



World Bank Environmental and Social Framework Second Draft (July 2015)

Gender Analysis

Elaine Zuckerman, President Gender Action, September 2015

This gender analysis answers these questions: To what extent does the World Bank Environmental and Social Framework Draft (Draft2, July 2015) address gender issues? Does Draft2 improve upon the Bank's Draft1 (July 2014)?

Sections of this analysis contain:

- Introduction to the World Bank Safeguards Process generally and gender issues specifically
- A gender analysis of Draft2's Main Document and 139-page Attachment 1 that contains the detailed Environmental and Social Standards (ESSs) that will replace the Bank's current original Safeguard Policies
- A discussion of why the Bank's forthcoming new Gender Strategy is insufficient without gender safeguards
- A comment on to what extent Draft2 meets the Bank's commitment to harmonize safeguards to the best IFI level
- Conclusions

Introduction to the World Bank Safeguards Process

During the 1990s the World Bank created its original safeguard policies in response to civil society pressure to end Bank investments that harmed the environment, and livelihoods and cultures of indigenous and involuntarily resettled peoples. The original safeguards:

- (1) Mandated Bank staff to ensure that project design and implementation do not harm the environment, and livelihoods and cultures of indigenous and involuntarily resettled peoples; and
- (2) Provided tools for the Bank's Independent Inspection Panel that takes complaints for redress from people who feel harmed by Bank investments. The Panel only accepts cases that demonstrate Safeguard implementation breaches.

Today the Bank is reviewing the original safeguards to update and improve them. Consultations with stakeholders are integral to the review process. But many civil society stakeholders question whether the Bank has listened to their voices in the first two consultation phases (2013 and 2014) convened around the world. Following each consultation phase, the Bank released new ESS drafts: Draft1 in July 2014 and Draft2 in July 2015.

A Gender Analysis of Safeguards and ESSs

When the Bank created the original Safeguards two decades ago nobody pressured for a gender safeguard.

Since then, Gender Action's tracking of World Bank investments underlines that a gender Safeguard, had it existed, would have likely prevented or mitigated extremely harmful gender impacts of Bank infrastructure projects on which the Bank has spent trillions of dollars over its 70-year life. Bank fossil-fuel-generating oil and gas pipeline projects provide a powerful example demonstrating how Bank

investments sometimes deeply harm women in particular. Gender Action's fieldwork analyzing the gender impacts of Bank-financed pipelines in a dozen countries in West Africa, Central Asia and Russia demonstrated this pattern: Pipeline projects eliminate women's farming and fishing livelihoods, employ males almost exclusively in building the pipelines, increase women's dependence on men, drive women into sex work out of desperation, and lead to increased sexually-transmitted infections, trafficking in women, violence against women, and stillbirths — the latter caused by toxic pollution from inevitable pipeline leaks.

To prevent the above tragic harms women's rights groups worldwide submitted and urged the Bank during the ESS Phase 1 consultations to adopt these [essential principles of a strong gender safeguard](#) provided in user-friendly bullet form. The women's groups demanded a first freestanding mandatory gender safeguard that incorporated these principles complemented by strongly integrating gender issues in the ESSs.

Following the Phase 1 consultations the Bank released the Draft1 ESSs that added one new Safeguard -- on labor. Women's rights and gender justice groups worldwide were greatly disappointed that Draft1 neither included a gender Safeguard nor adequately integrated gender issues into its ten Safeguards.

In response to Draft1, Gender Action sent World Bank President Jim Kim, all Executive Directors (EDs), key gender staff, and the US Treasury -- since the US is the Bank's largest shareholder, these [Gender Review and Recommendations](#). They provided a detailed gender critique of Draft1 and concrete suggestions on how to integrate gender issues into the Safeguards. A few European EDs expressed support for a gender Safeguard but they argued that to gain traction the US ED must champion it. The next section demonstrates that Draft2 is inadequately gender-sensitive, but it is not too late for the US to become a gender safeguard champion during Phase 3 consultations!

Overall, from a gender point of view Draft2 improves a bit upon Draft1. However Draft2 falls far short of gender needs. Although Draft2 includes more mentions of gender, women, and sexual orientation, and gender identity and expression (SOGIE) than does the Draft1, these mentions mostly lack depth and meaning. One exception is women's land rights, which Draft2 commendably promotes. Draft2 also fails to include a first-ever gender Safeguard.

Main Document

The reader begins Draft2 with the main document whose Executive Summary, and Concluding Remarks and Issues for Discussion never mention gender, women, men and/or SOGIE. The Introduction mentions gender and SOGIE once each and the remaining 45-page text mentions gender another four times, and women and SOGIE twice each, but always within strings of vulnerable groups.

This is the definition of vulnerable groups that is repeated throughout the document (bold added): "Disadvantaged or vulnerable refers to those who, by virtue of, for example, their age, **gender**, ethnicity, religion, physical, mental or other disability, social, civic or health status, **sexual orientation, gender identity**, economic disadvantages or indigenous status, and/or dependence on unique natural resources may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits."

Attachment 1

Of the four Draft2 attachments, the 139-page Attachment 1, containing the detailed Environmental and Social Standards (ESSs) that will replace the original safeguards provides key policy guidelines for Bank staff and Inspection Panel complaint reviews.

A word count reveals that Attachment 1’s Overview, and half of its ten ESSs mention gender, women, men and/or SOGIE 0 (zero) times (see Table 1).

Table 1 Attachment 1’s Mentions of Gender, Women, Men and SOGIE by ESS

ESS#	ESS Theme	Gender	Women	Men	SOGIE
ESS1	Assessment and Management of Environmental and Social Risks and Impacts	2	1	0	2
ESS2	Labor and Working Conditions	0	3	0	0
ESS3	Resource Efficiency and Pollution Prevention	0	0	0	0
ESS4	Community Health and Safety	0	0	0	0
ESS5	Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	3	9	3	0
ESS6	Biodiversity Conservation and Sustainable Management of Living Natural Resources	0	0	0	0
ESS7	Indigenous Peoples	6	3	1	0
ESS8	Cultural Heritage	0	0	0	0
ESS9	Financial Intermediaries (FIs)	0	0	0	0
ESS10	Information Disclosure and Stakeholder Engagement	2	0	0	1
Total		13	16	4	3

Thus Draft2 disappointingly fails to keep the Bank’s own commitment to “mainstream” gender systematically into the new safeguards and ignores Gender Action’s [Gender Review and Recommendations](#) to do this and to establish a freestanding gender standard.

The next sections details Draft2’s Improvements over Draft1, and its Shortcomings that need Strengthening.

Improvements

Draft 2 contains more references to gender and women than did draft 1. Draft 2 is particularly strong in upholding women’s land and property rights through three ESSs. These ESSs’ women’s land and property content is shown below. Note that it is desirable that the instances promoting women’s land and property rights now in footnotes be moved into the main text.

ESS1: Assessment and Management of Environmental and Social Risks and Impacts:

Footnote 10 in ESS 1 commendably invokes protecting women’s and others’ rights in stating that Bank project activities should “not inadvertently compromise existing legitimate rights (including collective rights, subsidiary rights and the rights of women)”. (It also mentions gender and SOGIE within strings of vulnerable groups.)

Footnote 41 states, “Such risks and impacts could be caused by a project supporting land titling and related activities,[should] not inadvertently compromise existing legitimate **rights (including collective rights, subsidiary rights and the rights of women.**

ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

p.77 para11 requires “paying particular attention to **gender** impacts”.

p.77, para 18 states “The consultation process should ensure that **women’s** perspectives are obtained and their interests factored into all aspects of resettlement planning and implementation. Addressing livelihood impacts may require intra-household analysis in cases where **women’s and men’s** livelihoods are affected differently. **Women’s and men’s** preferences in terms of compensation mechanismsshould be explored.”

p.79 fn 18 “Documentation of ownership or occupancy and compensation payments **should be issued in the names of both spouses or single heads of households** as relevant, and other resettlement assistance, such as skills training, access to credit, and job opportunities, **should be equally available to women and adapted to their needs.** Where national law and tenure systems do not recognize the **rights of women to hold or contract in property, measures should be considered to provide women as much protection as possible with the objective to achieve equity with men.**”

p.81 para 26 “In the case of physical displacement, the Borrower will develop a plan....Particular attention will be paid to **gender aspects**”.

p.83 para 33 “The plan will establish the entitlements of affected persons and/or communities, paying **particular attention to gender aspects**”.

ESS7 Indigenous Peoples

p.108 para 22 d “The assessment of land and natural resource use will be **gender inclusive and specifically consider women's role** in the management and use of these resources.”

p.110, fn 17 “Considerations relating to cultural impacts may include, for example, the language of instruction and curriculum content in education projects, culturally sensitive or **gender-sensitive procedures in health projects,** and others.” While we commend this gender sensitive approach to indigenous people’s health projects, we question why “the language of instruction and curriculum content in education projects” fails to promote gender equal education materials.

Shortcomings for Strengthening

A big disappointment is that Draft2 ignores civil society demands for a freestanding gender safeguard. A freestanding gender safeguard is needed because the Bank’s Gender and Development Policy, 4.20, lacks the do-no-harm mandate of safeguards for project staff and would also strengthen the Inspection Panel’s ability to respond to gender discrimination complaints. It would provide commensurate gender guidance to staff as do the environment, indigenous and involuntarily resettled peoples’ ESSs.

Like Draft1, Draft2 mostly mentions women, men, girls, boys, and SOGIE within strings of disadvantaged and vulnerable groups (see Main Document definition above).

Another major Draft2 shortcoming is that half or five of the ten ESSs never even mention gender, women, men, or SOGIE at all, not even in a string, including:

ESS3: Resource Efficiency and Pollution Prevention

ESS4: Community Health and Safety

ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources

ESS8: Cultural Heritage

ESS9: Financial Intermediaries (FIs)

We expected Draft2 to more systematically address gender issues because of strong civil society inputs during the first two consultations phases.

Gender Action's [Gender Review and Recommendations](#) commenting on Draft1's shortcomings discusses the necessity of and describes how to integrate gender concerns into each ESS.

One has to ask why is it that ESS7 on Indigenous Peoples approaches women's role in managing natural resources but ESSs 3 and 6 fail to do so.

All ESSs fail to integrate almost all Gender Action [Gender Review and Recommendations](#)

Why a New Gender Strategy is Insufficient

By the end of 2015 the Bank's Board is expected to approve a new gender strategy. Its current draft builds upon the Bank's recent Gender Equality as Smart Economics thrust, that one-sidedly promotes women's empowerment as an instrument that contributes to economic growth without complementarily promoting men's and women's equal rights. In any case, Bank strategies provide voluntary guidance as does the Bank's weak two decade-old gender policy. These vehicles can complement but cannot replace a freestanding mandatory do-no-harm gender safeguard policy.

Harmonization Among IFIs

Among IFIs only the IDB's mandatory gender policy includes a gender safeguard. IDB management is committed to increasingly implementing its gender safeguard. Although the World Bank promised that the current safeguards review would harmonize Bank safeguards to the best IFI level, its first two safeguard drafts fail to do so when it comes to gender.

Conclusions

The most promising strategy for the Bank to achieve women's empowerment, women's rights and gender equality throughout its operations is through employing a panoply of gender approaches including a freestanding gender safeguard, systematic integration of gender issues in all other safeguards, and incorporation of gender dimensions into all project cycle stages. In other words, the Bank must promote gender issues in the safeguards and investments through as many reinforcing complementary approaches as possible.

As a gender analysis of the Bank's new Environmental and Social Standards (ESSs) is the focus of this review, we conclude with recommendations for the final ESSs. The Bank's final Safeguards must go further to benefit women, men, girls, boys, and sexual orientation, and gender identity and expression (SOGIE). To do so, ESSs must:

1. Include a dedicated gender safeguard.
2. Address gender issues systematically in all other safeguards.

Finally, this analysis is intended to feed into the Phase 3 safeguards consultations that are taking place in over 30 locations worldwide during the fall of 2015. Will the Bank listen and respond better to civil society inputs during Phase 3 including on gender dimensions?