



Gender Analysis, Conclusions & Recommendations on the World Bank Environmental and Social Framework Second Draft (released July 2015)

Elaine Zuckerman, President Gender Action, Late 2015

To what extent does the World Bank Environmental and Social Framework Draft (Draft2, July 2015) address gender issues? Does Draft2's gender contents improve upon the Bank's Draft1 (July 2014) that we analyzed last year in these [Gender Review and Recommendations?](#)

To answer these questions and provide conclusions and recommendations, this analysis contains:

- An introduction to the World Bank Safeguards Process generally and gender issues specifically
- A gender analysis showing Draft2's improvements on Draft1 and Draft2's shortcomings needing improving
- A discussion of why the Bank's forthcoming new gender strategy is insufficient without a gender safeguard
- A comment on to what extent Draft2 meets the Bank's commitment to harmonize safeguards to the best IFI level
- Conclusions
- Recommendations

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 considers cases that allege Safeguard and other Bank operational policy/procedure breaches.

Today the Bank is reviewing the original safeguards to update and improve them. Consultations with stakeholders around the world 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 and third phase underway (2013; 2014; 2015). Following the first two consultation phases, the Bank released new ESS drafts: Draft1 in July 2014 and Draft2 in July 2015. This analysis focuses on Draft2 while these [Gender Review and Recommendations](#) assessed Draft1.

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 Eurasia 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 integrating gender issues systematically in all the ESSs.

Following Phase 1 consultations the Bank released the Draft1 ESSs that added several new Safeguards -- on labor, community health and safety, financial intermediaries, and stakeholder engagement. 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 and other countries to become gender safeguard champions during Phase 3 consultations!

Our analysis below shows that overall, from a gender point of view, Draft2 improves a bit upon Draft1. However Draft2 falls far short of gender needs. Draft2 fails to include a first-ever gender Safeguard. Although Draft2 Environmental and Social Standards (ESSs) include more mentions of gender, women, 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. These comments are based on our analysis of Draft2’s key sections, the main document and Attachment 1, below.

Main Document

The reader begins Draft2 with the main document, called the “Second Draft for Consultation July 1, 2015”. The main document’s Executive Summary, and Concluding Remarks and Issues for Discussion never even mention gender, women, men and/or SOGIE. The Introduction mentions gender and SOGIE



once and the remaining 45-page text mentions gender another four times, and women and SOGIE twice, but within long strings of vulnerable groups that Draft2 defines as (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, contains the heart of the draft. Following an Overview, Vision for Sustainable Development, and Environmental and Social Policy for Investment Project Financing sections, Attachment 1 presents detailed Borrower Requirements: Environmental and Social Standards (ESSs) 1-10 that will replace the original safeguards. It is these new ESSs that will provide key policy guidelines for Bank staff operational work and Inspection Panel complaint reviews.

A word count reveals that Attachment 1’s Overview never mentions gender, women, men or SOGIE. Although the Vision mentions gender twice, women once and SOGIE once, and the Policy mentions gender and SOGIE once each, these terms are listed in strings of vulnerable groups (see above definition) without any depth. Table 1 summarizes mentions of gender terms in all Attachment 1 sections except the ESSs, which are presented in Table 2.

Table 1 Attachment 1 Introductory Sections’ Mentions of Gender, Women, Men and SOGIE

Attachment 1 (139 pages)	<u>Gender</u>	<u>Women</u>	<u>Men</u>	<u>SOGIE</u>
Abbreviations and Acronyms	0	0	0	0
Overview of the World Bank Environmental and Social Framework	0	0	0	0
A Vision for Sustainable Development	2	1	0	1
World Bank Environmental and Social Policy for Investment Project Financing	1	0	0	1
Borrower Requirements: Environmental and Social Standards 1-10	13	16	4	3
Glossary	1	1	0	3

Table 2 presents a gender word count for the ten ESSs because they compose the most critical content of the new framework. Table 2 demonstrates that half of the ten ESSs mention gender, women, men and/or SOGIE, while half do not do so.

Table 2 Attachment 1 ESSs’ Mentions of Gender, Women, Men and SOGIE

ESS #	Title	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

The next two sections detail Draft2’s Improvements over Draft1, and 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 as well as supporting women’s rights in the context of environmental and social risks and in indigenous peoples’ health projects. However, these references are mostly in footnotes as explained below. It is recommended that Draft 2’s promotion of women’s land and property rights now in footnotes be moved into the narrative text.

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

Footnote 10 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.”

Footnote 18 states, “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 instructs, "In the case of physical displacement, the Borrower will develop a plan....Particular attention will be paid to **gender aspects**".

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

ESS7 Indigenous Peoples

p.108 para 22d instructs, "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."

Footnote 17 suggests, "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 also promote gender equal education materials.

Shortcomings for Strengthening

Draft2 disappointingly 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 a safeguard that would guide project staff and would also strengthen the Inspection Panel's ability to respond to gender discrimination complaints. A gender safeguard 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)

One must ask why ESS7 on Indigenous Peoples promotes women's role in managing natural resources but ESSs 3 and 6 on natural resources, that women overwhelmingly manage, fail to do so.

We expected Draft2 to more systematically address gender issues because of strong civil society inputs during the first two consultations phases and the Bank's commitment to mainstream gender equality into all its work.



To facilitate fuller gender mainstreaming, Gender Action's [Gender Review and Recommendations](#) commenting on Draft1's shortcomings describes how to integrate gender concerns into each ESS.

Why The Bank's New Gender Strategy is Insufficient

In December 2015 the Bank released the new [World Bank Group Gender Strategy \(FY16-23\): Gender Equality, Poverty Reduction and Inclusive Growth](#). The strategy is framed within the Bank's twin goals to eliminate extreme poverty and boost shared prosperity. While the strategy has impressive breadth it lacks an explicit human rights-based approach and shares the critical structural impediment of all Bank strategies of providing voluntary rather than mandatory guidance. The Bank's two decade-old gender policy shares these shortcomings. The latter two vehicles can complement but cannot replace a freestanding mandatory do-no-harm gender safeguard policy that would provide incentives to project staff to prevent harmful gender impacts and strengthen the Inspection Panel's ability to respond to gender discrimination complaints.

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

Overall, Draft2 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](#) on how to do so. Draft 2 critically lacks a freestanding gender standard.

The most promising strategy for the Bank to achieve women's empowerment, and 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 into all other safeguards; and systematic incorporation of gender dimensions into all project cycle stages. In other words, the Bank must uphold gender justice in the safeguards and investments through as many reinforcing complementary approaches as possible.

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

Recommendations

This gender analysis of the Bank's Draft 2 Environmental and Social Standards (ESSs) recommends that for the final ESSs to benefit and prevent harm to women, men, girls, boys, respecting their sexual orientation, and gender identity and expression (SOGIE), the new ESSs must:



1. Include a dedicated gender safeguard.
2. Address gender issues systematically in all other safeguards.
3. Promote women and men's equal human rights.
4. Elevate Draft 2's attention to women's land and property rights, now in footnotes, into the narrative text.