

Inquiries, Comments, and Suggestions on the Safeguard Policy Statement (second draft)

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FROM: euron@indo.net.id
DATE: 4 December 2008

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Dear Mr. Ahmad,

Please find attached Nadi submission to the 2nd draft SPS re
gender issues.

Best regards,
Titi Soentoro
Nadi

Attachments: a/s

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for gender and ecological justice

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Comments to the October 2008 Draft of Safeguard Policy Statement in Gender Perspective

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We agree and support the submission of comments from the NGO Forum on ADB that are consisted of Overview of Concern with ADB SPS, the Matrix of Comments, and the Comments to the SPS Operation Manual.

Due to many criticism on lack of gender consideration in the 1st draft SPS, an attempt showed in the 2nd draft SPS to include gender considerations. Unfortunately, they are included without any good understanding on the gender issues and used inconsistently. Though there are more words on women and gender showed in the 2nd draft SPS compared to the 1st draft SPS, still the 2nd draft SPS fails to recognize gender dimension in the society, which constructs men and women in different roles and responsibilities, and therefore, men and women have different experiences in facing problems. Consequently, this lack of gender understanding leads to lack of protection to women against impacts and risks of the project.

SPS fails to see that affected people consist of men and women:

The 2nd draft SPS document doesn't differentiate affected people and persons as men and women.

Glossary of terms – preliminary draft, page 1:

"Affected People: Those who may be impacted by a project financed by ADB. Such impacts may be positive or negative."

In the overarching statement, people are not segregated as men and women:

The Safeguard Policy Statement, para 51, page 16.

"... In this context, the goal of the Safeguard Policy Statement (SPS) is to promote the sustainability of project outcomes by protecting the environment and people from potential adverse impacts of projects..."

Without defining 'men and women' exclusively and segregated from the word 'people', as the usual practices, the document and its application will refer to men as head of the household or as a decision maker of the family and communities; and furthermore women as the most vulnerable groups in the communities affected will be left out; their opinion, consideration and specific needs will be ignored. The project impacts and risks to women will be hidden somewhere under the words of 'social impacts and risks', which are on the other hand don't exclusively cover women and gender.

SPS fails to consider project impacts and risks on women

The 'a bit here and there' placement of gender term is more to give impression that the SPS document includes gender in the process of consultation; but doesn't touch other important dimension which is project impacts and risks to women.

The Safeguard Policy Statement, para 52, point (iii), page 16.

"...(iii) help borrowers/clients to strengthen their safeguard systems and develop capacity to manage environmental and social risks..."

As that above mentioned safeguards objective in its overarching statement doesn't mention gender risk, consequently the whole document follows this –no exclusive mentioning gender impacts and risk.

It means that the SPS document doesn't recognize that women are vulnerable to direct, indirect and cumulative environmental and socio-economic impacts of a project, that strengthen and multiply existing gender injustices such as sexual harassment and violence, exploitation, increasing burden of women, marginalization and feminization of poverty. For example, construction of infrastructure or extractive projects usually generate social-economic problems to local communities such as exploitation as cheap labor, or sexual exploitation such as sexual harassment, prostitution, sexual transmitted diseases, and contract marriages.

Consequently this approach will not assess the existing gender relation in the affected communities; will bring impacts of excluding women in the decision making; no assessment of project impacts and risks to women; and furthermore all efforts to avoid impacts or to bring project benefit for women will be non-existence. Therefore, gender impacts and risks should be mentioned exclusively throughout the document because social impacts and risk don't automatically include gender impacts. It is also needed to be considered that one of the many impacts of the project is on health is women's reproductive health.

SPS fails to define gender under the social impacts and risk definition:

The definition of social impact as stated below is unclear, no mention of aspects covered under this terms, no word about impacts to women or about gender impacts. Impacts to women mean impacts to women as human being; gender impacts means impacts to gender relation which is manifested in gender injustices in form of discrimination, violence, stereotyping, double burden and subordination/marginalization of women.

Glossary of terms – preliminary draft, page 7:

Social Impacts: A generic term covering involuntary resettlement impacts and impacts on the Indigenous Peoples.

Furthermore, in the policy principles on environment that elaborates potential impacts and risk, there is no statement about gender impacts and risk, or impacts and risk to women.

The Safeguard Policy principles on environment point 2, page 17:

"...Conduct an environmental assessment for each proposed project to identify potential impacts and risks on physical, biological, socio-economic (including health and safety), and physical cultural resources in the context of the project's area of influence..."

No further language aside of health and safety is mentioned under the socio-economic aspects. No word about impoverishment or labor exploitation or forced migration or gender injustices as socio-economic potential impacts and risks. With this vague language, gender risk which covers created, or strengthened and multiplied existing gender injustices in the society as results of direct, indirect and cumulative impacts of environmental problems, will be not identified. As a Bank with a claimed mandate of poverty alleviation, avoiding or preventing from those social-economic problems created by the project, have to be a main focus.

The attempt to include health and safety doesn't touch women's health which is usually under the terms of reproductive rights.

Looking at those statements (in glossary of terms and policy principle on environment point 2) that actually should provide the basic understanding on social impacts and risk, it is clear that gender dimension of the project impacts and risk or potential impacts and risk to women are not considered.

SPS fails to protect local people including women from social and economic adverse impacts

The safeguard policy principles on environment point 10, page 17

"...Provide workers with safe and healthy working conditions, and prevent accidents, injury, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not feasible, to minimize the adverse impacts and risks to the health and safety of the local communities..."

The adverse impacts to the local communities are defined only to health and safety without mentioning furthermore about the definition of safety. This vague language will not cover the safety of local communities against potential exploitation of local people as cheap labor, sexual abuse and violence such as contract marriage, prostitution and spread-out of sexual transmitted disease due to the presence of the project in their area. So, the adverse social and economic impacts will be not identified under this principle, though many experiences showed that sexual abuse and violence, prostitution are some of many social problems created by a project.

SPS fails to protect female headed household

The implication that affected people are not mentioned, the affected household is not differentiated as female and or male headed household.

The safeguard policy principles on involuntary resettlement, point 3, page 18

"...Improve, or at least restore, livelihoods of all affected households through (a) land-based resettlement strategies..."

Many governments consider households only headed by men (husbands), although millions of household in developing countries are female headed. Therefore, those women are left out in the decision making processes related to their lives and families. Since only men are acknowledged as the decision makers in public, women without husbands but head the family will be not involved in the decision making processes at the community level. Usually women as the head of family will ask their male members – father, uncle, brother, brother in law—to represent them in public. These male members of the family mostly will represent men’s perspective of the problems but not women’s. This make female headed families will be left out from any scheme of resettlement, restoration or compensation plans.

Furthermore, there will be no consideration for example, to how a woman with children without husband will be integrated into other communities where they are displaced without any discrimination, violence, stereotyping and marginalization of their rights. Many times women and girls are the first target of hatred if the hosting communities are forced to accept the new displaced families into their places.

SPS fails to respect human and women’s rights, and women’s rights as human rights

Respecting human rights is only mentioned in the principles of safeguard policy on indigenous peoples, not in other policy principles.

The safeguard policy principles on indigenous people, page 19:

"... To design and implement projects in a way that fosters full respect for Indigenous Peoples’ identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves, so that they (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts of projects; and (iii) are able to participate actively in projects that affect them..."

This principle is not stated in Policy Principles of Environment and Involuntary Resettlement. This clearly implies that the SPS doesn’t recognize rights of people who are not indigenous though they are affected by the project.

Moreover, rights of women are not mentioned at all in SPS document. During the Fourth World Conference on Women in Beijing 1995, governments reaffirmed the commitments to *"...ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms..."*¹, convinced that *"...women's rights are human rights..."*²; and were determined to *"...ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms..."*³.

This clearly means that SPS fails to comply with what governments had committed on the Beijing Declaration in 1995 which is to respect women’s rights as human rights.

SPS fails to respect the Civil and Political Rights (CPR) and Economic, Social and Cultural Rights (ESCR):

The SPS should respect rights of affected people in decision making of the proposed project in their area as stated in the UN Covenant on CPR article 1, para 1 and the UN Covenant on ESCR article 1, para 1. Those articles clearly stated: *"...All peoples have the right of self-determination. By virtue of that right*

¹ Beijing Declaration, 1995, para 9 at <http://www.un.org/womenwatch/daw/beijing/beijingdeclaration.html>

² Ibid para 14

³ Ibid, para 23

they freely determine their political status and freely pursue their economic, social and cultural development...⁴”

This UN Covenant on CPR and UN Covenant on ESCR guarantee that people have the rights to decide whether they agree or not to a project proposed in their area. To give consent to a project is therefore a prerogative of affected people –local and indigenous peoples, men and women.

SPS fails to respect CEDAW (Convention on Elimination of All Forms of Discrimination against Women)

Failure to comply with the UN Covenant on CPR and UN Covenant of ESCR is furthermore a failure to comply with CEDAW that guarantees in its article 14 para (a): *“... States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (a) To participate in the elaboration and implementation of development planning at all levels...”⁵*

Conclusion:

It is certainly not enough to show attempt to include gender issues and considerations into efforts to protect women from project impacts and risks. The attempt should be materialized in the paragraphs of the SPS. Otherwise, as shows, the ‘gender blindness’ of 1st draft SPS is continued in the 2nd draft SPS. This will maintain or, worst, increasing existing gender disparities and injustices --in forms of discrimination, double burden, stereotyping, violence and sub-ordination/marginalization-- in the communities of their funded projects, as it overlooks the existence of more than half of the people related to its funded projects and policies.

⁴ The UN International Covenant on Civil and Political Rights at <http://www.hrweb.org/legal/cpr.html>, and The UN International Covenant on Economic, Social and Cultural Rights at <http://www.hrweb.org/legal/escr.html>

⁵ <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>