responsibilities and opportunities of women and men and girls and boys. (...) Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration (...) Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.” (European Institute for Gender Equality, 2023a).

One part of the Gender Equality Strategy 2020-2025 is the concept of “Gender Mainstreaming” which is defined as “The systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies and actions.” (European Institute for Gender Equality, 2023a) and aims to “includ(e) a gender perspective in all policy areas, at all levels and at all stages of policy-making.” (European Commission, 2023b). It involves the (re)organisation, optimisation, improvement, and appraisal of policy processes in order for a gender equality perspective to be integrated into all policies at all stages and throughout the process (European Institute for Gender Equality, 2023a). Moreover:

“(...) by 2025 85% of all new external actions will contribute to this objective. This requires further gender mainstreaming in all external policies and sectors and a gender-transformative, rights-based and intersectional approach.”
(Ramses A, 2022, p. 5).

The EU is stating that this GM approach in trade policy should be promoted actively, by enforcing new trade agreements in order to achieve this goal of targeting gender equality (Ramses A, 2022, p. 5).

Gender Mainstreaming in Argentina

In 2009 the Argentinian government incorporated a GM approach into regulatory frameworks with the main purpose to add a gender perspective to the economic programmes and politics of the government with the awareness that “All public policies, by action or omission, have gender effects.” (DNElyG, 2023, p.11). The Ministry of Women, Gender and Diversity has produced numerous gender action plans, campaigns, laws, programmes and public policies since then (Ministerio de Las Mujeres, Géneros y Diversidad, 2023). Since then several initiatives have been implemented like funds and credits with a gender perspective and exemptions from employer contributions for hiring women and transvestite-trans people (Gobierno Argentino, 2020; DNElyG, 2023, p.9-10).

LITERATURE REVIEW

In this next part, a literature review is conducted to provide information about the current research status of our research area. As we are looking at the interface of several topics we dive into the role of the EU as a global actor, the CSDDD and its critics, the situation and needs of women in the Agricultural sector, and finally, the GM approaches in order to understand the debates around each topic and their connection.

THE ROLE OF THE EU

It is important to take into account the role and the power of the EU internationally to better understand the impact of the CSDDD on women working at the bottom of VC.

It is undebatable that the EU's role as a cohesive actor in several aspects of world affairs has significantly changed how the global system functions (Avant et al., 2010; Meunier & McNamara, 2007). It is the biggest exporter of manufactured products and services globally as well as the biggest market for almost 80 nations' exports, which makes it a key player in the global market (EU Parliament, 2022).

The EU's global power in international relations has been strongly influenced by using its large single market and enforcing market-related policies and regulations (Keukeleire & Delreux, 2014, p. 200; Meunier & Nicolaïdis, 2017; Redmond, 1992). The development of an international role and a foreign policy by the EU, as a result of its economic hegemony, shows the role that trade has in influencing the nature and format of EU foreign policy (Meunier & Nicolaïdis, 2017). This importance of trade is also recognised by the EU, as it is stated in the European Security Strategy from 2003:

“Trade and development policies can be powerful tools for promoting reform (...) A world seen as offering justice and opportunity for everyone will be more secure for the European Union and its citizens.” (Council of the European Union, 2003, p. 12).

International trade agreements are thereby the most significant tools for the EU (Keukeleire & Delreux, 2014). Thereafter, the EU's trade policies have the potential to endanger the goals of foreign and development policy (Keukeleire & Delreux, 2014, p. 200). Moreover, critics argue that “In its decision-making, the EU often disregards the political dimension and the broader external impact of its trade policy. (...) Where trade objectives are weighed against development or foreign policy objectives, the trade perspective indeed tends to dominate.” (Keukeleire & Delreux, 2014, p. 202). Additionally, the European Union's foreign policy is criticised for utilising

trade agreements to advance specific foreign policy goals, thereby embracing a form of protectionism or imperialism (Meunier & Nicolaïdis, 2017; Vogler & Bretherton, 2006).

The agricultural sector is one important sector in EU foreign and trade policy. As Keukeleire & Delreux (2014, p.202) state: "Trade has never been apolitical (...) This can be seen in the agricultural sector.". The EU's trade agenda has not been successful in achieving its goals of the liberalisation of foreign trade (Keukeleire & Delreux, 2014, p. 201). The problem is not only how much liberalisation should be implemented, but also what form of liberalisation and who should benefit from it (Meunier & McNamara, 2007). The debates in the agricultural sector best represent this debate. Although it accounts for a minor fraction of the EU's economy, agriculture is for many LMICs a vital economic component (Keukeleire & Delreux, 2014, p. 201). Still, liberalisation is only slowly moving forward, as some Member States like France tend to push against it (Keukeleire & Delreux, 2014, p. 201).

However, researchers state that the EU has the ability to serve as a directional but also intellectual leader which includes sharing knowledge, best practices, and policy solutions (Westlake, 2020; Young, 1991). The EU's power and investments should "theoretically be able to use development cooperation to effect changes within third countries that parallel its world-view and foreign policy objectives." (Keukeleire & Delreux, 2014, p. 211).

Considering the EU's market size and the international influence in global trade it is important to refer to the discussion about corporate accountability and the role of the EU to ensure that companies operating in their market respect HR in their VCs.

Recently, many advocates have shifted away from a focus on public regulation of businesses and turned instead to the development and enforcement of private regulatory mechanisms to prevent, regulate, and respond to crimes against humanity caused by corporate activity (Daniel Brinks et al., 2021; Pietropaoli, 2020). In the increasingly standardised approach to transitional justice, corporate accountability has been a blind spot, but this new corporate turn offers a chance to innovate the transitional justice standard to incorporate "new" actors as subjects of accountability (Daniel Brinks et al., 2021). Research shows how complementary innovative legal arrangements and inventive methods have helped to hold economic actors accountable for prior misbehaviour (Pietropaoli, 2020).

In summary, with the CSDDD the EU is proposing an important tool to hold companies accountable for their HR and environmental violations in their VCs.

CRITICS OF THE DIRECTIVE

While the CSDDD finds many supporters, it has also been heavily criticised by international organisations and experts in the field of Business and Human Rights. Among the reasons for this criticism, we can find the scope of the proposal, the lack of a gendered perspective on its drafting and the established sanctions for breaches (Human Rights Watch, 2023; OHCHR, 2022; Oxfam Deutschland & ActionAid France, 2021). After publishing the Proposal, the European Commission has called for an eight-week public consultation to require feedback about the published proposal of the Directive, a term that ended on May 23rd, 2023. This feedback resulted in a noticeable comparison with the existing United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises (Human Rights Watch, 2023; OHCHR, 2022; Oxfam Deutschland & ActionAid France, 2021). According to the critics of the CSDDD, the European Commission has limited the protection of HR established in the UNGPs in its attempts to make companies accountable for their HR violations (OHCHR, 2022).

In the following paragraphs, this study will be addressing some of the most significant criticisms of the Directive for our research and for that, we will be taking into account the international standards reached with the UNGPs.

In the first place, it is criticised that companies obligated to comply with the mandatory due diligence processes are large companies, while medium-sized companies are only taken into account when operating in high-risk sectors (Human Rights Watch, 2023). Conversely, the UNGPs include every company irrespective of the size or sector, which is seen as a better approach considering the aim of the Directive to protect HR related to EU's operations across the world (Human Rights Watch, 2023)(*Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937*, 2022).

In the second place, criticism is about the insertion of the phrase “established business relationship” when stating which companies in the VCs have to be assessed when conducting the due diligence processes (OHCHR, 2022). Notwithstanding, the UNGPs utilise the concept “directly linked to its operations”, which includes companies who do not ‘cause’ or ‘contribute’ to the harm through their activities or their influence or facilitation for another entity to cause the adverse impact (Buhmann, 2022, p.113). Moreover, companies need to have a business relationship with their VC or with a partner of their operations, products or services that is causing the adverse impact (Buhmann, 2022, p.113). What the critics of this Directive state are

that the due diligence process should be included in the whole VC and should not be limited by the different tiers (Human Rights Watch, 2023). Additionally to the CSDDD, the UNGPs make the scope of their operation broader and more strict than for the Directive (OHCHR, 2022). For that reason, they propose a risk-based approach for companies that are exposed to a great number of HR violations in their VCs due to the nature of their operations, with which they need to prioritise their negative impacts and due diligence (United Nations, 2011).

In the third place, the UNGPs highlight the importance of having a meaningful stakeholder engagement to understand actual or potential impacts, and even in some circumstances, free prior and informed consent is required, e.g. property rights with indigenous communities (Human Rights Watch, 2023). Conversely, the Directive states that stakeholder engagement should be conducted 'where relevant' and with 'affected' stakeholders which considerably reduces the scope of the stakeholder engagement compared to the UNGPs (OHCHR, 2022; Human Rights Watch, 2023). To address this issue the OHCHR (2022) proposes to strengthen the significance of the consultation of stakeholders when addressing HR issues.

In the fourth place and the most important criticism that we want to address for the present study is that the CSDDD has not been drafted with a GM approach of doing public policies. As mentioned earlier, a gendered perspective helps to direct attention to the many and intersecting necessities of women. A study by Oxfam and ActionAid examined how European HREDD legislation might protect vulnerable groups, especially women migrant workers in international food supply chains connected to the European market (Oxfam Deutschland & ActionAid France, 2021). The study found that food VCs can repeat patriarchal workplace dynamics and exacerbate women's disadvantage, putting them at increased risk for sexual assault and gender-based violence (Oxfam Deutschland & ActionAid France, 2021). As such, critics point out that the lack of a gender perspective is also underlying the patriarchal system that maintains gender inequalities in development policies making it important to take it into consideration GM when drafting these kinds of policies (Oxfam Deutschland & ActionAid France, 2021).

THE SITUATION OF WOMEN IN THE AGRICULTURAL SECTOR OF ARGENTINA

Women play a vital role as food producers and income generators accounting for 45% of food production in Latin America and the Caribbean (IICA, 2019, p. 34). In this research, we are considering that women in the agricultural sector are women who are affected by and/or

involved in the productive activities linked to agriculture, from women working in the fields to women at the top of the VCs in big multinationals.

Women's Challenges

In Argentina, challenges in rural areas and for women in the agricultural sector are caused by a range of factors. The most common according to the literature are:

1. Gender roles

As in many parts of the world, tradition and customs segregate women and men into specific gender roles. Argentinian women are often seen as having to take the double burden (or even triple) of reproductive and productive work (and community work), spending on average more time than men in caregiving tasks (IICA, 2019; Kunin & Lucero, 2020; DNElyG, 2023; Leguizamón, 2019; González & Lanfranco Vázquez, 2020). If we look at the numbers, according to the National Directorate of Economy, Equality and Gender (DNElyG), women in Argentina take up 70% of the domestic work and other unpaid work for an average of 6.5 hours a day (DNElyG, 2023, p.11, 18). Furthermore, rural women tend to invest more in human capital such as health, nutrition and education of children which reduces their economic opportunities and their time (IICA, 2019, p.17; Nores & Fierro, 2018).

2. Lack of services

Families in rural areas are often confronted with the lack of care services and the lack of access to public resources such as social protection, childcare services, specialised healthcare such as sexual and reproductive healthcare, education, but also justice (IICA, 2019; Ambort, 2019). On a positive note, women in Argentina have a literacy rate of 99%, even higher than men according to UNESCO (2019) (Gobierno Argentino, 2020). The reality is that Argentinian women have to have more educational years than men to access paid work, and this is particularly true for the agricultural sector (Gobierno Argentino, 2020; Nores & Fierro, 2018). If women do not have the possibility to study or are not taken for certain positions in the agricultural sector, they will thus take a job with low qualifications, usually doing domestic work, or they will move to the city to live in precarious conditions (Nores & Fierro, 2018, p.78). It should be noted that the lack of education also influences health, as rural women tend to have three times more chances of becoming pregnant than women in urban areas, which conversely increases their chances of leaving school (Nores & Fierro, 2018, p.88).

Another problem that occurs in remote areas is the lack of access to technology, either because of the lack of opportunities to access it or the lack of education on how to use it (Nores & Fierro,

2018, p.61-62). This is particularly relevant when the UN has expressly affirmed that new technologies are a huge help to reduce poverty and increase food security (Nores & Fierro, 2018, p.62). In their research, Nores & Fierro (2018) have also underlined the problem of road infrastructure that has been deteriorating, with one out of five rural roads not paved and most of them in poor conditions (p.72).

3. Lack of opportunities:

Argentinian women are generally more likely than men to fall into poverty, as they are often found in the lowest-paying and precarious jobs and informal sector (IICA, 2019; Maldonado Castro et al., 2023; DNELYG, 2023). Argentinian women in 2022 were paid on average 27,7% less for their main income (DNElyG, 2023, p.22). This is even more prevalent in the informal sector where women are paid 34,5% less than men, making them the lowest-paid group in the whole economy (DNElyG, 2023, p.22). These numbers show the gender inequality when it comes to job opportunities and the position that women hold in the Argentinian economy.

Another factor hindering women's opportunities is that decision-making environments are mostly male-dominated in the country, even if gender quotas have recently been introduced (IICA, 2019). This is also the case in the agricultural sector, where in a majority of men tend to be in executive positions (Leguizamon, 2019). This is particularly the case in family-owned farms where the men tend to be taking the decisions and put their names only on the contacts, even though everyone in the family participates in the production tasks (González & Lanfranco Vázquez, 2020, p.92).

Access to land is another challenge for rural women given that they make up fewer than 12% of the head of a farm in Argentina (FAO 2014 in González & Lanfranco Vázquez, 2020). This is notably explained by male preference in inheritance and male bias in state land distribution, by poor access to justice instances situated in cities far away, and because of strong traditions and beliefs in certain regions (Gobierno de Argentina, 2022; Nores & Fierro, 2018). The result of this situation is that women lose the power of negotiation and decision-making opportunities over the production processes they are primarily involved in, but also in benefits over the selling or lending of the land (Nores & Fierro, 2018, p.34).

Lastly, another difficulty for women is to access credits which are fundamental to access land, basic supplies to produce, having a good enough income, etc. (González & Lanfranco Vázquez, 2020, p.93). This is important as economic empowerment is a basic element to elevate the decision-making capacities of women in their homes, but also in communities and in local political groups (Norres & Fierro, 2018, p.128).

4. Lack of security:

Biases against women are a global trend that is only slowly changing, and Argentina has an average of 75% of its population holding at least one bias against women in the most recent Gender Social Norms Index. The biggest bias is about Physical Integrity (United Nations, 2023b). As for women farmers, they tend to be at higher risk of being victims of gender-based violence because of traditional beliefs regarding their place as women, and also because of their working and living conditions (IICA, 2019). Moreover, women in agriculture are more at risk for gender violence when they are in temporary jobs and/or in the informal sector because of the lack of control and regulations (Carla Henry, 2018). As for their health, women are also suffering from the use of agrochemicals causing miscarriages and foetus malformation (Kunin and Lucero, 2020; REDUAS, 2010 in Leguizamón, 2019).

These four dimensions of women's situation are revealing of the gender inequality present in Argentina, notably in the Agricultural sector. Another way of finding solutions to the structural inequalities that women face in the economy and the political sphere is to look at public policies. Elias & Roberts, 2016 argue for two approaches: the first one being, to incorporate a gender perspective into common political and economic activities such as the affective and embodied experiences of work and employment, householding practices, and localised or individualised forms of resistance. The second is by examining the historically and geographically specific ways in which gender relations both constitute and are shaped by the more general structural reconfigurations connected to globalising capitalism.

The Importance of a Gender Perspective

In the literature, there are many experts that defend the need of incorporating a gender perspective in policy-making processes (L. González & Perrotta, 2021; González & Lanfranco Vázquez, 2020; Hang et al., 2018; IICA, 2019). This is revealing of the need to update policy-making and development programs, to better respond to women's needs. For example, introducing gender quotas is a way to acknowledge that women are often discriminated against and impacted by unconscious biases and preconceptions, making it harder for them to access certain spheres and positions in the political and economic system of their country (Fernández & Valiente, 2021; OECD, 2015). Moreover, creating gender-segregated data is also important, as women and men do not have the same biological and sociological experiences of the world (OECD, 2021, p. 146); OECD, 2021, p.146; IICA, 2019, p.68). For example, Nores & Fierro (2018) explain that the fact that women are less present in the agricultural sector could be a problem of data collection as women tend to work in unpaid activities that are not perceived as work; thus

some problematics are not shown by quantitative data but are better exposed with qualitative data (Nores & Fierro, 2018).

In their publication, Hang et al. (2018) explain that the gender perspective can positively impact women's situation by making slight changes in the way businesses organise their structure, for example by

“(...) approach[ing] the territory in such a way that both women and men have the same possibilities and tools to participate in meetings and decision-making spaces. For this, it is necessary to take into account the meeting times (adapted to the family care of the children), the place where they will be held (with a space to leave the children) and the clarification in the invitations that the [women] producers are invited.” (p.1-2) *(translated)*.

As (Arce, 2022) puts it, incorporating a gender perspective will demand a profound change in decision maker's mentality and relevant actors (p.11).

APPLYING A GENDER MAINSTREAMING APPROACH

The approach of GM is not only an EU concept but finds a rather big amount of existing literature in different contexts. Bacchi & Eveline (2010), for example, suggest focusing actively from the start on how policies affect women and gender relations, rather than examining the broad political objectives and strategic norms of policy proposals afterwards in a reactive way (Bacchi & Eveline, 2010, p. 40).

Booth and Bennett (2002) argue that the concept of GM generally holds the advantage to “appeal to politicians from both ends of the political spectrum” (Booth & Bennett, 2002, p. 14), because it offers a clear opportunity for a variety of interests. However, according to Bacci & Eveline (2010), the current mainstreaming policies are a reactive solution to identified problems, focusing on their impact on individuals (Bacchi & Eveline, 2010, p. 54). They argue that in its current application, it overlooks two crucial aspects: Firstly, it fails to recognize how policies themselves shape and define the problems they aim to address. Secondly, it neglects to address how policies actively contribute to the formation of social relationships, including gender relations (Bacchi & Eveline, 2010). Policies are not merely affecting people; they actively participate in creating and shaping individuals (Bacchi & Eveline, 2010).

Several researchers also find the EUs approach to GM insufficient (Allwood, 2020; Booth & Bennett, 2002; Chappell & Guerrina, 2020; Daly, 2005). It is criticised that “the EU's understanding of gender equality is rather shallow, focused on adding women into existing

structures rather than offering a transformative approach which unpacks the power structures” (Chappell & Guerrina, 2020, p. 17). Furthermore, Chappell & Guerrina (2020) argue that the EU is a gendered normative actor, which means that it strategically adopts gender narratives to advance the organisation's interests, despite its claims to the contrary (Chappell & Guerrina, 2020). GM is said to be founded on a liberal understanding of social arrangements that assigns disparity to institutional habits and present economic pressures (Chappell & Guerrina, 2020, p. 17). Bacchi & Eveline (2010) also argue that the “(...) relationship between gender mainstreaming and neoliberalism is (...) described as ‘contested’” (Bacchi & Eveline, 2010, p. 40). A neoliberal argument for opening up economic structures to promote individual achievement is unchallenged as long as the emphasis is kept on presumptive biological qualities (Bacchi & Eveline, 2010). Contrarily, maintaining that "difference" arises through power relations instead of being embedded in individuals or citizens of certain groups calls into question those interactions and the forces that support them (Bacchi & Eveline, 2010, p. 51).

A study by Allwood (2020) shows that especially global challenges, including HRs violations, are addressed in a gender-neutral manner by the EU (Allwood, 2020). The authors argue that this lack of gender perspectives is a regressive step for the EU's gender and development strategies, as well as a regressive step for the EU as a whole and its approach to equality (Allwood, 2020).

To overcome this interlocked GM approach Bacchi & Eveline (2010) suggest a deep evaluation that would look at the representation of the "problem" under consideration and the effects it has on women, how specific context-related presumptions support the policy and how specific key concepts interpretations impose particular interpretations of the problem(s) (Bacchi & Eveline, 2010, p. 53). This approach would foster a critical examination of significant advancements in trade and commerce, rather than unquestioningly accepting them as predetermined or unavoidable (Bacchi & Eveline, 2010). It would encompass an appreciation of policy as both "creative" and as an agent in shaping gender (Bacchi & Eveline, 2010). This research is precisely trying to follow this idea and take into consideration the EU and its GM approach in the new CSDDD, in order to assess the extent to which it is following this approach in its policy formulation.

THEORY

In the following part the two chosen theories are presented and related to the research question: the “Capabilities approach” by Matha Nussbaum (2000) and the Public Policy Theory by Knoepfel et al. (2007).

THE CAPABILITIES APPROACH

“I shall argue that international political and economic thought should be feminist, attentive (among other things) to the special problems women face because of sex in more or less every nation in the world, problems without an understanding of which general issues of poverty and development cannot be well confronted. (Nussbaum, 1999, p.22)”

The existing liberal political system of the EU defends the importance of liberty and the idea that everyone has the right of freedom under a just government following the approach of equality of opportunity (Baehr, 2021). This approach is questioned for its efficiency to provide women with the proper “Capabilities” they need to ensure a quality of life (Baehr, 2021).

Martha Nussbaum is an American philosopher and legal scholar born in 1947 in New York. She has written extensively on the human condition, and more specifically on gender equality and women’s situation³. With her theory, the philosopher presents to us a way to evaluate “life quality” in contrast to other traditional ways of measuring it that tend to be more focused on economic indicators (ex: GDP) (Nussbaum, 2000, p.223). She criticises the traditional economic indicators as they do not portray the reality of the life quality for most individuals clearly and does not take into account inequalities due to the disparities of wealth distribution in a country, in communities or even in a family (Nussbaum, 1999, p.232). Up until today, gender inequality has been prevalent in most societies, thus making her approach as relevant today as it was two decades ago.

Her writings are particularly interesting as she highlights how our societies are perpetuating gender inequalities, even when women’s rights are guaranteed on paper (Nussbaum, 1999, p.231). As she explains it, the latter is not enough to ensure HR, as it requires citizens to “... be in a material position to exercise those rights.” (Nussbaum, 1999, p. 231). In fact, she stresses in her work that political rights are essential for a “human level of satisfaction” (Nussbaum, 2000, p.237). To sustain this claim, she cites Amartya Sen (1994): “Political rights are important not only for the fulfilment of needs, they are crucial also for the formulation of needs.” (Sen in Nussbaum, 2000 p.237). This is relevant to point out, as it should be understood that Capabilities should not be used instead of HR, but should be incorporated in the agenda planning of public policies to guarantee a certain level of life quality for all (Nussbaum, 2000). It is the State’s role to be active, instead of passive, in order to ensure the redistribution of wealth

³ See her books “Sex and Social Justice” (1999), “Women and Human Development “(2000), “Frontiers of Justice” (2006) and “Creating Capabilities” (2011).

and income, employment, land rights, health and education (Nussbaum, 2000, p.227). The advantage of the approach is that it's more

“...definite, specifying clearly what it means to secure a ‘right’ to someone, and more comprehensively, spelling out explicitly certain rights that are of special importance to women, but which have not until recently been included in international human rights documents.” (Nussbaum, 2000, p.241).

Moreover, Nussbaum states that the “...social and political circumstances give women unequal human capabilities”, a concept pioneered by the economist and philosopher Amartya Sen (Nussbaum, 2000, p.220; Nussbaum, 1999, p.233). Men and women are often considered as a homogenous group in society. However, Nussbaum explains that when “hierarchies of power and opportunity internal to the group” are not taken into account, women suffer from asymmetrical Capabilities (Nussbaum, 2000, p.234). It is those Capabilities that are at the centre of Nussbaum’s theory, which she describes as being “what people are actually able to do and be” (Nussbaum, 2000, p.222).

Nussbaum developed a list of these Capabilities⁴ and argues that they need to be pursued for each and every person in order to reach a “threshold level of each Capability, beneath which it is held that truly human functioning is not available to citizens” (Nussbaum, 2000, p.223). Under that threshold, it is considered that the person is not “...able to develop and exercise one’s human powers.” (Nussbaum, 1999, p.234). Thus, by pursuing these Capabilities, a society is actively working to create a life worth living (Nussbaum, 1999).

Nussbaum states that the components of the Capabilities list are not of different importance, and cannot compensate each other in case there is one that is more “present” than another (Nussbaum, 2000, p.233). Some of these Capabilities are a prerequisite to obtaining other Capabilities, making them all of equal relevance to achieve the end goal of securing an environment where the material and institutional environment enables people to be able to function (Nussbaum, 2000, p.235). The notion of “functioning” is central to understanding her theory as she explains that the State should keep an “environment of choice”, meaning that it creates the conditions necessary for a person to have the choice and the liberty to function, but without forcing them to do so (Nussbaum, 1999, p.238). Her approach contrasts with traditional forms of development that are often criticised for their paternalistic colonial way of thinking and acting, –in other words by showing “little respect for people’s freedom as agents” (Nussbaum, 1999, p.230).

⁴ See Annexe 1

As such, Nussbaum defends that the list of Capabilities can be used for political purposes, to create better political planning (Nussbaum, 1999, p.234). This is relevant for this research as the process of drafting the CSDDD can be considered “political planning” which will impact the lives and opportunities of people along the VCs. As the CSDDD is a tool for the EU to better protect basic HR, it could be argued that it is bettering people's Capabilities at the same time. However, the question is who is actually positively affected by the CSDDD when we assume from the theory that women's situations are fundamentally different from men's situations. Furthermore Nussbaum’ would argue that it is especially important to include a gender-sensitive approach in the policy process and the CSDDD in order to enhance everyone's Capabilities and not only men's.

As protecting HRs is strongly linked to securing the functioning of basic Capabilities, we are using this theory to critically assess the effort of the CSDDD in protecting those HR and its potential impact on women's Capabilities. Moreover, this theory is used to assess the state of Capabilities of women in the agricultural sector of Argentina, in order to better comprehend how the operations of companies impact women’s Capabilities and which are the possible solutions that the CSDDD could provide.

PUBLIC POLICY THEORY

This Public Policy Theory approach is based on a book written by Knoepfel et al in 2007, titled ‘Public Policy Analysis’. The book provides an in-depth exploration of the processes surrounding the making, implementation and evaluation of a policy.

The authors define a public policy as:

“... a series of intentionally coherent decisions or activities taken or carried out by different public – and sometimes – private actors, (...) with a view to resolving in a targeted manner a problem that is politically defined as collective in nature. This group of decisions and activities gives rise to formalised actions of a more or less restrictive nature that are often aimed at modifying the behaviour of social groups presumed to be at the root of, or able to solve, the collective problem to be resolved (target groups) in the interest of the social groups who suffer the negative effects of the problem in question (final beneficiaries).” (Knoepfel et al., 2007, p. 24).

This definition shows the complexity of creating and evaluating public policies and shows the great potential for this study to evaluate the intentions of the EU in resolving the problem in place as well as identify the Target Group and the End Beneficiaries. The importance of the

problem formulation process in Public Policy has been outlined by several researchers (Abas, 2019; Bacchi et al., 2012; Bacchi & Eveline, 2010; Knoepfel et al., 2007).

“(…) how ‘problems’ are represented in policies – how they are discursively produced – affects the particular understanding given to those conditions at points in time and space, and that these understandings matter. That is, how ‘problems’ are represented has important effects for what can be seen as problematic, for what is silenced, and for how people think about these issues and about their place in the world.” (Bacchi & Eveline, 2010, p.112)

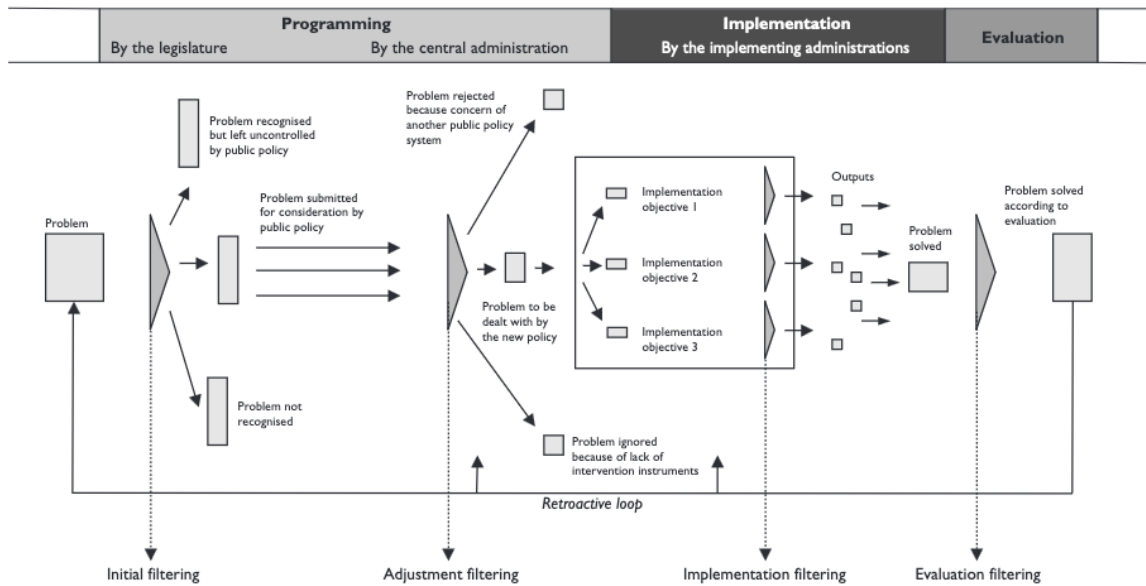
Knoepfel et al. (2007) 's policy process unfolds in 4 circular stages. Each of these stages can be analysed individually and provide a coherent picture of policy analysis:

1. Agenda Setting
2. Programming of the laws and regulations of the public intervention
3. Implementation of the political-administrative programme
4. Evaluation of the results and effects

As the problem formulation mainly happens in the agenda setting and programming phase we are not focussing on stages three and four. We, however, acknowledge that the analysis of these stages and the associated products of analysis are equally important and would need to further be analysed in other studies.

Each of these policy stages has a significant influence on the Public Policy process and emerges through a distinct process of decision-making, characterised by ongoing interactions among discernible actors who utilise a multitude of institutional regulations that can be either broad in scope or tailored to the specific field of intervention (Knoepfel et al., 2007, p. 115). The upside of focussing on a dynamic vision of Public Policy with different stages in the policy process as opposed to a static one makes it possible to emphasise and identify “filtering” phenomena and mechanisms within the process (Knoepfel et al., 2007, pp. 33, 114). *Graphic 1* illustrates the various stages of a public policy problem filtering mechanism. These include filtering during the initial perception of problems and their placement on the political-administrative agenda, adjustment filtering during the policy formulation phase, implementation filtering, and evaluation filtering (Knoepfel et al., 2007, p. 33). This filtering process shows us how problems are developed in the different stages of policy creation and the factors that might lead to an exclusion of problems and perspectives. It is thereby important to mention that “Numerous filtering processes exist at all of these levels and they represent opportunities for organised actors who oppose the political recognition of an instance of social change to keep the latter outside the political-administrative arena.” (Knoepfel et al., 2007, p. 22).

Figure 2.3: The public policy process and filtering mechanisms



Graphic 1: The public policy process and filtering mechanisms by Knoepfel et al., 2007, p. 33

Furthermore, this statement: “Most modern legislation is only effective when the political, administrative and social actors involved in the different institutional arrangements are involved in the decision making” (Knoepfel, 2007, p.24), is of particular relevance to our subject as we believe that the diverse situations of women as actors were not actively involved in the drafting process, thus not taken into consideration when writing the Directive. Therefore, this Public Policy theory supports our hypothesis formulated earlier that certain actors, procedures and powers are in place that do not support the involvement of the women's perspective.

In conclusion, we choose the Public Policy theory by Knoepfel et al. (2007) to get a better understanding of the different processes involved when deciding on a Public Policy Problem, based on identifying relevant filtering mechanisms.

METHODOLOGY

In this next section, the methodology behind the research is explained. To begin with, the research strategy including our values and the philosophy of science are presented. Subsequently, the research design is described, which includes our case study approach and the case selection. Afterwards, the data collection and analysis of the research are shown, followed by the research ethics.

RESEARCH STRATEGY

“Feminist analysis is most obviously putting women in where they have been left out, about keeping women centre stage” (Pascall, 1996, p. 7).

Considering the lack of feminist approaches in the existing literature and methodology, we are building on this by including a feminist perspective not only with Nussbaum’s theory but also by critically examining the Public Policy results. As our Public Policy approach by Knopf et al. (2006) is supposed to be gender neutral, the topic of gender is not mentioned in the approach, we are especially looking at the effects on women and critically reflecting on the public policy problem and the inclusion of women.

In this next section, our epistemological and ontological philosophy of science approach are described.

Philosophy of Science

For this research a critical realist approach is chosen. We thereby follow its epistemological approach of characterising meaning and experience to have a straightforward, essentially unidirectional relationship with language, as well as to theorise motivations, experience, and meaning (Braun & Clarke, 2006). We are furthermore following the ontological approach that “(...) reality exists independently of human observers” (Kurki, 2007, p. 7).

The aim of this paper is to come as ‘close’ to the observed and socially produced reality as possible (Kurki, 2007). Thereby we are seeking to understand the state of the Capabilities of women in the agricultural sector by investigating the causal mechanisms and structures that impact gender inequalities and further examining how the implementation of a GM approach in the Corporate Sustainability Due Diligence Directive of the EU could have an effect on these Capabilities.

The theories we chose are aligning with our critical realist approach as follows: Knoepfel et al. (2006) aim to uncover the problem formulation processes in Public Policy. Their research goes beyond surface-level descriptions to reveal deeper insights into the complexities of Public Policy, consistent with critical realism's emphasis on understanding social phenomena's structures and mechanisms. Martha Nussbaum's "Capabilities Approach" recognizes the complexity of human well-being and the influence of social factors, aligning with critical realism's emphasis on uncovering deeper structures and mechanisms in social phenomena.

Our research design aligns with a critical realist philosophy of science. We are using a case study approach to examine this specific social phenomenon of women's state of Capabilities in depth and identify the most relevant causal mechanisms and structures that shape the phenomenon based on our data collection. Moreover, we are employing a methodology that combines empirical observation and theoretical knowledge (Jessop, 2004, p. 3). However, it has to be mentioned that the subject of our examination is inherently socially constructed and that we analyse and derive meaning from the interpretations offered by other individuals. The thematic analysis of the expert interviews is designed to capture the elements of identifying the structures and mechanisms that shape the phenomenon (Braun & Clarke, 2006).

RESEARCH DESIGN

The aim of the chosen research design is to answer the research question and provide a high degree of reliability, replicability and validity (Clark Tom et al., 2021, p. 432).

To answer the research question *"What are the causal mechanisms influencing women's Capabilities in the agricultural sector of Argentina and how could the implementation of a Gender Mainstreaming approach in the EU Proposal for a Corporate Sustainability Due Diligence Directive (CSDDD) impact women's rights in order to improve their Capabilities?"* a qualitative and abductive case study research design is chosen.

Our abductive research strategy serves us to test the theories, critically evaluate them and build on them to gain further knowledge on the situation of women in the agricultural sector in Argentina and the possible impact of a GM approach. Therefore we are following Kovács and Spens's (2005) strategy for abductive research with regard to a critical realist approach (Bhaskar, 2008; Kovács & Spens, 2005).

Based on the theoretical knowledge and background we investigated in the contextualisation and the literature review, we developed the hypothesis: *"The EU's trade policy has a major*

impact on countries around the world, therefore their lack of a Gender Mainstreaming approach in the CSDDD has an impact on the situation and rights of women in the agricultural sector in Argentina. The goal of our analysis is to answer the research questions and thereby test this hypothesis. It is thereby important for us to focus on the "(...) frequent movement back and forth between the specific and the more general and between the concrete and the more abstract (which) usually leads us to read more conceptual and theoretical work (...)" (Lund, 2014, p. 232).

We provide a triangulation of methods through different research methods as well as the data triangulation through interviewees is chosen to strengthen the quality of our data (Denzin, 1989). To further ensure the "investigator triangulation" we conducted the interviews together and also acknowledged the diverse backgrounds of the researchers as well as compared and discussed the findings from different perspectives (Denzin, 1989). By building our research on two different theories the investigated case is studied from different perspectives and thereby supports the diversification and triangulation of theory (Denzin, 1989). The abductive case study design and the case selection will be presented in the following.

CASE STUDY

Case study methodology finds extensive application in diverse subject areas such as sociology, political science, anthropology, economics, public administration and public policy (Yin, 1994). Thereby "The interaction between a phenomenon and its context is best understood through in-depth case studies." (Dubois & Gadde, 2002, p. 2).

Lund (2014) argues that "It is not the actual empirical phenomena, which are a case; it is our efforts at generalizing, abstracting, and theorizing that make a case of the phenomena." (p.230). Therefore we apply the different layers that Lunds (2014) identifies. We identify our case as "general" as our case aims to reflect on structural phenomena and identify conclusions that are applicable to other cases. Thereby we are aiming with the generalisation to "enter into a dialogue where one's research resonates with other works" (Lund, 2014, p. 227) to provide reliability and validity. Furthermore, we also identify our case to be "abstract", which calls for the use of creative reasoning to identify relationships and connections that are not immediately apparent (Lund, 2014, p. 228). This combination of "general" and "abstract" results in the concept of "theorising", which is the process of advancing from the observation of actual events through concepts to the ability to make generalisations about the fundamental characteristics and dynamics in contexts other than the ones being examined (Lund, 2014, p. 229). Our case is therefore a case of gender inequality and the maintenance of gender power relations through public policy creation.

CASE SELECTION

Why Argentina?

We choose Argentina for our case study because of the importance of its agricultural sector, its relationship to the EU in terms of agricultural VC and finally because of their influence on each other through trade relations (European Union, 2023a).

As already outlined in the contextualisation, Argentina and the EU have close trade relations bound by several international agreements. A further factor to choose Argentina as our case is Argentina's political power through an upper-middle-class income society, its G20 membership, the degree of integration of its agricultural VC in foreign markets, as well as its progressive gender policies (DNElyG, 2023; OECD, 2019). As we are focusing on precisely the implementation of a gender perspective in policy making in the EU, this implementation of GM policies makes Argentina interesting as a case study as their approach leads to an intense discussion in Argentinian society. Moreover, a variety of experts in Argentina have valuable knowledge on the subject of women's needs and policy approaches that are needed to improve women's rights.

Why the Agricultural Sector?

After the Covid-19 pandemic and the start of the Ukraine war, VCs have shown their importance, but also weaknesses in our globalised world. Therefore, the agricultural VCs are highly relevant to research, knowing how much Argentina and the EU depend on each other. The agriculture-related goods were accountable for 58% of the trade between the EU and Argentina (European Union, 2023a).

The gender difference in the agricultural sector, as it is a more traditional sector, is especially visible (Nores & Fierro, 2018; IICA, 2019). Therefore it is interesting for us to look at the causal mechanisms and the political factors that impact women's rights.

Last but not least, agriculture is a critical sector mentioned in the CSDDD as HR violations happen significantly often and special attention needs to be paid. This sector will therefore be especially influenced by the Directive as medium-sized companies are also responsible for their actions and can be held accountable.

DATA COLLECTION

We choose to combine data-collection methodologies to be able to answer our research question in a valid and reliable way and to provide a triangulation of data (Bowen, 2009, p. 1).

SEMI-STRUCTURED INTERVIEWS

“A true gender approach requires incorporating the experience, knowledge, interests and needs of women with the aim of empowering them.” (IICA, 2019, p.9)

Semi-structured interviews are a popular way of gathering data in qualitative research, and the effectiveness of the interview guide has a significant impact on the study's findings (Galletta & Cross, 2013). We choose this approach as it has been found to be effective in enabling reciprocity between the interviewer and participant, allowing the interviewer to improvise follow-up questions based on participant responses (Galletta & Cross, 2013). Therefore, the semi-structured form of interview allowed us to have a more “genuine access to the world views of members of a social setting” (Clark Tom et al., 2021, p.472) by ensuring a dialogue that is more fluent and natural between us and the interviewees. The primary objective in collecting empirical data for the analysis was to explore different dimensions of our research area to get an overview of the topic in order to be able to answer the research question (Galletta & Cross, 2013). For that purpose, it was decided that we will seek to interview various experts with different backgrounds, from farm producers to experts dealing with trade and businesses and political actors. The semi-structured interview provided versatility, allowing for grounded discussion and interaction within the policy debate and theoretical perspectives, such as the feminist perspective (Galletta & Cross, 2013).

Interview Guide

Based on our research question and identified sub-questions, we developed an interview guide. A personalized interview guideline was prepared in advance for each of the participants, covering relevant topics for the research related to their field of expertise. The structure of the interviews played a crucial role for us as it determined the level of control and involvement of the interviewer, as well as the possible answers from the interviewees (Halkier, 2016). The interview structure and questions were similar in all our interviews. However, the depth and focus of the questions were dependent on the expertise of the interviewed person and the output we needed from them. Depending on the expertise the interview guide varied with questions being more focussed on one of the areas.

Generally, the interview guideline was structured as followed: starting with an introduction of ourselves and our background, and of the CSDDD to give some context to the interviewee. Then, we asked ethical questions to ensure their consent to doing the interview, to record it and about their wish of keeping their names confidential or not. We thus proceeded to record the rest of the interview. The first question that we asked was for them to introduce themselves. This allowed them to have some control over how we perceive them and for us to grasp some aspects of their occupation that we did not necessarily know beforehand (Galletta, 2013). After the introduction, we focussed on the questions we were interested in regarding the persons' experiences and knowledge but we also asked questions on the other topics to get an overall picture of the different opinions and approaches. At the end of the interview, we asked them if there is anything that we did not think of asking or if they wished to share with us, making sure that they could freely express aspects of the subject that we did not mention up until then (Galletta, 2013).

The idea behind the guideline for these interviews was to set a comfortable atmosphere for the interviewees, in order for them to share more freely their point-of-view.

Interview Process

We prepared between 20-29 questions for each person. Each interview lasted 40-90 minutes adapting our interviewees' schedule. This gave us the opportunity to give deep into their knowledge and understanding of the topic. A moderator was assigned for each section of questions following the interview guide. The moderator's role was to give space to the individual participant's perspective while ensuring that the discussion and interaction remained relevant to the interview guide (Halkier, 2016). The other group member primarily took notes and thought about clarifying questions if deemed necessary.

All interviews were conducted on Zoom. Consequently, the focus of the analysis lies on the spoken communication and not on the gestures of the experts. All interviews were conducted in Spanish. As only two out of three researchers spoke Spanish we were only two for each interview, while the third person could either access the video recordings with a direct translation afterwards by using a software (vimeo.com) or the translated transcripts.

Sampling

For this research, non-probability sampling was applied as participants were chosen for a specific point-of-view and expertise that they were able to bring to the research. Therefore we

tried to interview people from different expertise, all of them Argentinians, to get a diverse overview of the situation in Argentina.

As presented in the table below, we selected politicians knowledgeable about public policy, trade relations and the CSDDD, experts from NGOs who are familiar with the situation of women in Argentina and potential tools to advance women's situation.

Name	Profession
P.V.	Farm owner and agro-exporter
María Eugenia Ambort	Academic (Phd in Social Sciences on rural women in Argentina)
Monica Polidoro	President of Rural Women from Federal Argentina Association (AMRAF) and family farming producer
Susana Balbo	Chair of the W20 in 2018, former congresswomen, winery owner and business woman
Carolina Stanley	Head of Tutelary Public Ministry, former Minister of Social Development of the Nation and former Minister of Social Development of the City of Buenos Aires
Leonardo Sarquis	Former Provincial Minister of Agriculture (Buenos Aires)
Paulina Lescano	Agro-Exporter advisor
Company X: Director and Head of Legal & Compliance	Leading national agro-business operator; business enterprise with more than 1200 employees and 30+ years of experience in the provision of agricultural services

Table 1: Interviewed experts

THE CSDDD

In order to base our findings from the interviews on reliable data and examine further information about the public policy process of the Directive we conducted our own document analysis of the CSDDD. Therefore the latest CSDDD version is chosen to be analysed. We extracted the version “Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937” of the Directive directly from the EU Commission webpage on the 2023-02-22.

A “Document analysis is a systematic procedure for reviewing or evaluating documents” and involves examining and interpreting data to derive meaning, gain understanding, and generate empirical knowledge (Bowen, 2009, p.1). As this method is particularly suitable for qualitative case studies, which provide detailed descriptions of a specific phenomenon, we use it to ensure triangulation, using multiple sources of evidence to enhance credibility and reduce bias (Bowen,

2009). By analysing the CSDDD, we aim to uncover insights relevant to our second part of the research question: “(...) *how could the implementation of a Gender Mainstreaming approach in the EU Proposal for a Corporate Sustainability Due Diligence Directive (CSDDD) impact women’s rights in order to improve their Capabilities*”?

DATA ANALYSIS

In this part the analysis strategy as well as our approach is outlined. First, the analysis approach of the conducted expert interviews is described, followed by the document analysis methodology of the CSDDD.

INTERVIEW ANALYSIS

In order to analyse the conducted interviews we used Braun & Clarke (2006) thematic and abductive coding approach. The thematic analysis of interviews is useful for us as it offers an organised and richly detailed approach and interprets different facets of the research problem (Braun & Clarke, 2006). We are using an abductive approach to our interview analysis as we are using both, deductive and inductive coding approaches for different parts of the coding process which is why we are applying both concepts providing a description of the dataset as well as a more detailed analysis of phenomena. We are analysing the interpretative “latent” by constructing themes that “examine the underlying ideas, assumptions, and conceptualisations – and ideologies - that are theorised as shaping or informing the semantic content of the data” (Braun & Clarke, 2006, p. 13). The following steps by Braun & Clarke (2006) are used to analyse the data:

- Phase 1: Familiarising yourself with your data
- Phase 2: Generating initial codes
- Phase 3: Searching for themes
- Phase 4: Reviewing themes
- Phase 5: Defining and naming themes
- Phase 6: Producing the report

Below the 6 steps to analyse the data are explained more detailed connected to this research:

Phase 1: Familiarising yourself with your data

All interviews were transcribed in Spanish with the help of the PinPoint software. Afterwards, the transcripts were translated into English with the Word software. Then, the transcription & translation were corrected manually, so all researchers had the same understanding of the interview content and the meanings behind words. Transcribing and translating the interviews helped to familiarise ourselves with the content as a step of the analysis.

Afterwards, we went through the interviews and an active and intense reading process to further familiarise ourselves with the existing data set. Moreover, we were able to already identify patterns and conspicuousness, which we wrote down in note form to use for the coding system we develop in phase 2.

Phase 2: Generating initial codes

In order for us to structure the data, apply it to our theory and go into a more detailed analysis (latent) the following coding strategy emerged⁵:

1. First we used a deductive coding approach to identify the current state of the 10 Capabilities by Martha Nussbaum. Therefore we took her interpretation of each Capability and assigned fitting sentences and paragraphs to them.
2. Second, we executed inductive coding to generate connections and meaning between the different interviews. We focused on searching for the “causal mechanism” behind gender inequality in the Argentinian agricultural sector.
3. Third we inductively coded possible solutions that were mentioned in the interviews.
4. Lastly, we did an inductive coding of the answers regarding the role of the EU, the relationship with Argentina and the CSDDD.

Phase 3: Searching for themes

After all the data has been coded this phase refocuses the analysis on the more general level of themes rather than codes and entails grouping all the necessary coded data extracts inside the themes that have been identified. The first deductive approach gave us already the ten sub-themes for the superior theme of “Capabilities”. Afterwards, the inductive approach gave us we went through our sub-themes and generated relations between them to generate two other superior themes: “Causal Mechanisms” and “Solutions”. For “Causal Mechanisms” twenty-five sub-themes emerged and for “Solutions” seven sub-themes. It has to be acknowledged there that

⁵ Identified codes will be presented in the Annexe 2

the way we coded had a major influence on the emerging themes, some codes were found in various categories. The themes and subthemes are therefore product of the theoretical background and the collected data.

Phase 4: Reviewing themes

As the researchers have been working closely together a constant reviewing of the themes took place. While the superior themes stayed the same, the identified sub-themes were changed a few times. We thereby considered the “validity of individual themes in relation to the data set” and constantly went through the data set in order to accurately present them (Braun & Clarke, 2006, p.21). For the “Causal mechanism” the sub-themes went from twenty-five to seven. For the “Solutions” the number of sub-themes remained seven, but the names of the sub-themes changed, and the codes were reorganized to fit the new titles.

Phase 5: Defining and naming themes

In this phase we took the identified superior themes and started to analyse them in accordance to the overall findings and the story that emerged through the coding and the emergence of these themes. The following thematic map emerges as a result:

Superior Theme	Sub-Theme
Capabilities	<ul style="list-style-type: none"> - Life-Expectancy - Bodily Health - Bodily Integrity - Senses, Imagination & Thought - Emotions - Practical Reason - Affiliation - Living in Symbiosis with other Species and Nature - Play & Enjoy Life - Control over One's Environment
Causal Mechanisms	<ul style="list-style-type: none"> - Patriarchy - Meritocracy - Education - Informality - Companies - Infrastructure - Political Action
Solutions	<ul style="list-style-type: none"> - Education - Connectivity - Technology - Access to Property - Care and Education Centers - Human Rights Standards - Gender Mainstreaming

Table 2: Identified Themes Interview Analysis

Phase 6: Producing the report

In this part we were connecting the previous phases as well as the data and themes to provide an overview of the data as well as analyse them in regard to our research question by providing a logical, coherent, concise and valid storytelling of the data within and across themes. Furthermore, we tried to give understandable examples and quotes from the interviews to underline our findings and provide more insights.

Going beyond the data description we are interpreting our findings by connecting them with the Capabilities theory and relating it to a GM approach in Public Policy to make insightful arguments connected to our research question.

DOCUMENT ANALYSIS

To analyse the recent version of the CSDDD an abductive analysis design is chosen. The focus thereby lays on identifying the “Public Policy Problem”, the “Target Group” and the “End Beneficiaries” of the Directive. A special focus lays thereby on the inclusion of women in the Directive.

As the Directive is a key component of our study, we read the draft at the beginning of the research process and went through it together to discuss our first impression and identify gaps in the Directive's Gender Mainstreaming approach. Later on, we conducted a second analysis to study the Directive more in-depth and connect it to our theories. For this second round of analysis we followed Bowens (2009) approach to document analysis and first skimmed the document, secondly read it and third interpreted the findings.

1. The first step of the analysis was to go through the document and identify the “Policy Problem”, the “Target Group” and the “End Beneficiaries” of the draft, following Knoepfel et. al (2007) approach to policy analysis. Therefore we systematically went through the Proposal and the Annex and inductively created sub-themes under these three themes mentioned above. The coding was mainly done for the “Public Policy Problem” and the “End-Beneficiary” as the “Target Group” appeared to be quite clear when going through the first time through the draft.
2. In the second step the way in which women are included in the draft is analysed. Therefore we especially looked at the inclusion of a gender-sensitive (mainstreaming) approach and how women are mentioned in the CSDDD and the Annex.
3. In the last step of the analysis we analysed our results with regard to our theories, the Capabilities approach by Martha Nussbaum and the public policy theory by Knoepfel et

al (2007). For the Public Policy Problem analysis, the filtering mechanisms and phases by Knoepfel et al (2007) were applied.

Superior Theme	Sub-Theme	Sub-Theme 2
Public Policy Problem	For Companies	<ul style="list-style-type: none"> - Competition distortion - Complex VCs - Fragmentation - Information deficiencies - Lack of legal certainty - Market pressure - Reputational risks - Uneven playing-field
	Environmental Violations	
	Human Rights Violations	<ul style="list-style-type: none"> - Child labour - Exploitation of workers - Forced labour - Health and safety - Human trafficking
	Negative cross-border effects	
End-Beneficiary	Companies	<ul style="list-style-type: none"> - Avoid fragmentation - Build resilience - Competitive advantage - Complete and effective reporting - Cost protection - Legal certainty - Level playing-field - Risk management - Stakeholders - Third country
	Environment	
	Human Rights Victims	<ul style="list-style-type: none"> - Children - Forced labour - Human trafficking - Women - Workers
	Investors	

Table 3: Identified Themes Document Analysis

RESEARCH ETHICS

As it is of great importance to us that the well-being and rights of the participants are protected, we did the following ethical considerations. Before conducting the interviews, we informed the interviewees about the purpose, risks, benefits, and voluntary nature of their participation and asked for their consent. We thereby ensured them confidentiality of identities and responses, if they wanted to. We furthermore tried to provide them with comfortable interview settings and a structured process. We ensured transparency, honesty, and accountability to build a trustful

environment. Finally, we actively engage in reflexivity, by knowing our own biases and power dynamics, and taking steps to mitigate any undue influence on participants' responses.

ANALYSIS

In this part we will analyse our data from the interviews and present the findings from the CSDDD document analysis.

INTERVIEW ANALYSIS

In this part the results based on the data from the eight interviews are analysed. We are starting by outlining the state of women's Capabilities in the agricultural sector in Argentina, followed by the presentation of causal mechanisms deducted from the interviews, and connecting them to the Capabilities. In the third part of the interview analysis, we are presenting the potential solutions to overcome these gender inequalities, followed by the perceived impact of the EU and the possible impact of the CSDDD in the agricultural sector of Argentina.

THE STATE OF CAPABILITIES⁶ OF WOMEN IN THE AGRICULTURAL SECTOR OF ARGENTINA

In the following part the state of the 10 Capabilities of women in the agricultural sector of Argentina are outlined, listed by least to most mentioned in the interviews,

To begin with, the Capability "**Living in Symbiosis with other animals and nature**" was only briefly mentioned the interviews. When considering the problem of agrochemicals on women's health, only two interviewees saw them as a general challenge.

"International companies (...) they do not take care of the territory or take care of the environment because we have evidence and stories of the fumigations, for example, fumigations in rural schools, fumigations in rural villages, they come, fumigated and do not produce in line with the environment" -Polidoro from AMRAF

The coding of the Capability "**Life expectancy**", was mostly linked to femicides, which is a widely discussed problem in Argentinian society. It was mentioned by two of our interviewees: Sarquis and Stanley.

"So I think that we still have the rates of violence, of femicides that we have in Argentina, we have a lot to work in that sense because it is not enough to take care only of taking

⁶ See Annexe 1

care of ourselves in the word or in the way of saying certain issues, but also, in how we exercise our day to day” - Stanley

The next Capability **“Emotions”** has not been of specific relevance in the interviews. Nevertheless, it could have been linked to talks about femicides and domestic violence, because the threat of violence linked to your gender can cause emotional distress. However, the impact of violence and femicides were not directly linked to emotions by the interviewees.

“Bodily Integrity” was mentioned in 5 of the 8 interviews. It was once more linked to the gender violence happening in the country, especially for women in vulnerable situations.

“Well, I think that today all the women who are working (...) would be exposed to different types of violence. Workplace violence when it comes to a job in a city etc. (...) Family violence, especially in women who work in the fields because it is closely linked to alcoholism and in general men go out, (...).” -Balbo

This issue is also underlined in Nussbaum (2000)’s theory as she explains that there is a problem when there are little statistics existing on gender violence and even more when violence is rarely reported and punished (Nussbaum, 2000, p. 221).

As such, the Capability **“Bodily Integrity”** can also be connected to the next Capability: **“Bodily Health”**, which in return can be linked to the first Capability **“Life expectancy”**, when talking about the effects of agrochemicals such as pesticides on women’s health. There were also few codes linked to this Capability but the relation between these three Capabilities is representative of Nussbaum’s theory and how she explains that Capabilities are interconnected and interactive.

The sixth Capability is what we titled **“Play and enjoy life”**. Nussbaum does not extensively define this Capability, so we interpret it as “Women being able to enjoy their lives and having time for themselves to do recreational activities”. This Capability was mostly linked in the coding process with the double/triple burden that women endure, which consequently impacts the time they have left to develop this Capability. Interestingly, all of the women we interviewed were aware of this challenge, as seen for example with Balbo and Ambort:

“The structural differences are fundamentally in that the care of children and the elderly falls on women. Household work in most countries falls on women, but it is not recognized as a job, so women work twice as much. (...)” -Balbo

“It has to do with the role of a housewife mother that in reality her tasks never end. It seems to me that it has to do with that logic of the productive domestic work in which, she says the double day is all the time because it is not that by taking care they do not deal with production.” - Ambort

An interesting finding is that the women we interviewed seemed all to have knowledge on the topic and to felt strongly that the double burden is a problem for women, but the men (Sarquis

and the Director of the Company X) did not mention this at all. However, this could be because of the focus of our questions in those two interviews.

Nussbaum also mentioned it:

“Burned, often, with the ‘double day’ of taxing employment and full responsibility for housework and child care, they lack opportunities for play and the cultivation of their imaginative and cognitive faculties.” (Nussbaum, 2000, p.220)

Another Capability is “**Sense, Imagination and Thought**”, which we associate mostly with education, which can be seen as having two channels of diffusion: the schooling system and the family sphere.

“The one that promotes and executes the education of the children is the woman fundamentally, (...) because when you educate one woman, you educate at least two or three because you are educating her and her children.” -Balbo

“In Argentina we have a difference, not only when I talk about social status, in which I’m also including access to education and not only the economic situation, there is a big difference between the possibilities of women who have access to a good, equal to men, to a good education and so on.” -Lescano

The next three Capabilities “Practical Reason”, “Affiliation” and “Control over one’s environment” are the most important ones identified in the interviews.

The Capability “**Practical Reason**” has according to Nussbaum:

“(…) very great importance (...), as a good that both suffuses all the other functions, making them fully human and also figures, itself as a central function on the list.” (Nussbaum, 2000, p.235).

Moreover, Polidoro’s remark is particularly interesting to highlight:

“When he [the former president of the Argentinian Agrarian Federation, E. Bussi] came to me it seemed to me that the issue of making women visible was not important, it seemed to me that women had no need (...) because they had the rights, they were already acquired.” -Polidoro

For her, it has been a process to understand in which ways women in the sector were at a disadvantage to men, even though they had the same rights.

“I used to say “why would I want to be involved if my husband is already involved and therefore is the same” I struggled a lot to leave those thoughts behind. I had to go through this whole experience to realize (...)” -Polidoro

This correlates with Nussbaum’s explanation that:

“Women often have no preference for economic independence before they learn about avenues through which women like them might pursue this goal; nor do they think of

themselves as citizens with rights that were being ignored before they learn of their rights (...)." (Nussbaum, 1999, p.233).

This could most probably be the case for many rural women who believe their living conditions are already good enough for them, especially as they have rights guaranteed on paper.

The second last Capability of "particular importance" is "**Affiliation**" (Nussbaum, 2000, p.236). This Capability was particularly linked to being subject to "discrimination" based on gender. This discrimination was found numerous times during the coding process in many different spheres (work, family, education, etc.), and was already shown many times with the previous Capabilities, especially with women's double/triple burden, access to property and job opportunities:.

"It is true that if a woman has decided to dedicate time to motherhood to her child and so on, there are several months in which she will not be working and it is likely to be replaced or that can not grow the same as a man." -Lescano

Moreover, three of the interviewees believe that the only limitation women had is her physical capacity. However, Balbo points out that this is not the case:

"Because of the concept that it is believed that she is weaker when it is not like that case. We have the same strengths, but nevertheless, that is culturally installed." -Balbo

The last Capability is "**Control over one's Environment**". One of the biggest challenges for women in securing this Capability, is access to property and land. This was also mentioned in many interviews:

"There is another question that has to do directly with heritage and in whose name things are in whose name the plot is. (...) The real estate company makes the contracts in the name of men." -Ambort

"It is such a cultural issue that women of my mother's age, for example, gave up land to give it to brothers" -Polidoro

"The reflection that is heard is "It is the same if my husband or I am there, it is the same". Legally you are not left out, because the law says that marriage is a society and therefore economically you are not left out, but the problem is the invisibility, the name of women is not there." -Polidoro

Another crucial challenge highlighted in the interviews is access to decision-making positions:

"Today, statistically the decision-making positions or company presidencies, etc., is between 3 and 5% that is, the participation of women in the top positions is very low," -Balbo

"The other day I met with the rural employees and the reality is that the rural assemblies, I mean the people who work in the fields, were all men, there was a woman

who well could not attend that meeting, but well, they are working on that.” -Lawyer of Company X

CAUSAL MECHANISMS IMPACTING GENDER INEQUALITIES

Gender inequalities are directly linked to women’s Capabilities in the agricultural sector of Argentina. In this section, we highlight the causal mechanisms impacting women’s Capabilities.

Patriarchy

Patriarchy can be defined as a “Social system of masculine domination over women.” (European Institute of Gender Equality, 2023). As such, it was one of the most pregnant causal mechanisms that we found in our analysis. Moreover, we found that all the Capabilities are influenced by the patriarchal culture of the country.

This could be explained as “*Patriarchy*” is related to the culture which has a major influence in all areas of life. One of the manifestations of patriarchy is the high rate of femicides and gender violence in the country, which were mentioned many times in our coding process. This can be related to four of the Capabilities “**Bodily Integrity**”, “**Bodily Health**”, “**Life expectancy**” and even “**Emotions**”.

Furthermore “*Patriarchy*” has a major influence on the Capability “**Play and enjoy life**” that we particularly linked with the burden of having to work on productive and reproductive tasks.

“I think that has to do with the patriarchal way of understanding the roles especially associated with motherhood, which then also that feminine function of caring that can be transferred to women who do not have children, but as they are women well they wash clothes.” - Ambort

Education has been linked with “**Sense, Imagination and Thought**” in our coding process and as we mentioned previously, education both a school and at home as a strong impact on a person’s development. According to Stanley, patriarchy is also impacting this Capability:

“I think we need to be able to have one [gender perspective] as a transversalization and greater incorporation in what the educational curriculum does. Not so that they have a matter of this but so that this permeates and spills in the education of our children” - Stanley

Moreover, it also affects women’s possibilities in accessing leadership positions related to “**Control over one’s environment**” and “**Affiliation**”:

“We know that there is still a lot of patriarchal mandate in the management of companies and there is a lot of resistance to put in decision-making positions or on boards more women.” - Balbo

This is interesting to contrast with the opinion of Sarquis who states that today there is a huge number of women in decision-making positions.

Lastly, this causal mechanism is also linked to “**Practical Reason**”. As we have previously shown -with both Polidoro’s experience and Nussbaum’s theory- that women are not always aware of their own rights and possibilities because they do not realise how patriarchy has influenced their own beliefs.

Meritocracy

“Meritocracy is a social system, society, or organization in which people get success or power because of their abilities, not because of their money or social position” (Cambridge Dictionary, 2023)

One of our most surprising findings from our deductive coding is the causal mechanism of “*Meritocracy*”, influencing the Capabilities “**Control over one's Environment**”, “**Practical Reason**” and “**Affiliation**”. We found in the statements of the interviewees that there seems to be a belief that the advancement of women in decision-making positions should be a result of “*Meritocracy*” instead of gender quotas or other similar mechanisms. The Lawyer of Company X expressly refers to this when mentioning:

“I am not in favour of quota issues, I believe in meritocracy, and it seems to me that women, is a cultural process, that we are in and that we are advancing in a lot of issues, [...] I do not agree with the imposition by law.”

Moreover, both men mentioned meritocracy by highlighting the need of women to demonstrate their capacity in order to access different job positions

“I think it will continue to grow [opportunities for women], because it is simply letting her play, the woman when she has the opportunity easily demonstrates her abilities or has capabilities where they are very valuable.” -Sarquis

Furthermore, Lescano mentioned

“Today a woman with an attitude of going forward and working and trying hard I think she doesn't have let's say competition. I think that the women who propose to it can get to the place they want”

This perspective is interesting to bring up, as it goes against the Capability theory. According to Nussbaum, people believing in meritocracy are promoting people's ‘internal power’ in order to

function, but are not taking into account the material and environmental conditions needed for them (in this case women) to achieve a Capability in a proper way.

We believe that this causal mechanism has strong implications on the Capability **“Control over one's Environment”** due to the significance that it has for women when working in different positions, as they need to perform better than men in order to be considered deserving of that position which in many cases can lead to unpaid overtime.

“Practical Reason” is also affected by this because women are believed that it is their own role to rise themselves in decision-making positions, even though there are structural conditions preventing them to access them. Finally, *“Meritocracy”* is seen as affecting women's Capability of **“Affiliation”** because gender quotas are inserted by the government to push for parity and in that way protect women from discrimination, and be able to access different positions of power.

“We still need the law of gender parity so that we say politics is not flooded with men, but that we can be men and women (...) we are still far as women of covering the percentages that have to do with positions in decision- making.” -Stanley

Education

“One of the most effective ways of promoting women's control over their environment, and their effective right of political participation, is to promote women's literacy” (Nussbaum, 1999)

During her interview Stanley mentioned the necessity of educating children with a gendered perspective in order to advance on gender equality.

“Education should somehow achieve the same, precisely to raise boys who already have these issues [gendered perspective] incorporated that is going to be one of the ways to be able to reduce, the cruellest expression and the biggest scourge that has this gender inequality, that has to do with violence and not to mention femicide.” -Stanley

Also Susana Balbo, constantly reflected on this circumstance through the interview and related this lack of an effective education to different aspects of women's life:

“[when women] do not have access to a good education what happens is that the result of their work ends up received by her husband or her older sons.” - Balbo

From this, we can interpret that the lack of an understanding on gender issues can lead to a disadvantage of women's Capabilities. Considering the aforementioned state of the Capabilities

we analyse that the affected Capabilities impacted by this causal mechanism are **“Sense, Imagination and Thought”, “Practical Reason” and “Control over one's environment”**.

In the interviews, it was interesting to see that even though Argentina has a high level of schooling for both girls and boys, education was mentioned as a challenge according to five of them in the agricultural context. According to Nussbaum, education is not only “...limited to, literacy and basic mathematical and scientific training.” (Nussbaum, 1999, p.235) and thus, should not only be seen as women going to school or not. Thereafter, what we can infer from our data is that challenges in terms of education for women in the agricultural sector are also about other variables such as what values parents pass on to their children, it's about learning how to have access and manage technology, about learning about one's own health, about how much culture influence education, etc.

Informality

Another major causal mechanism that was connected to the state of women's Capabilities was **“Informality”**. During our coding process, we were able to code in 7 out of 8 interviews statements about the informal sector and how it affects women particularly:

“I think it plays a huge huge role, the informal sector. Here, there are no locksmiths, electricians, glassmakers, no small worker who give you a bill.” -P.V.

“I think there are more and more regulations and that is why it is very difficult to be an informal employee except in those situations, for example, when they harvest fruits that are done with employees who come temporarily, there I think there is still a lot of informality.” -Lescano

As the informal sector brings many challenges, the following quotes highlight some:

“I insist that they are the forgotten of the system. They do not have access to a good health system, because in general their work is not registered. They do not have access to a retirement, because precisely they do not have contributions (...) By not having this contribution, they do not have access to health, they have to go to the public hospital and the public hospital is increasingly deteriorating.” -Balbo

“I feel that they do not have the same possibilities as the rest of the people, in that informality they do not have access to the basic things that the rest of the employees do, that is, from not having good incomes to not having good conditions in which they may be working.” -Lescano

Thereafter, we can see how this causal mechanism is strongly linked to life quality for women, as it prevents informal workers of having access to social benefits such as insurance, retirement, being part of a union, stable income, free time outside productive and reproductive work, decent salary etc. Hence, this causal mechanism impacts the Capability not only in **“Bodily Health”**,

“Bodily Integrity”, “Life expectancy” but also “Affiliation”, “Play and enjoy life” and “Control over one’s environment”.

Companies

The fourth Causal Mechanism that influences women's Capabilities in the agricultural sector in Argentina are the *“Companies”*. Polidoro has a strong opinion about the influence of multinationals on women's situation: “(...) for me international companies have to be in their countries, we want our own ventures, with our own raw material, and with our own added value at source.”.

As already mentioned beforehand the problem of agrochemicals on **“Living in symbiosis with other animals and nature”** and **“Bodily Health”** results from companies. When it comes to the **“Play and enjoy life”** Capability in connection with companies, it is important to mention the double burden women have in society and that companies are taking advantage of it:

“(...) when the woman is going to negotiate her salary in a position. Generally, in her head, is the thought of all the burden of responsibility that she has in the home, then she is thinking that if there is an emergency with her child at school, the one who in general has to go get him and take him to the doctor and everything is her, then she knows that she will have to ask for more permissions than a man asks, for the same position, and therefore, she does not usually fight much for her salary and that is why there are such large gaps. Because in general, the employer takes advantage of that that is the reality.” - Balbo

Furthermore it is important to mention the access to decision-making positions in Companies together with the Capability **“Control over one’s Environment”**:

“Despite being 50% women the one who produce food, still everything that has to do with managerial positions (...) in general is a man's world, women are not part of the decision making when thinking about politics itself, and that makes us lose who is really saying in the day to day of the territory of what it has to be done.” -Stanley

Infrastructure

Another identified causal mechanism is *“Infrastructure”* which points out the fact that living in remote areas, and the lack of connectivity hinders the social life of women, impacting the Capability **“Play and enjoy life”** as Ambort and P.V. explain it:

“Well, I think there is a part to do with the isolation of rural life, right? That many times it also hinders (...) the form of sociability that we have in the city” -Ambort

Furthermore, this causal mechanism also impacts the double/triple burden, as women have to compensate for the lack of these infrastructures.

A lack of infrastructure further influences the following Capabilities of women: First “**Bodily Health**”, second “**Sense, Imagination and Thought**”, third “**Practical Reason**”, and lastly “**Control over one’s Environment**”.

Connected to “**Bodily Health**”, Balbo states: “Access to connectivity is fundamental, access to care and education centres that reach closer to where they are is fundamental.”.

In the interviews, the Capability “**Sense, Imagination and Thought**” is also connected to infrastructure. It was interesting to see that even though Argentina has a high level of schooling for both girls and boys, education was mentioned as a challenge in five of the interviews in relation to the agricultural context.

“Access to education is fundamental, and for them to access education, connectivity [in terms of technology] is crucial, because then they could study from home.” - Balbo

“It is still very difficult to reach deep agrarian territories in the deep interior of Argentina with information and education (...)” -Polidoro

The effect on “**Practical Reason**” is explained as followed by Polidoro about how for her association, it was hard to reach certain women to explain to them their rights:“(...) it was so difficult to reach the agrarian territories to the small villages to make them understand the “Compañeras”, the women, the right to participate in the production and that it was a right also to participate politically and that it was a right to have their own space.”

Finally the Capability “**Control over one’s Environment**” can also be put in relation with “*Infrastructure*” as

“(...) they usually move the town with their children in order for them to go to school on Monday to Friday, which means an extra cost, because they have rent to rent a room, and there they are living overcrowded because they can not pay anything else, but in general what they do, they work in domestic service to be able to sustain that extra expense, to be able to educate their children or they educate themselves” - Balbo

Political Action

The lack of political action was mentioned several times in the interviews as an obstacle to achieve gender equality. Therefore we identified the “*Political Action*” as a causal mechanism that is influencing women’s Capabilities. The actors of this political action can be the Argentinian government as well as regional policy makers. The interviewees point out that these political actors are not doing enough to protect HR and women’s rights and act in favour of the people:

“(…) there were no instruments of public policies that could arrive to address the thousands of problems that existed as in a framework of great precariousness and above all informality then there was not much will of the State to intervene.” Ambort

“[the state] does not allow these people to evolve, it would be the basic Human Rights things that they are force to give these communities drinking water, housing, food.” - Lescano

“And as for human rights, I tell you if our own government does little or nothing.” - P.V.

We identified that the causal mechanism “*Political Action*” is influencing all ten Capabilities by Martha Nussbaum as the State is able to provide policies for problems they identify. Furthermore, Nussbaum defends that the list of Capabilities can be used for political purposes, to create better political planning (Nussbaum, 1999, p.234). However, it needs to be outlined that this political action is connected to cultural perceptions and influences such as the first causal mechanism that we highlighted: “Patriarchy”.

In summary, we found that in accordance with Nussbaum’s theory, the state of Capabilities for women in the agricultural sector of Argentina are interconnected and influence each other in significant ways. This corroborates with Nussbaum’s theory as she states:

“The list is, emphatically, a list of separate components. We cannot satisfy the need for one of them by giving a larger amount of another one. All are of central importance and all are distinct in quality. (...) At the same time, the items on the list are related to one another in many complex ways.” (Nussbaum, 2000, p.231).

In conclusion, Marta Nussbaum wrote about her Capability approach and her perspective on women’s situation more than 25 years ago. Nonetheless, if we look at the existing research on the situation of women and specifically rural women in the agricultural sector of Argentina, many of the statements that the philosopher made at that time, are as relevant today as they were back then. If we look at the coding, what can be said about the results is that the state of the 10 Capabilities for women in the agricultural sector of Argentina varies greatly. And secondly, the causal mechanisms impacting these Capabilities are multi-causal. Notwithstanding it is also important to acknowledge that even though there is still a lot to be done to enhance women’s Capabilities five out of eight interviewees mentioned that the situation in Argentina regarding gender inequalities in the Agricultural sector is positively and progressively changing.

POTENTIAL SOLUTIONS

In the following part we will outline potential solutions based on the interviews, the causal mechanisms and the Capabilities presented in the previous part.

Education

Using our results from the previous part of the analysis the importance of educating women and particularly women in the agricultural sector has been constantly highlighted. This was not different while conducting the interviews with people from Argentina. Education, either formal (schooling) or informal (values), was mentioned several times as a challenge in the agricultural sector. The long distances to educational centres, the responsibility of taking care of other family members, and the content of the imparted education are some of the reasons impeding several women in the agricultural sector in Argentina to build their lives in a way that is according to Nussbaum's understanding of human worth. It is therefore important to provide education to women as they are the ones mostly responsible for educating children. Part of this education is for example the forwarding of patriarchal assumptions and structures to their children.

As we see it a possible solution to these causal mechanisms of education of women is not only improving their resources such as connectivity and technology for women to be able to access to education, but also including in the curriculum subjects that will help them thrive also in other aspects of their lives such as gender issues and innovation. Under those circumstances, women would be able not only to have a functioning Capability such as **“Senses, imagination and thought”**, **“Life expectancy”**, **“Bodily health”** and **“Control over one's Environment”**.

Connectivity

As stated in the previous part, women in the agricultural sector in Argentina typically live far away from urban centres. As a result of lacking infrastructure, rural women in many cases are isolated and have difficulties trying to access jobs, educational centres for them or their children, health care centres, etc. In this regard, all the interviewees talked about the aforementioned and the difficulties that this situation brings to the Capabilities **“Bodily integrity”**, **“Senses, imagination and thought”**, and **“Control over one's Environment”** of women that live in rural areas.

For that reason, we see that companies could have a great impact on their women employees if they acknowledge the lack of and provide them, for example, means of transport to be able to reach their workplace, and/or means of transport for their children to be able to go to school

without the mother's intervention. At the same time, we believe that the State should work on the development of local roads and a better public transport network. Lastly, this connectivity is related to the next solution “Technology”, as it can provide women with the necessary tools to work and educate themselves from home through an internet connection.

Technology

In the words of the president of the women's commission of the 2018's G20, this solution was a pillar of the discussions on the basis that there is an imperative need for technology in order to empower women:

“Digital inclusion, because in the work of the future it is essential that women are educated in access to everything that is digital and that they know and can handle digital resources to be able to work or from home or to be able to access education platforms that facilitate access to a job of better quality.”- Balbo

Our interviewees mentioned often how agricultural sector is considered to ask for a high amount of physical workloads and for that reason, women are less suitable to work there due to the belief of them having ‘less strength’. Thereafter, technology plays a huge role in the access to jobs of women as their ‘lack of physical strength’ is being compensated to some extent with the use of technology.

In conclusion, we believe that the incorporation of technology in the different aspects of women's lives, such as education and labour, can have a huge impact on their capabilities, primarily in their “**Senses, imagination and thought**”, “**Practical Reason**”, “**Affiliation**” but also in their “**Control over one's Environment**”. At the same time, it is possible for companies to conduct trainings for women located in the areas where they are established in order to teach them the different technologies they use.

Access to Property

As mentioned before, Martha Nussbaum considered the ability to hold property, land and movable goods as part of the Capability “**Control over one's Environment**”.

Access to property can mean both, the access to land, which was mentioned a few times in the interviews, as well as the access to credit and resources, also mentioned in a handful of interviews. Women in Argentina face extreme difficulties to access credit, Stanley mentioned that in the following way:

“In a country where there is no credit, to think that you can give credit or financing to a woman who does not even have the ownership of the land that she is working, is unthinkable” -Stanley

The solution for this circumstance was not clearly stated during the interviews, but in the opinion of the writers there is a huge need to grant women with education and credit programmes in order for them to be able to be financially independent and to have their own sources of income in order for them to have fulfilled the material preconditions necessary to have various liberties of choice as stated by Nussbaum (1999).

Care and Education Centers

During the interviews and the coding process, we could infer that nowadays, in the majority of families in Argentina, women are the ones that have the responsibility of taking care of the family members who cannot provide for themselves such as children, people with disabilities and the elderly. This burden considerably limits, temporarily or permanently, their opportunities to work out of the home and to be able to have their own resources, thus generating a chain of consequences ranging from impediments to career growth, access to property and domestic violence.

For that reason, having centres that can educate and take care of the children, people with disabilities and the elderly while the women are working can be seen as a necessity and a solution to this burden. Particularly, Paulina Lescano and Susana Balbo expressly mentioned this situation by saying:

“(For) companies (to) have the obligation to have a kindergarten in the big companies in the office, that can be helpful because then many women do not have to decide between motherhood or work.” - Lescano

“Access to care and education centres that reach closer to where they are is fundamental.” - Balbo

Notwithstanding, there is today ruling in Argentina, the decree 144/2022, that oblige companies that have more than 100 employees to have care units for children ranging from 45 days to 3 years. However, this is not enough to satisfy the Capability of **“Control over one’s environment”**, **“Affiliation”** as well as **“Play and enjoy life”** as a whole scope of people under women’s care is not considered. For that reason, we believe that there is a persisting need of generating spaces where every person is considered. In this sense, companies could definitely be the ones implementing these care centres in their sites and making sure that their women

employees could thrive in their place of work without having to quit or be absent from work due to this situation.

Human Rights Standards

It is clear from the interviews that a company's behaviour is impacting the HR in their VCs. It is therefore important to consider the company's role in protecting them. Going further and relating it to gender equality in multinationals, it seems that there is a generally growing tendency for multinationals to have standards in their companies regarding HR and gender equality:

“Today it is rare to find companies that do not have as more rooted and developed the specific areas and policies about gender equality, even today they go beyond what was at the time gender equality and everything that has to do with equity.” -Stanley

“I think that today the multinationals are the ones that are most controlled so the truth is that I think they invest a lot of money in doing things right.” -Lescano

It was interesting to see that our interviewees agreed with implementing standards for HR being something positive. However, even though most of our interviewees agreed with the standards and regulations, it should be pointed out that Nussbaum would argue that having standards and regulations is not enough to ensure that Capabilities are enhanced, especially for women.

Gender Mainstreaming

Even though the literature shows that a GM approach is a relevant tool to overcome gender inequalities, the results from our interviews showed that the interviewees were divided regarding the inclusion of a gendered perspective approach to policy-making (Booth & Bennett, 2002). This concept showed to be controversial and a sensitive topic for some interviewees. However, most of the interviewees agreed that incorporating a gender perspective in policy-making processes could have a positive impact on women's Capabilities.

In this regard Polidoro, Lescano and Sarquis stated when asked about the importance of having a gendered perspective:

“None, everything is a matter of fashion because it does not reach where it has to go”

“I see that out there gender perspectives often take into account things that are not so important, for example, in Argentina it has been put as a gender perspective inclusive language, time is invested in things that I think does not really change the situation of the gender, yes, beyond the fact that there are gender perspective policies, I think it's more important to see what those gender policies really are” - Lescano

“(…) I think I get emotional when they talk about gender, but many times it makes me angry at the same time, because why do we have to talk so much about defending things when the road is already paved” - Sarquis

Conversely, Stanley and Balbo, both members of the Women Commission of the G20, strongly agreed with the implementation of a gendered perspective and gave examples on how to implement those:

“It is key. (...)” - Stanley

“[talking about a law with a gendered perspective] it has a positive impact, because it removes the subjectivity that the woman has or the fear or shyness of negotiating her salary her position her days off her possibility of work at a distance in cases of emergency and so on, because it equates it to man, so that is a positive impact.” - Balbo

It was interesting to notice that their own statements at many times contradicted each other, which led us to the conclusion that in the agricultural sector in Argentina people are not against gender equality and measures to better women’s situation, but they do think that this change should come from other solutions rather than a gender perspective in the regulations. However, we argue that the identified causal mechanisms have an influence also on our interviewees answers and we identify “*Partriarchy*” and “*Meritocracy*” as reasons for them to believe that feminist movements cannot drive change and that the way for gender equality is already paved.

As a conclusion of the aforementioned, we argue that even though a GM approach is necessary to advance women’s Capabilities, it is also necessary to include citizens in the discussions of its importance and the gains it could bring. For that discussion, social movements, associations and local organisations appeared to be useful tools, as mentioned by Ambort and Polidoro. However, we also argue that a GM approach in policies has the potential to impact all of the 10 Capabilities.

THE IMPACT OF EU POLICY MAKING

Influence of the EU

When we asked the interviewees about the influence of the EU on Argentina, they all agreed that the EU has an influence on Argentina through their existing trade relations. Across the interviews, we can see different perceptions of the EU's influence, while some considered the influence through legislation and that the EU should be a reference for Argentina in terms of the advanced legislation on HR and the environment (e.g. Sarquis, Stanley); others also think that

the influence comes from customer demands and the market. For example, the possibility of placing Argentinian products in a market with beneficial prices and that means an important revenue for the country (e.g. Lescano, Stanley, Director Country X, Sarquis, P.V., Balbo) and vice versa.

“There is no direct interference from the European Union or the United States or other countries in what is applied and executed in Argentina. The only way where there is a powerful influence, is with the with the requirements of quality standards that mass merchandising chains apply” - Balbo

Moreover, the director of Company X and Sarquis are concerned about the “hidden agendas” that the EU may have when passing this kind of regulations, for example, to avoid competition for local producers of Europe.

The CSDDD

During the conducted interviews we realized that six out of eight interviewees never heard about this Directive before we contacted them. After a brief introduction about the main characteristics of the CSDDD, we could infer that even though there was a positive tune towards the objectives of the Directive, there were a few concerns about the operationalisation, the EU influence and the ulterior motives of the Directive. Regarding the ulterior motives Ambort mentioned:

“If you want it to have a real impact or not be neo-colonial extractivist would have to have these two pillars [ecological transition and human rights] placed in the centre also guaranteeing, that this can strengthen local processes of the appropriation of technologies or the foreign market or that it is not like a facelift so that companies can continue to earn more.” -Ambort

Moreover, many of the interviewees mentioned the importance of differentiated schemes, regarding the operationalization of the CSDDD, for the companies that are located in LMICs, due to their starting conditions. In this regard, Stanley and Company X talked about the following:

“Yes, the most developed countries should think that developing countries have to work and strive for new policies in a differentiated impact or in differentiated processes of what can be demanded of another developed country with a level of income that can allow it to adapt in X years to a country that is going to take longer” - Stanley

Some of the interviewees also pointed out the western-centric perspective of the regulation that does not consider the structural differences from the different countries. About this matter P.V. and Balbo mentioned:

“The European Union should stop being central navel, and think about its navel only and its realities and try to see how to adapt this European thinking to the different realities” - P.V.

“The European Union is legislating for the European Union so it is of course, it is very central and it is designed for developed countries.” - Susana Balbo

In summary, it is important to outline here that the environmental and HR violations happening along VCs, were generally perceived by the interviewees as a systemic problem for women in the agricultural sector of Argentina working in fruit growing and/or in more labour-intensive sectors. At the same time, many of the interviewees agreed that this particular market is not always linked to the operations of the European market as the HR violations happening are mostly in VCs for national consumption. However, there are a few exceptions such as wine or lemons that are exported to Europe. All of the interviewees saw the CSDDD as an important policy as long as there are no hidden agendas on the part of the EU in order to avoid competition. Notwithstanding, the necessity of having a differentiated schedule for LMICs considering the structural differences was mentioned numerous times.(Nussbaum, 2000, p.234)

DOCUMENT ANALYSIS - CSDDD

In this following part the results of the CSDDD document analysis are described and put in the context of our theoretical background. For the analysis of the “(*Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937*, 2022, p. 1)” and Annex are analysed as described in the data analysis part.

Based on Knoepfel et al.’s theory the policy, in our case, the CSDDD is seen as a response to a social problem. In our research, we assume that these social groups are the women suffering from HR violations in VCs resulting from the negative effects of business activities. Based on our hypothesis: “*The EU’s trade policy has a major impact on countries around the world, therefore their lack of a Gender Mainstreaming approach in the CSDDD has an impact on the situation and rights of women in the agricultural sector in Argentina.*” we will analyse the Public Policy Problem, the Target Group and the End Beneficiaries of the CSDDD in order to understand and interpret the overall aim of the CSDDD based on the definition above. Furthermore, the findings are put into the context of the Capabilities Approach and the Public Policy Theory.

PUBLIC POLICY PROBLEM

Women's Rights in the CSDDD

Starting with identifying the Public Policy Problem the draft communicates clearly through the whole document:

“Certain EU companies have been associated with adverse human rights and environmental impacts, including in their value chains. Adverse impacts include, in particular, human rights issues such as forced labour, child labour, inadequate workplace health and safety, exploitation of workers, and environmental impacts” (p.2)

It is thereby recognised that all the due diligence HR and environmental violations emerge through the actions of companies in their VC. The Directive mostly talks about the negative or adverse impacts of EU VC and recognises its impacts and cross-border effects around the world.

“The connection of the EU economy to millions of workers around the world through global value chains comes with a responsibility to address adverse impacts on the rights of these workers” (p.1).

With this statement, the Commission is pointing out the responsibility of EU companies in these HR and environmental violations. By including third-party companies in the Directive and holding them accountable for their negative VC externalities, it is clear that HR and environmental violations in VCs are a global problem that companies around the world are responsible for.

When talking about HR violations in the CSDDD a few topics are especially outlined:

“Adverse impacts include, in particular, human rights issues such as forced labour, child labour, inadequate workplace health and safety, exploitation of workers (...)” (p.2)

The coding for “Child Labour” is thereby mentioned five times as a specific HR problem in VCs, while “Forced Labour” is mentioned three times, “Exploitation of Workers” two times and “Health and Safety” as well as “Human Trafficking” each one time. Withal, women's rights are not mentioned at all in the CSDDD proposal. Women are only referred to explicitly in the Annex in relation to human trafficking, supplementing the UN Convention against Transnational Organized Crime, and in the “Human Rights and fundamental freedoms conventions” (p.4) that the Directive takes into account. The Directive refers to the Annex as followed:

“In order to achieve a meaningful contribution to the sustainability transition, due diligence under this Directive should be carried out with respect to adverse human rights impact on protected persons resulting from the violation of one of the rights and prohibitions as enshrined in the international conventions as listed in the Annex to this Directive.” (p.35).

Only one HR and fundamental freedoms convention in the Annex is explicitly recognising women in the “Convention on the Elimination of All Forms of Discrimination Against Women”. This convention is based on the “Universal Declaration of Human Rights” and promotes equal rights for men and women and is concerned that

“(…) discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity” (OHCHR, 1979, p. 1).

It is thereby important to recognise that this convention is focussed on outlining an observed problem, reconnecting it to fundamental HR and the general achievement of gender equality presenting political “measures” to gain equality. As this convention is originally made for States, women's rights violations that the CSDDD would hold companies accountable for would need to be further explained as they are not explicitly mentioned in the convention. As shown in the literature review, the list of HR violations is specifically mentioning certain violations, putting aside a whole range of necessary recognition of violations that have an impact on women.

An interesting aspect of the convention is the tools that are acknowledged to reduce discrimination. For the purpose to eliminate all forms of discrimination it is stated in Article 4 that the “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination (...)” (OHCHR, 1979, p. 3). This could be, for example, setting gender quotas to positively discriminate against women and minorities. Therefore, it can be argued that the convention generally supports a temporary GM approach to eliminate discrimination.

However, these specific “measures” are not used in the CSDDD to eliminate discrimination, as they are not mentioning gender differences in the Directive. Most importantly, even though the convention supports the measure it can be stated that there is no GM approach found in the CSDDD to enhance a gender equality perspective even though the EU has a strategy that GM should be integrated into all policies at all stages and throughout the process.

Arguing with Martha Nussbaums Capabilities Approach it can be stated that the HR approach in the CSDDD is not enough as “...social and political circumstances give women unequal human capabilities” (Nussbaum, 2000, p.220) and the CSDDD does not consider whether or not women's Capabilities are ensured. She argues that the state (in our case the EU) needs to take action and ensure redistribution to enhance Capabilities. This would mean that it is the EUs responsibility to include specific actions that actively enable people to function in their material

and institutional environment. Therefore the list of Capabilities can be used for political purposes, to create better political planning (Nussbaum, 2000).

The analysis of the existing conventions, recent literature and existing policy tools of the EU, like the Gender Mainstreaming approach, shows that it is important to include women's perspectives and furthermore recognise the importance of an active integration of women's Capabilities and needs. However, this raises the important question of why no gender perspective has been included in the CSDDD.

While it could be argued that women are, of course, affected by forced labour and the exploitation of workers, it is a fact that women's situation and rights are not considered as a problem in this Directive, at least not separated from men's situation. When looking at the Public Policy Theory by Knoepfel et al. (2007) this filtering of the problem could have happened in two different stages within the "programming" stage of the policy process (see illustration 1). The first sub-stage of the programming phase is executed by the legislature. One possible explanation is, that the problem of gender inequalities in Value Chains is "not recognised by the legislature" (Knoepfel et al., 2007, p. 33) in the "initial filtering process" (Knoepfel et al., 2007, p. 33) and therefore not considered in the CSDDD. As the legislature in the EU is the European Parliament and the Council of the European Union, the representatives of the Member States, we argue that gender inequalities are a recognised problem within all legislature of the EU, as there are several policies and strategies in place that are recognising the problem, for example, the GM policy. It is therefore more likely that the problem is "recognised but left uncontrolled by public policy" (Knoepfel et al., 2007, p. 33) in the initial filtering process as there is no indication in the CSDDD and the Annex that the problem of gender inequalities in VCs has been considered at a certain stage. The second option is that the problem has been "submitted for consideration" (Knoepfel et al., 2007, p. 33) but rejected in the "adjustment filtering" (Knoepfel et al., 2007, p. 33) phase, the second phase. Within the "adjustment filtering phase" (Knoepfel et al., 2007, p. 33) which is executed by the central administration, the EU Commission and the Member States, the problem could have been rejected because of a "concern of another public policy system" (Knoepfel et al., 2007, p. 33) or because of a "lack of intervention instruments" (Knoepfel et al., 2007, p. 33). As we argue that it would be comparatively easy to point out the importance of a gender-sensitive approach in the CSDDD and include it in the suggested instrument catalogue, it is more likely here that there has been a "concern of another public policy system" (Knoepfel et al., 2007, p. 33). Here it can only be assumed that Member States interests could have an influence on the perception of a GM approach. However it is most likely that the problem has been "recognised but left uncontrolled by public policy" (Knoepfel et al., 2007, p. 33) as no

further indication in the policy process description in the CSDDD could be found about a prior inclusion of a GM approach or perspective.

Emerging Problems for Companies

Going back to the CSDDD, it is pointed out that there is a lack of legal accountability as current assessments are based on voluntary norms and doesn't provide legal certainty for either businesses or victims in the event of injury (p.2).

Even though the above presented Public Policy Problem of HR and environmental violations in VCs is indicated as the main policy problem in this Directive, it emerges that several problems arise from this lack of transparency and negative externalities of VCs for companies. These problems are mentioned in the Directive as much as each, the environmental and HR violations. While the codes "Human Rights"(19), "Environmental Violations" (19) and the "Adverse impacts of Value Chains" (6) were mentioned 44 times in the draft (often together in one sentence), problems arising for companies through a landscape shift to act more responsible are coded 24 times in total. These numbers indicate that the problems arising for companies are an important Public Policy Problem in the CSDDD and therefore for the EU policy-making. In the following part, we are analysing the problems mentioned in the CSDDD for companies:

"The proposed act is designed to prevent and remove such obstacles to free movement and distortions of competition by harmonising the requirements for companies to carry out due diligence in their own operation, subsidiaries and value chains and related directors' duties. They will lead to a level playing field where companies of similar size and their directors are subject to the same requirements for integrating sustainable corporate governance and corporate due diligence measures in their internal management systems and thereby protecting the interests of the company's stakeholders in a similar way. Harmonised conditions would be beneficial for cross-border establishment including company operations and also investments, since it would facilitate comparison of corporate sustainability requirements and make engagement easier and thus less costly." (p.11)

As customers and investors become more conscious of sustainability issues, this also satisfies the growing market demand for businesses to act responsibly by assisting them in avoiding unwelcome reputational hazards (p.2). Furthermore, the European Parliament and the Council called for this Directive as a response to upcoming due diligence laws of Member States (Germany and France) (p.1). We found in our coding process that as a response to this development in the Member States, the EU drafted the CSDDD to avoid "Fragmentation", "Information Deficiencies", "Competitive Distortion", a "Lack of Legal Certainty" and therefore emerging "Market Pressure". Internal market fragmentation runs the risk of creating an unlevel playing field for businesses and therefore for the welfare of the EU. This brings several

challenges for companies operating in the EU. First, depending on where their registered seat is situated, firms and their directors, especially those with cross-border VCs, are currently subject to different regulations and will probably be subject to even more varied obligations. Competition is distorted as a result and an uneven playing field emerges as complying with these different regulations requires energy and resources. Additionally, some businesses may simultaneously fall under the purview of two or more distinct national regulatory frameworks dealing with sustainable corporate governance, depending on how they arrange their operations in the internal market. Duplication of requirements, difficulty in complying, a lack of legal certainty for businesses and uneven parallel legal requirements that are incompatible with one another could result from this (P.2).

As these arising problems for companies were mentioned at least 24 times, it is obvious that the importance to focus on corporate problems as a public problem is significant. Moreover, it can be discussed whether the EU came up with the CSDDD because of the environmental and HR due diligence urgency or rather because this urgency and the resulting risks for companies are becoming more pressuring. As HR and environmental due diligence violations in Value Chains are a known problem for many years and this Directive further claims to answer to the emerging national due diligence laws, it can be argued that the problem of HR and environmental violations has been “recognised but left uncontrolled” by Public Policy for a long time and has now been “Submitted for consideration by Public Policy” due to pressure for companies (Knoepfel et al., 2007, p. 33). Thus the problem of HR and environmental due diligence violation is put on the Public Policy Agenda through emerging risks for companies like fragmentation and reputational risks.

TARGET GROUP

As the Target Group is defined as “(...) be at the root of, or able to solve, the collective problem to be resolved (target groups) in the interest of the social groups who suffer the negative effects of the problem in question (final beneficiaries)” (Knoepfel et al., 2007, p. 24) it is quite clear in the CSDDD that companies are the Target Group of the policy. Companies are both the root of the HR and environmental due diligence violations in VCs but also able to resolve this problem. It is therefore most important to provide them with the tools and regulations needed in order to operate the change. Therefore:

“Companies will (...) have to take appropriate measures that are commensurate with the degree of severity and the likelihood of the adverse impact, and reasonably available to the company, taking into account the circumstances of the specific case, including

characteristics of the economic sector and of the specific business relationship and the company's influence thereof, and the need to ensure prioritisation of action.“ (p.14)

Even though only 1% of the EU companies fall under the scope of the Directive as the company needs to have “(...) more than 500 employees on average and (...) a net worldwide turnover of more than EUR 150 million in the last financial year for which annual financial statements have been prepared” (p.46), the role that these companies hold in the market should not be underestimated. Furthermore, the Target Group are companies in certain sectors, including the agricultural sector with “(...) more than 250 employees on average and (which) had a net worldwide turnover of more than EUR 40 million in the last financial year for which annual financial statements have been prepared” (p.46).

The last Target Group are third country companies which “(...) generated a net turnover of more than EUR 150 million in the Union in the financial year preceding the last financial year” (p. 47) or operate in one of the critical sectors and have a net turnover of more than EUR 40 million in the last financial year in the EU.

As the agricultural sector is a critical sector in the CSDDD many companies will be affected by the Directive directly or indirectly through the Value Chains. Moreover, many women in formal and informal work will be affected by the legal changes for HR due diligence.

END BENEFICIARIES

The End Beneficiaries are the “social groups who suffer the negative effects of the problem in question” (Knoepfel et al., 2007, p. 24). Several End Beneficiaries are identified in the coding process: “Companies”, “Investors”, “Human Rights Victims” and the “Environment”. It was thereby identified that the End Beneficiaries align very much with the actors mentioned in the public policy problem part.

Companies and Investors

As companies are the Target Group addressed in the CSDDD and they are the ones directly affected by it, it seems important to point out the advantages for them to act more responsibly towards HR and environmental due diligence in their VCs.

Companies as End Beneficiaries are mentioned one-third of the times when the EU talks about the expected positive outcomes of the CSDDD (25 times out of 76). Through the CSDDD the companies are expected to gain a competitive advantage by identifying risks in their Value Chains, building resilience and protecting costs. Furthermore,

“Harmonised conditions would be beneficial for cross-border establishment including company operations and also investments, since it would facilitate comparison of corporate sustainability requirements and make engagement easier and thus less costly.” (p.11).

Going more into detail about the codes and the analysis, it is visible that legal certainty and the avoided fragmentation is the advantage for companies as they are coded 6 times. This goes along with building resilience, cost protection, an even playing field and a competitive advantage based on clear guidance. Furthermore, companies as well as investors would benefit from more transparent VCs.

“By requiring companies to identify their adverse risks in all their operations and value chains, this Directive may help in providing more detailed information to the investors.” (p.5).

This protects costs for companies and ensures safety for investors. Therefore it can be said that financial incentives for companies are an important advantage outlined in the CSDDD.

In addition to the companies overall situation,

“(…) the proposal concerns processes and measures for the protection of the interests of members and stakeholders of the companies” (p.10).

Stakeholders in this sense are defined as

“(…) the company’s employees, the employees of its subsidiaries, and other individuals, groups, communities or entities whose rights or interests are or could be affected by the products, services and operations of that company, its subsidiaries and its business relationships” (p.52).

Protection of Human Rights Victims

In order to overcome the Public Policy Problem of HR violations resulting from VCs several End Beneficiaries are mentioned in the CSDDD. In our coding, especially “Children”, “Forced Labour Victims”, “Human Trafficking Victims” and “Workers” along the VC are outlined in the Directive itself to be positively affected by the Directive.

Even though it is mentioned several times in the Directive that

“(…) minimisation of adverse impacts should take into account the interests of those adversely impacted. In order to enable continuous engagement with the Value Chain business partner instead of termination of business relations (disengagement) and possibly exacerbating adverse impacts.” (p.37)

Women are not mentioned as End Beneficiaries in the CSDDD and their perspective has furthermore not been included in the drafting process. As it is clear from the provided literature that women are a vulnerable group who are greatly suffering from HR due diligence, it must be

critically examined why the interest of women as an adversely impacted group has not been taken into consideration.

As already analysed in the previous part, the impacts on women resulting from VCs and their HR situation is not perceived as a Public Policy Problem and therefore women, separated from men's situation, can not be addressed as End Beneficiaries as their needs and Capabilities are not taken into separate consideration.

Analysing this from Martha Nussbaum's Capabilities approach, this non-inclusion of women's situation does not lead to equality as she states how traditional ways of measuring life quality are not sufficient to portray the reality of their situation. Moreover, by sticking with neo-liberal perceptions of equality, women are not empowered in their Capabilities and therefore are not able to exercise their rights in a "truly human way" (Nussbaum, 2000b, p. 234).

To be able to benefit from the Directive and exercise their HR and gender equality, Capabilities should be incorporated in the agenda planning of public policies to guarantee a certain level of life quality for all (Nussbaum, 2000). The same applies to the CSDDD. More specifically, it should be clear that in order to benefit from the Directive it would be necessary to acknowledge the current circumstances and political systems that give women unequal human Capabilities. The EU should be aware of underlying structures, hierarchies and inequalities towards women to ensure that Capabilities are "...able to develop and exercise one's human powers." (Nussbaum, 1999, p.234).

Summarising the previous parts, the key takeaways are that the result of not mentioning women explicitly in the CSDDD and not actively ensuring that women's Capabilities are secured, their ability to benefit from the Directive is limited.

SUMMARY OF FINDINGS

In this part we will summarise our findings from the analysis to test our hypothesis and answer our research question: *"What are the causal mechanisms influencing women's Capabilities in the agricultural sector of Argentina and how could the implementation of a Gender Mainstreaming approach in the EU Proposal for a Corporate Sustainability Due Diligence Directive (CSDDD) impact women's rights in order to improve their Capabilities?"*. For this purpose, we are first outlining the results of the interview analysis and then connecting these findings to the ones from the CSDDD document analysis.

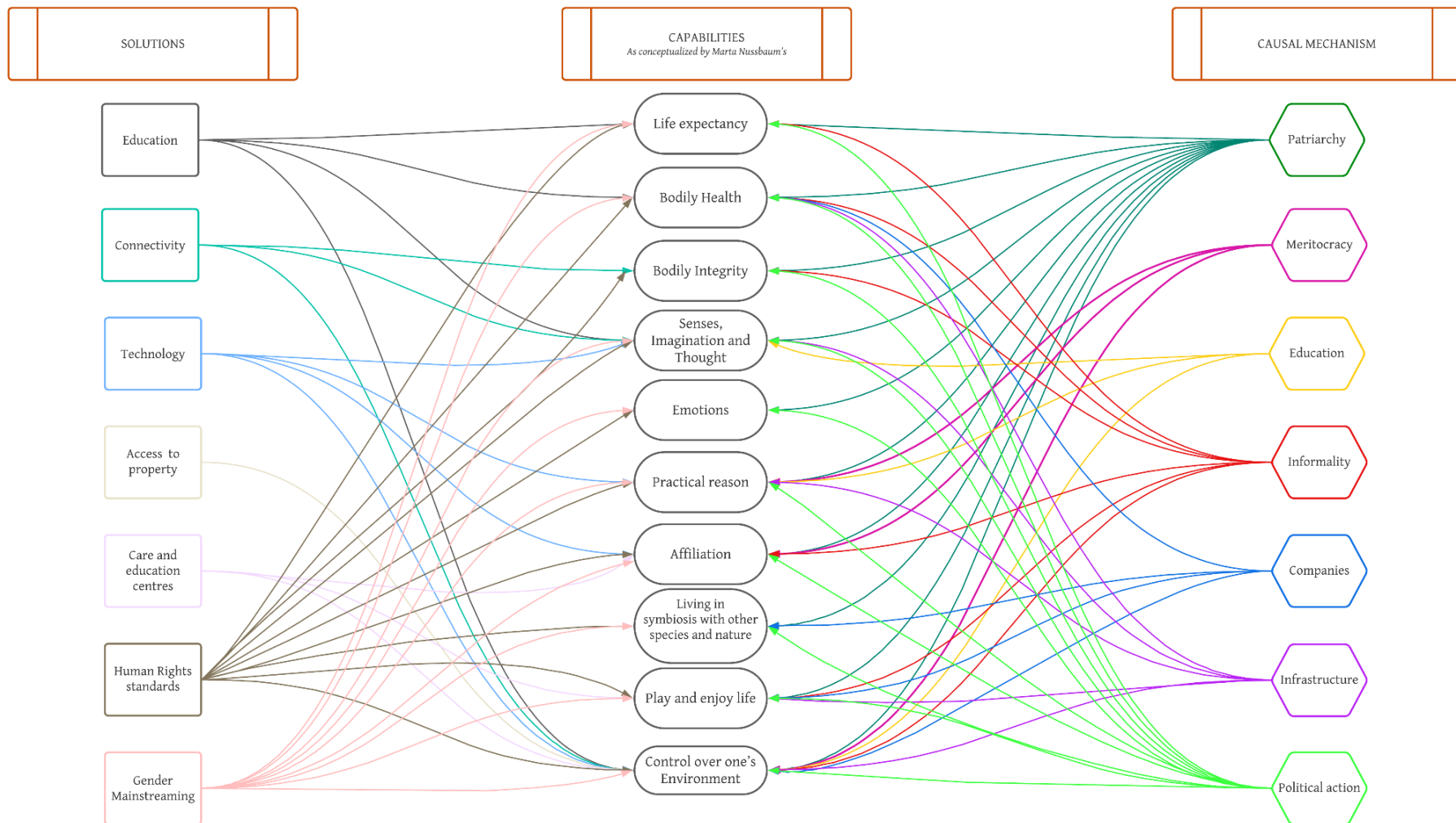
First, we identified the state of the Capabilities of women in the agricultural sector in Argentina and found that even though Nussbaum states that all of them are equally important in theory, three of them are especially urgent in our case: **“Practical Reason”**, **“Affiliation”** and the **“Control over one’s Environment”**. Furthermore, we identified the most relevant causal mechanisms that are influencing women's Capabilities from the interviews: *“Patriarchy”*, *“Meritocracy”*, *“Education”*, *“Informality”*, *“Companies”*, *“Infrastructure”* and *“Political Action”*. The causal mechanisms impacting these Capabilities are multi-causal. We analysed that especially *“Patriarchy”* is deeply integrated in cultural structures of the country and influences every one of the 10 Capabilities negatively. In addition to that, it is a belief that the advancement of women in decision-making positions should be the result of *“Meritocracy”*, without consideration of unequal opportunities.

The seven causal mechanisms lead to an identification of potential solutions to enhance women's Capabilities, as seen in *Graphic 2* below.

What is especially interesting for our research is the potential for a GM approach to influence public policies to address these specific solutions, impacting the causal mechanism that we highlighted, in order to positively impact the Capabilities of women in the agricultural sector of Argentina. Our finding aligns with Nussbaum’s theory as she states:

“I shall argue that international political and economic thought should be feminist, attentive (among other things) to the special problems women face because of sex in more or less every nation in the world, problems without an understanding of which general issues of poverty and development cannot be well confronted” (Nussbaum, 2000, p.222).

In order to connect our previously mentioned findings with the ones from our CSDDD document analysis, it is important to mention that the EU’s influence on Argentina is mostly perceived through their close trade relationship; through regulations for companies and through the mechanisms of the market (pricing and demand). This finding from the interviews shows the EUs power to influence HR through the CSDDD, as a market regulation. Therefore, the CSDDD has the potential to impact companies' negative behaviour and companies have, as the Target Group, the power to positively influence women's rights in their VCs and enhance their Capabilities.



Graphic 2: Overview of our results from the interview analysis

In order to answer the second part of our research question: “(...) *how could the implementation of a Gender Mainstreaming approach in the EU Proposal for a Corporate Sustainability Due Diligence Directive (CSDDD) impact women’s rights in order to improve their Capabilities?*” The results from the interview analysis are connected with the analysis of the CSDDD. The results from the document analysis show that women have not been specifically mentioned in the Directive as the problem of gender inequality and the situation of women in global VCs is not perceived as a Public Policy Problem. Moreover, we found that the Public Policy Problem of fragmentation and an emerging uneven playing field created by several HR regulations in the Member States has been a major driver of the CSDDD. This results in companies being one of the main End Beneficiaries of the Directive, next to HR Victims and the Environment.

Furthermore, we find that the GM approach promoted by the EU itself has not been implemented and used in the CSDDD. This implies that even though gender inequality is a known problem in the EU, it is most likely that the problem of gender inequality is “recognised but left uncontrolled by public policy”. Based on these findings it is clear that a gender-sensitive approach needs to be included in the CSDDD to make sure that women’s rights are secured along the VCs. The CSDDD needs to include GM as the EU’s Institute for Gender Equality (2023) states calls for a “(...) systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies and actions” through (re)organization, optimisation, improvement, and appraisal of the policy process (EU Institute for Gender Equality, 2023).

One of the most important findings from our interview analysis which verifies our hypothesis is the importance to include a gender-sensitive perspective in public policies. Therefore, it is not enough for the CSDDD to secure general HR, as they do not ensure gender equality as citizens need to “... be in a material position to exercise those rights.” (Nussbaum, 1999, p. 231). To ensure this material position, a Capabilities approach is needed to help overcome the causal mechanisms that we identified and give women a life worth living (Nussbaum, 1999).

DISCUSSION

Our analysis shows that the CSDDD did not follow a GM approach, despite of the EUs own strategy, international guidelines suggesting a gender-sensitive policy approach and research recommendations (Bacchi & Eveline, 2010; European Commission, 2023b; McConnell, 2012; Ramses A, 2022; Verloo, 2005).

The research findings indicate, that by not considering gender inequalities in the Public Policy Problem, the Directive does not specifically address women as an end-beneficiary as they have often different challenges and Capabilities that have to be taken into consideration in order to empower them. Our results show that even though the problem of gender inequality is acknowledged it is not actively addressed by the EU in the CSDDD, as it has been filtered in the process. This is particularly interesting as the “Directorate-General for Justice and Consumers which is responsible for the EU’s policies on matters of justice and fundamental rights, consumer rights and gender equality” drafted the CSDDD. This indicated that this problem is not deemed important enough to be included by the Commission. As Bacchi et al. (2012) state: “ (...) what one proposes to do about something reveals what one thinks is problematic (needs to change)”, as “(...) policies and policy proposals contain implicit representations of what is considered to be the ‘problem’ (...)”, the circumstance of not including women could imply that there is no relevant problem to be addressed (Bacchi et al., 2012, p. 21). This shows the need for a change of perspective in the overall decision-making spheres in order for them to take into consideration women’s particular needs, something supported by the literature (Arce, 2022).

It could be argued that the existing structures and perspectives on the inequality of the EU are insufficient to effectively tackle women’s rights, as they do not ensure that women have the necessary tools to fully exercise their potential within society. These findings align with the criticism by Allwood (2020); Booth & Bennett (2002) Chappell & Guerrina (2020) and Daly (2005) who are stating that the EU’s approach is insufficient to solve gender inequalities.

Even if the EU would include a GM approach it could still be argued that their approach to GM would be inefficient as it “is founded on a liberal understanding of social arrangements that assigns disparity to institutional habits and present economic pressures” (Chappell & Guerrina, 2020, p. 17) and cannot change the current structures between genders and neoliberal understandings of equality (Bacchi & Eveline, 2010).

Rather than offering a transformative approach that challenges power structures, the EU’s understanding of GM seems to focus on integrating women into existing frameworks. Nussbaum would argue that an approach to gender equality should go beyond HR and include the perspective on how to efficiently enhance women’s Capabilities to exercise their full societal and political power. Bacchi & Eveline (2010) furthermore argue that this current GM approach overlooks to recognize how policies themselves shape and define the problems they aim to address and secondly neglects to address how policies actively contribute to the formation of social relationships, including gender relations (Bacchi & Eveline, 2010). As we don’t see a

gender-sensitive approach in the CSDDD we can confirm Allwood (2020) finding that especially global challenges, including HR violations, are addressed in a gender-neutral manner by the EU. These findings highlight the need for a transformative approach to gender equality, within their GM strategy by including a Capability approach or through alternative tools to be included and implemented in EU policy and the CSDDD.

To overcome this inadequate GM approach Bacchi & Eveline (2010) suggest a deep evaluation which would generate insights that pave the way for a transformative approach to GM. A deep evaluation needs to look at the representation of the "problem" under consideration and the effects it has, how context-related presumptions support the policy and how key concept interpretations impose particular interpretations of the problem(s) (Bacchi & Eveline, 2010, p. 53). This encompasses an appreciation of policy as both "creative" and as an agent in shaping gender (Bacchi & Eveline, 2010). Our research provides this deep evaluation as the Public Policy Problem of the CSDDD is analysed in regard to the general problem and the problem of gender inequality.

Our interview results show that the influence of the EU on Argentina is mostly perceived through their economic relations. This economic influence happens on the one side through the EU standards and on the other side this influence can also be seen through commercial pressure and market demands. This finding aligns with the reviewed literature which already stated, that the EU's global power in global affairs and international relations has been strongly influenced by using its large single market and enforcing market-related policies and regulations (Keukeleire & Delreux, 2014, p. 200; Meunier & Nicolaïdis, 2017; Redmond, 1992).

The results show, that while HR and environmental violations in the VC of companies are the most present Public Policy Problems, several problems for companies are as important in the Directive. Risks related to legal fragmentation, competitive distortion through Member State laws and an emerging uneven playing field as well as market pressure for companies are identified as a major Public Policy Problem in the CSDDD. Therefore it can be said, that as HR and environmental due diligence violations in VC are a known problem for many years and this Directive further claims to answer to the emerging national due diligence laws, the problem of HR and environmental violations has been "recognised but left uncontrolled" by public policy for a long time and has now been "Submitted for consideration by Public Policy" due to pressure for companies. Thus, the problem of HR and environmental due diligence violation is put on the Public Policy Agenda through emerging risks for companies like fragmentation and reputational

risks. Considering these findings from the Public Policy Problem part, it is obvious that companies, next to other stakeholders, are also perceived as an end-beneficiary of the CSDDD.

Critics argue that “In its decision-making, the EU often disregards the political dimension and the broader external impact of its trade policy. (...)” (Keukeleire & Delreux, 2014, p. 202). By not including a gender perspective in the policy process the EU is disregarding the political dimension of the non-inclusion of such an approach and the foreign policy is criticised to utilise trade agreements to embrace a form of protectionism or imperialism (Meunier & Nicolaïdis, 2017; Vogler & Bretherton, 2006). In our interviews, this opinion of Western-centric thinking came up two times and was specially recognised by the researcher Ambort. This implies that the CSDDD should take into consideration more diverse realities to make the End Beneficiaries that are addressed theoretically, real beneficiaries from the Directive.

Whether the EU will significantly change companies’ behaviour needs to be investigated in a different study once the Directive has been implemented, in order to evaluate its impacts. However, it can be said that by implementing a hard law approach, even people in countries outside the EU, such as Argentina, have already heard of the CSDDD. The call by organisations and researchers for a hard-law approach and the intervention of States to hold companies accountable for their due diligence violations has been heard with the CSDDD (Buhmann, 2017; Clarke & Boersma, 2017; De Jonge, 2011; Fasterling & Demuijnck, 2013). With this Directive, the EU would be able to attribute responsibility only to companies that operate within their borders. However, it is essential to look into systems that allow companies to be held accountable regardless of where they are located. As the EU has great power through its trade relationships and its several Member States the traditional legal categorisation between national and international as well as private and public has been rattled. Moreover, it is important for the EU to work closely with International Labour Organisation, the UNGP and other important players to make cooperations accountable for their past HR violations (Daniel Brinks et al., 2021; Pietropaoli, 2020). At the same time, it is important as the critics state, that the EU states the obligation for companies to include a meaningful stakeholder engagement process, in terms of the UNGPs, to understand the women’s challenges and also the impact that their business operations have (Human Rights Watch, 2023).

Going back to our case study of women in the agricultural sector of Argentina, we support once more our argument of the importance of including a GM approach in the policy-making process, in order for the EU to effectively attain their goal of addressing HR’s violations. To give further

information on relevant tools to include in the CSDDD we are providing recommendations based on our case study findings in the following part.

By using Nussbaum's theory, we show that the CSDDD can have a clear impact on women's situation, as long as the EU has a GM approach that takes into account women's Capabilities. Our analysis of these Capabilities helped paint a clearer picture of women's most significant challenges, the causal mechanisms and the possible solutions. The analysis also laid out that some Capabilities were more important to focus on in our case, as they impact the life quality of these women more than others; this includes "**Control over one's environment**", "**Affiliation**" and "**Practical Reason**". Our analysis highlighted that some challenges have unexpected causes such as the neoliberal belief in "*Meritocracy*" and the insufficient "*Political action*", which were not found in the reviewed literature. This is especially important to mention as we can link "*Meritocracy*", to a belief that women have to be the ones finding solutions to the causal mechanism impacting their Capabilities, even though they have no control over them. It demonstrates that in this situation, "*Meritocracy*" is hindering women's Capabilities. Moreover, the impact of "*Patriarchy*" on all of the Capabilities was particularly interesting to demonstrate, as it is linked with an overall uneven power relation between genders, which impacts policy-making processes.

The solutions we presented were understood to be interrelated, influencing each other and impacting various Capabilities at the same time. This shows the importance of implementing policies that use solutions to target causal mechanisms in order to enhance women's Capabilities. Moreover, we showed in our solutions that companies have the power to impact women's life quality and allow them to have a life "worthy of the dignity of the human being" (Nussbaum, 2000, p.223). Therefore, it is of great importance that the EU takes into consideration the results of the conducted public consultation by the EU Commission where the CSDDD was highly criticised for not including all companies as stated in the UNGPS and only considering large and medium size companies in high-risk sectors and for only including the obligation to conduct due diligence on businesses with whom they have an established business relationship (Human Watch, 2023; OHCHR, 2022). By making these changes, the EU has the opportunity to impact a greater number of women along the VCs.

The literature review and the interviewees highlight challenges for women that have been urgent for years and even decades, which brings up the question of why these issues (mainly gender violence; double/triple burden and access to property) have not yet been answered with adequate policies. Aligning with the literature, some of the interviewees stated their belief in "Human Rights standards" and the incorporation of a "Gender Mainstreaming" approach in

policies. The importance of a GM approach is something also pointed out by the critics of the Directive in the mentioned public consultation (Oxfam Deutschland & ActionAid France, 2021). This missing approach could be explained by a lack of incorporating diversity in the drafting process from the Target Group of victims of HR's violation.

PRACTICAL IMPLICATIONS

Based on the research findings, several practical implications for the CSDDD and the EU generally can be derived.

Firstly, there is a clear need for the EU to align its policies with its own strategy by adopting a GM approach. This approach should acknowledge and address gender inequality as a Public Policy Problem, specifically considering the distinct challenges and Capabilities of women as End Beneficiaries.

Furthermore, it is crucial for the EU to recognize that existing structures and perspectives on inequality are insufficient to address gender inequalities effectively. Merely integrating women into existing frameworks is not enough; a transformative approach that challenges power structures and neoliberal understandings of equality is necessary. To achieve this, the EU should focus on adopting a Capabilities approach for women to have a life “worthy of the dignity of the human being” (Nussbaum, 2000, p.223) going beyond a purely human rights-based approach.

Concretely we are arguing that the CSDDD needs to include the following tool: First, we argue for the specific inclusion of women's rights and perspectives in the policy process and second, we argue that the CSDDD needs to include a provision for companies to take the differentiated challenges that women face through their VCs into consideration and to address these challenges in order to enhance their Capabilities (Oxfam Deutschland & ActionAid France, 2021).

The EU can utilize its economic influence, incorporate a gender perspective, adopt a more inclusive approach, critically evaluate the effectiveness of its policies, and collaborate with the international community to improve accountability and promote women's rights and Capabilities. These practical implications can contribute to a more effective implementation of the CSDDD and enhance the EU's role in addressing corporate misconduct and promoting HR in its trade relations with Argentina and beyond.

RESEARCH LIMITATIONS

There are several limitations to consider in this research. Firstly, the study relied on a case study approach with a sample size of eight participants. This methodology's limited scope may restrict the generalizability of the findings and may not fully capture the complexity and diversity of the women in the agricultural sector in Argentina. Moreover, by conducting the interviews online, we acknowledge that we did not experience our interviewees' contexts in Argentina which could have influenced the results.

Furthermore, we are aware that the case study relies on the researcher's interpretation and subjective judgment in data collection, analysis, and reporting. The biases within the research team, such as having one Argentinian member with a background in agriculture from her family or being from an EU country, may introduce unintentional subjectivity and influence the interpretation and analysis of the data.

As we did not conduct interviews with individuals from the EU, we only had the Directive and all belonging documents and studies to analyse the CSDDD. Including interviews with people from the EU and the CSDDD drafting process could have provided valuable insights into the policies creation process of the CSDDD and perspectives regarding gender equality in the EU. The translation from Spanish to English could also introduce limitations, as the process of translating interview data from one language to another may result in nuances and cultural meanings being lost or altered.

Lastly, as the analysed CSDDD has not been approved it has to be outlined that the content and wording might change before the final approval. This could influence the results in the future.

FUTURE RESEARCH

To ensure the accountability of companies, it is crucial to critically assess whether the policy and chosen tools (civil liability) are sufficient to address HR and environmental violations effectively. The EU should therefore explore innovative legal arrangements and collaborative approaches, such as the implementation of universal jurisdiction to enforce these policies on companies notwithstanding their geographical location, involving international labour organizations, the UN, and other important stakeholders to hold corporations accountable for past human rights

violations. By working with these entities, the EU can establish a more widespread and comprehensive practice of accountability.

To gain a more comprehensive understanding of the factors hindering a progressive gender perspective in the European Union (EU), it is essential to further analyse the other parts of the Public Policy Analysis based on Knopfel et al.'s framework (2007). By analyzing missing stages, products, and actors (e.g. States from third-countries companies or Member States), researchers can identify areas of improvement within gender-related policies and provide a more comprehensive understanding of the barriers and challenges hindering the advancement of a progressive gender perspective in the EU, enabling policymakers to address these gaps and foster more inclusive and effective policies. Moreover, once the CSDDD is implemented it is important to investigate the policy effects.

In addition, it is necessary to assess the implementation and outcomes of GM approaches beyond the scope of the CSDDD.

Lastly, by further investigating the relationship between environmental due diligence practices and women's empowerment, researchers can shed light on the potential benefits for women in sectors such as agriculture or other high-risk sectors.

CONCLUSION

Our research shows, that the CSDDD, as a market regulation, has the ability to have positive effects on women's rights within VCs and the potential to have a significant impact on business behaviour. However, our results demonstrate that the Directive did not particularly address women, demonstrating a lacking recognition of gender inequality. Moreover, we found that the CSDDD's main objective, besides protecting HR victims and the environment, was to overcome obstacles resulting from several mandatory Member State regulations and other international voluntary standards to help companies.

Women's specific challenges and needs are often disregarded by policy and decision-makers. To achieve gender equality, more than just basic HR must be protected. We argue in this study that women must be guaranteed access to the resources they need to exercise those rights. It is therefore crucial to implement a Capabilities approach in order to give women a life worth living. Furthermore, it shows the importance of including a Capability approach in policy making and especially in the Public Policy Problem. We further argue that a GM approach to problem formulation is mandatory in order to secure women's Capabilities.

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