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## USAID MEKONG SAFEGUARDS ACTIVITY Gender Equality and Social Inclusion Analysis

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## ACTIVITY OVERVIEW

<b>Activity Name:</b>	USAID Mekong Safeguards
<b>Activity/Mechanism Start Date and End Date:</b>	August 22, 2018 to August 21, 2023
<b>Name of Prime Implementing Partner:</b>	The Asia Foundation
<b>Agreement Number:</b>	72048618CA00009
<b>Name of Subawardees:</b>	The Henry L. Stimson Center Global Environmental Institute (GEI) China International Contractors Association (CHINCA) Beijing Rongzhi Corporate Social Responsibility Institute (Rongzhi)
<b>Geographic Coverage (States/Provinces and Countries)</b>	China and the lower Mekong countries of Cambodia, Laos, Myanmar, Thailand, and Vietnam.
<b>Reporting Period:</b>	August 22, 2018 to August 21, 2023

# ACRONYMS AND ABBREVIATIONS

<b>Acronym</b>	<b>Definition</b>
ACMECS	Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy
Activity	USAID Mekong Safeguards
ADB	Asian Development Bank
AIIB	Asian Infrastructure Investment Bank
ASEAN	Association of Southeast Asian Nations
BCGE	Business Coalition for Gender Equality (Myanmar)
BRI	Belt and Road Initiative
CAW	Committee for the Advancement of Women
CCDRM	Climate Change Disaster Risk Management
CDB	China Development Bank
CEDAW	Convention on the Prevention of All Forms of Discrimination Against Women
CEX	China EXIM Bank
CHINCA	China International Contractors Association
CCLMTV	China, Cambodia, Laos, Myanmar, Thailand, and Vietnam
CEMA	Committee on Ethnic Minority Affairs (Vietnam)
CGEO	Chief Gender Executive Officers (Thailand)
CLMTV	Cambodia, Laos, Myanmar, Thailand, and Vietnam
CoC	Code of Conduct
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
DAW	Department for the Advancement of Women (Lao PDR)
DEPP	Department of Energy Policy and Planning (Lao PDR)
DFAT	Australian Department of Foreign Affairs and Trade
DP	Development Partner
DSW	Department of Social Welfare (Myanmar)
EDL	Electricité du Laos
EGAT	Electricity Generating Authority of Thailand
EIA	Environmental Impact Assessment
EP	Equator Principles
ESA	Environmental and Social Assessment
EIA	Environmental Impact Assessment
ESF	Environmental and Social Framework
ESG	Environmental, Social, and Governance
ESIA	Environmental and Social Impact Assessment
ESMAP	Energy Sector Management Assistance Program (WB)
ESMS	Environmental and Social Management System
ESSs	Environmental and Social Standards
EVN	Electricity of Vietnam
FI	Financial Institution



FIDIC	International Federation of Consulting Engineers
FPIC	Free, Prior, and Informed Consent
GAP	Gender Action Plan
GBV/SEAH	Gender Based Violence/Sexual Exploitation and Harassment
GESI	Gender Equality and Social Inclusion
GIDAP	Gender and Inclusive Development Action Plan
GMAG/P	Gender Mainstreaming Action Group/Plan
GMS	Greater Mekong Sub-Region
GPN	Good Practice Note
GRM	Grievance Redress Mechanism
GMSP	Gender Mainstreaming Strategic Plan (Cambodia, MOWRAM)
HRM	Human Resource Management
IAP	International Accountability Project
ICP	Indicative Cooperation Programme
IFC	International Finance Corporation
IFI	International Finance Institution
IHA	International Hydropower Association
ILO	International Labour Organization
IR	Intermediate Result
JICA	Japan International Cooperation Agency
KII	Key Informant Interviews
LEP	Law on Environmental Protection
LGBTQI	Lesbian Gay Bisexual Transgender Queer Intersex
LMRCs	Lower Mekong Region Countries
LWU	Lao Women's Union
MCTPC	Ministry of Communication, Transport, Post and Construction (Myanmar)
MDB	Multilateral Development Bank
M&E	Monitoring and Evaluation
MEM	Ministry of Energy and Mines (Lao PDR)
MEP	Ministry of Environmental Protection (China)
MIME	Ministry of Industry, Mines and Energy (Cambodia)
MNCW	Myanmar National Committee for Women
MOE	Ministry of Environment (Cambodia)
MOIT	Ministry of Industry and Trade (Vietnam)
MOLISA	Ministry of Labour and Social Affairs (Vietnam)
MOME	Ministry of Mines and Energy (Cambodia)
MONRE	Ministry of Natural Resources and Environment (Vietnam/Lao PDR)
MOT	Ministry of Transport (Vietnam)
MOWA	Ministry of Women's Affairs (Cambodia)
MOWRAM	Ministry of Water Resources and Meteorology (Cambodia)
MPWT	Ministry of Public Works and Transport (Cambodia/Lao PDR)
MRC	Mekong River Commission

MSWRR	Ministry of Social Welfare, Relief, and Resettlement (Myanmar)
NCAW	National Commission for the Advancement of Women (Lao PDR)
NCAWMC	National Commission for the Advancement of Women, Mothers and Children (Lao PDR)
NCAWV	National Committee for the Advancement of Women (Vietnam)
NCWAFD	National Commission on Women's Affairs and Family Development (Thailand)
NDRC	National Development and Reform Commission
NESDP	National Economic and Social Development Plan, 2017–2021
NEQA	National Environmental Quality Act
NGO	Non-Governmental Organization
NMC	National Mekong Committee
NSAW	National Strategy for the Advancement of Women
NSPAW	National Strategic Plan for the Advancement of Women (Myanmar)
NT2	Nam Theung 2
ODA	Overseas Development Assistance
OECD	Organisation for Economic Co-operation and Development
PAP	Project-Affected People
PDP	Power Development Planning
PMU	Project Management Unit
PNPCA	Procedures for Notification and Prior Consultation and Agreement
PS	Performance Standard
RDMA	Regional Development Mission for Asia
RF	Results Framework
Rongzhi	Beijing Rongzhi Corporate Social Responsibility Institute
SASAC	State-Owned Assets Supervision and Administration Commission
SEA	Strategic Environmental Assessment
SEAGIF	South East Asia Governance and Infrastructure Facility
SH	Sexual Harassment
SIA	Social Impact Assessment
SOE	State-Owned Enterprise
SOP	Standard Operating Procedure
STEM	Science, Technology, Engineering, Math
STI	Sexually Transmitted Infection
TAF	The Asia Foundation
THPC	Theun-Hinboun Power Company
TIEB	Thailand Integrated Energy Blueprint 2015–2036
TWG	Technical Working Group
TWG-G	Technical Working Group on Gender
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGPs	UN Guiding Principles on Business and Human Rights
UNHCHR	United Nations High Commissioner for Human Rights
VWU	Vietnam Women's Union

WB  
WEF GGI

World Bank  
World Economic Forum Global Gender Gap Index

# I. EXECUTIVE SUMMARY

## I.1 Introduction

The USAID Mekong Safeguards Activity (the Activity) is a five-year program (2018–2023) that The Asia Foundation (TAF) implements in consortium with the Global Environment Institute and the Stimson Center. USAID Mekong Safeguards provides policy makers, government regulators, major financiers, and contractors with the information and tools they need to apply environmental, social, and governance (ESG) standards for infrastructure development in the Lower Mekong region. Integrating activities to promote gender equality and social inclusion (GESI) is critical to achieving Activity outcomes, implementing “do no harm” principles and reducing gender inequality and disparities. This GESI Analysis Report provides the evidence base and recommendations for the Activity’s Gender and Inclusive Development Action Plan (GIDAP). This report identifies and defines the following:

- The impacts that infrastructure projects in the energy and transportation sectors have in the lower Mekong region countries (LMRCs) on women and socially excluded groups, with a focus on those facing intersecting disadvantages.
- The gaps and barriers that exacerbate inequalities and impede the best social outcomes, including practices that prevent or hinder women’s and socially excluded groups’ views and voices in the infrastructure decision-making and development process at multiple levels.
- The Activity’s potential opportunities to address the barriers and to amplify the voices, contributions, and priorities of women and other socially excluded groups.

## I.2 GESI Impacts of Infrastructure

Environmental and social impacts of infrastructure projects can be identified at the feasibility stage and observed at different stages of project development, including the preconstruction resettlement stage, the actual construction stage, and the operational stage. There is strong evidence that infrastructure has different impacts on women/girls, men/boys, and vulnerable groups, based on their needs and social roles. These impacts can be positive and negative, depending on how the project is designed and implemented and on whether the design takes these differences into account. The invisibility of gender impacts of infrastructure is both reflected in and a function of the absence of meaningful and in-depth gender impact assessments as part of large-scale infrastructure development. Part of the explanation for a generalized gender silence is that teasing out the gendered implications of infrastructure projects does not always come easily and is not considered a priority for infrastructure, while other issues such as environmental, economic, and land-related resettlement occupy the analytical foreground.<sup>1</sup> Furthermore, external infrastructure experts advising on project implementation are not aware nor convinced of the need for a gendered approach to infrastructure development.

The most affected groups are ethnic minorities largely due to their marginalized status and lack of voice. Research shows that these groups have little say in decision-making processes that affect their lives.<sup>2</sup> Infrastructure development in the LMRCs that ignore gender and other forms of social exclusion can sustain or exacerbate disadvantage among ethnic minority communities.

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<sup>1</sup> Soe Lin Aung, “Women and gender in Dawei”, New Mandala, 5 September 2012. <https://www.newmandala.org/women-and-gender-in-dawei/>

<sup>2</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, “Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam”, *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

Bernadette Resurrecion, Ha Nguyen, Aziya Taalailekkyzy, “Gender and Public Participation in EIAs,” SEI, 2017. [http://www.mekongwaterforum.org/sites/default/files/SEI\\_Gender%20and%20public%20participation%20in%20EIAs\\_regional%20synthesis\\_1.pdf](http://www.mekongwaterforum.org/sites/default/files/SEI_Gender%20and%20public%20participation%20in%20EIAs_regional%20synthesis_1.pdf)

Access to electricity makes it possible for people to be more productive and efficient within the home, while improved transport facilitates their involvement in activities outside the home.<sup>3</sup> Community disruption and displacement through resettlement and labor influx caused by major infrastructure projects can put women and children at risk of sexual harassment and violence, and incur loss of livelihood, increase in women's and girls' work burdens and time deficits, and shifts in gender roles and relations.<sup>4</sup>

The loss of livelihoods and independent sources of income for women through natural resources can disrupt gender relations within families and communities and push women into situations of greater poverty, vulnerability, and financial dependence. In general, the positive impacts from large-scale infrastructure (such as access to employment, energy, transport, and compensation income) tend to benefit men more than women. The negative externalities (such as family and social disruption due to resettlement, loss of livelihoods, sexual exploitation and abuse from labor influx, or other changes in the community, such as new demand for sex workers, potentially involving sex trafficking and exploitation of women and children) tend to affect women more than men.<sup>5,6,7,8</sup>

Some projects are investing in innovative benefit-sharing schemes and local area development activities, such as building education or health facilities and offering training, skills-building, and livelihood support. Investing in such activities can not only help reduce resistance and negative sentiments toward the project; it can contribute to enhancing social and human development outcomes in the community. If ancillary investments are designed to address pressing gender gaps (e.g., in education, health, and livelihood outcomes), the project can also advance gender equality in the community.<sup>9</sup> The ancillary infrastructure that accompanies electricity infrastructure development, particularly the construction of access roads, can have a transformative effect on formerly isolated areas.<sup>10</sup>

### 1.3 Gaps and Barriers

#### Laws, Policies, Regulations, and Institutional Practices

All LMRCs provide constitutional equality between men and women.<sup>11</sup> Laws and policies to promote gender equality are clearly defined in the LMRCs but are rarely applied to infrastructure development and

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<sup>3</sup> Cynthia C. Cook, Tyrrell Duncan, Somchai Jitsuchon, Anil Sharma, Wu Guobao, "Assessing the Impact of Transport and Energy Infrastructure on Poverty Reduction", ADB, 2005. <https://www.adb.org/sites/default/files/publication/27956/assessing-transport-energy.pdf>

<sup>4</sup> Alexa Blain, "Moving gender-lens infrastructure investment from niche to mainstream: What will it take?" World Bank Blogs, 25 November 2019. <https://blogs.worldbank.org/ppps/moving-gender-lens-infrastructure-investment-niche-mainstream-what-will-it-take>

<sup>5</sup> World Bank ESMAP (Energy Sector Management Assistance Program). 2013. "Integrating Gender Considerations into Energy Operations." Knowledge Series 014/13 ([http://www.esmap.org/sites/esmap.org/files/ESMAP\\_Interating\\_Gender\\_Into\\_Energy\\_Operations.pdf](http://www.esmap.org/sites/esmap.org/files/ESMAP_Interating_Gender_Into_Energy_Operations.pdf)).

<sup>6</sup> World Bank ESMAP (Energy Sector Management Assistance Program). 2013. "Integrating Gender Considerations into Energy Operations." Knowledge Series 014/13 ([http://www.esmap.org/sites/esmap.org/files/ESMAP\\_Interating\\_Gender\\_Into\\_Energy\\_Operations.pdf](http://www.esmap.org/sites/esmap.org/files/ESMAP_Interating_Gender_Into_Energy_Operations.pdf)).

<sup>7</sup> Open Development Mekong Web site, accessed May 2020. <https://opendevopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>8</sup> KII Robert Allen Jr., General Manager, Theun-Hinboun Power Company Limited, July 2020.

<sup>9</sup> World Bank ESMAP (Energy Sector Management Assistance Program). 2013. "Integrating Gender Considerations into Energy Operations." Knowledge Series 014/13 ([http://www.esmap.org/sites/esmap.org/files/ESMAP\\_Interating\\_Gender\\_Into\\_Energy\\_Operations.pdf](http://www.esmap.org/sites/esmap.org/files/ESMAP_Interating_Gender_Into_Energy_Operations.pdf)).

<sup>10</sup> Maria Olando, et al., "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>11</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016. <https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

have limited impact due to issues with implementation, limited interdepartmental and ministerial coordination, as well as inadequate budget allocation. However, customary and discriminatory laws, policies and institutional practices in these countries create structural barriers to women's rights, and their ability to benefit from and participation in infrastructure development. Gender integration<sup>12</sup>, identifying and then addressing inequalities between women and men in policies, programmes and institutions<sup>13</sup>, occurs at different levels of development in different countries. However, coordination and collaboration between all ministries/departments, and the ability of gender focal points to push gender issues in sectoral agendas, are generally weak and uneven due to lack of capacity and accountability mechanisms. Limited capacity of gender machinery and gender-integration efforts at the national level will prevent effective implementation of gender-responsive policies, particularly in infrastructure.<sup>14</sup> Overall, how gender-integration approaches are interpreted and operationalized differs from country to country, and how effective these are as mechanisms within the infrastructure-development context is a point of current interest of this assessment. Across the region there are significant GESI gaps at the overall national infrastructure sector legal framework and planning stage, with more attention paid on a project-by-project basis. Even then there is limited focus on GESI at the earlier stages of a project: feasibility, design, and impact assessment, as well as in the assessment of the distribution of outcomes: who bears the cost and who benefits.<sup>15</sup> While gender policies appear to be firmly in place in all LMRCs, they do not link with infrastructure policies in any significant or coherent manner; instead, they focus more on women's social welfare, employment, and political participation.<sup>16</sup>

### Participation in Decision-Making

Policy makers tend to be largely men, particularly in energy and transport institutions and organizations, both in the public and private sector, with economists and engineers being the dominant professions,<sup>17</sup> with limited focus or expertise in gender and social issues.<sup>18</sup> These professions often do not see the relevance of GESI to their work and consider gender issues a matter of local culture and not a technical concern. Women have long been marginalized in the energy and transport sector workforce and particularly at technical and leadership levels. Low levels of women elected to public offices and in public and private sector leadership positions result in significant absence of women's concerns from the main discourse and agenda for change. Often women's participation in infrastructure governance is assessed only by the number of women present at meetings rather than whether they can successfully influence decision-making at these meetings.

### Gender Norms and Beliefs

While the legal system is largely gender equal on paper, patriarchal norms dominate the Mekong countries in practice. Women tend to be, directly or indirectly, excluded from infrastructure decision-making or

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<sup>12</sup> USAID uses the term "gender integration" instead of "gender mainstreaming" thus in order to be consistent with USAID terminology this report will use the term "integration" unless "mainstreaming" is used explicitly by the document that is being referenced.

<sup>13</sup> USAID "2020 Gender Equality and Women's Empowerment Policy (draft)", August 19, 2020.

[https://www.usaid.gov/sites/default/files/documents/Draft\\_USAID\\_2020\\_Gender\\_Equality\\_and\\_Womens\\_Empowerment\\_Policy\\_-\\_External\\_Review\\_8.19.2020\\_.pdf](https://www.usaid.gov/sites/default/files/documents/Draft_USAID_2020_Gender_Equality_and_Womens_Empowerment_Policy_-_External_Review_8.19.2020_.pdf)

<sup>14</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016.

<https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

<sup>15</sup> KII, International Rivers, June 2020.

<sup>16</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Water insecurity disadvantages women as they shoulder heavier caring obligations," SEI discussion brief, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>17</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities," USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?e\\_b\\_d=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?e_b_d=0733fc18ffa57ebcf7df29f69d4662d2)

<sup>18</sup> Oxfam and IUCN, "Regional Forum on Gender Equity and Women's Leadership in Transboundary Water Governance in the Lower Mekong Basin", IUCN, 15 September 2017.

[https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam\\_iucn\\_gender\\_forum\\_report\\_sept\\_2017\\_210218.pdf](https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam_iucn_gender_forum_report_sept_2017_210218.pdf)

capacity-development activities by governments and even those organized by international organizations and NGOs (e.g., technical sessions or workshops) due to gender-related norms and barriers. Exclusion is especially pronounced in indigenous communities, such as in Laos and Myanmar.<sup>19</sup> While investors are aware of gendered barriers to women's participation, they are not making the necessary accommodations to overcome them.<sup>20</sup>

### Gender Roles, Responsibilities, and Time Use

The ability for women to participate in stakeholder consultation processes or influence policy can be limited by their time poverty (the absence of spare time to engage in any activities outside their daily tasks) and other constraints due to their responsibilities, such as income generation, childcare, and domestic duties.<sup>21,22</sup> Women often face mobility constraints due to social responsibilities and traditional norms, which limits their participation in activities that require relocating or traveling. New jobs directly created by transport and energy infrastructure projects have mainly attracted men since infrastructure construction is traditionally a highly male-dominated industry. Typically, women's direct employment opportunities in infrastructure projects have been restricted by gender roles and social norms in the local community or nationally; women's low technical, construction, and professional engineering skills; occupational segregation by gender; and employer stereotyping.

### Access and Control Over Resources

The most significant tangible resource issue at stake in infrastructure projects is land title and house ownership, as these determine how resettlement compensation will be distributed. Land documents tend to be registered in men's names and discriminatory inheritance practices impede women's land access.<sup>23</sup> Generally, men are the legal head of household, and thus their names tend to be on the land title and house ownership documents. Furthermore, men tend to have more access to consultation meetings and information about resettlement and compensation processes, which can result in biased compensation outcomes.<sup>24</sup> Indigenous peoples are among the most impoverished and marginalized in the region. Within some communities that have experienced involuntary appropriation of their lands and resources, indigenous women encounter further discrimination and are denied the opportunity for full enjoyment of their human rights. Indigenous women often have lower rates of education, health care, and employment.

### Opportunities and Recommendations

A useful hierarchy for considering GESI entry points in the infrastructure planning and project development stages includes a) do no harm; b) achieve the project's objective; and c) seek opportunities to improve GESI outcomes in the sector. While all three of these levels of GESI are important, the Activity's GESI approach will focus on systems change to create an enabling environment in support of more sustainable and lasting GESI outcomes at the policy and institutional level. Furthermore,

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<sup>19</sup> Michael Simon, "Balancing the Scales: Using Gender Impact Assessment in Hydropower Development," Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>20</sup> International Rivers, "State of Knowledge: Women and Rivers in the Mekong Region," April 2020 <https://drive.google.com/file/d/1AOKSeBeLMe2oNtIAfDyiAoaFiZ7Nt72r/view>

<sup>21</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region." Discussion brief. Stockholm Environment Institute. 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>22</sup> Sam Sreymom, Nong Monin, Ky Channimol, "Gender in EIA and Public Participation", USAID/PACT, 8 November 2016. [https://www.sumernet.org/upload/media/0001/01/CDRI\\_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf](https://www.sumernet.org/upload/media/0001/01/CDRI_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf)

<sup>23</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016. <https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

<sup>24</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

the Activity's GESI approach acknowledges the importance of strategic partnerships to ensure maximum impact, through alignment of resources and agendas, and coordination of efforts.

Thus the conceptual framework for the recommendations starts with legal and institutional-level GESI integration into international best practice standards (WB/IFC/Equator Principles [EPs]) based on which GESI gaps can be addressed in national infrastructure sector laws, policies, and strategies, as well as in infrastructure sector government agencies, Chinese and international financial institutions (FIs), development partners (DPs), and contractors' regulations and practices. Furthermore, national machineries for gender and GESI can also be equipped to address GESI in infrastructure policy dialogue, planning, and monitoring. GESI should be addressed at the decision-making level, through increasing women's and marginalized groups' representation in key decision-making fora and infrastructure-related stakeholders, including regional intergovernmental bodies, government agencies, DPs, financial institutions and investors, and contractors. The themes of partnership and institutional capacity building run through all these areas.



## 2. INTRODUCTION

### 2.1 Activity Description

USAID Mekong Safeguards Project is a five-year program (2018–2023) that supports policy makers, government regulators, major financiers, developers, and contractors with information and tools to foster consistent application of environmental, social, and governance standards, particularly for power generation and transportation. The Activity helps operationalize the vision of sustainable infrastructure development that lower Mekong countries have put forward in their respective national green-growth strategies and regional platforms. This vision has been publicly championed by major infrastructure financiers such as the WB, the ADB, and several bilateral donors, including Australia, Japan, and the United States.

Major donors and lenders are ramping up infrastructure investments in the affected countries, joining new financing vehicles such as the Belt and Road Initiative (BRI), the Lancang-Mekong Cooperation Mechanism, and the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS) Infrastructure Fund. With this projected new investment over the next decade, power generation is expected to grow from 96 gigawatts (GW) to at least 280 GW, largely through new hydropower dams and coal-fired power plants. Developers of road and rail infrastructure plans are projecting that, over the same period, rail infrastructure is likely to increase by at least 20 percent, and high-speed rail capacity will increase over 50 percent.

Environmental regulations and mitigation efforts, however, are not keeping pace; the sheer numbers and cumulative effects of projects are damaging the Mekong ecosystem and affecting fisheries, forestry, farming, air quality, water quality, and flood regulation. Negative impacts on these and other ecosystem services, in turn, threaten lower Mekong populations' food security, health, homes, and livelihoods.

While recognizing the economic-growth imperative of this underdeveloped region and the role of infrastructure in contributing to growth, the Activity promotes profitable economic growth supported by sustainable infrastructure that causes less harm to the environment, biodiversity, and people. The Activity aims to (a) minimize negative environmental impacts of infrastructure projects by fostering more robust and consistent application of environmental, social, and governance standards and (b) encourage decision makers to avoid unnecessary, harmful infrastructure through smart technologies, system-scale infrastructure planning, and innovations.

### 2.2 GESI Analysis Report

Integrating interventions to promote GESI through this Activity is critical to achieving the best outcomes while also adhering to “do no harm” principles and addressing any inherent risks and strategies that exacerbate gender inequality and disparities. These goals are reflected in USAID’s Gender Equality and Female Empowerment (2012) and operational policies (i.e., ADS 205) which, in turn, serve as a basis for the need to integrate GESI across the Activity’s design and implementation.

Energy and transportation infrastructure investment and development in the Mekong region is frequently viewed solely through an economic planning lens that assumes gender neutrality. However, environmental degradation and poor planning have a disproportionately negative impact on women and other socially excluded groups. Yet women, children, young people, the elderly, persons with disabilities, ethnic minorities are more likely to be excluded from decision-making roles and from opportunities (such as

within policy-making, financial institutions, energy, or transportation companies) to influence decisions on infrastructure investments and ESG standards.

These realities mean that new infrastructure projects can create unintended consequences for men and women and socially excluded groups—including increasing time burdens and exacerbating gender-based violence—while not being sustainable, accessible, and beneficial in the long term. International best practices and ESG standards recognize that achieving gender equality improves development outcomes, and these commitments toward gender-equality goals, targets, and indicators should also be reflected in national ESG policies and standards. Therefore, integrating GESI into the Activity’s programming contributes to achieving the project’s core goals and objectives.

The Activity’s approach to integrating GESI into programming is as follows:

- 1) This GESI Analysis Report has been produced to identify and define:
  - The impacts that infrastructure projects in the energy and transportation sectors in the LMRCs have on women and socially excluded groups, with a focus on those facing intersecting disadvantages.
  - The gaps and barriers that exacerbate inequalities and impede the best social outcomes, including practices that prevent or hinder women’s and socially excluded groups’ views and voices in the infrastructure decision-making and development process at multiple levels.
  - The Activity’s potential opportunities to address the barriers and to amplify the voices, contributions, and priorities of women and other socially excluded groups.
- 2) Based on the findings and recommendations in this GESI report, the Activity and USAID will discuss and agree on a set of priority gender and social inclusion barriers or gaps that the Activity will address in its work. This will be outlined in detail for implementation, including proposed indicators, in a second report, which is the Activity’s GIDAP.
- 3) Finally, the Activity will integrate GESI as outlined in the GIDAP, which will be updated and reported annually.

This GESI report is the output of the first step in this approach and was produced based on an extensive desk review (see Annex 3 for complete bibliography) and a series of Key Informant Interviews (KIIs) and email exchanges with relevant government officials, development partner representatives, civil society organizations, and GESI and infrastructure experts in CLMTV (see Annex 2 for a complete list of key informants), and supplemented by additional research carried out by The Asia Foundation (TAF) China office for the *Promoting Gender Sensitivity in Chinese Overseas Investment and Financing Program*. The methodology is in Annex 1 and 4.

The rest of this GESI report is structured as follows:

- Section 3 covers the positive and negative impacts of energy and transportation infrastructure projects on women and men and socially excluded groups in the LMRCs. This impact assessment takes a regional approach and includes country-specific examples from projects implemented in each country.
- Section 4 identifies and defines the gaps and barriers that contribute to or cause unequal social outcomes and prevent or hinder the voices of women and other socially excluded groups in the infrastructure and investment decision-making and development process. It is based on the USAID ADS 205, which covers the following domains:
  - Laws, Policies, Regulations, and Institutional Practices that influence the context in which people act and make decisions; for example, infrastructure-development decisions
  - Cultural Norms and Beliefs
  - Gender Roles, Responsibilities, and Time Use
  - Access to and Control over Assets and Resources
  - Patterns of Power and Decision-making

- Section 5, which will form the basis for the GIDAP, identifies the Activity’s potential opportunities to address the gaps and barriers given the project objectives, indicative tasks, resources, and duration. It analyzes the extent to which the strategic needs of women and men can be addressed through the project and the extent to which capacity for gender integration<sup>25</sup> (i.e. identifying and then addressing inequalities between women and men<sup>26</sup>) could be built through the project. It also provides concrete recommendations of actions that implementers can take.

### 2.3 Regional GESI Context

The table below provides an overview of the key gender and social inclusion indicators for each of the five LMRCs, based on the World Economic Forum Global Gender Gap Index<sup>27</sup> (WEF GGGI) and some additional data on disability and ethnicity. Some of the key findings are as follows:

- Women’s labor force participation is quite high for all countries, ranging from 67 percent to 81 percent (except for Myanmar at 52 percent); and across all countries approximately a third of all legislators, senior officials, and managers and roughly half of professional and technical workers are women. While there is a slight gender gap, women’s literacy rates are high, from 72 to 94 percent; primary school enrollment rates are also high, from 90 to 98 percent; with small gaps, however, enrollment drops considerably at secondary and tertiary levels for both sexes in all but Thailand and Vietnam; and interestingly the gender gap is in women’s favor at both of these levels in all but Cambodia and Lao PDR. There are significant gender gaps in terms of attainment in STEM, and engineering, manufacturing, and construction studies (except for Myanmar).
- Health indicators measured by maternal mortality ratios and births attended by skilled health professionals vary considerably, with Thailand and Vietnam showing the best outcomes, and Myanmar and Lao PDR showing the lowest.
- GBV prevalence, measured in terms of physical, sexual, and emotional intimate partner violence, ranges from 15 to 53 percent; however, these figures should be interpreted with extreme caution, as under-reporting and different interpretations of GBV are common and distort the findings.
- Across all countries political empowerment is the lowest of all indicators; there are only between 11 and 27 percent women in Parliament and between 4 and 11.5 percent women ministers.
- Other social inclusion indicators, such as persons with disabilities (not disaggregated by sex), show a very low rate, between 3 and 8 percent, although the percentage of the population who are ethnic minorities varies considerably from a low of 5 percent in Thailand to a high of 47 percent in Lao PDR; however, both of these sets of indicators might not be consistently measured in the same way across all the countries due to different interpretations and understanding of disability and ethnicity.

Gender and Social Inclusion: Key Indicators <sup>28</sup>					
GGGI Report 2020 <sup>29</sup>	Cambodia	Lao PDR	Myanmar	Thailand	Vietnam

<sup>25</sup> USAID uses the term “gender integration” instead of “gender mainstreaming” thus in order to be consistent with USAID terminology this report will use the term “integration” unless “mainstreaming” is used explicitly by the document that is being referenced.

<sup>26</sup> USAID “2020 Gender Equality and Women’s Empowerment Policy (draft)”, August 19, 2020. [https://www.usaid.gov/sites/default/files/documents/Draft\\_USAID\\_2020\\_Gender\\_Equality\\_and\\_Womens\\_Empowerment\\_Policy\\_-\\_External\\_Review\\_8.19.2020\\_.pdf](https://www.usaid.gov/sites/default/files/documents/Draft_USAID_2020_Gender_Equality_and_Womens_Empowerment_Policy_-_External_Review_8.19.2020_.pdf)

<sup>27</sup> World Economic Forum, “Global Gender Gap Report,” 2020. [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

<sup>28</sup> Unless otherwise indicated with a footnote, all data is from the World Economic Forum Global Gender Gap Report 2020. [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

<sup>29</sup> The World Economic Forum Global Gender Gap Report 2020. [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

Population (millions)	16,2	7,1	53,7	69,4	95,5
Per capita GDP (USD)	3,860	6,750	5,530	17,310	6,680
Global Gender Gap Index (GGGI score/rank) <sup>30</sup>	0.694 / 89	0.701 / 43	0.665 / 114	0.708 / 75	0.700 / 87
Economic Participation (GGGI score/rank)	0.759 / 25	0.839 / 3	0.630 / 102	0.776 / 22	0.751 / 31
Labor Force Participation (f/m %)	77.3 / 88.9	80.7/82.2	51.7 / 81.5	67.2 / 82.4	79.1 / 86.4
Legislators, senior officials and managers (% women)	34.1	31.8	32.3	33.9	27.3
Professional and technical workers (% women)	52.4	50.4	58.5	57.0	54.6
Education attainment (GGGI score/rank)	0.939 / 124	0.965 / 110	0.975 / 99	0.991 / 80	0.982 / 93
Literacy Rate (f/m %)	75 / 86.5	79.4 / 90	71.9 / 80.0	91.2 / 94.7	93.6 / 96.5
Enrollment in primary (f/m %)	90.2 / 90.3	90.7 / 92.3	88.4 / 89.6	97.9 / 98.3	93 / 92 <sup>31</sup>
Enrollment in secondary (f/m %)	36.7 / 39.9	59.4 / 60.7	62.0 / 57.2	77.5 / 77.0	83 / 80 <sup>32</sup>
Enrollment in tertiary (f/m %)	12.2 / 14.1	15.5 / 14.4	18.5 / 12.8	57.8 / 41.1	31.7 / 25.5
STEM attainment (f/m %)	6.02 / 22.46	12.79 / 32.47	47.34 / 46.79	14.98 / 44.26	15.38 / 31.19
Engineering, Manuf. & Construction, attainment (f/m %)	1.48 / 6.19	4.47 / 21.15	3.85 / 3.85	5.69 / 36.05	13.73 / 27.18
Health and Survival (GGGI score/rank)	0.975 / 73	0.971 / 98	0.977 / 57	0.978 / 52	0.942 / 151
MMR (deaths/100,000 live births)	160	185	250	37	43
Births attended by skilled personnel (% live births)	89	64.4	60.2	99.1	93.8
Gender-based violence (% prevalence) <sup>33</sup>	21 / 30 <sup>34</sup>	15 / 30 <sup>35</sup>	15 / 21 <sup>36</sup>	15 / ? <sup>37</sup>	32 / 53 <sup>38</sup>
Political Empowerment (GGGI score/rank)	0.103 / 119	0.50 / 96	0.080 / 133	0.086 / 129	0.123 / 110
Women in parliament (% women) <sup>39</sup>	20	27.5	11.1	15.8	26.7
Women in ministerial positions (% women)	9.4	11.5	3.7	8.3 <sup>40</sup>	4
Other social inclusion indicators					

<sup>30</sup> Score: 1= parity / rank: out of 153 countries.

<sup>31</sup> World Bank, "Vietnam Systematic Country Diagnostic," 2016 (data from 2012).  
<file:///Users/miahyun/Downloads/VN%20Systematic%20Country%20Diagnostic.pdf>

<sup>32</sup> World Bank Vietnam Systematic Country Diagnostic, 2016 (data from 2012).  
<file:///Users/miahyun/Downloads/VN%20Systematic%20Country%20Diagnostic.pdf>

<sup>33</sup> Physical or sexual / physical, sexual or emotional intimate partner violence in lifetime.

<sup>34</sup> WHO, UNW, Royal Government of Cambodia MOWA, "National Survey on Women's Health and Life Experiences in Cambodia." 2015.

<sup>35</sup> Government of Lao PDR, NCAW, Lao Statistics Bureau, "National Survey on Women's Health and Life Experiences in 2014: A Study on Violence Against Women," 2016.

<sup>36</sup> Government of Myanmar, Ministry of Health and Sports (MoHS) and ICF, "Myanmar Demographic and Health Survey 2015–16." Nay Pyi Taw, Myanmar, and Rockville, Maryland USA, (2017).

<sup>37</sup> There is no WHO GBV survey for Thailand; this figure is the result of a 2018 study by Montakarn Chuernchit et al. "Prevalence of Intimate Partner Violence in Thailand", published in the Journal of Family Violence, 7 April 2018.  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5986850/>

<sup>38</sup> MOLISA, GSO, UNFPA, National study on Violence against Women in Viet Nam in 2019. 2020.

<sup>39</sup> International Parliamentary Union, Web site, 2020. <https://data.ipu.org/women-ranking?month=6&year=2020>

<sup>40</sup> OECD, "Thailand Gender Budgeting Strategy", 2019.

People with Disabilities (% of total population)	4.5 <sup>41</sup>	8 <sup>42</sup>	4.6 <sup>43</sup>	2.9 <sup>44</sup>	7 <sup>45</sup>
Ethnic Minorities (% of total population)	10 <sup>46</sup>	47 <sup>47</sup>	32 <sup>48</sup>	5 <sup>49</sup>	14 <sup>50</sup>

The table below shows where each of the LMRCs sits in terms of GGGI ranking within the East Asia Pacific region.

#### East Asia and the Pacific

Country	Rank		Score
	Regional	Global	
New Zealand	1	6	0.799
Philippines	2	16	0.781
Lao PDR	3	43	0.731
Australia	4	44	0.731
Singapore	5	54	0.724
Thailand	6	75	0.708
Mongolia	7	79	0.706
Indonesia	8	85	0.700
Viet Nam	9	87	0.700
Cambodia	10	89	0.694
Brunei Darussalam	11	95	0.686
Fiji	12	103	0.678
Malaysia	13	104	0.677
China	14	106	0.676
Korea, Rep.	15	108	0.672
Myanmar	16	114	0.665
Timor-leste	17	117	0.662
Japan	18	121	0.652
Vanuatu*	19	126	0.638
Papua New Guinea*	20	127	0.635

Source: World Economic Forum Global Gender Gap Report 2020  
[http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

People with disabilities: The GESI assessment found that there was no literature on the impact of infrastructure development on people with disabilities in the LMRCs. However, it should be noted that people with disabilities are marginalized in terms of access to services, infrastructure, and decision-making opportunities, which would influence their ability to inform and benefit from infrastructure development. For example, in Vietnam 20 percent of people with disabilities have not attended school compared to only 5 percent of people without disabilities; only 76 percent of people with disabilities are literate, as opposed to 95 percent of people without disabilities; and almost 10 percent of people with disabilities are unemployed, whereas less than 5 percent of people without disabilities are.

<sup>41</sup> ESCAP Asia Pacific Center on Disability, 2006, website accessed June 2020. <http://www.apcdfoundation.org/?q=content/>

<sup>42</sup> ESCAP Asia Pacific Center on Disability, 2006, website accessed June 2020. <http://www.apcdfoundation.org/?q=content/>

<sup>43</sup> Government of Myanmar, "National Population Census," 2014. Minority Rights Group, website accessed July 2020. <https://minorityrights.org/country/myanmarburma/>

<sup>44</sup> ESCAP Asia Pacific Center on Disability, 2006, website accessed June 2020, <http://www.apcdfoundation.org/?q=content/>

<sup>45</sup> UNICEF, General Statistics Office, "Survey on disabled people in Vietnam (2016-2017)", 2017.

<sup>46</sup> Government of Cambodia, "National Population Census", 1998.

<sup>47</sup> Government of Lao PDR "National Population Census," 2015.

<sup>48</sup> Government of Myanmar, "National Population Census," 2014. Minority Rights Group, website accessed July 2020. <https://minorityrights.org/country/myanmarburma/>

<sup>49</sup> Government of Thailand "National Population Census", 2010, Minority Rights Group, website accessed July 2020. <https://minorityrights.org/country/thailand/>

<sup>50</sup> Government of Vietnam "National Population Census", 2009, Minority Rights Group, website accessed July 2020. Updated March 2018, <https://minorityrights.org/country/vietnam/>

In urban areas, people with disabilities are three times as likely to be unemployed than other people. Almost 60 percent of people with disabilities and 80 percent of households that include a person with disabilities have trouble accessing health-care services. The motorbike is the main form of transport in Vietnam, but many people with disabilities are unable to use a bike, and public transport is limited to urban areas and very few are accessible to people with disabilities. Seventy-five percent of Vietnamese people with disabilities live in rural areas; thus they generally have very limited access to quality medical care, schooling, transportation, and employment.<sup>51</sup>

**Ethnic Minorities:** There are strong links between ethnic minorities and infrastructure-development impacts. Across all five LMRCs ethnic minorities suffer from economic and political marginalization exacerbated by language differences; they have less access to social services and tend to rely more heavily on natural resources for their livelihoods, which is often compromised during infrastructure-related resettlement. Following are statistics on ethnic minorities across the LMRCs.

- In Cambodia, ethnic Khmer make up 90–94 percent of the entire population, with the remainder comprising four distinct groups: Cham, indigenous highland communities, ethnic Chinese and ethnic Vietnamese, plus other smaller minority groups such as the Khmer Krom and the Kuy people. However, the government formally recognizes only Cham and Khmer Loeu, a term that is increasingly used to conflate indigenous peoples with Khmer nationalism.<sup>52</sup>
- Lao PDR has the highest share of ethnic minorities within the LMR at 47 percent of the population. Officially, the Lao government only recognizes forty-nine ethnic groups, with 160 ethnic subgroups, while there are 240 distinct languages.<sup>53</sup>
- Myanmar is considered one of the most ethnically diverse countries in the world; officially there are 135 major ethnic groups and seven ethnic minority states, and more than 100 languages are spoken.<sup>54</sup>
- According to the 2010 census data, Thai ethnicity accounts for 95 percent of the population of Thailand; however, this ignores linguistic differences, which can be mutually incomprehensible, and different cultural beliefs and practices that define the ethnic makeup of the country. Central Thai language is spoken by approximately 34.1 percent of the population, followed by what has been described as regional variants: Thai Isan/Thai Lao (24.9 percent); Kham Mueang/ northern Lanna (9.9 percent); Pak Dai (southern Thai) (7.5 percent).<sup>55</sup>
- Vietnam has fifty-four ethnic groups. The Viet (Kinh) people account for 87 percent of the country's population and mainly inhabit the Red River delta, the central coastal delta, the Mekong delta, and major cities. Most of the remaining fifty-three official ethnic groups (although not all of the country's minorities or indigenous peoples are part of this officially recognized list) inhabit the interior mountainous and highlands, though some, such as the Khmer Krom, Hoa, and Lao, are concentrated in the cities or lowlands. Most of the other many remaining minorities tend to live in the mountains of the north, down the Truong Son mountain range, and in the central highlands. These include a huge diversity in terms of languages, origins, religions, and even scripts used.<sup>56</sup>

When evaluating GESI concerns, it is important to consider intersectional issues and disadvantages across gender, ethnicity, and disability. For instance, in Vietnam the recent national GBV survey found that the prevalence of GBV among women across ethnic minority groups ranges from approximately 12 to 43

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<sup>51</sup> Enablecode website, accessed July 2020, “9 Facts about Disability in Vietnam”, September 14, 2018. <https://enablecode.com.vn/2018/09/14/9-facts-about-disability-in-vietnam/>

<sup>52</sup> Minority Rights Group, website accessed July 2020. <https://minorityrights.org/country/cambodia/>

<sup>53</sup> Minority Rights Group, website accessed July 2020. Updated 2018 <https://minorityrights.org/country/laos/>

<sup>54</sup> Minority Rights Group, website accessed July 2020. <https://minorityrights.org/country/myanmarburma/>

<sup>55</sup> Minority Rights Group, website accessed July 2020. Updated 2017. <https://minorityrights.org/country/thailand/>

<sup>56</sup> Minority Rights Group, website accessed July 2020. Updated March 2018, <https://minorityrights.org/country/vietnam/>

percent, depending on the ethnic group. The prevalence for women with severe disabilities is 34 percent for physical violence and 20.4 percent for sexual violence in their lifetime; it is a bit lower for women with moderate disabilities, at 29.5 percent and 15.5 percent respectively.<sup>57</sup> Due to overlapping disadvantages, women who are ethnic minorities or women with disabilities are likely to face the greatest adverse impacts of infrastructure, and are the least likely to participate in decision-making and benefit from infrastructure projects.

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<sup>57</sup> MOLISA, GSO, UNFPA, “*National Study on Violence against Women in Viet Nam.*” 2020.

## 3. GESI IMPACTS OF INFRASTRUCTURE

### 3.1 Overview

Environmental and social impacts of infrastructure projects can be identified at the pre-feasibility and feasibility stages, and experienced and observed at different stages of project development, including the preconstruction resettlement stage, the actual construction stage, and the operational stage. In addition, there are many examples of how infrastructure has different impacts on women, men, and vulnerable groups, based on their needs and social roles. Due to the lack of consistent GESI assessments, though, it may initially be hard to see why this is so. These impacts can be positive and negative, depending on how the project is designed and implemented, and on whether the design takes these differences into account.

Access to electricity makes it possible for women to be more productive and efficient within the home, while improved transport facilitates their involvement in activities outside the home,<sup>58</sup> although arguably this also holds for men as well. Community disruption and displacement through resettlement and labor influx caused by major infrastructure projects can put women at risk of sexual harassment and violence, and incur loss of livelihood, increase in women's work burdens and time deficits, and shifts in gender roles and relations.<sup>59</sup>

The invisibility of gender impacts of infrastructure is both reflected in and a function of the absence of meaningful and in-depth gender impact assessments as part of large-scale infrastructure development. Part of the explanation for a generalized gender silence is that teasing out the gendered implications of infrastructure projects does not always come easily and is generally not considered a priority for infrastructure, while other issues such as environmental, economic, and land-related resettlement occupy the analytical foreground.<sup>60</sup>

Large-scale projects are often presented as having the same impact on whole communities without a detailed analysis of the impact on different demographic groups.<sup>61</sup> The discourses around gender in infrastructure development in the LMRCs are only just beginning to gain more prominence and have not yet received much attention from researchers and developers.<sup>62</sup>

In the LMRCs, infrastructure investment projects are expanding rapidly and resulting in adverse environmental and social impacts, such as increasing pollution, loss of natural resources and livelihoods, and forced resettlement. The most affected groups are ethnic minorities, including women, largely due to

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<sup>58</sup> Cynthia C. Cook, Tyrrell Duncan, Somchai Jitsuchon, Anil Sharma, Wu Guobao, "Assessing the Impact of Transport and Energy Infrastructure on Poverty Reduction", ADB, 2005. <https://www.adb.org/sites/default/files/publication/27956/assessing-transport-energy.pdf>

<sup>59</sup> Alexa Blain, "Moving gender-lens infrastructure investment from niche to mainstream: What will it take?" World Bank Blogs, 25 November 2019. <https://blogs.worldbank.org/ppps/moving-gender-lens-infrastructure-investment-niche-mainstream-what-will-it-take>

<sup>60</sup> Soe Lin Aung, "Women and gender in Dawei", New Mandala, 5 September 2012. <https://www.newmandala.org/women-and-gender-in-dawei/>

<sup>61</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>62</sup> Lebel, L.; Lebel, P.; Manorum, K. and Yishu, Z., "Gender in development discourses of civil society organisations and Mekong hydropower dams", *Water Alternatives* 12(1): 192–220, 2019. <http://www.water-alternatives.org/index.php/alldoc/for-authors/486-a12-1-12/file>



their marginalized status and lack of voice. Research shows that these groups have little say in decision-making processes that affect their lives.<sup>63</sup>

The conditions of gender inequality—and all forms of social inequality—intersect with infrastructure development in the LMRCs in profound ways that sustain disadvantage and increase risks among women and men who rely on natural resources for their livelihoods. EIAs may be a viable entry point for influencing decisions on these investments, through their built-in clauses for public participation and transparency that aim to ensure resources and people are not adversely affected. While efforts have been made to address gender in EIAs, this needs to be institutionalized and more systematic to result in sustainable changes.

The impacts of hydropower and other large infrastructure projects can disproportionately affect women, particularly women from ethnic minorities and indigenous communities in rural areas. These socioeconomic groups are already marginalized. The loss of livelihoods and independent sources of income for women through natural resources can disrupt gender relations within families and communities, and push women into situations of greater poverty and vulnerability.

A very important related impact arising from loss of access to productive resources is that women may no longer be able to earn an income and thus become even more dependent on the income of their husbands. Without an income they lose their bargaining power within the household and their decision-making influence in the community.<sup>64</sup>

Despite this, women's concerns are often overlooked. Gendered impacts of infrastructure tend to be systematically disregarded in the design of consultations and assessments, which lack reference to basics such as disaggregated data or more specific identification of gender-related issues and vulnerabilities. While the environmental impacts of Mekong hydropower dams, for example, are well-studied, gender-specific issues have been largely ignored in assessments and planning.<sup>65</sup>

At each stage of infrastructure development, projects can directly and indirectly affect communities living in or near the area where the infrastructure is built. To date, few robust studies have attempted to evaluate these socioeconomic impacts, particularly those that are gender-differentiated. Without lessons from rigorous analyses to inform project stakeholders and, in particular, project developers, regulators, civil society, the data demonstrate that women in contexts where gender inequalities persist will benefit less from the new opportunities brought about by the project and suffer disproportionately from any adverse effects.<sup>66</sup>

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<sup>63</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy. "Lessons learnt from gender impact assessments of hydropower projects in Lao PDR and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

Bernadette Resurrecion, Ha Nguyen, Aziya Taalailekkyzy, "Gender and Public Participation in EIAs," SEI, 2017. [http://www.mekongwaterforum.org/sites/default/files/SEI\\_Gender%20and%20public%20participation%20in%20EIAs\\_regional%20synthesis\\_1.pdf](http://www.mekongwaterforum.org/sites/default/files/SEI_Gender%20and%20public%20participation%20in%20EIAs_regional%20synthesis_1.pdf)

<sup>64</sup> Lebel, L.; Lebel, P.; Manorum, K. and Yishu, Z., "Gender in development discourses of civil society organisations and Mekong hydropower dams", *Water Alternatives* 12(1): 192–220, 2019. <http://www.water-alternatives.org/index.php/alldoc/for-authors/486-a12-1-12/file>

<sup>65</sup> Maureen Harris, "Women Must Be Central to Decisions on Mekong Hydropower", *The Bangkok Post*, 7 March 2018. <https://www.internationalrivers.org/resources/women-must-be-central-to-decisions-on-mekong-hydropower-the-bangkok-post-16756>

<sup>66</sup> Maria Olando, et al, "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

In general, the positive impacts from large-scale infrastructure (such as access to employment, energy, and transport) tend to benefit men more than women, and the negative externalities (such as resettlement, loss of livelihoods, sexual exploitation, and abuse from labor influx) tend to affect women more than men.

Gendered labor and wage hierarchies lead to better-paying jobs going to men and lower-paying jobs going to women, and often women are paid less than men for the same work. In addition, livelihood impacts are not the same for men and women. In terms of displacement issues, a lack of transparency in compensation processes has meant, in practice, that individuals who have a louder voice or better connections are able to secure better compensation. This dynamic disadvantages women, who, due to unequal gender norms, are less able than men to insist upon or speak out on compensation issues.

Women's prior knowledge of relevant matters related to infrastructure development is most likely less than that of men. Without this kind of knowledge, standing up to claim one's rights, or the rights of a community, becomes a more daunting task. Thus, formal employment and impact compensation are more likely to go to men than women, while the costs, including family and social disruption, and environmental degradation, fall most heavily on women.

Several studies have shown that during resettlement women are disproportionately impacted when they are forced to migrate to locations far from facilities, such as markets where their livelihoods might have relied on selling goods, or health centers, as they are primary caregivers in the family.<sup>67</sup> Rendered landless and without access to rivers and other natural resources because of project-related land concessions, and without viable employment opportunities through the project itself, a resulting surplus population will likely need to find its way in an expansion of informal economies in the area. This informalization dynamic has also been known to produce gender-differentiated impacts.<sup>68</sup>

From the outset of planning projects, local markets begin changing in response to the anticipated investments in the construction of infrastructure. Typically, land values are directly affected by land purchases and regulatory land-use changes. Whether values rise or fall depends on how the land will be used and on land-tenure regimes, actual or perceived impacts of the new infrastructure on the surrounding environment (e.g., new electrification or road transport), and the perceived value of compensation for expropriated land.

Indirectly, land values may be affected by the community's expectations about possible displacement. The dynamics of local labor markets may also change. For example, large labor supplies may be needed, resulting in internal or even international migration. Changes in local land and labor markets often impact men and women differently.<sup>69</sup> Some known challenges include the risk of gender-based violence linked to labor influx and construction of ancillary roads, hostile work environments, loss of agriculture and livelihoods resulting from land acquisition and displacement, and inequitable compensation during displacement.<sup>70</sup>

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<sup>67</sup> Open Development website, accessed May 2020. <https://opendevlopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>68</sup> Soe Lin Aung, "Women and gender in Dawei", New Mandala, 5 September 2012. <https://www.newmandala.org/women-and-gender-in-dawei/>

<sup>69</sup> Maria Olando, et al, "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>70</sup> Caren Grown, "[This International Women's Day: Let's design infrastructure better.](#)" World Bank, 2018.

IFIs tend to extoll the benefits of infrastructure projects for women,<sup>71</sup> both through increased access to energy and connectivity or through investments in local development activities, mainly education and health services, to build project acceptability and ownership while improving social and development outcomes.<sup>72</sup> However, numerous case studies suggest health and safety risks such as transmission of HIV/AIDS, waterborne illnesses, and occupational safety and their gendered impacts are commonly overlooked during the design phase of infrastructure projects.

Similarly, there is little focus on GBV/SEAH in communities exacerbated by large migrant labor influx (mostly male workers) or other changes in the community, such as new demand for sex workers, potentially involving sex trafficking, and exploitation of women and children.<sup>73, 74, 75, 76</sup>

### **GBV Risks in Infrastructure Projects**

The global evidence of the linkages between increased HIV and GBV prevalence and large-scale infrastructure projects due to the presence of mostly male migrant workers is well documented. The enhanced mobility of construction workers hired by large-scale infrastructure projects and other dynamics may create demand for sex workers and/or exacerbate the risk of sex trafficking and gender-based violence in project communities.

In Africa, for example, large infrastructure projects have been identified as a key driver of the HIV epidemic. The combination of mobility, loneliness, money, alcohol, and a high-risk work environment often results in men having unprotected sex with local sex workers. It has also been established that increased trade along road routes, through ports, and at border crossings can increase the incidence of HIV, prostitution, and stigma.

In Brazil, for example, dam construction by migrant workers has been associated with sex trafficking and increased violence against women. Similar findings were reported in Lesotho during construction of the Katse dam, which had mainly negative impacts on health, gender equality, and cultural assets. The dam construction provided women no formal work opportunities, which led to a rise in sex work and sexually transmitted infections (STIs), raising violence/stigma and impacting marital relations in the broader community.<sup>77</sup>

In 2015, an inspection panel documented serious allegations regarding adverse social impacts and male road workers having sexual relations with minors in the communities in the context of the World Bank-funded Uganda Transport Sector Development Project, which led to its cancellation. The project's ESIA failed to properly assess the potential impacts of such a large labor force in the project area, or the capacity of the contractor (China Railways Seventh Group) or the national agency to deal with local conditions.

Responding to complaints received in 2015, the World Bank's Inspection Panel found that the project involved "many cases of child sexual abuse and teenage pregnancies caused by road workers, an increased presence of sex workers,

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<sup>71</sup> Asian Development Bank, "Development without Women is Not Development: Why Gender Matters to the ADB", Asian Development Bank, May 2019. <https://www.adb.org/sites/default/files/publication/508946/development-without-women-not-development.pdf>

<sup>72</sup> World Bank ESMAP (Energy Sector Management Assistance Program). "Integrating Gender Considerations into Energy Operations." World Bank Knowledge Series 014/13, 2013. ([http://www.esmap.org/sites/esmap.org/files/ESMAP\\_Interating\\_Gender\\_Into\\_Energy\\_Operations.pdf](http://www.esmap.org/sites/esmap.org/files/ESMAP_Interating_Gender_Into_Energy_Operations.pdf)).

<sup>73</sup> World Bank ESMAP (Energy Sector Management Assistance Program). "Integrating Gender Considerations into Energy Operations." World Bank Knowledge Series 014/13, 2013.

<sup>74</sup> World Bank ESMAP (Energy Sector Management Assistance Program). "Integrating Gender Considerations into Energy Operations." World Bank Knowledge Series 014/13, 2013. ([http://www.esmap.org/sites/esmap.org/files/ESMAP\\_Interating\\_Gender\\_Into\\_Energy\\_Operations.pdf](http://www.esmap.org/sites/esmap.org/files/ESMAP_Interating_Gender_Into_Energy_Operations.pdf)).

<sup>75</sup> Open Development Mekong website, accessed May 2020. <https://opendevlopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>76</sup> KII Robert Allen Jr., General Manager, Theun-Hinboun Power Company Limited, July 2020.

<sup>77</sup> World Bank ESMAP (Energy Sector Management Assistance Program). "Integrating Gender Considerations into Energy Operations." World Bank Knowledge Series 014/13, 2013. ([http://www.esmap.org/sites/esmap.org/files/ESMAP\\_Interating\\_Gender\\_Into\\_Energy\\_Operations.pdf](http://www.esmap.org/sites/esmap.org/files/ESMAP_Interating_Gender_Into_Energy_Operations.pdf)).

the spread of HIV/AIDS, sexual harassment of female employees, inadequate resettlement practices, inadequate road and occupational health and safety measures, and negative construction impacts.”<sup>78</sup>

In 2016, the World Bank’s Executive Board approved an action plan to address the panel’s findings. Among other things, the World Bank mobilized funding to provide redress to the abuse victims, and in the future will require contractor background checks and the use of environmental and social performance bonds.<sup>79</sup> Because of the seriousness of the allegations, the World Bank took steps, even while the inspection panel was in process, that included compensatory measures for the communities and an emergency response program for child victims of abuse.

A global task force on GBV was launched in the fall of 2016 to provide additional recommendations. Lessons learned included working with government agencies, contractors, and communities to prevent and address GBV in the context of infrastructure projects, as well as through other vehicles, including specialized projects and policy dialogue.<sup>80</sup>

The following sections will provide specific examples of positive and negative GESI impacts of energy and transport projects in the LMRCs, as well as GESI impacts of resettlement common to both energy and transport.

## 3.2 Energy

### Positive Impacts

The second edition of the Sustainable Energy for All Global Tracking Framework identifies gender as one of four key development areas within the energy nexus (along with water, food, and human health). Co-led by the World Bank/Energy Sector Management Assistance Program (ESMAP) and the International Energy Agency, the Global Tracking Framework acknowledges existing shortcomings in gender-disaggregated data and attempts to compile possible indicators for tracking the energy/gender nexus across countries.<sup>81</sup>

Programs have been initiated to consider women’s needs when developing new energy infrastructure projects. The Power to Poor Program, initiated by Electricité du Laos (EDL), uses gender-sensitive poverty criteria to target those in need of electricity provision services in Lao PDR, especially female-headed households. As a result, the power connection for female-headed households increased from 63 percent to 90 percent.<sup>82, 83, 84</sup>

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<sup>78</sup> World Bank Inspection Panel website, accessed May 2020.

<http://ewebapps.worldbank.org/apps/ip/Pages/ViewCase.aspx?CaseId=103>

<sup>79</sup> Motoko Aizawa, “Baseline Study on the Human Rights Impacts and Implications of Mega-Infrastructure Investment”, UN High Commissioner for Human Rights (OHCHR), 6 July 2017.

[https://www.ohchr.org/Documents/Issues/Development/DFI/MappingStudyontheHRRiskImplications\\_MegaInfrastructureInvestment.pdf](https://www.ohchr.org/Documents/Issues/Development/DFI/MappingStudyontheHRRiskImplications_MegaInfrastructureInvestment.pdf)

<sup>80</sup> Maria Olando, et al., “Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution,” World Bank ESMAP, December 2018.

<http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>81</sup> Maria Olando, et al., “Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution,” World Bank ESMAP, December 2018.

<http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>82</sup> KII Robert Allen Jr., General Manager, Theun-Hinboun Power Company Limited, July 2020.

<sup>83</sup> May Thazin Aung, Bernadette P. Resurrección, Michael Boyland, Making the business case for gender equality in the renewable energy and power sector: Insights for companies in Myanmar Stockholm Environment Institute Asia, 11 December 2017. (unpublished)

<sup>84</sup> Open Development Mekong website, accessed May 2020. <https://opendevlopmentmekong.net/topics/gender-and-infrastructure-development/>

Innovative energy infrastructure projects are integrating ancillary infrastructure and benefit-sharing schemes into project design to ensure long-term social sustainability. Beyond compensating displaced communities for their immediate losses, energy infrastructure projects increasingly are trying to build project ownership within the affected community and acceptability in the larger surrounding area.

Some projects are investing in local area development activities, such as building education or health facilities and offering training, skills-building, and livelihood support. Investing in such activities can not only help reduce resistance and negative sentiments toward the project; it can contribute to enhancing social and human development outcomes in the community. If ancillary investments are designed to address pressing gender gaps (e.g., in education, health, and livelihood outcomes), the project can also advance gender equality in the community.<sup>85</sup> The ancillary infrastructure that accompanies electricity infrastructure development, particularly the construction of access roads, can have a transformative effect on formerly isolated areas.<sup>86</sup>

Vietnam Hydropower Lao Cai Coc San, whose general director is a woman, both through livelihoods restoration and community-development initiatives committed to in the ESMP and through its own initiatives (such as, for example, providing two domestic violence community training sessions), has attempted to engage with communities to ensure that benefits are shared and that those who need it most, particularly women, benefit. While these are well intended, in real numbers these investments were relatively small, and working through the bureaucracy of the local authority system slowed down progress.<sup>87</sup> The Vietnam Song Bung 4 project has demonstrated that adherence to the ADB safeguard policies can contribute to improving women's lives.<sup>88</sup>

Community consultations for the Nam Theun 2 hydroelectric plant in Lao PDR identified the reduction of women's workload as an important issue. The project provided access to roads, electricity, and water, which reduced women's workloads among the resettled communities, and the project also provided rice mills to alleviate the burden of hulling rice by hand.

Sometimes the developers' understanding of "positive gender impacts" is weak and one sided: the Lao Nam Ou 6 dam, by PowerChina, claims that gender impacts are addressed by the fact that women will have "more job opportunities because they can be hired to work in restaurants and hotels near the dam site and can mobilize to provide food to construction workers." It should be noted that these opportunities will be short lived and will likely end post construction. There is no discussion of possible negative social impacts or measures to mitigate them.<sup>89</sup>

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<sup>85</sup> World Bank ESMAP (Energy Sector Management Assistance Program). "Integrating Gender Considerations into Energy Operations." Knowledge Series 014/13. 2013.

([http://www.esmap.org/sites/esmap.org/files/ESMAP\\_Interating\\_Gender\\_Into\\_Energy\\_Operations.pdf](http://www.esmap.org/sites/esmap.org/files/ESMAP_Interating_Gender_Into_Energy_Operations.pdf)).

<sup>86</sup> Maria Olando, et al, "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018.

<http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>87</sup> Adam Smith, "Gender Equality Advisory Services for Infrastructure Programs Gender Review," DFAT, 31 October 2016.

<https://www.dfat.gov.au/about-us/publications/Pages/infrastructure-programs-gender-review>

<sup>88</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Lao PDR and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

Oxfam Australia, Gender and Hydropower, National Policy Assessment: Vietnam, 2013.

[http://www.mekongwaterforum.org/sites/default/files/Simpson\\_Simon\\_2013\\_Gender-hydropower-Vietnam.pdf](http://www.mekongwaterforum.org/sites/default/files/Simpson_Simon_2013_Gender-hydropower-Vietnam.pdf)

<sup>89</sup> International Rivers, "Watered Down," 2019, [https://www.internationalrivers.org/sites/default/files/attached-files/watered\\_down\\_eng\\_full\\_report\\_web\\_0.pdf](https://www.internationalrivers.org/sites/default/files/attached-files/watered_down_eng_full_report_web_0.pdf)

## Negative Impacts

Energy infrastructure projects can entail unequal and negative GESI impacts in a range of areas including employment, resettlement, livelihoods, and income generation, access to natural resources, domestic care burden, and others. The following section is a summary of such impacts with country-specific examples.

### *Decision-Making and Employment*

Male economists and engineers continue to dominate the energy sector, as project implementors, as well as directors and managers of energy companies, and the banks and financiers that support them.<sup>90</sup> While many of them may accept or even support the concept of gender equality, the relevance of gender to their work is poorly understood.

Gender-disaggregated data and case studies on gender and power dimensions in the energy sector in the LMRCs are sparse. Within the energy sector the gender lens has been on access and community-level interventions. Further up the energy value chain, however, there is scant research on the social and gendered impacts of large electricity projects, such as hydropower and concentrated solar plants. As a result, practitioners have little clarity on what actions they can take to better integrate the roles of women into their programs.<sup>91</sup>

A 2017 United Nations High Commissioner for Human Rights (UNHCHR) study identifies a range of gender issues in energy projects, including the continuing dominance of men in decision-making at all stages of energy projects, discrimination against women in connection with employment, the fact that compensation payments from energy projects usually get paid to the male heads of households, and the almost systematic failure of energy projects to identify, mitigate, and monitor project impacts on women.<sup>92</sup>

New employment opportunities offered by large-scale power projects may be limited, owing to community members' low technical skills, traditional gender roles, or employer prejudice. Men typically benefit disproportionately since higher-wage jobs are created in such male-dominated sectors as construction of power transmission and distribution lines and roadbuilding. With few exceptions, new jobs for women are in peripheral, lower-paid, and traditionally "female sectors" such as micro, small, and medium enterprises that provide food and services to migrant workers, financial services, and clerical support.<sup>93</sup>

### *Livelihoods and Well-Being*

Historically, hydropower projects have exacerbated existing gender biases and adversely impacted women's roles and positions within the home and community for project-affected peoples. Negative outcomes for women's livelihoods at a local level, and the impoverishment, health impacts, and trauma

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<sup>90</sup> Mortensen, S. and Boyland, M. (2019) Integrating gender in transitions to renewable energy in the Lower Mekong Region. Discussion brief. Stockholm Environment Institute.

<https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>91</sup> Maria Orlando, et al., "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018.

<http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>92</sup> Motoko Aizawa, "Baseline Study on the Human Rights Impacts and Implications of Mega-Infrastructure Investment", UN High Commissioner for Human Rights (OHCHR), 6 July 2017.

[https://www.ohchr.org/Documents/Issues/Development/DFI/MappingStudyontheHRRiskImplications\\_MegaInfrastructureInvestment.pdf](https://www.ohchr.org/Documents/Issues/Development/DFI/MappingStudyontheHRRiskImplications_MegaInfrastructureInvestment.pdf)

<sup>93</sup> Maria Orlando, et al., "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018.

<http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

that occur because of displacement and land appropriation associated with dam construction, are well documented as being more severely felt by women.<sup>94</sup>

The design phase of large energy infrastructure projects tends to overlook their related health risks and gendered impacts; the most immediate such risks are transmission of HIV/AIDS, gender-based violence, waterborne illnesses, and occupational safety. Concentrated investments in large energy infrastructure involving the presence of male migrant workers can result in serious health risks, particularly for women and girls, which may involve GBV/SEAH.<sup>95</sup>

Hydropower dams will often require involuntary resettlement of households, which brings great social and psychological upheaval to individuals and to communities. These impacts are experienced differently by men and women, girls and boys, the young and the elderly, those with disabilities, and by those of different ethnicities. The impacts often tear apart community structures and ways of life.

Communities and households operate with defined gender roles and responsibilities, which are all affected. For communities with strong social, cultural, and economic connections to land, rivers, and place, the changes brought about by hydropower dams can be very traumatic. Resettlement is considered impoverishing, as it takes away economic, social, and cultural resources simultaneously.

Across all this dam-induced change, in most cases, it is women who are more adversely impacted. Negative outcomes for women's livelihoods at a local level, and the impoverishment, health impacts, and trauma that occurs because of displacement and land appropriation associated with dam construction, is well documented as being more severely felt by women.<sup>96</sup>

### *Health and Care Work*

Dam construction can lead to water insecurity, which increases women's care burden as they struggle to ensure the well-being of their families under poor water conditions, as well as loss of fisheries and shrinking income. For instance, in rural areas in northeastern Thailand, women are wholly responsible for securing water, even in times of scarcity. Health problems of family members related to poor water quality increase women's care work; furthermore, women's own health suffers as well from sourcing unhealthy/polluted water, in addition to physical burden of locating and transferring water.

Similar experiences were found during hydropower resettlement schemes in Lao PDR and Vietnam, where women are responsible for their families' adaptations to new settings. Women—especially those from ethnic minority groups—struggle to access new opportunities created by the hydropower dams, as they continue to lack sufficient skills, visibility, and capital. Domestic violence is known to increase because of threatened masculinities attributed to the escalating livelihood insecurities when families experience displacement and resettlement.<sup>97, 98, 99</sup>

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<sup>94</sup> Michael Simon, "Balancing the Scales: Using Gender Impact Assessment in Hydropower Development," Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>95</sup> O'Neil, D., D. Renzi, A. McDermott, and A. Atanassova. "Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects", USAID's Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3, 2015.

<sup>96</sup> Michael Simon, "Balancing the Scales: Using Gender Impact Assessment in Hydropower Development," Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>97</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen. 2019. *Exploring gender dimensions of water security and governance in the Lower Mekong region*. Accessed November 20, 2019.

<sup>98</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen. 2019. *Exploring gender dimensions of water security and governance in the Lower Mekong region*. Accessed November 20, 2019.

<sup>99</sup>Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>



### *Land Use and Access to Natural Resources*

Electric power transmission projects can lead to significant land-use changes and impact land values. Even rights-of-way limited to narrow tracts of land can fragment existing land uses. The magnitude of the impact depends on the length of the transmission line and existing land uses. Easements can also result in loss or fragmentation of natural habitats and ecosystems. The effects can be significant in fragile areas, such as wetlands, or land that is home to indigenous people.

Usage patterns of natural resources, such as land and water, influence how the benefits of energy projects will be distributed and how the consequences of such projects are experienced by men and women. For example, projects that require a large land area may impact community members who may have been using the land for their livelihoods for farming, grazing, fuel gathering, or other uses. Furthermore, projects that utilize or remove local water and forest resources (e.g., hydropower dams and wind farms) have a greater impact on women in areas where women are responsible for collecting water, fuel wood, and other traditional energy sources, and land-use changes can cut off their access to those resources.

Globally, women spend “from 2 to 20 or more hours a week” on these tasks than men.<sup>100</sup> Thus, the loss of natural resources and increase in pollution makes women particularly vulnerable. Less availability and lower quality of these resources can increase the time women must allocate to household chores and the associated burden; in turn, this can further constrain school attendance for girls and limit other activities. As part of energy resource development, pollutants and land conversion (including inadequate wastewater treatment from construction camps) make clean water less accessible. In these cases, such basic tasks as washing clothes and cooking food become more arduous. Water pollution can jeopardize the health of women who work in agriculture, collect water, or do laundry in rivers.<sup>101</sup>

It is worth noting that in other countries wind farms have been known to negatively affect local communities, including indigenous groups,<sup>102</sup> and that reservoir-based solar or floating solar is attractive due to land-access issues; however, there are no studies related to GESI and these forms of energy production in the Mekong region.

Women in rural areas may be disproportionately affected since they more often depend on common-property resources. For example, women’s subsistence agriculture activities may occur more frequently on unregistered land, as opposed to fields owned by men. As a result, women may be denied compensation, since plots are not legally registered under their names. Loss of access to common land can lead to fodder and fuelwood shortages, resulting in a decline in traditional craft activity, income opportunities, and food availability.

In the case of hydropower projects, new reservoir and water regimes can lead to a change in cropping patterns toward high-value monocultures, which may displace women engaged in small-scale cultivation. Women living or working on land as tenants have even fewer options once the land is no longer available. If they lose traditional livelihoods and are excluded from new opportunities and compensation, they may have no choice but to leave the area or take low-wage, menial, and insecure jobs, or even prostitution, to survive.<sup>103</sup>

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<sup>100</sup> Open Development Mekong website, accessed May 2020. <https://opendevlopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>101</sup> USAID (United States Agency for International Development). 2016. *Engendering Utilities: Improving Gender Diversity in Power Sector Utilities*. Washington, DC: United States Agency for International Development.

<sup>102</sup> The Conversation, “How Kenya’s mega wind power project is hurting communities,” September 3, 2019.

<sup>103</sup> USAID (United States Agency for International Development). “*Engendering Utilities: Improving Gender Diversity in Power Sector Utilities*”. Washington, DC: United States Agency for International Development. 2016.



### *Ethnic Minorities*

One area of concern in the Mekong is how hydropower is developed using the resources, land, territories, and waters of ethnic minority groups or indigenous groups. Indigenous people are among the most impoverished and marginalized in the world. Within some communities who have experienced involuntary appropriation of their lands and resources, indigenous women experience further discrimination and suffer multiple forms of oppression and marginalization: they often have lower rates of education, health care, and employment. It is often the men who negotiate the agreements and control the flow of revenues and other benefits to households and communities.<sup>104</sup>

The loss of fishery and other natural resources resulting from dam construction has reduced food security, particularly for families with female household heads. In virtually all cases, mitigation and compensation programs have been largely ineffective in remedying the impacts on these communities and their environment.<sup>105</sup>

In Cambodia during the construction of the Lower Sesan 2 dam by the China Huaneng Group, 5,000 members of predominantly indigenous minorities, including Bunong, Kreung, Jarai, Pov, and Lao, were forced to relocate, in a manner that was in violation of their rights to free, prior, and informed consent. Contrary to IFC standards, no Indigenous Peoples Plan was conducted for Lower Sesan 2. Similarly, resettlement and compensation plans did not include measures to ensure the protection of indigenous or minority cultures or the preservation of indigenous natural resources management.

For example, no compensation was provided for losses in cultural and sacred sites and burial grounds, or the resulting loss of traditional and spiritual practices associated with these sites. During the construction period, the resettlement village was surrounded by housing for hundreds of workers and restaurants, karaoke bars, and brothels. This rapid change and influx of foreign workers and workers from other areas caused a major disruption to the way of life and values of the villages. Resettled people reported major concerns about social impacts and the health and safety of their communities, including for women, young people, and vulnerable community members.<sup>106</sup>

A study on two major hydropower dams in Vietnam found that the majority of the displaced were ethnic minority agriculturalists highly dependent on access to forests and fisheries as well as upland fields for their livelihoods. Their limited participation in resettlement decision-making was a contributing factor in the construction of inappropriate housing and in resettlement in sites that were vulnerable to disaster risks. The major impediments to restoring livelihoods and food security were the lack of productive land and restricted access to forests and fisheries.

The resettled ethnic minority communities benefited from improved physical capital in terms of electricity, a school, roads, and other infrastructure, and they maintained robust social and cultural capital, as they used their indigenous skills to improve their received housing and to collectively build and maintain a traditional community house, which became a focal point of each village.

However, due to weak human and natural capital they could not respond successfully to displacement by diversifying crops, practicing new skills and livelihoods, or migrating for employment. Furthermore, due to the lack of sufficient arable land, the residents burned protected forest land for conversion to swidden

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<sup>104</sup> Michael Simon, “Balancing the Scales: Using Gender Impact Assessment in Hydropower Development,” Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>105</sup> Kanokwan Manorom, Ian G. Baird & Bruce Shoemaker, “The World Bank, Hydropower-based Poverty Alleviation and Indigenous Peoples: On-the-Ground Realities in the Xe Bang Fai River Basin of Laos”, *Forum for Development Studies*, (2017) 44:2, 275–300, DOI: 10.1080/08039410.2016.1273850. <http://dx.doi.org/10.1080/08039410.2016.1273850>

<sup>106</sup> International Rivers, “Watered Down”, 2020. [https://www.internationalrivers.org/sites/default/files/attached-files/watered\\_down\\_eng\\_full\\_report\\_web\\_0.pdf](https://www.internationalrivers.org/sites/default/files/attached-files/watered_down_eng_full_report_web_0.pdf)

fields, leading to increased deforestation. The hydropower authority provided insufficient compensation and poor-quality housing, and livelihood training by the local government was inadequate in enabling residents to diversify income sources.<sup>107</sup>

Within indigenous communities, it is often women who are especially vulnerable to external changes and initiatives: research has found that the livelihoods of ethnic minorities and women, and especially ethnic minority women, have been particularly affected by hydropower dam development, and research has shown that the largest proportion of people who have lost their livelihoods to large dams are women, indigenous peoples, and other ethnic minorities.

Women play important roles in harvesting, processing, marketing, and preparing river-based resources. In Lao PDR, Nam Theung 2 (NT2) has been very damaging to indigenous people, and particularly ethnic Brou women, who have been proportionally more impacted and generally less able to take advantage of project compensation. Women reported that prior to the construction of NT2, they did not have to spend as much time to get fish for their families because they were so abundant; however, following dam construction, fish populations have declined significantly, aquatic algae that they used to harvest from the river has disappeared, and women have had to seek new ways to get sufficient food to feed their families.<sup>108</sup>

The Lao Nam Ou 2 dam by PowerChina experience also shows that women are more adversely impacted by resettlement when displacement takes away their economic, social, and cultural resources without adequately compensating for their losses in livelihoods or contributions to the community. Prior to the construction of the Nam Ou Hydropower Cascade, women would sell the freshwater weed to markets in Luang Prabang for roughly 10 million LAK (1,200 US\$) each year/season. There is no compensation for those who lost their incomes from this occupation, and the amount of river weed has decreased significantly since construction began.<sup>109</sup><sup>110</sup><sup>111</sup> Likewise, at the Pak Mun dam in Thailand, the loss of local edible plants due to dam-induced higher water levels, leading to submergence, affected local women's main source of income.<sup>112</sup>

### Myanmar

In Myanmar, women face entrenched inequality and systemic barriers to economic, political, and social leadership. In the context of consultations with local affected communities for large-scale development and infrastructure projects, while women's participation may be facilitated, religious leaders, village elders, or leaders of community-based organizations are likely to be predominantly male.

Unlike other countries in the Mekong region, numerous hydropower dams are constructed or slated for construction in conflict, cease-fire, or fragile post-conflict zones in ethnic minority states, which Non-State Authorities as well as the government of Myanmar are involved in controlling. In the context of post-conflict development, communities in the project area are especially vulnerable to forcible relocation and seizure of assets,

<sup>107</sup> Jane Singer, "Examining the Roles of Multiple Stakeholders in Dam-forced Resettlement of Ethnic Minorities in Vietnam (Dissertation)", Kyoto University, (no date). <https://repository.kulib.kyoto-u.ac.jp/dspace/bitstream/2433/195954/1/dtikr00011.pdf>

<sup>108</sup> Kanokwan Manorum, Ian G. Baird & Bruce Shoemaker, "The World Bank, Hydropower-based Poverty Alleviation and Indigenous Peoples: On-the-Ground Realities in the Xe Bang Fai River Basin of Laos", *Forum for Development Studies*, (2017) 44:2, 275–300, DOI: 10.1080/08039410.2016.1273850. <http://dx.doi.org/10.1080/08039410.2016.1273850>

<sup>109</sup> International Rivers, "Watered Down", 2020. [https://www.internationalrivers.org/sites/default/files/attached-files/watered\\_down\\_eng\\_full\\_report\\_web\\_0.pdf](https://www.internationalrivers.org/sites/default/files/attached-files/watered_down_eng_full_report_web_0.pdf)

<sup>110</sup> Maureen Harris, "Women Must Be Central to Decisions on Mekong Hydropower", *The Bangkok Post*, 7 March 2018. <https://www.internationalrivers.org/resources/women-must-be-central-to-decisions-on-mekong-hydropower-the-bangkok-post-16756>

<sup>111</sup> Open Development Web site, Accessed June 2020. <https://opendevopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>112</sup> USAID (United States Agency for International Development). "Engendering Utilities: Improving Gender Diversity in Power Sector Utilities". Washington, DC: United States Agency for International Development. 2016.

namely land and water. Increased militarization and conflict, in part spurred by hydropower projects, has resulted in human rights abuses, including sexual violence by both state and non-state armed actors.<sup>113</sup><sup>114</sup>

The construction of a hydropower project usually involves a large workforce of skilled and unskilled labor. Examples from Myanmar suggested that the number of workers can be as many as 2,500 on site at any time, though exact numbers will vary depending upon the construction stage. It is usually impossible for all workers to be sourced locally, so many will come from other parts of Myanmar, or potentially be international workers.

In most cases, where the developer and/or contractor are foreign, significant numbers of the workforce may also be from different countries (e.g., China). These foreign workers may not speak Burmese and/or the local ethnic language and will have cultural differences and requirements. The large temporary population influx of workers, families, and camp-followers during construction increases pressure on local community infrastructure and services, which all have gendered implications, e.g., water supply and sanitation, as well as food supplies. Economic pressures arise from the increase in demand and prices for local food and services. Social pressures may include prostitution and health issues such as STIs.<sup>115</sup>

Due to a lack of transparency, accountability, and community participation, large-scale hydropower dams in resource-rich, ethnic areas rarely benefited local people and instead had negative impacts on their livelihoods and the environment. Dam projects in areas where ethnic groups live are associated with human rights violations and increasing the risk of triggering conflict in such sensitive areas.

In most cases, disadvantaged groups such as women and children are usually the ones mostly affected. Given the historical and traditional lack of women's participation in public affairs, especially in ethnic areas, women's voices are rarely heard and are mostly excluded from the development process that directly affects their lives. Project developers acquire permits or licenses from the government without proper and meaningful consultation with the affected communities and stakeholders, in particular women,<sup>116</sup> based on the experience to date from large development projects in Myanmar, such as the Myitsone, Hat Gyi, and Mong Ton dams, as well as mining, oil, and gas projects.

In the past, increased militarization and conflict have become connected with hydropower projects, with the contestation of land and resources between multiple militarized ethnic groups causing human rights abuses, specifically near the Mong Ton site, and many cases of sexual and gender-based violence against ethnic minority women by the military have been documented.<sup>117</sup>

### *Transboundary Issues*

In practice, gender impact assessments are focused on the immediate impacts at the project site. However, gender impacts can occur downstream from the construction site; thus transboundary assessments are important for assessing broader geographic gender impacts of projects.

<sup>113</sup> Lan Shioh Tsay, "Gender and Hydropower National policy assessment Myanmar," Oxfam Australia, 2015.

[http://www.mekongwaterforum.org/sites/default/files/LanShiohTsay\\_2015\\_Gender-and-Hydropower-Myanmar.pdf](http://www.mekongwaterforum.org/sites/default/files/LanShiohTsay_2015_Gender-and-Hydropower-Myanmar.pdf)

<sup>114</sup> Nang Shining, "Gender and Hydropower: Women's Rights in the Development Discourse", Weaving Bonds Across Borders and Mong Pan Youth Association, Sept 2017.

[https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31\\_Nang+Shining\\_Policy+Brief+electronic.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31_Nang+Shining_Policy+Brief+electronic.pdf)

<sup>115</sup> Peter Wulf, "Environmental and Social Impact Assessment Guidelines for Hydropower Projects in Myanmar", IFC, no date.

<https://www.ifc.org/wps/wcm/connect/f6ee0e54-469e-435f-95ea-3e03a6c94ef2/Myanmar+HPP+ESIA+Guidelines+V8+for+consultation.pdf?MOD=AJPERES&CVID=IPFz09i>

<sup>116</sup> Hnin Wut Yee, "Large Hydropower Projects in Ethnic Areas in Myanmar: Placing Community Participation and Gender Central to Decision-Making", Myanmar Centre for Responsible Business (MCRB), September 2017.

[https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7a77e31d1927bf76f2d8/1509587600723/MK31\\_Hnin+Wut+Yee\\_Policy+Brief+electronic.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7a77e31d1927bf76f2d8/1509587600723/MK31_Hnin+Wut+Yee_Policy+Brief+electronic.pdf)

<sup>117</sup> Nang Shining, "Gender and Hydropower: Women's Rights in the Development Discourse", Weaving Bonds Across Borders and Mong Pan Youth Association, Sept 2017.

[https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31\\_Nang+Shining\\_Policy+Brief+electronic.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31_Nang+Shining_Policy+Brief+electronic.pdf)

Gender concerns are not highlighted in transboundary water governance arenas. Many efforts to create gender awareness in water governance have been met with resistance or apathy and indifference. This is especially true in the transboundary context where gender-equality issues fade. Women's engagement and gender-equality advocacy is conventionally confined to the micro, community, or household levels, while transboundary assessments focus on economic and technical issues. In transboundary arenas in the LMRCs, most civil society actors defend and represent poor and ethnic peoples as aggregate groups in transboundary struggles, unmindful of these groups' own gender-specific water insecurity issues.<sup>118119</sup>

The Mekong River Commission (MRC) provides a forum for its member and observing countries to provide feedback on transboundary impacts of hydropower sites located on the Mekong River through its Procedures for Notification and Prior Consultation and Agreement (PNPCA). In its most recent consultation on the Pak Beng Dam, the project developer submitted a social impact assessment, which disaggregated anticipated impacts on women from the project.

During the PNPCA stakeholder meeting reviewing the dam, participants expressed concerns that the developer's assessments did not adequately account for transboundary gender impacts and advocated for changes to the project. Transboundary issues represent the next phase in sophistication of gender analyses for these types of infrastructure projects.<sup>120</sup>

### 3.3 Transport

#### Positive Impacts

Globally, significant investments by IFIs, such as the WB and ADB, in gender-responsive transport operations have been made. Some examples include women's participation in construction of rural road projects; access to markets by promoting intermediate means of transport; improving urban road safety and security by consulting women in proposed design features; incorporating gender into the community road safety project; gender-sensitive port and railway restructuring; and policy research on rural access and mobility with special focus on gender.<sup>121</sup> Local road maintenance, erosion prevention, and other community-level work employment opportunities for women as well as men can help reduce poverty, particularly where income earning opportunities are limited.<sup>122</sup>

With transport infrastructure and services in place, women are more likely to access health care and reproductive health services, and girls are more likely to go to school. School enrollment is higher in communities with paved roads, and the percentage of children, especially girls, enrolled in schools declines if the schools are located far away.

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<sup>118</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen "Exploring gender dimensions of water security and governance in the Lower Mekong region." Accessed November 20, 2019.

<sup>119</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Water insecurity disadvantages women as they shoulder heavier caring obligations," SEI discussion brief, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>120</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>121</sup> Manisha Gupta, Souvik Bandyopadhyay, Meerambika Mahapatro, Shreya Jha, "The effects of road infrastructure, and transport and logistics services interventions on women's participation in informal and formal labour markets in low- and middle- income countries: a systematic review", Campbell Collaboration, 28 September 2018. <https://onlinelibrary.wiley.com/doi/pdf/10.1002/CL2.200>

<sup>122</sup> World Bank, "Building capacity to make transport work for women and men in Vietnam: Gender and transport challenges". East Asia and the Pacific Region. Washington DC. 2011. <http://documents.worldbank.org/curated/en/463921468329686918/pdf/679800BRI00PUB0a10Development0Notes.pdf>

It is estimated that 75 percent (2011) of maternal deaths could be prevented through timely access to essential health care.<sup>123</sup> One study revealed that the cost of travel between key locations in rural Cambodia as a result of road improvements had not significantly changed, but the speed of travel and thus both access to services and travel time had substantially reduced.

The most evident benefits to women are access to health and maternity services, with a significant increase in the proportion of women attending antenatal and maternal and child health clinics and having their children born at a hospital or health clinic facility. There has also been substantial economic development benefiting most households because of market increases and increased prices for crops, notably for cash crops.<sup>124</sup>

However, there are differential gendered impacts of improved transport: for example, while transport corridors facilitate trade between regions, women are less likely to be able to access international markets to take advantage of the increased connectivity, while those able to drive vehicles (mostly men, for cultural reasons) have enhanced work and income-generation opportunities. Furthermore, since major roads are rarely connected with the local facilities, which are part of women's daily journeys and work, women benefit less.<sup>125</sup> While improved infrastructure has brought opportunities for trade and tourism, men have captured these opportunities, as they are more likely to drive motorbikes or trucks and are able to access external services and markets.<sup>126</sup>

### Negative Impacts

It has become conventional to assume that infrastructure development will not only improve the lives of people in communities directly but will also provide positive externalities. The negative externalities of transport infrastructure development (e.g., facilitating human trafficking, the drug trade, and communicable diseases) are not so strongly stressed and the impacts on local communities little reported.<sup>127,128</sup>

### *Gender-Based Violence, Sexual Exploitation, and Harassment*

Recruitment of a large workforce as well as temporary, informal, and migrant labor are common features in infrastructure. New income can provide workers with increased status and power. This can create opportunities for workers to sexually exploit community members, especially those who do not have enough money and resources to meet their basic needs.

Where migrant workers are away from home, the absence of family and friends can mean there are fewer repercussions for perpetrating violence and harassment. Temporary, informal, and migrant workers can also be at increased risk of experiencing GBV/SEAH. They may be less likely to report GBV/SEAH for fear

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<sup>123</sup> Asian Development Bank, "Balancing the burden? Desk review of women's time poverty and infrastructure in Asia and the Pacific", ADB, 2015. <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1485&context=intl>

<sup>124</sup> John Pilgrim and Ngin Chanrith, "Gender Analysis of Highways Development, Cross Border Mobility and Trade in GMS: Cambodia Road Improvement Project, Sisophon to Poipet", International Workshop on Gender, Economic Integration, and Cross-border Road Infrastructure development: Poverty and mobility in the context of Asia, no date.

<sup>125</sup> Open Development Mekong, "Infrastructure", Open Development Mekong Website, 18 Feb 2019. <https://opendevelopmentmekong.net/topics/infrastructure/>

<sup>126</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>127</sup> Jose Edgardo Gomez, Nittana Southiseng, John Walsh, "Reaching across the Mekong: Local Socioeconomic and Gender Effects of Lao-Thai Crossborder Linkages", *Journal of Current Southeast Asian Affairs*, 1 September 2011. <https://journals.sagepub.com/doi/full/10.1177/186810341103000301>

<sup>128</sup> Susan Stone, Anna Strutt, and Thomas Hertel, "Assessing Socioeconomic Impacts of Transport Infrastructure Projects in the Greater Mekong Subregion", ADBI Working Paper Series, August 2010. <https://www.greatermekong.org/sites/default/files/adbi-wp234.pdf>

of losing their jobs and because they are cut off from their support networks. This can increase impunity for perpetrators.<sup>129</sup>

The ADB conducted an extensive assessment of the impact of infrastructure on gender and HIV. Roads bring many benefits but can increase vulnerability to STIs and HIV, through greater mobility and increased connections. Men who have disposable incomes and who migrate for work (“mobile men with money”), such as construction workers, project managers, and truck drivers, provide the most demand for commercial sex and are likely to engage in risky behavior such as unprotected sex with casual partners and transactional and commercial sex, often with young local women who are not prepared or equipped to negotiate condom use. A study of mobile construction workers along the Ho Chi Minh Highway in Vietnam indicated that they are likely to use condoms with sex workers “but not with local ethnic women.”<sup>130</sup>

The ADB assessment notes that large infrastructure projects such as road development require many construction workers to live at the site for extended periods, thus increasing demand for sex in the area and bringing sex workers into the community. This scenario gives rise to the spread of HIV among construction and sex workers as well as the risk of spreading to their respective partners outside of the construction site.

Most of the workers interviewed for the ADB assessment confirmed that they regularly bought sex. The assessment found that unskilled workers, many of whom were drawn from local communities, had less disposable income and free time, and were the least likely to buy sex, while skilled workers living away from home were highly likely to do so (this included machine operators, truck drivers, surveyors, engineers, and managers).

Local communities were affected if women and girls met the demand for sex either willingly for money or favors or unwillingly through rape or trafficking into sex work. The ADB assessment found that women who exchanged sex for money around construction sites tended to be young, rural, and poorly educated, and all experienced some form of violence, including gang rape, which reduced their ability and confidence to negotiate safe sex. They were not able to report this, as the police were often complicit in this violence.

In terms of HIV prevention interventions, women who work in informal settings such as karaoke bars, massage parlors, and casinos (where sex transactions are carried out covertly) are harder to target than women who work in brothels. Some local women married migrant construction workers and were later abandoned once the project was finished.<sup>131</sup>

Transport projects such as roads or railways increase the movement of local populations from previously remote areas in search of better employment opportunities, which also increases their vulnerability to HIV and bringing it back to their village. Young migrant men are found to be more likely to buy sex and young migrant women to sell it than non-mobile groups.

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<sup>129</sup> IFC, “Addressing Gender Based Violence and Harassment, Good Practice Note for the Private Sector”, Draft for Public Consultation, Dec 2019. [https://www.ifc.org/wps/wcm/connect/a808686a-2d10-45b1-86f4-448dcad6125a/191219+GBVH+GPN+V6+CLEAN\\_for+online+consultation.pdf?MOD=AJPERES&CVID=mYAOadf](https://www.ifc.org/wps/wcm/connect/a808686a-2d10-45b1-86f4-448dcad6125a/191219+GBVH+GPN+V6+CLEAN_for+online+consultation.pdf?MOD=AJPERES&CVID=mYAOadf)

<sup>130</sup> Asian Development Bank, “Intersections—gender, HIV, and infrastructure operations: lessons learned from selected ADB-financed transport projects,” Asian Development Bank, 2009. <https://www.adb.org/sites/default/files/publication/29660/gender-hiv-infrastructure-operations.pdf>

<sup>131</sup> Asian Development Bank, “Intersections—gender, HIV, and infrastructure operations: lessons learned from selected ADB-financed transport projects,” Asian Development Bank, 2009. <https://www.adb.org/sites/default/files/publication/29660/gender-hiv-infrastructure-operations.pdf>



Mobility and connectivity also increase drug use: after the construction of the highway connecting Myanmar to China, HIV prevalence among injecting drug users along the corridor in Myanmar increased significantly. Human trafficking is also facilitated by improved transport routes.<sup>132</sup>

The International Federation of Consulting Engineers (FIDIC) Conditions of Contract for Construction specify that contractors for major infrastructure projects must offer HIV awareness programming for all workers and community members every two months and require that condoms, STI/HIV screening, diagnosis, counseling, and referrals be provided on site for all staff.

For all projects funded by Multilateral Development Banks (MDBs), contracted companies are expected to adopt FIDIC guidelines; however, they are nonbinding and are not always monitored. The ADB assessment found that challenges to effective HIV education programming include the fact that government executing agencies and contractors did not feel that this was their responsibility, did not understand the need and importance of it, or did not have the technical capacity to carry it out.<sup>133</sup>

### *Trafficking and HIV/AIDS*

Other studies confirm that cross-border transport infrastructure, such as new transnational road corridors, escalate HIV/AIDS transmission and trafficking of women and girls,<sup>134</sup> which is a serious problem in border areas of countries in Southeast Asia. Furthermore, there are alarming vulnerability rates in ethnic minorities to STIs and HIV/AIDS along a new major intercountry road in Southeast Asia.

The number of HIV-positive persons and AIDS patients increased sharply in Savannakhet in Lao PDR during the construction of the Second Mekong Bridge.<sup>135</sup><sup>136</sup> Developments in roads and infrastructure connecting the Greater Mekong Sub-Region (GMS) in the economic special zone, namely, east-west corridor in Savannakhet and along the R3 road (Luang Namtha – Bokeo province), are the crucial movers of cross-border labor mobility into Thailand.

The Laotian economy is dependent on both investment and trade with its neighbors, such as Thailand, Vietnam, and particularly China in the north. Thus, these changes have led to increases in migration and related human trafficking.<sup>137</sup> With the increasing economic integration since the formation of the GMS in 1992, clandestine nature of human mobility has risen through porous and increasingly loosely managed interstate borders. As the dynamics in the connectivity and human mobility in the region change, traffickers

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<sup>132</sup> Asian Development Bank, “Intersections—gender, HIV, and infrastructure operations: lessons learned from selected ADB-financed transport projects,” Asian Development Bank, 2009. <https://www.adb.org/sites/default/files/publication/29660/gender-hiv-infrastructure-operations.pdf>

<sup>133</sup> Asian Development Bank, “Intersections—gender, HIV, and infrastructure operations: lessons learned from selected ADB-financed transport projects,” Asian Development Bank, 2009. <https://www.adb.org/sites/default/files/publication/29660/gender-hiv-infrastructure-operations.pdf>

<sup>134</sup> World Bank, “Building capacity to make transport work for women and men in Vietnam: Gender and transport challenges. East Asia and the Pacific Region.” Washington DC. 2011. <http://documents.worldbank.org/curated/en/463921468329686918/pdf/679800BRI00PUB0a10Development0Notes.pdf>

<sup>135</sup> Abdul Quium, “Transport Corridors for Wider Socio-Economic Development”, United Nations Economic and Social Commission for Asia and the Pacific Secretariat, 25 September 2019.

<sup>136</sup> Susan Stone, Anna Strutt, and Thomas Hertel, “Assessing Socioeconomic Impacts of Transport Infrastructure Projects in the Greater Mekong Subregion”, ADBI Working Paper Series, August 2010. <https://www.greatermekong.org/sites/default/files/adbi-wp234.pdf>

<sup>137</sup> Suk-Rutai Peerapeng, Prasert Chaitip, Chukiatt Chaiboonsri, Sandor Kovacs, Peter Balogh, “Impact of Economic Globalisation on the Human Trafficking in the Greater Mekong Sub-Region Countries”, Applied Studies in Agribusiness and Commerce, 2013. <https://econpapers.repec.org/scripts/showcites.pf?h=repec:ags:apstra:147426>

successfully explored fresh avenues of trafficking in humans, across as well as within the borders of countries in GMS.<sup>138</sup>

The WB, in a comprehensive assessment of the *Opportunities and Risks of the Belt and Road Initiative Transport Corridors*, cautions that large infrastructure projects are associated with an influx of workers, which may create risks of GBV, sexually transmitted diseases, and social tensions. To address these concerns, it will be necessary—among other things—to conduct strategic environmental and social assessments of projects. Such assessments should be focused on the entire transportation corridor, taking advantage of the scale of the BRI to address cumulative direct and indirect risks.

Complementary policies are also necessary in corridor economies to limit the propagation of sexually transmissible diseases. Mobile populations along corridors, such as truck drivers, mariners, and migrant workers, are among the highly vulnerable groups. In addition, trafficking drugs, women, and children for prostitution is of concern when borders open.<sup>139</sup>

### **Lao-China Railway**

World Bank recently released a report on the Lao-China Railway that cautions on potential risks based on international experience. “The Lao-China Railway Corridor Development is expected to stimulate demand for long-distance trucking services across the Thai and China borders with Lao PDR. Several studies have been done on the links between long-distance trucking routes, commercial sex work and health impacts in Africa as well as South Asia, but not in South East Asia, presenting an opportunity to learn from these experiences and avoid similar devastating social outcomes. According to the Southern African Development Community, increased cross-border movement in the region increases the risk of HIV infection—not just among high risk groups such as commercial sex workers and long-distance truck drivers, but also among migrant populations, communities close to border sites, and communities with high levels of in- and out-migration. Young working age adults are at particular risk, given that they make up the largest portion of mobile populations, as are young women involved in periodic transactional sex. Due to infrastructure challenges, and delays in customs clearance, long-distance truck drivers often spend days at border crossings waiting customs clearance. At the many truck stops along transport corridors and at border towns where long-distance truck drivers stop to rest, alcohol is served, and social norms are not observed leading to high risk sexual behavior. Poverty and lack of income opportunities lead women into transactional and commercial sex with the transient drivers and labor with disposable income. The lack of security and community leaves women and girls vulnerable to sexual abuse and exploitation and even trafficking from incoming workers and drivers. Furthermore, these conditions also lead to spread of HIV and AIDS.

A 2015 study on sexual risk behaviors of long-distance truck drivers in central India revealed that 49 percent of them had commercial sex worker exposure in the previous 6 months. Most incidences of HIV and STI occurs in places where trucks are loaded and unloaded, or where truck drivers stop to have their documentation inspected (which can take a considerable length of time). Truck drivers, due to the itinerant nature of their occupation and being far away from their families for extended periods of time, tend to have multiple sexual partners and visit commercial sex workers, and thus are high risk group in the spread of HIV and AIDS.

The most common form of human trafficking (79 percent) (2009) is sexual exploitation, with victims predominantly being women and girls. Many of the Lao victims are taken to Thailand, Malaysia or China, with approximately 90 percent (2017) of Lao trafficking victims going to Thailand. Due to limited awareness among front-line officers and insufficient border security measures the risk of trafficking of women and girls is likely to increase in movement between China and Thailand through Lao PDR that the new railway will bring.

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<sup>138</sup> Ahsan Ullah, “Gendering Cross-border networks in Greater Mekong Sub-region Drawing invisible routes to Thailand”, International Workshop on Gender, Economic Integration, and Cross-border Road Infrastructure development: Poverty and mobility in the context of Asia, no date.

<sup>139</sup> World Bank, “Belt and Road Economics: Opportunities and Risks of Transport Corridors”, World Bank, 18 June 2019. <https://www.worldbank.org/en/topic/regional-integration/publication/belt-and-road-economics-opportunities-and-risks-of-transport-corridors>



Most traditional bilateral and multilateral development partners conduct an ESIA in line with Good International Industry Practice on all proposed projects prior to approval and implementation. For projects of this type and nature they should be informed by social and health impact assessments with focus on addressing GBV/SEAH, and sex trafficking and exploitation of women and children.”<sup>140</sup>

The Theun-Hinboun Power Company (THPC) in Lao PDR is an example of a company that put in place specific safeguards to protect women from possible violence who were working in the many bars and restaurants offering sexual services that increased after construction began. The company launched a program providing social worker visits to check on the women and ensure they had access to condoms and medical care. The company also made efforts to ensure its workers and contractors followed their code of conduct.<sup>141</sup>

### *Accountability*

Meanwhile, another perspective is shared by *Belt and Road News* which states that in the implementation of infrastructure projects, there is often insufficient transparency, a low degree of openness in decision-making processes, and a lack of involvement of NGOs that represent constituents such as rural communities and women. Direct investments in infrastructure like roads and ports can cause harm to forests and the indigenous peoples, local communities, and women that depend on them. Until recently, the BRI has put quite a lot of responsibility on recipient countries as far as the environmental and social impacts of its investments are concerned. But by facilitating the implementation of large projects, project developers, regulators, financiers, and investors carry significant responsibility for the environmental and social impacts, whether they are private, public, or state-owned companies.<sup>142</sup>

## 3.4 Resettlement

### Positive Impacts

There are some examples of positive impacts of resettlement as a result of deliberate actions taken by developers; thus in addition to compensation, resettled villages can sometimes benefit from easier access to critical resources such as health-care facilities, schools, and alternative livelihood training for jobs in new industries.

The Trung Son Hydropower Project is one of Vietnam’s first large-scale infrastructure projects to integrate health services into its activities to improve the health conditions of workers and the local community. The health center is fully equipped with medical devices and medicines, an ambulance, and doctors and nurses who provide round-the-clock services.

Previously, villagers had to travel 60–70 km (about 40 miles) across mountains to receive medical care. The new health center, conveniently located near their village, makes access to medical services safer and easier. To ensure sustainability of the local health system, the hydropower company works closely with local health authorities to implement health promotion plans and improve the capacity of local health clinics. The company has provided support to build or renovate community health centers and supply them with essential medicines.

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<sup>140</sup>World Bank, “From Landlocked to Land-Linked: Unlocking the Potential of Lao-China Rail Connectivity.” 2020. <http://documents.worldbank.org/curated/en/648271591174002567/pdf/From-Landlocked-to-Land-Linked-Unlocking-the-Potential-of-Lao-China-Rail-Connectivity.pdf>

<sup>141</sup> May Thazin Aung, Bernadette P. Resurrección, Michael Boyland, “*Making the business case for gender equality in the renewable energy and power sector: Insights for companies in Myanmar*”, Stockholm Environment Institute Asia, 11 December 2017. (unpublished)

<sup>142</sup> Belt and Road News, “*How is the Belt & Road Initiative impacting Women and Forests?*”, Belt & Road News, 20 December 2019. <https://www.beltandroad.news/2019/12/20/how-is-the-belt-road-initiative-impacting-women-and-forests/>

Annual training is also provided for health professionals at the commune and village levels. Access roads and bridges constructed for the Trung Son Hydropower Project now provide a comfortable means of travel for hundreds of households who previously used boats to cross the river. Children now go to school safely, without having to climb through the hills, and farmers and traders have better and faster access to markets to sell their products. By facilitating improved access to social services, this significantly reduces the burden of care for women and girls.<sup>143</sup>

Addressing gender issues was integral to the design of the Lao PDR Nam Theun 2 Hydropower Project. The gender assessment conducted for the project identified women and girls in marginalized ethnic groups and disadvantaged households with limited access to education, off-farm employment, production markets, cash assets, and sociopolitical empowerment. The assessment concluded that these groups would face greater risks during the resettlement process and thus would require ongoing intensive attention and support.

The NT2 resettlement process required that new assets be issued in the names of both husbands and wives, that childcare facilities were available during resettlement, and that women and girls have better access to education and health services in their new communities. The project's comprehensive environmental and social mitigation design can serve as a global model for future dam construction projects.<sup>144</sup>

As explained by a former provincial Vice President of the Lao Women's Union working on the NT2 Resettlement Management program: *"Before moving to the new area, these villagers lived in very remote areas with no proper road access. Empowerment and even sharing information was challenging, particularly for women. Women were not educated. They did not understand some concepts related to health care and childcare. Women were usually left out of village meetings or discussions due to their lack of education and perceived lack of understanding. Now, women have better access to information. They know they have the right to decide for themselves. They can choose how they want to lead their lives. Learning about health care and family planning has been a turning point for women."*<sup>145</sup>

However, resettlement can have differentiated impacts for women, and in Lao PDR, these impacts can be complicated by cultural differences and language barriers across the country's forty-nine ethnic groups.<sup>146</sup>

### *Participation in Consultations*

Even if environmental and social safeguards policies are systematically integrated into infrastructure-development projects, gender-inclusive public consultations may not occur, owing in part to social and gender norms in the affected communities.<sup>147</sup> Compensation plans that integrate gender-responsive consultation processes that include resource and interest mapping can mitigate some of the unforeseen

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<sup>143</sup> Maria Orlando, et al., "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>144</sup> Maria Orlando, et al., "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>145</sup> World Bank, "Results Briefs: Powering the Future: the Nam Theun 2 Project in Lao PDR", World Bank, 6 May 2019. <https://www.worldbank.org/en/results/2019/05/06/powering-the-future>

<sup>146</sup> Kallee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>147</sup> USAID (United States Agency for International Development). 2016. *Engendering Utilities: Improving Gender Diversity in Power Sector Utilities*. Washington, DC: United States Agency for International Development.

negative consequences of resettlement. All too often, however, planned resettlement processes are based on flawed (or incomplete) understanding about gender roles and how they are affected by displacement.<sup>148</sup>

To ensure that women's inputs are sufficient to meaningfully influence project design, meetings need to be arranged at a time convenient for women to attend and in venues where they feel comfortable and free to engage in discussion (e.g., women-only focus groups). During the land-acquisition/resettlement process, granting property titles to both men and women, either separately or jointly, can ensure that underrepresented rights-holder groups, including women, are not excluded from the land-title registration process.

Property titles can contribute to empowering vulnerable communities and individuals. Formalization can free individuals from constraining social relations and dependency on stakeholders who benefit from the perpetuation of informality and insecurity.<sup>149</sup>

The WB funded an assessment of the social readiness of resettlement programs in Vietnam, which revealed prejudice among community members regarding the capacity and quality of women's participation. In consultation meetings, women were often passive participants or not present at all due to traditional assumptions about household divisions of labor, which prevent women from participating meaningfully.

Men were considered better suited to attend resettlement-related meetings since it was assumed that men can better understand and access land market information. These biases have constrained women's participation in resettlement-related decisions, for example, in the design of compensation and restoration packages or new relocation sites, housing, and construction timelines, with potential negative implications for the overall success of resettlement programs.

Furthermore, a resettlement process that ignores the specific needs and limitations that women face can increase gender inequalities, for example, by reducing women's access to property or assets or limiting their capacity to restore their livelihoods.<sup>150</sup> In addition, according to the household registration policy, only the household head can represent a household's interests. To ensure proper access, gender-specific considerations should be included in the implementation of compensation, resettlement, and livelihood restoration.<sup>151</sup>

## Negative Impacts

Resettlement impacts are broadly similar whether they are induced by transport or energy projects. The impacts of development-induced resettlement can disproportionately affect women, as they are faced with more difficulties than men while coping with disruption to their families. And this is particularly the case

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<sup>148</sup> Maria Olando, et al. "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018.  
<http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>149</sup> O'Neil, D., D. Renzi, A. McDermott, and A. Atanassova. "Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects", USAID's Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3, 2015.

<sup>150</sup> World Bank, "How to Ensure Better Outcomes for Women in Resettlement: A Toolkit", World Bank Group, 2019.  
<http://documents.worldbank.org/curated/en/812241554967756481/pdf/How-to-Ensure-Better-Outcomes-for-Women-in-Resettlement-A-Toolkit.pdf>

<sup>151</sup> World Bank, "How to Ensure Better Outcomes for Women in Resettlement: A Toolkit", World Bank Group, 2019.  
<http://documents.worldbank.org/curated/en/812241554967756481/pdf/How-to-Ensure-Better-Outcomes-for-Women-in-Resettlement-A-Toolkit.pdf>

if there is no mechanism to enable women’s meaningful participation and consultation throughout the project cycle in general, and the resettlement process.<sup>152</sup>

### *Land Use and Access to Natural Resources*

An assessment by the WB’s Operational Evaluation Department of a number of WB projects noted that women “largely have suffered more than men have from the disruption resulting from involuntary displacement from their ancestral land, which severed their relationship with water, forests and other natural resources.”<sup>153</sup>

The land-use changes that accompany large-scale infrastructure projects, including loss of agricultural land, disproportionately affect women, who often depend on community and public lands for small-scale cultivation. Women are often hit harder than men from the loss of fertile land, forests, and water resources, as well as kinship and social networks on which they depend for support.

Where involuntary displacement and resettlement are required, women often suffer disproportionately from the induced social, economic, and environmental risks. In addition, because of inheritance laws or sociocultural norms, women tend to have less access to land ownership or experience legal, cultural, and practical barriers to land registration and titling; as a result, women face greater risks during the resettlement process and are less likely to reap the benefits.<sup>154</sup>

Thus, the impacts of resettlement and compensation may differ between men and women due to gender inequalities in land ownership and rights, which is widespread across LMRCs. Women are often discriminated against in matters of land ownership due to a lack of cultural acceptance of their land rights, and lack of awareness of their rights to land and property.

Although civil and statutory laws often declare that spouses are equal proprietors of land, hence protecting women’s rights to own and inherit land, these laws are largely ignored in practice. In most cases, land titles are granted to husbands or other male family members. As such, women may not receive adequate compensation if a project requires relocation, since compensation is typically provided based on land ownership.<sup>155</sup>

Furthermore, the compensation decision process tends to ignore the value of women’s property rights and roles in traditional agriculture. Thus, depending on the context in which the project operates, existing gender inequalities may be aggravated.<sup>156</sup>

In other cases, many women in low-income rural areas earn their living from small businesses run on unregistered, common-property resources. If the expropriated land is not legally registered in women’s

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<sup>152</sup> World Bank, “*How to Ensure Better Outcomes for Women in Resettlement: A Toolkit*”, World Bank Group, 2019. <http://documents.worldbank.org/curated/en/812241554967756481/pdf/How-to-Ensure-Better-Outcomes-for-Women-in-Resettlement-A-Toolkit.pdf>

<sup>153</sup> Minitta Taosouvanh, “*Mekong River-based Livelihood Strategies of Women in Don Sahong Village, Champasack Province Southern Laos*”, International Conference on the Mekong, Salween and Red Rivers: Sharing Knowledge and Perspectives Across Borders, Faculty of Political Science, Chulalongkorn University, 12th November 2016. [https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/5933c057f7e0ab04a7285f79/1496563803285/No.25\\_P585\\_614\\_Minitta+Taosouvanh.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/5933c057f7e0ab04a7285f79/1496563803285/No.25_P585_614_Minitta+Taosouvanh.pdf)

<sup>154</sup> USAID (United States Agency for International Development). 2016. *Engendering Utilities: Improving Gender Diversity in Power Sector Utilities*. Washington, DC: United States Agency for International Development.

<sup>155</sup> Open Development Mekong Web site, accessed May 2020. <https://opendevelopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>156</sup> O’Neil, D., D. Renzi, A. McDermott, and A. Atanassova. “*Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects*”, USAID’s Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3, 2015.

names, they may be denied compensation.<sup>157</sup> For example, during highway construction some people, mostly women, lost their livelihood because they operated a small business on the side of the road that was expropriated by the government for highway development. Often this informal income generation activity is not compensated for by the developers.<sup>158</sup>

One study found that at a resettlement site in Lao PDR, communities' access to natural resources is constrained by longer travel times, even with the construction of a new road. The new road takes longer to travel by than boat, as the road turns out to be a longer stretch. Women feel unsafe to travel on it alone even during the daytime due to camps of Chinese and Vietnamese dam construction laborers along the road.

Poor women with less access to farmland are hired as laborers in harvesting season in the village and earn daily income for daily household subsistence. These marginalized women who conduct household-based activities are more sensitive to changes caused by development projects. For example, they find it hard to find a job outside their communities due to their limited mobility. The declining number of fish and the loss of forest products means the people relocated by the project fear the uncertainty about their future in terms of income and food security.<sup>159</sup>

### *Care Burden and Gender Roles*

Resettlement creates additional burdens on women, as they take on the responsibility of ensuring the well-being of their families while navigating life in a new place, often without the sufficient financial compensation necessary to do so successfully. Consequently, women frequently must work to build resilience for their families against future stresses, all the while taking on more domestic chores and financial pressures compared with men.

To offset the dislocations, women have often had to stretch their efforts to access health, sanitation, and overall care provision, and which became severely problematic in conflict-ridden areas in the Mekong region, notably in Myanmar.<sup>160</sup> One study found that in Lao PDR and Vietnam, dam resettlement resulted in women being unable to travel farther up and down the river (compared to men) to secure fish for their livelihoods, and also that women were less able to secure employment within the more formal sectors (e.g., with a hydropower company).

Women thus ended up relying more on their husbands and ultimately exerted less household bargaining power, as they had fewer opportunities to contribute to household income. This loss of power can also be projected from the household to the community level, reinforcing the embeddedness of (unequal) gender norms at different levels of governance, as seen from men holding leadership roles in management and decision-making.<sup>161</sup>

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<sup>157</sup> Maria Olando, et al, "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>158</sup> Asian Development Bank, "Intersections—gender, HIV, and infrastructure operations: lessons learned from selected ADB-financed transport projects," Asian Development Bank, 2009. <https://www.adb.org/sites/default/files/publication/29660/gender-hiv-infrastructure-operations.pdf>

<sup>159</sup> Minitta Taosouvanh, "Mekong River-based Livelihood Strategies of Women in Don Sahong Village, Champasack Province Southern Laos", International Conference on the Mekong, Salween and Red Rivers: Sharing Knowledge and Perspectives Across Borders, Faculty of Political Science, Chulalongkorn University, 12th November 2016. [https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/5933c057f7e0ab04a7285f79/1496563803285/No.25\\_P585\\_614\\_Minitta+Taosouvanh.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/5933c057f7e0ab04a7285f79/1496563803285/No.25_P585_614_Minitta+Taosouvanh.pdf)

<sup>160</sup> May Thazin Aung, Bernadette P. Resurrección, Michael Boyland, "Making the business case for gender equality in the renewable energy and power sector: Insights for companies in Myanmar," Stockholm Environment Institute Asia, 11 December 2017. (unpublished)

<sup>161</sup> International Rivers. "State of Knowledge: Women and Rivers in the Mekong Region," April 2020.

Another study in Vietnam found that upon moving to the resettlement area, men felt dispossessed, as they did not have land for production and became addicted to alcohol, resulting in frequent domestic conflicts about finances and an increase in domestic violence.<sup>162</sup>

Rapid hydropower development resulting in resettlement transforms the traditional subsistence livelihood economy to the market economy and increases competition for limited resources. The economic restructuring and production shift have taken place abruptly, and people were not prepared in terms of knowledge and adaptive skills, particularly as there has been no or ineffective support. This shift also decreases the role and status of women which have already been built in the traditional economy, and exacerbates unequal gender norms and power dynamics, including increased domestic violence, increased childcare and education responsibilities, and rising household debt so that in the long term women become more dependent and have less decision-making power and influence.<sup>163</sup>

### *LGBTQI*

While there are no studies on the impact of infrastructure or resettlement on Lesbian Gay Bisexual Transgender Queer Intersex (LGBTQI) communities in the Mekong, a study on Disaster Risk Reduction in Haiti found that LGBTQI communities and individuals are frequently not considered in evacuation and emergency shelter procedures and have a more difficult time safely displacing and finding new housing and employment.<sup>164</sup>

Furthermore, because of disasters, there are gendered mental health impacts on men that can provide some useful lessons for the infrastructure sector, particularly in the context of resettlement and the changes in livelihood and employment patterns this brings.<sup>165</sup>

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<https://drive.google.com/file/d/1AOKSeBeLMe2oNtIAfDyiAoaFiZ7Nt72r/view>

<sup>162</sup> Pham Thi Dieu, Nguyen Quy Hanh, “Hydropower Impacts: From Environmental, Social and Gender Perspectives, Evidence from the Central and Central Highlands Vietnam”, Center for Social Research and Development, 2018.

<https://oxfam.box.com/s/chgi63mp4bav62jb3hjuwyca7yf33u1c>

<sup>163</sup> Pham Thi Dieu, Nguyen Quy Hanh, “Hydropower Impacts: From Environmental, Social and Gender Perspectives, Evidence from the Central and Central Highlands Vietnam”, Center for Social Research and Development, 2018.

<https://oxfam.box.com/s/chgi63mp4bav62jb3hjuwyca7yf33u1c>

<sup>164</sup>International Gay and Lesbian Human Rights Commission, “The Impact of the Earthquake, and Relief and Recovery Programs on Haitian LGBT People.” 2010. <https://www.outrightinternational.org/sites/default/files/504-1.pdf>

<sup>165</sup> Sohrabzadeh S, Rahimi A. “Men’s Health and Livelihood Status in Disasters: A Qualitative Field Study in Eastern Azerbaijan, Bushehr, and Mazandaran Provinces in Iran,” Health Scope. 2017 ; 6(4):e62155. doi: [10.5812/jhealthscope.62155](https://doi.org/10.5812/jhealthscope.62155).



## 4. GAPS AND BARRIERS

### 4.1 Laws, Policies, Regulations, and Institutional Practices

#### Introduction

All LMRCs have national gender policies or strategies, but they do not explicitly refer to the energy and transport sectors. Conversely, all LMRCs have energy and transport legal frameworks and policies which do not address GESI or even gender. In principle, while they all have provisions in their national policy framework that promote an opportunity for including GESI, filling policy gaps for specific GESI considerations in infrastructure will be important, as will diligent application of policies and guidelines in infrastructure project preparation, implementation, and monitoring operations, which is the primary purpose of this GESI assessment.

The existence of national policy frameworks that promote gender equality and protect women's rights is necessary, but insufficient to guarantee women's rights. The laws need implementation, and there are significant gaps in the implementation of these frameworks in the context of infrastructure development.

The intersection between states' obligations and requirements, and the operational performance and obligations of private contractors, is one of the most common areas where negative gender (and other) impacts will be experienced by project-affected communities. The impacts outlined in the previous section are due to some extent to the lack of or weak inclusion of GESI perspective in the ESIA and stakeholder consultation process, which in turn are a function of gender gaps in the legal, policy, and institutional context.

The actual implementation of environmental and social guidelines for Chinese-funded overseas infrastructure projects depends on the local and national circumstances and governance, particularly the national regulations and enforcement capabilities of the host country. This becomes even more severe when many of China's overseas infrastructure projects, including hydropower and transport projects, are built in countries with weak local governance and/or high corruption. Moreover, many of these countries have weak social security and welfare arrangements, which make affected local stakeholders very dependent on the contracts that national and local politicians negotiate with powerful Chinese actors.<sup>166</sup>

Most EIA information is not publicly available, even when mandated under the legal framework; even when information can be obtained, it is written in a style and language that is inaccessible to local stakeholders. EIA reports are frequently of low quality, even cut and pasted from previous reports, and often do not consider alternatives to the project design in terms of location, technologies, or processes.

Social and gender content is often missing, in favor of a focus on cost accounting and technical issues. There is insufficient focus on long-term costs, such as resettlement and livelihood impacts. Once an EIA is complete, implementation and monitoring are not always robust; and environmental and social management and mitigation plans have been known to not match the EIA.

Furthermore, GESI representative public participation is rare, even where this is mandated in regulations. Cambodia and Vietnam have stronger incentives for regional cooperation and are in the process of developing more robust domestic EIA processes. Thailand stands apart due to its established legal system and higher capacity as a middle-income country. Myanmar, while starting from a low level of economic development, now faces the possibility of significant political change in its ongoing transition process. Yet

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<sup>166</sup> Johan Nordensvard, "Social Innovation and Chinese Overseas Hydropower Dams: The Nexus of National Social Policy and Corporate Social Responsibility", Sustainable Development, July 2015.

despite these specific national EIA features, the limitations in actual EIA development and implementation processes appear remarkably similar across Mekong region countries.<sup>167</sup>

Furthermore, enforcement of national GESI principles is challenging when contracting international construction service providers and suppliers because of diluted responsibilities, accountability chains, and procurement policies. GESI principles are transferred throughout the supply chain through formulaic companies' codes of conduct annexed to contracts with service providers and suppliers.<sup>168</sup> However, compliance, monitoring, and enforcement are often weak and ineffectual.

Identifying gaps in national laws and policies start with an in-depth assessment of the extent to which national laws and policies, as well as institutional and corporate standards and practices, in the LMRCs reflect the nexus between GESI and infrastructure development. For example:

- How do pertinent laws or standards at the local, national, and regional level influence gender equality and social inclusion goals?
- Are there gaps between customary and formal laws (pertinent to gender equality, social inclusion, and/or infrastructure development) that impact gender equality or social inclusion, positively or negatively?
- Do national infrastructure/transport/energy policies or safeguard standards reflect gender equality and social inclusion commitments, such as demonstrating awareness of inequalities between men and women, and do they identify means to address them?
- Do current policies, laws, and regulations address the needs of people of different genders separately, or of other socially excluded groups (e.g., persons with disabilities)? Do they have discriminatory provisions? Do they have measures for equal opportunities and/or women's rights (i.e., joint/equitable land titling schemes for women and men)?
- Are there gender or social inclusion policies, standards, and action plans relevant to infrastructure in general or in the transport/energy sectors specifically?
- Are people of different genders or socially excluded groups in employment subject to the same legal protections (safe working conditions, equal pay, etc.)? Does this extend to the sectors of interest in infrastructure development?

## 4.2 Performance Standards

### Equator Principles

EP mentions “gender and disproportionate gender impacts” under the list of the issues that may be addressed in the Assessment Documentation but does not provide further details.<sup>169</sup>

### World Bank

The World Bank's overall approach to gender is guided by the World Bank Group's Gender Strategy (FY16–23) and OP4.20: Gender and Development. Good Practice Notes (GPNs) are produced to help

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<sup>167</sup> Wells-Dang, A.; Nyi Soe, K.; Inthakoun, L.; Tola, P.; Socheat, P.; Nguyen, T.T.V.; Chabada, A. and Youttananukorn, W. “A political economy of Environmental Impact Assessment in the Mekong Region”, *Water Alternatives* 9(1): 33–55, 2016. <https://data.opendatacommons.org/dataset/608abe67-42be-4574-9edd-45bf7f853309/resource/a4266aff-eb36-4fb5-89f3-4d971405ee5b/download/art9-1-2.pdf>

<sup>168</sup> O'Neil, D., D. Renzi, A. McDermott, and A. Atanassova. “Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects”, USAID's Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3, 2015.

<sup>169</sup> *Equator Principles*, July 2020.

<https://equator-principles.com/wp-content/uploads/2020/05/The-Equator-Principles-July-2020-v2.pdf>



WB staff provide implementation support to Borrowers in meeting the requirements of the ESF. GPNs are advisory in nature and are not WB policy; nor are they mandatory.

The GPN on gender in the ESF for Investment Project Financing operations, 2019, provides guidance on addressing gender gaps in the context of the ESF focusing at the project level and the identification risks and opportunities. At the project level, provisions on gender in the ESF are focused on gender equality and inclusion, particularly in the context of addressing disadvantaged or vulnerable groups; and promotes project-level opportunities to close key gender gaps and includes guidance on managing the risks of GBV.

The ESF addresses gender risks both in the process and methodology for conducting an Environmental and Social Assessment (ESA) and risks and impacts to be identified and mitigated. Gender risks cover a range of sectors and issues. The ESF notes, for instance, that all women—regardless of race, ethnicity, or income—may be at risk of GBV. Not all women (or men) may be vulnerable to displacement from livelihoods because of a project action, but women are more likely than men to be in insecure economic activities. More women than men are likely to be vulnerable to displacement from key assets such as land and housing, since they tend not to have clear property rights. In most contexts, women more than men shoulder a greater share of unpaid work, so this is a risk to be aware of.<sup>170</sup>

The assessment and mitigation of the risks of GBV in projects are covered in the 2018 Good Practice Note on Gender-Based Violence in Investment Project Financing Involving Major Civil Works, which provides guidance on management of risks of SEAH that can arise in the context of projects that involve major civil works. The WB/IFC jointly developed GBV risk-screening tools at the country and project levels. The application of the GBV risk-screening tools is mandatory at the feasibility/due diligence stage of any project.

### International Finance Corporation

The International Finance Corporation Performance Standards (PSs) have been widely adopted or adapted by other IFIs and influence how commercial banks and private equity funds make investments. The need to address GBV/SEAH is contained within these standards, largely implicitly but with ever increasing awareness of its importance. The IFC ESG Gender Implementation Plan has three themes:

- Applying gender-inclusive interventions within the Sustainability Framework/Performance Standards, such as closing gaps between men and women in how they access and benefit from development opportunities, encouraging clients to increase diversity and inclusion, and ensuring safe and fair working and living conditions.
- Promoting good corporate governance through gender diversity on boards and in business leadership.
- Addressing GBV to prevent harm to women and eliminate barriers that prevent women from achieving their full potential in society.

IFC requires all but the lowest-risk clients to include and implement anti-GBV and gender equality–promoting provisions in their human resource policies and will monitor implementation during portfolio supervision. IFC’s ESG Department screens new investment projects for GBV risk. The primary levers to address GBV in IFC investments is Performance Standard 2, paragraph 15 on Non-Discrimination and Equal Opportunity, specifically: “*The client will take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to women*” and Performance Standard 4, paragraph 1: “... this Performance Standard addresses the client’s responsibility to avoid or minimize the risks and impacts to community health, safety, and security that may arise from project-related activities, with particular attention to vulnerable groups.”

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<sup>170</sup> World Bank, “*Environmental and Social Framework Gender Good Practice Note for IPF Operations*,” 2019. <http://pubdocs.worldbank.org/en/158041571230608289/Good-Practice-Note-Gender.pdf>

IFC recently launched their “Addressing Gender-Based Violence and Harassment—Good Practice Note for the Private Sector,” and they apply GBV risk-assessment tools to all projects at the earliest stages. They plan to make this tool externally available as an industry standard. They will pilot a Training of Trainers for HR managers in 2021.<sup>171</sup>

IFC will soon launch their “Toolkit of Actions and Strategies for Infrastructure,” based on the existing toolkit for oil, gas, and mining companies, which provides samples of (1) model policy on sexual harassment; (2) model policy on intimate partner violence and GBV; and (3) model Code of Conduct for companies, contractors, and employees on GBV.<sup>172</sup>

IFC also just launched a guidance note to employers on COVID-19 and Gender-Based Violence: Workplace Risks and Responses.<sup>173</sup> The note informs employers about the heightened risks of gender-based violence as a result of the COVID-19 pandemic and outlines ways in which employers can address these risks, improve employee and community well-being, and create a safe and resilient workplace. The note covers:

- Customer and client aggression.
- Workplace bullying and sexual harassment.
- Sexual exploitation and abuse connected to the workplace.
- Domestic violence.

The note is applicable to both public and private sector workplaces.

### Japanese International Cooperation Agency

JICA is one of the largest bilateral development partners with a major focus on infrastructure development in the Mekong region. They are currently in the process of updating their Environmental and Social Safeguards, and there are internal discussions on the possibility of more in-depth treatment of gender and GBV.

JICA have supported several infrastructure sector master plans, which have not included gender or GESI; however, they are committed to including this in future master plans moving forward. They have an agreement with ADB and WB to coordinate and disseminate good practice, including on gender in infrastructure.<sup>174</sup> Their Guidelines for Environmental and Social Considerations consider women, ethnic minorities, and people with disabilities under the category of “vulnerable groups” that require special consideration in the EIA process and acknowledges their limited access to decision-making processes.<sup>175</sup>

### International Labor Organization

In 2019, the International Labor Organization (ILO) adopted a new Convention (C190) to combat violence and harassment, including GBV/SEAH, in the world of work. The Convention recognizes that GBV/SEAH is a violation of human rights, a threat to equal opportunities, and incompatible with decent work. C190 calls for GBV/SEAH risks to be considered in the management of occupational health and safety. It also underlines the link between GBV/SEAH and the UN Guiding Principles on Business and Human Rights (UNGPs), which were agreed in 2011. The UNGPs emphasize the importance of companies assessing and addressing risks of abuse, paying attention to GBV/SEAH.<sup>176</sup>

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<sup>171</sup> KII, June 2020, Andrea Cullinen, IFC Global GBV Advisor.

<sup>172</sup> IFC, “Unlocking Opportunities for Women and Business”, website, accessed July 2020.

<sup>173</sup> IFC, “Guidance Note, COVID-19 and Gender-Based Violence: Workplace Risks and Responses”, July 2020.

[https://www.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/gender+at+ifc/resources/covid19+and+gender+based+violence+workplace+risks+and+responses](https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/gender+at+ifc/resources/covid19+and+gender+based+violence+workplace+risks+and+responses)

<sup>174</sup> KII with JICA Gender and Safeguards teams, July 2020.

<sup>175</sup> JICA, “Guidelines for Environmental and Social Considerations,” April 2010.

<sup>176</sup> IFC, “Addressing Gender-Based Violence and Harassment – Good Practice Note for the Private Sector,” 2020

## G20 Finance Ministers and Central Bank Governors

At the G20 Japan, in 2019, G20 Finance Ministers and Central Bank Governors agreed to a set of principles for quality infrastructure development: “Practices of inclusiveness should be mainstreamed throughout the project life cycle. Design, delivery, and management of infrastructure should respect human rights and the needs of all people, especially those who may experience particular vulnerabilities, including women, children, displaced communities or individuals, those with disabilities, indigenous groups, and poor and marginalized populations ... Particular consideration should be given to how infrastructure facilitates women’s economic empowerment through equal access to jobs, including well-paying jobs, and opportunities created by infrastructure investments. Women’s rights should be respected in labor market participation and workplace requirements, including skills training and occupational safety and health policies.”<sup>177</sup>

## Asia Infrastructure Investment Bank

The AIIB has an environmental and social policy framework largely modeled on the WB safeguard policies. However, it is a comparatively loose framework with significant gaps from a human rights perspective.<sup>178</sup>

Involuntary resettlement is included in the AIIB’s three mandatory environmental and social standards (ESSs). The safeguards on gender issues are less detailed and specific than the ADB<sup>179</sup> or the World Bank. They have not adopted the WB GBV/SEAH requirements, even though their mandate is entirely based on large-scale infrastructure development, where GBV/SEAH is a significant issue. They do not have country-level presence, nor do they deploy social safeguard specialists in the field, and thus they rely entirely on consultants for their safeguard work and quality assurance.<sup>180</sup>

The AIIB recognizes the importance of gender equality for successful and sustainable economic development and the need for inclusiveness and gender responsiveness in the projects it supports. They support clients to identify potential gender-specific opportunities as well as gender-specific adverse risks and impacts under their projects and to develop mitigation measures to avoid or reduce such impacts and risks.

They encourage clients to enhance the design of their projects in an inclusive and gender-responsive manner to promote equality of opportunity and women’s socioeconomic empowerment, particularly with respect to access to finance, services, and employment. They also promote positive impacts on women’s economic status, about financial resources and property ownership and control.

The GRM addresses affected people’s concerns and complaints promptly, using an understandable and transparent process that is gender sensitive, culturally appropriate, and readily accessible to all affected people. The ESA should include gender impacts, consultations should be gender inclusive, and consultation processes should provide additional support as needed to ensure participation of women, elderly, young, disabled, minorities, and other vulnerable groups.

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[https://www.ifc.org/wps/wcm/connect/a808686a-2d10-45b1-86f4-448dcad6125a/191219+GBVH+GPN+V6+CLEAN\\_for+online+consultation.pdf?MOD=AJPERES&CVID=mYAOadf](https://www.ifc.org/wps/wcm/connect/a808686a-2d10-45b1-86f4-448dcad6125a/191219+GBVH+GPN+V6+CLEAN_for+online+consultation.pdf?MOD=AJPERES&CVID=mYAOadf)

<sup>177</sup> G20 Japan, “Principles for Quality Infrastructure Development,” July 2019. [https://www.g20-insights.org/related\\_literature/g20-japan-principles-quality-infrastructure-investment/](https://www.g20-insights.org/related_literature/g20-japan-principles-quality-infrastructure-investment/)

<sup>178</sup> Motoko Aizawa, “Baseline Study on the Human Rights Impacts and Implications of Mega-Infrastructure Investment”, UN High Commissioner for Human Rights (OHCHR), 6 July 2017.

[https://www.ohchr.org/Documents/Issues/Development/DFI/MappingStudyontheHRRiskImplications\\_MegaInfrastructureInvestment.pdf](https://www.ohchr.org/Documents/Issues/Development/DFI/MappingStudyontheHRRiskImplications_MegaInfrastructureInvestment.pdf)

<sup>179</sup> Zhao, J., Gou, Y. & Li, W. “A New Model of Multilateral Development Bank: A Comparative Study of Road Projects by the AIIB and ADB,” *Journal of Chinese Political Science* 24, 267–288 (2019). <https://doi.org/10.1007/s11366-018-9580-5>

<sup>180</sup> KII with World Bank Safeguard Specialist, 17 June 2020.

The ESA should identify any potentially adverse gender-specific risks and impacts of the project and develop mitigation measures to reduce these. Where relevant, the ESA should use gender-disaggregated data and analysis, and consider enhancing the design of the project to promote equality of opportunity and women's socioeconomic empowerment, particularly with respect to access to finance, services, and employment. The ESA should take gender into account regarding land ownership and customary rights to natural resources. The client is required to take gender into account in resettlement. The Indigenous Peoples Plan should be gender sensitive.<sup>181</sup>

The AIIB Transport Sector Strategy includes one mention of gender and one mention of women as follows: "Some of the approaches promoted in this strategy (including safety, accessibility and gender opportunities) are best monitored with suitable indicators at the project level, which the Bank plans to adopt for relevant projects. ... In transport infrastructure, AIIB promotes universal access, equity of opportunity and nondiscrimination, so that women, persons with disabilities, older and younger people and those who are vulnerable can benefit from investments AIIB supports in this sector. Stakeholder engagements need to ensure that the voices of these population groups are heard and are considered in both the preparation and operational phases of the investments."<sup>182</sup>

### Asian Development Bank

ADB requires a gender assessment and gender action plan (GAP) for all their projects with the "potential to address gender and development objectives." Their infrastructure projects include a GAP, which tends to focus on targets for women's unskilled employment in construction, and HIV and trafficking awareness and prevention activities.<sup>183</sup> The ADB also requires contractors to adhere to a CoC, which includes measures to raise awareness and prevent HIV, and GBV/SEAH.<sup>184</sup>

### Mekong River Commission

The MRC, as an intergovernmental body with responsibility for the sustainable use and management of the river basin, could be a vehicle for advancing common approaches to strengthen GESI in water-based transport and hydropower projects. The MRC, like its member governments, has adopted a gender-mainstreaming strategy across the pillars of its mandate.

The MRC has developed guidelines, toolkits, and checklists for gender inclusion.<sup>185</sup> The strength of the MRC is in technical knowledge generation and dissemination; however, a key challenge in terms of water resource governance is the disconnect between MRC at the regional level and member governments, to the extent that they inform planning and decision-making, as decisions are being undertaken by planning and finance ministries.<sup>186</sup>

The MRC's *2016–2020 Basin Development Strategy and the Strategic Plan of the Mekong River Commission* notes under Basin Challenges that "Gender Mainstreaming is critically important for sustainable development in the Mekong basin. Men and women contribute and are impacted differently by water resources development and management. Better understanding of these differential effects is needed to enable gender-inclusive development strategies that contribute significantly to economic growth and

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<sup>181</sup> AIIB, "Environmental and Social Framework", approved 2016, amended 2019. [https://www.aiib.org/en/policies-strategies/\\_download/environment-framework/Final-ESF-Mar-14-2019-Final-P.pdf](https://www.aiib.org/en/policies-strategies/_download/environment-framework/Final-ESF-Mar-14-2019-Final-P.pdf)

<sup>182</sup> AIIB, "Transport Sector Strategy: Sustainable and Integrated Transport for Trade and Economic Growth in Asia", AIIB, no date. [https://www.aiib.org/en/policies-strategies/\\_download/strategy/transport-sector-strategy.pdf](https://www.aiib.org/en/policies-strategies/_download/strategy/transport-sector-strategy.pdf)

<sup>183</sup> ADB, "Gender and Development: Our Framework Policies and Strategies", 2003. <https://www.adb.org/sites/default/files/institutional-document/32035/gender-policy.pdf>

<sup>184</sup> KII, ADB Gender Specialist, July 2020

<sup>185</sup> MRC, "Commitment on Gender Mainstreaming in Water Resources Development in the Lower Mekong Basin". (no date) <https://www.mrcmekong.org/assets/Publications/policies/MRC-Gender-SP-05-Jan-2013-Eng.pdf>

<sup>186</sup> KII International Rivers, June 2020

poverty reduction, as well as to equity objectives.” The strategy’s monitoring and evaluation (M&E) includes gender-specific indicators as follows:

- The number (or percentage) of MRC organizational units that adopt and apply MRC gender tools.
- The number (or percentage) of Line Agencies that adopt and apply MRC gender tools.
- Evidence of National Mekong Committee (NMC) and Line Agencies applying MRC Gender Strategy & Policy, tools/knowledge products.
- Evidence of Regional and National policies, strategies, and plans incorporating gender aspects.
- Extent to which gender issues are addressed in MRC Joint Platform and Regional Stakeholder Forum.
- Gender balance of participation at MRC’s events.
- The extent to which information regarding gender-based vulnerability and exposure to challenges and risks is reflected in the basin-wide monitoring, forecasting, and dissemination of results.
- MRC’s Gender Strategy and Policy are referred to in the development and implementation of MRC activities.
- Gender-disaggregated data is collected and used for the MRC’s M&E system.<sup>187</sup>

The Initiative on Sustainable Hydropower is reinvigorating consideration of gender and aims to work toward common expectations for environmental and social impact assessment, especially in a transboundary context. It will also present meaningful and practical opportunities to promote the value and importance of gender impact assessment for MRC member countries.<sup>188</sup>

The *Design of a Master Plan for Regional Waterborne Transport in the Mekong Basin* (2015) states that “there are no statistics related to the use, access to services (e.g., health and education), or significance of IVT to rural communities. Vulnerable groups (women, people with disabilities, and ethnic minorities) have not been identified in relation to accessing IVT.”<sup>189</sup> However the MRC’s Socio-Environmental Current Situation (baseline), 7 June 2015, for the *Design of a Master Plan for Regional Waterborne Transport in the Mekong River Basin* did not include any mention of gender or GESI issues.<sup>190</sup>

The MRC’s Assessment of Basin-wide Development Scenarios notes that “resettlement often means loss of access to resources like clean water, firewood, and non-timber forest products, which is regarded as the obligation of women to ensure for the family. Resettlement affects women negatively, as this entails losing their autonomy and access to resources.”<sup>191</sup>

The MRC, in 2009, produced a document entitled *Preliminary Design Guidance for Proposed Mainstream Dams in the Lower Mekong Basin*. The guidelines encourage consideration of the livelihood and social impacts of dams but does not raise gender as an issue for special attention.

### The Beijing Platform for Action

The Beijing Platform for Action (1995) called on governments to “Ensure that women’s priorities are included in public investment programs for economic infrastructure, such as water and sanitation, electrification and energy conservation, transport and road construction; promote greater involvement of

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<sup>187</sup>MRC, “2016-2020 Basin Development Strategy and the Strategic Plan of the Mekong River Commission.” 2016.

<http://www.mrcmekong.org/assets/Publications/strategies-workprog/MRC-Strategic-Plan-2016-2020.pdf>

<sup>188</sup> Michael Simon, “Balancing the Scales: Using Gender Impact Assessment in Hydropower Development,” Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>189</sup> MRC, “Design of a Master Plan for Regional Waterborne Transport in the Mekong Basin.” September 2015.

<sup>190</sup> MRC, “Socio-Environmental current situation (baseline) for the Design of a Master Plan for Regional Waterborne Transport in the Mekong River Basin,” 7 June 2015.

<sup>191</sup> Mekong River Commission, “Assessment of Basin-wide Development Scenarios, Cumulative Impact Assessment of the Riparian Countries’ Water Resources Development Plans, Including Mainstream Dams and Diversions, Supporting Technical Notes”, April 2011. <http://www.mrcmekong.org/assets/Publications/basin-reports/BDP-Assessment-of-Basin-wide-Dev-Scenarios-2011.pdf>

women beneficiaries at the project planning and implementation stages to ensure access to jobs and contracts” (para. 167d).<sup>192</sup>

### Hydropower Sustainability Assessment Protocol

The 2010 Hydropower Sustainability Assessment Protocol regards gender as cross-cutting at all stages of hydropower development and operation. It does not, however, provide guidelines for rigorous gender impact assessment, mitigation, or monitoring. It identifies several sustainability topic areas where gender should be considered.

Despite this, it falls short of elevating gender as a stand-alone priority topic area for sustainability. Rather, it provides guidance notes to users of the protocol about which social topic areas should consider gender. The protocol uses a scoring system to measure sustainability performance, but performance on gender is not considered when assigning scores. Rather, assessors are encouraged to look for it, alongside numerous other indicators as part of basic good practice.<sup>193</sup>

### Rapid Basin-wide Hydropower Sustainability Assessment Tool

The Rapid Basin-wide Hydropower Sustainability Assessment Tool was developed in 2010 for application in the Mekong region by USAID, the MRC, the Worldwide Fund for Nature, and the ADB. The tool provides guidance to the “particular attention” of vulnerable groups, including women, indigenous peoples, and those without legal title to land, but does not include guidelines on considering gender-differentiated impacts.<sup>194</sup>

## China’s Domestic and International Development Practices

### *Legal Conformance with International Standards*

- **Labor and Working Conditions:** Article 13 states that women enjoy equal employment rights with men, except for jobs or positions that are not suitable for women as stipulated by the state. As China is a signatory to CEDAW, the provision that women will not be hired for jobs that are not deemed suitable for them as determined by the state is discriminatory and subject to biases and stereotyping.
- **Indigenous Peoples:** In China, the protection for minority ethnic groups is the responsibility of provincial governments. The distribution of different minority ethnic groups varies among the different provinces. The safeguards policies with respect to indigenous peoples are not in conformance with international standards.
- **Grievance Redress Mechanism:** For projects that are considered to have substantial or high risk of GBV, provisions should also include a recommendation to establish a separate GBV grievance mechanism system.
- **Various Chinese laws and regulations specifically stipulate ESIA or EIA be conducted for domestic and overseas projects.** The 2002 Environmental Impact Assessment Law, revised in 2016, stipulates that before construction commences on domestic projects with significant environmental impacts, the EIA documents must be reviewed and approved by the appropriate relevant departments.<sup>195</sup> There are no legal provisions stating that project developers need to conduct a stakeholder mapping. Scoping environmental and social issues requirements need to be extended to social risks and impacts, including gender and GBV, and not solely environmental risks and impacts. The legal framework does

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<sup>192</sup> UN Fourth Conference on Women, “Platform for Action”, 1995. <https://www.un.org/womenwatch/daw/beijing/platform/economy.htm>

<sup>193</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, “Water insecurity disadvantages women as they shoulder heavier caring obligations,” SEI discussion brief, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>194</sup> Soe Lin Aung, “Women and gender in Dawei”, New Mandala, 5 September 2012. <https://www.newmandala.org/women-and-gender-in-dawei/>

<sup>195</sup> Danial Russel, Blake Berger, “Navigating the Belt and Road Initiative”, The Asia Society Policy Institute, June 2019. [https://asiasociety.org/sites/default/files/2019-06/Navigating%20the%20Belt%20and%20Road%20Initiative\\_2.pdf](https://asiasociety.org/sites/default/files/2019-06/Navigating%20the%20Belt%20and%20Road%20Initiative_2.pdf)



not oblige the project proponent to include the public at the project scoping stage; public participation in the ESIA process is required only after the finalization of the draft EIA document. This excludes the public from being involved in preparing the EIA report, which may result in important issues being missed when initiating the ESIA study.

- Identification of Gender and GBV Impacts: China issued its first Anti-Domestic Violence Law in 2014. But this is merely regarding violence within family relationships, not about GBV in a general sense. There are no provisions requiring the more robust Indicative Cooperation Programme (ICP) process for projects with potentially significant adverse impacts, and to obtain their free, prior, and informed consent when consulting with indigenous people/ethnic groups. Provisions requiring specialized consultations to identify GBV risks in areas deemed of substantial and high risk need to be included.
- There is no legal requirement to embedding GBV requirements in the bidding, and procurement processes is a critical mechanism for ensuring legal accountability for addressing GBV in projects.<sup>196</sup>

### *Guidelines*

- The CHINCA *Guide on Social Responsibility for Chinese International Contractors*: Voluntary guideline covering issues including safety, employee rights, supply chain management, environmental protection, and community engagement. It includes only a reference to no gender discrimination in employment.<sup>197</sup>
- The National Development and Reform Commission (NDRC) *Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road*: “Financing should also be provided for enhancing technological capabilities, skills development, job creation particularly for the youth and women.”<sup>198</sup>
- The *Guidelines to the State-Owned Enterprises Directly Under the Central Government on Fulfilling Corporate Social Responsibilities* only includes a reference to no gender discrimination in employment.<sup>199</sup>
- China International Contractors Association (2012), *Guide on Social Responsibility for Chinese International Contractors*. Chinese and English refers to equal treatment in employment.<sup>200</sup>

### *Guidelines related to Chinese Overseas Infrastructure and Investments that do not include GESI:*

- State Council (2017), *Guidelines on Further Guiding and Regulating Overseas Investments*.<sup>201</sup>
- China International Development Cooperation Agency (2018), *Measures for the Administration of Overseas Aid (Draft)*.<sup>202</sup>
- China Banking Association *Corporate Social Responsibility Guidelines*.<sup>203</sup>
- The State-Owned Assets Supervision and Administration Commission (SASAC) has issued Guidelines to the State-Owned Enterprises (SOEs) directly under the Central Government regarding Corporate Social Responsibility (CSR), which is based on the principle of human-oriented and socially sustainable development, including in international economic cooperation. It states that SOEs “should implement

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<sup>196</sup> Derin Henderson, “China Legal Conformance Table”, July 2020.

<sup>197</sup> China International Contractors Association (2012), *Guide on Social Responsibility for Chinese International Contractors*. Chinese & English.

<sup>198</sup> National Development and Reform Commission, Ministry of Foreign Affairs & Ministry of Commerce, *Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road*, 2015. English.

<sup>199</sup> State-owned Assets Supervision and Administration Commission (2007), *Guidelines to the State-owned Enterprises Directly Under the Central Government on Fulfilling Corporate Social Responsibilities*. English.

<sup>200</sup> China International Contractors Association, *Guide on Social Responsibility for Chinese International Contractors*, 2012. Chinese & English.

<sup>201</sup> State Council, *Guidelines on Further Guiding and Regulating Overseas Investments*, 2017. English.

<sup>202</sup> China International Development Cooperation Agency, *Measures for the Administration of Overseas Aid (Draft)*, 2018 English & Chinese.

<sup>203</sup> China Banking Association, *Corporate Social Responsibility Guidelines*, 2009. English.

CSR according to the practical situation of the country and the circumstances of themselves, highlight key issues and make out concrete plan.” There is no mention of GESI in overseas operations.<sup>204</sup>

- China Banking Regulatory Commission *Guidelines on Regulating the Banking Industry in Serving Enterprises’ Overseas Development and Strengthening Risk Control*.<sup>205</sup>

TAF and the Greenovation Hub, a Beijing-based Chinese NGO, conducted research on gender policy and practice among Chinese Investment Banks and found that there were no gender-related safeguard and risk-management policy measures within the interviewed Chinese banks. The banks have Women’s Union cells which promote women’s issues internally related to HR, but do not address gender issues that emerge within the context of investment projects.

Issues faced in terms of managing gender-related risks in projects include the following: lenders lack efficient management oversight of the project developers; gender issues may have deep roots in local cultural or legal systems, and thus it is hard for outsiders to intervene; the gender-related risks are hard to convert into qualitative indicators and are thus hard to identify; there is a lack of understanding of local issues and gender-analysis skills; gender is not considered a priority for sustainable development in this region, gender requirements are not taken into account in daily business or decision-making process, except for the review required by the EP.<sup>206</sup>

China’s SOEs maintain a close relationship with the central Chinese government and are the forefront of China’s overseas investments. They tend to be financed by one of China’s leading policy banks, which includes the China Export-Import (Exim) Bank (CEX) and the China Development Bank (CDB).

The large scale of these investment schemes, combined with the fact that they are in countries known to suffer from governance deficits, increases the likely severity of their social and environmental impacts within host countries. That said, environmental and social issues are gaining visible traction within the Chinese policy sphere, with an increased role for the Ministry of Environmental Protection (MEP) in the country’s regulatory system.

The Chinese government is the main driver behind an ongoing shift toward a more responsible investment approach. The state-controlled nature of the Chinese ODI regime furnishes the central government with the authority to push companies toward greater conformance through an evolving body of CSR regulations and guidelines. Observers have noted a willingness to develop sector guidelines with inputs from Organisation for Economic Co-operation and Development (OECD), DPs, and CSOs (e.g., Global Witness and others). However, the Chinese government continues to struggle with incentivizing Chinese companies to comply with what are, in most cases, voluntary guidelines.<sup>207</sup>

Kirchherr et al. (2017) analyzed social safeguard norms in Chinese-led dam projects in Myanmar, Laos, and Cambodia, hot spots of Chinese-led dam construction, and found that Chinese dam developers only adopted (limited) standards of the host countries upon the launch of China’s Going Out Policy in 2001,

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<sup>204</sup> SASAC, “Guidelines to the State-owned Enterprises Directly under the Central Government,” SASAC website, accessed July 2020. [http://en.sasac.gov.cn/2011/12/06/c\\_313.htm](http://en.sasac.gov.cn/2011/12/06/c_313.htm)

<sup>205</sup> China Banking Regulatory Commission, *Guidelines on Regulating the Banking Industry in Serving Enterprises’ Overseas Development and Strengthening Risk Control*, 2017. [English](#).

<sup>206</sup> This is based on the interviews in April-May 2020 for a research co-conducted by The Asia Foundation China Office and Greenovation Hub a Beijing-based Chinese NGO, KII with Greenovation Hub researchers, July 2020.

<sup>207</sup> Yeophantong P; Maurin C, “China and the Regulation of Outbound Investment: Towards A ‘Responsible Investment’ Policy Framework”, in Bjorkland AK (ed.), *The Yearbook on International Investment Law & Policy 2014–2015*, Oxford University Press, New York, 2016.

[https://www.researchgate.net/publication/315381166\\_China\\_and\\_the\\_Regulation\\_of\\_Outbound\\_Investment\\_Towards\\_A\\_'Responsible\\_Investment'\\_Policy\\_Framework/link/58cebee292851c374e170119/download](https://www.researchgate.net/publication/315381166_China_and_the_Regulation_of_Outbound_Investment_Towards_A_'Responsible_Investment'_Policy_Framework/link/58cebee292851c374e170119/download)



sometimes complemented by more ambitious Chinese standards. They note that China has relatively stronger laws governing resettlement than host country norms in Myanmar, Laos, and Cambodia.

In recent years, however, international norms were employed more frequently. They argue that the root cause for this shift is social mobilization, with the resulting 2011 Myitsone Dam (in Myanmar) suspension as a significant turning point. Other factors include enhanced social safeguard legislation in the host countries as well as China, stricter rules of Chinese funders, and cooperation of Chinese dam developers with international players. They conclude that projects would come closer to achieving procedural and/or distributive social justice if international safeguard norms were followed.<sup>208</sup>

The *Five-Year Plan of Action on Lancang-Mekong Cooperation (2018–2022)* states that it aims to enhance gender equality, women’s exchanges, and cooperation by developing various forms of activities, including training courses and exchange of visits (para. 87.)<sup>209</sup> There is no mention of addressing GESI issues in actual infrastructure development.

**Belt and Road Economics:  
Opportunities and Risks  
of Transport Corridors**

The World Bank’s 2019 study “Belt and Road Economics: Opportunities and Risks of Transport Corridors” provides the following cautions: “Large infrastructure projects are associated with an influx of workers, which may create risks of GBV, STIs, and social

*Construction Companies*

A recent study by International Rivers on how large hydropower companies adhere to social and environmental policies and best practices found that company policies fall well short of accepted international standards. The assessment compared company policies against internationally accepted standards, using key requirements and principles of IFC’s Performance Standards as a reference because of their near-universal application.

This includes objectives such as achieving improved living standards for resettled communities and requiring that companies assess the cumulative impacts of multiple projects on a river basin. The study found that companies must significantly strengthen their environmental and social policies to reflect international norms. Companies lack adequate due diligence processes to guide whether it is appropriate to become involved in a new project.

For example, Huaneng pushed forward with the Lower Sesan 2 hydropower project in Cambodia despite widespread protests from communities and UN documentation of human rights abuses resulting from project implementation. Since company regulations and hydropower industry guidelines are typically not considered to be legally binding, companies perform to a higher level and implement stronger measures if they are obligated to do so by laws in the host country.<sup>210</sup>

Another study assessing social safeguard performance of Chinese-led dam projects in CLM found that 57 percent of the interviewees rated performance as poor, and 30 percent as fair, and corroborated the finding, “[Chinese dam developers] performed strongest at the project site if they were forced to do so by the laws of the host country.” Furthermore, these governments’ policy changes in standards were

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<sup>208</sup> Kirchherr, J., Matthews, N., Charles, K. J., Walton, M. J. “Learning it the Hard Way: Social safeguard norms in Chinese-led dam projects in Myanmar, Laos and Cambodia”, *Energy Policy*, 102, 529–539, 2017.  
<https://www.sciencedirect.com/science/article/pii/S0301421516307212?via%3Dihub>

<sup>209</sup> Lancan-Mekong Cooperation, “Five-Year Plan of Action on Lancang-Mekong Cooperation (2018–2022),” 1 December 2018.  
[http://www.lmcchina.org/eng/hzdt\\_1/t1525364.htm](http://www.lmcchina.org/eng/hzdt_1/t1525364.htm)

<sup>210</sup> Jensen-Cormier, S, “Watered down: How big hydropower companies adhere to social and environmental policies and best practices.” Published by International Rivers. 2019. Retrieved from [www.internationalrivers.org](http://www.internationalrivers.org).  
[https://www.internationalrivers.org/sites/default/files/attached-files/watered\\_down\\_eng\\_executive\\_summary\\_web.pdf](https://www.internationalrivers.org/sites/default/files/attached-files/watered_down_eng_executive_summary_web.pdf)

believed to be driven by social mobilization, highlighting the importance of supporting host country governments.<sup>211</sup>

### 4.3 Gender-Related Laws and Policies in LMRCs

#### Overview

Laws and policies to promote gender equality and gender integration are clearly defined in LMRCs but have limited impact due to issues with implementation, limited interdepartmental and ministerial coordination, as well as inadequate budget allocation. All LMRCs provide constitutional equality between men and women.<sup>212</sup> However, the presence and recognition of customary and discriminatory laws and policies in some countries creates structural barriers to women's rights, and their ability to benefit from and participate in infrastructure development.

Gender integration occurs at different levels of development in different countries. In Cambodia, there is a separate Ministry of Women's Affairs mandated to integrate gender across public policy and government programs. However, in Vietnam, Thailand, Lao PDR, and Myanmar the gender portfolio is included within a specialized department of a larger ministry.

Lao PDR, Myanmar, and Cambodia have inter-ministerial bodies to coordinate gender mainstreaming in all areas of governance. Vietnam and Lao PDR both have national Women's Unions with a strong network and presence from central to grassroots levels, and representatives within each line ministry. However, coordination and collaboration between all ministries/departments, and the ability of gender focal points to push gender issues in sectoral agendas, is generally weak and uneven due to lack of capacity and accountability mechanisms.

Gender issues are commonly classified as a "social" or "health" issue and tend to be discounted by ministries in technical infrastructure-related sectors. Limited capacity of the gender machinery and gender-integration efforts at the sectoral level prevent effective implementation of gender-responsive policies, particularly in infrastructure.<sup>213</sup>

All LMRCs have adopted a mainstreaming approach to gender in their national development context, with some articulating mainstreaming responsibilities and expectations into key infrastructure ministries. For example, in Cambodia and Laos, each line ministry has a committee for gender or women's affairs. In Cambodia, the Ministry of Industry, Mines and Energy and Ministry of Public Works and Transport have each established a GMAG and GMAP.

Vietnam's Ministry of Natural Resources and Environment has an action plan on gender equality and advancement of women, which includes commitments to gender integration in water resource planning and management. Overall, how the gender-integration approaches are interpreted and operationalized differs from country to country, and how effective these are as mechanisms within the infrastructure-development context is a point of current interest of this assessment.

All LMRCs criminalize rape and sexual violence, and, except for Myanmar, have legal provisions against domestic violence, and have specific legal provisions against sexual harassment. While this shows promising

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<sup>211</sup> Catherine Grant, "Implementing safeguard policies in infrastructure programming", Institute of Development Studies, 27 January 2017.  
[https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/13062/K4D\\_HDR\\_Implementing%20safeguard%20policies%20in%20infrastructure%20programming.pdf?sequence=190&isAllowed=y](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/13062/K4D_HDR_Implementing%20safeguard%20policies%20in%20infrastructure%20programming.pdf?sequence=190&isAllowed=y)

<sup>212</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016.  
<https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

<sup>213</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016.  
<https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

legal commitment to the safety of women across all countries, there are loopholes and inadequacies in the implementation of these provisions.

In Cambodia, Lao PDR, Thailand, and Vietnam, the labor laws provide for equal remuneration for same or similar work but not for work of equal value, even though they have all ratified ILO Equal Remuneration Convention (Convention 100). Cambodia, Thailand, and Vietnam have developed comprehensive special provisions for female workers to combine family responsibility and paid work, and to enable them to compete on more level terms with male counterparts.

The labor code in Cambodia requires that managers of enterprises employing a minimum of one hundred women to set up, within their establishments or nearby, a nursing room and a crèche (day care center). If the company is not able to set up a crèche on its premises for children over eighteen months of age, female workers can place their children in any crèche, and the charges shall be paid by the employer. Similar provisions also exist in the labor codes of Thailand and Vietnam. No special provisions are provided for nondiscrimination and protection of women workers in Lao PDR.

Vietnam is also making efforts to achieve work-life balance as addressed in the Law for Gender Equality, which promotes sharing of housework by men and women (Article 7), and agencies and organizations are responsible for setting up kindergartens. Vietnam's *National Strategy on Gender Equality (2011–2020)* is the only such policy in the region that sets specific targets to shorten the time women must spend in carrying out household duties (Article 32).<sup>214</sup>

Women's equal rights to land, both inheritance and ownership, are protected in CLMTV by various articles in land, property, and resource laws. Some countries also recognize, in varying ways, that land acquired by a couple (including in the context of resettlement) belongs equally to the wife and the husband, and that land title certificates should include both names.

Across the region there are significant GESI gaps at the overall national sector planning stage, with more attention paid on a project-by-project basis. Even then there is limited focus on GESI at the earlier stages of a project: feasibility, design, and impact assessment, as well as in the assessment of the distribution of outcomes: who bears the cost and who benefits.<sup>215</sup>

The infrastructure legal and policy framework does not adequately incorporate gender-equality issues at the national level in LMRCs. When gender-integration efforts in infrastructure institutions are considered, they are often not effectively implemented due to lack of capacity and overall low priority assigned to gender equality.

While gender policies appear to be firmly in place in all LMRCs, they do not link with infrastructure policies in any significant or coherent manner. Instead they focus more on women's social welfare, employment, and political participation.<sup>216</sup> Below is a more detailed mapping of the nexus between GESI and infrastructure in the laws, policies, strategies, and institutional mechanisms for each country.

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<sup>214</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016. <https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

<sup>215</sup>KII, International Rivers, June 2020.

<sup>216</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Water insecurity disadvantages women as they shoulder heavier caring obligations," SEI discussion brief, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

## Cambodia

### Laws

- Women's rights are protected under international law as well as domestic law by way of Article 31 of the Constitution of the Kingdom of Cambodia (1993), which explicitly incorporates international human rights law into domestic law.
- Cambodia does not have a dedicated law to promote gender equality, however there is a Law on the Prevention of Domestic Violence and the Protection of Victims (2005).
- Cambodia has relatively little legislation that is likely to protect or promote the rights of women impacted by infrastructure development. Several of the main laws either stipulate or assume gender equity, but there is no law that specifically promotes women's rights and infrastructure development as a national priority.
- Laws on natural resource management, investment guidelines, and social impact assessment are silent on women's specific concerns. The legal framework does not require a Social Impact Assessment (SIA).<sup>217</sup>
- Articles 32–34 of the Marriage and Family Law (1989) provide for equal gender rights in land ownership, joint or individual, and in inheritance.
- The Land Law 2001 allows for husbands and wives to co-sign land titles; however, only 63 percent of titles are in both spouses' names (2013) and 18 percent in women's names (2014).<sup>218</sup> The Sub-Decree on Social Land Concessions (2003) guarantees female-headed households' rights to participate in a social land concession program.
- There are no job restrictions on women, retirement age is set at 55 for both women and men, and the Labor Law mandates equal remuneration for work of equal value and nondiscrimination based on gender. There is also legislation that addresses sexual harassment in the workplace.<sup>219</sup>
- There is no legal provision to embed GBV-prevention requirements in the bidding and procurement processes, which is a critical mechanism for ensuring legal accountability for addressing GBV in projects.

Laws and strategies that affect the development of infrastructure in Cambodia include the following; however, none include GESI considerations:

- Law on Roads (2014)
- The Law on Expropriation (2010)
- The Law on Environmental Protection and Natural Resources Management (1996)
- The Law on Water Resources Management (2007)
- The Draft Sub-Decree on River Basin Management (2011)<sup>220</sup>
- The Law on Electricity (2001)
- The Power System Development Plan (2007–2020)
- The Renewable Energy Action Plan (2003)
- The Sub-Decree on the EIA process (1999)
- The Declaration on General Guidelines for Developing Initial and Full Environmental Impact Assessment Reports

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<sup>217</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Water insecurity disadvantages women as they shoulder heavier caring obligations," SEI discussion brief, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>218</sup> Clara Park, "Our Lands are Our Lives": Gendered Experiences of Resistance to Land Grabbing in Rural Cambodia," *Feminist Economics*, Vol 25, 2019. <https://www.tandfonline.com/doi/full/10.1080/13545701.2018.1503417?scroll=top&needAccess=true>

<sup>219</sup> USAID, "Green Invest Asia, Gender Assessment," 2019.

<sup>220</sup> Virginia Simpson, "Gender and Hydropower, National Policy Assessment Cambodia", Oxfam Australia, 2013. [https://wle-mekong.cgiar.org/download/mk13-genderinhydropower/MK13\\_Cambodia%20Gender%20and%20Hydropower\\_Policy%20Assessment.pdf](https://wle-mekong.cgiar.org/download/mk13-genderinhydropower/MK13_Cambodia%20Gender%20and%20Hydropower_Policy%20Assessment.pdf)

- The Law on the Investment (1994) and the sub-decree on the implementation of the Law on the Amendment to the Law on Investment (2005)<sup>221</sup>
- Law on the Protection and Promotion of the Rights of Persons with Disabilities

Ethnic minority women are not represented at the legislative and political level. However, the following make provisions for ethnic minorities and indigenous people in general:

- The Law on Land (2001) outlines the land rights of indigenous peoples in Article 26 but also states “the provisions of this article are not an obstacle to the undertaking of works done by the state that are required by the national interests.”
- National Policy on the Development of Indigenous Peoples (2009).
- Policy on Registration and Right to Use of Land of Indigenous Communities in Cambodia (2009).<sup>222</sup>

### *Policies*

- The *National Gender Policy* is currently being drafted.

### *Strategies and Plans*

- Cambodia’s National Strategy for Gender Equality and Women’s Empowerment (*Neary Rattanak IV (2014–2018)* and the draft *Neary Ratanak V*) do not include any reference to infrastructure development.
- The *National Action Plan on the Prevention of Violence against Women and Children 2014–2018* does not refer to infrastructure or construction. This policy is currently being updated by MOWA.
- The *Overview of the Transport Infrastructure Sector in the Kingdom of Cambodia (2015)* does not include any reference to GESI impacts or implications.<sup>223</sup>
- The *National Strategic Development Plan 2019–2023*, outlines objectives for gender mainstreaming as well as transport and energy but not the intersection between these areas. It mandates MOWA to develop and implement the Gender Equality Policy; mainstream gender in public policy, implement the Convention on the Prevention of All Forms of Discrimination Against Women (CEDAW) in all sectors and development programs to reduce poverty and vulnerability of women, especially women with disabilities and indigenous women minorities; promote women’s decision-making in the public sector and politics, prevent violence against women and girls, health and education for women and girls, and strengthening the mechanisms to mainstream gender in development policies and sectors and national programs. It states that the government will finalize the necessary policies and regulatory frameworks for managing and developing transport sector and standards related to setting standards for road construction, land transportation, and waterway transport.
- The Ministry of Water Resources and Meteorology (MOWRAM) Gender Mainstreaming Strategic Plan (GMSP) (2019–2023) aims to mainstream gender in related laws, policies, strategies, and development programs of MOWRAM, promote gender equality in MOWRAM, ensure that all services in the water resources sector provide more benefits to women in the community, increase good collaboration and partnership between GMAG and all projects within the ministry to promote aid effectiveness and gender equality in water resources sector, and strengthen the monitoring and evaluation system. While the GMSP does not specifically address gender in hydropower, the overall

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<sup>221</sup> Virginia Simpson, “Gender and Hydropower, National Policy Assessment Cambodia”, Oxfam Australia, 2013. [https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13\\_Cambodia%20Gender%20and%20Hydropower\\_Policy%20Assessment.pdf](https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13_Cambodia%20Gender%20and%20Hydropower_Policy%20Assessment.pdf)

<sup>222</sup> Virginia Simpson, “Gender and Hydropower, National Policy Assessment Cambodia”, Oxfam Australia, 2013. [https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13\\_Cambodia%20Gender%20and%20Hydropower\\_Policy%20Assessment.pdf](https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13_Cambodia%20Gender%20and%20Hydropower_Policy%20Assessment.pdf)

<sup>223</sup> The Royal Government of Cambodia, “*The Overview of the Transport Infrastructure Sector in the Kingdom of Cambodia.*” 2015.

intention represents some interesting entry points and opportunities for promoting gender in hydropower-related laws and policies.<sup>224</sup>

- The Ministry of Mines and Energy (MOME) is currently drafting Gender Mainstreaming Strategic Plan 2020–2025.
- Master Plan for Highway Development and Road Network Planning in the Kingdom of Cambodia does not address GESI.
- Master Plan for Railway Development in the Kingdom of Cambodia, which provides technical assistance from the Republic of Korea, does not address GESI.
- Master Plan for Multi-modal Transport and Logistics., does not address GESI.

### *Institutional Mapping*

- The national machinery for women and gender consists of the MOWA, which includes various thematic departments, none of which are covering infrastructure development. There is, however, growing interest within MOWA to start addressing gender in infrastructure.<sup>225</sup>
- MOWA oversees the implementation of the Five-Year Strategy for Gender Equality (Neary Rattanak) and strategies to prevent GBV and trafficking. MOWA has the mandate to guide the line ministries and administration units in mainstreaming gender in government policies at national and local levels. MOWA has not to date had a substantive technical discussion with infrastructure-related ministries about gender in infrastructure development.<sup>226</sup>
- MOWA chairs the inter-ministerial Technical Working Group on Gender (TWG-G) with representatives from all line ministries. Three sub-TWGs cover GBV, Women’s Economic Empowerment, and Women in Leadership and Governance. None of these address infrastructure-development issues.
- Each line ministry, including Ministry of Environment (MOE), MOME, MOWRAM, and MPWT, has a GMAG and a GMAP. The sectoral GMAPs tend to focus mainly on targets for women’s employment within the ministry and in construction, without addressing gender impacts of infrastructure development, except for HIV risks.
- According to the MPWT GMAG, the government does not require contractors to sign a Code of Conduct regarding GBV/SEAH (but WB and ADB do), and will implement HIV and trafficking awareness for contractors and project-affected communities at the specific request of development partners (such as WB and ADB). According to the MPWT GMAG representative, there is no issue with GBV/SEAH in their projects. MPWT does not have any gender specialists or expertise on their staff. The MPWT GMAG liaises with MOWA as part of the GMAP reporting, and MOWA makes recommendations on the types of rural roads that would benefit women.<sup>227</sup>
- According to the MOWRAM GMAG and NMC there is limited funding to implement the MOWRAM GMAP and the MRC Gender Strategy. The main concern with respect to hydropower is related to the impact on fisheries and livelihoods.<sup>228</sup>
- Within MOME approximately 23 percent of the staff and 26 percent of the management positions are held by women (2020). MOME requests MOWA to provide training on gender mainstreaming and

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<sup>224</sup> The Royal Government of Cambodia, MOWRAM, “*Gender Mainstreaming Strategic Plan (2019–2023)*”, 2019.

<sup>225</sup> KII, MoWA, Director and Vice Director of Gender Equality Dept. 19 June 2020.

<sup>226</sup> KII, MoWA, Director and Vice Director of Gender Equality Dept. 19 June 2020.

<sup>227</sup> KII, MPWT GMAG Chair, 17 June 2020.

<sup>228</sup> KII, MOWRAM GMAG/NMC, 19 June 2020.



comments on their GMAP.<sup>229</sup> MOME are in the process of developing their GMAP 2020–2025. This represents an opportunity for integrating strategic GESI issues into the next GMAP.<sup>230</sup>

### *EIA Regulations*

- There are no provisions in the legal framework that mandate addressing specific gender-differentiated risks and impacts, including GBV, or to develop and implement Community Safety Plans, Community Development Plans, Indigenous Peoples Plans, Gender Action Plan, and GBV Action Plan.
- In the Prakas on Guidelines for Public Participation in the EIA Process (drafted in 2016; not adopted yet), Article 3 identifies the fourth key principle to be applied is the Principle of Gender Equality in Public Participation. It includes the option of establishing a GRM, but not a separate process for GBV-related grievances as recommended by the World Bank (2018). Legal provisions tend to neglect the need for mandatory grievance mechanisms.
- In the Environment and Natural Resources Code for Cambodia (draft version 9—2017) Article 14: the Principle of Gender Equality in Environmental Protection and Natural Resources Management states that “gender equity and the participation of women in all aspects of decision-making concerning the environment and natural resources shall be promoted and encouraged.”<sup>231</sup>
- Although required as part of the EIA process, public participation is mostly encouraged but not mandatory, leaving implementation in the hands of project proponents, which is further weakened by the lack of guidelines and standards for the implementation of public participation, including how the EIA process is publicized and at which stage public participation should be initiated.
- There is no institutional or legal requirement for public concerns and comments to be incorporated into the EIA report; instead, only a list of comments from the public is attached in an annex, without any indication of whether these comments were rejected, accepted, or followed up.
- Public access to EIA and project-related information is limited, diminishing the effectiveness of consultation. Even the information that is shared among affected communities is often ambiguous at best. Lastly, the fact that public consultation and participation ends abruptly once the environmental compliance certificate is endorsed is an institutional flaw. The revised definition in Cambodia’s draft national guidelines on public participation in the EIA process, dated June 7, 2016, includes “other stakeholders who are also interested in the project” but does not specifically recommend ensuring gender-balanced participation.<sup>232</sup>

### *Lao PDR*

Lao PDR’s national planning documents contain general provisions for gender mainstreaming across government, but little guidance on how to do so. Ensuring positive gender outcomes in infrastructure relies on the implementation and enforcement of the provisions made in these national plans and the more detailed policy instruments surrounding planning and development. While gender clauses appear to be missing in some of Lao PDR’s main infrastructure-related laws (e.g., the Law on Electricity), some of the decrees with which these laws are linked have significant gender content. In terms of social and gender impact assessment of infrastructure, much hinges on the correct utilization of the *Technical Guidelines on Compensation and Resettlement in Development Projects* (2005).<sup>233</sup>

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<sup>229</sup> KII, MOME, July 2020.

<sup>230</sup> KII, MoWA, Director and Vice Director of Gender Equality Dept. 19 June 2020.

<sup>231</sup> Derin Henderson, “*Legal Conformance Assessment Table Cambodia*,” TAF, 27 May 2020.

<sup>232</sup> Sam Sreymom, Nong Monin, and Ky Channimol, “*Gender in EIA and Public Participation*”, USAID/PACT, 8 November 2016. [https://www.sumernet.org/upload/media/0001/01/CDRI\\_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf](https://www.sumernet.org/upload/media/0001/01/CDRI_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf)

<sup>233</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen. “*Exploring gender dimensions of water security and governance in the Lower Mekong region*” Accessed November 20, 2019.

As noted by the 2018 USAID report on energy, some observers feel that the rapid development of the hydropower sector in Lao PDR has provided an opportunity for the government, civil society, foreign investors, and the hydropower sector to embed principles of sustainability and gender equity into the project-development process.

Overall, hydropower development in Lao PDR can offer lessons for energy regulators worldwide on ways to ensure inclusion of women into energy infrastructure development. In many cases MONRE, as well as the Ministry of Energy and Mines (MEM), fulfill some of the equivalent roles of an energy regulatory commission: balancing consumer and investor interests, long-term planning, regulating and requiring standards for energy infrastructure development, and instituting a claims process for grievances. The approaches taken in Lao PDR are replicable in many country contexts, and the organizations operating within Lao PDR have equivalent organizations in other country contexts.<sup>234</sup>

### Laws

- The *Decree on Environmental Impact Assessment (2019)* states that project owners must develop a Stakeholder Engagement Plan, with an emphasis on issues related to ethnic groups, gender, and vulnerability. This decree is considered to be in full conformance with international safeguard policies (IFC, WB, ADB, EP) since Article 22 requires the project owner to carry out a gender assessment; however, this decree could be improved if specific provisions are added with requirements to assess the risk of GBV. The decree should include provisions requiring specialized consultations to identify GBV risks in areas deemed of substantial and high risk. There is no provision in the Decree on EIA requiring the more robust ICP process for projects with potentially significant adverse impacts. There is also no provision in the decree when consulting with indigenous people / ethnic groups to obtain their free, prior, and informed consent (FPIC) process. Article 38 in the Decree on EIA should also include additional mechanisms that are safe and confidential for registering complaints related to GBV. For projects that are considered to have substantial or high risk of GBV, a recommendation to establish a separate GBV GRM, with feedback to the lender's accountability mechanism, could be included. Article 56 in the Decree on EIA should include complaints on social impacts and not only environmental impacts.<sup>235</sup>
- The *Decree on Compensation and Resettlement Management in Development Projects (2016)*: While there are provisions for benefit sharing in the key laws, decrees, and regulations related to infrastructure projects, specific provisions should be added to ensure that women and vulnerable or disadvantaged individuals and groups share equally in the project's benefits. The relevant legal instruments are mostly gender neutral and risk perpetuating gender stereotypes or overlooking the needs and considerations of women or vulnerable groups.<sup>236</sup>
- There are no legal provisions in the relevant decrees advising project owners to avoid involuntary resettlement and to ensure that the consultation process includes both women's and men's perspectives. There is no guidance on how to ensure gender equality throughout the consultation process.<sup>237</sup>
- The Labour Law (2013) does not include a clause on sexual harassment in the workplace. It does include a statement on nondiscrimination: "Work shall ensure that the employer and employees receive mutual benefit, without discrimination as to race, nationality, gender, age, religion, beliefs, and socio-economic status," but can be improved by including specific strategies to promote equal employment opportunities for women.<sup>238</sup>

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<sup>234</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>235</sup> Derin Henderson. "Legal Conformance Assessment Table Safeguard Policies and Standards, Lao PDR." TAF, 2020.

<sup>236</sup> Derin Henderson. "Legal Conformance Assessment Table Safeguard Policies and Standards, Lao PDR." TAF, 2020.

<sup>237</sup> Derin Henderson. "Legal Conformance Assessment Table Safeguard Policies and Standards, Lao PDR." TAF, 2020.

<sup>238</sup> Derin Henderson. "Legal Conformance Assessment Table Safeguard Policies and Standards, Lao PDR." TAF, 2020.



- The Law on the Development and Protection of Women (2004) promotes equality in “self-development,” whereby “women and men have the same value and opportunities in politics, the economy, society and culture, family [affairs], national defense and security, and foreign affairs ...” The law mentions equal rights of women to land and other property, and their rights to professional training and employment opportunities and equal pay for equal work.
- The Law on Preventing and Combatting Violence Against Women and Children (2014) refers to prevention, protection, assistance to the victims of violence, and handling of such violence, including taking measures against perpetrators of violence. It does not refer specifically to GBV/SEAH in the context of infrastructure development.<sup>239</sup>
- Women’s land rights are of relevance to hydropower development given the sector’s impact on land. The Property Law (1990) and Land Law (2003) are the relevant pieces of legislation, which says that land acquired by a woman and man during their marriage is a shared asset, and that land titles or certificates for these assets must include the names of both the wife and husband.<sup>240</sup> Although the law prohibits discrimination in marriage and inheritance, a variety of culturally based discrimination is practiced by some ethnic minority groups in remote areas.<sup>241</sup>
- The Law on Investment Promotion (2016) emphasizes promoting employment of Lao labor, especially women and ethnic people; focusing on labor skills development.
- The Laws on Electricity (2012) and Land Transport (2012) do not mention GESI-related issues.

### *Policies*

- In 2015, the Government of Lao PDR adopted its *Policy on Sustainable Hydropower Development* (Decree No. 02/GoL), which requires that projects should develop “gender development plans” prior to construction and implementation of the project. The subsequent guidelines on the policy note that social management and monitoring plans should consider distributional impacts on—and participation of—vulnerable groups, including women. Further, the concession agreements that govern hydropower projects do contain gender provisions in some cases.<sup>242</sup>
- The MEM 2015 *Policy Guidelines for the Implementation of Policy on Sustainable Hydropower Development in Lao PDR*, Section 5.8 includes the following: “In order to safeguard the statutory interests of the project-affected people due to resettlement and compensation cases, the hydropower project developer shall provide a progress report on the social impact assessment [and] develop a resettlement and livelihoods’ improvement plan, an ethnicity development plan, a gender development plan and so forth before the construction and implementation of the project to ensure that any potential negatives [sic] impacts to the people and other social related impacts are mitigated”.<sup>243</sup>
- MONRE is developing a Water Management Policy, which will include hydropower, and is working with the Lao Women’s Union (LWU) and GDA (a prominent Lao Gender NGO, the director of GDA was a trainer for the Oxfam Hydropower Gender Impact Assessment project) to develop the Gender Action Plan.<sup>244</sup>

<sup>239</sup> Government of Lao PDR, National Assembly, “*Law on Preventing and Combatting Violence Against Women and Children.*” 2014.

<sup>240</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, “*Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam*”, *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>241</sup> USAID, “*GSIA Legal Aid Project,*” Laos, 2019.

<sup>242</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, “*Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam*”, *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>243</sup> Kalee Whitehouse and Julie Curti, “*The Practical Guide to Women in Energy Regulation*”, USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>244</sup> KII, Director of GDA Lao, July 2020.

## Strategies

- Lao PDR's *National Growth and Poverty Eradication Strategy* has an emphasis on hydropower as a means of attracting foreign investment and has a dedicated section on “Gender Strategy for Poverty Reduction,” including clear actions for gender mainstreaming across sectors such as agriculture, education, health, transport, and political voice. This includes “encourage the employment of local people and ensure no gender discrimination” in transport initiatives. “Under the guidance of the National Commission for the Advancement of Women (NCAW), all ministries will develop strategies and action plans to promote gender equality at national, provincial, district and village levels.” In transport, “the Government is committed to ensuring that the needs and concerns of women are properly considered in planning and implementing road and other transport-related infrastructure. Negative environmental and social impacts must be considered, especially since they tend to fall more heavily on poor women. Therefore, local communities, including women, will be consulted in the design of transport and other infrastructure projects; environmental and social assessments of new road construction and other infrastructure projects will include analysis of gender-related benefits and impacts; community development projects will be designed to ensure that rural communities benefit from roads and other infrastructure projects; gender data will be collected to monitor the impacts of these projects. Women representatives will participate in community road maintenance funds. The Ministry of Communication, Transport, Post and Construction (MCTPC) will coordinate with the Ministry of Health, mass organizations and other agencies to carry out awareness campaigns (in relevant languages) on HIV/AIDS and other health risks at road construction camps, in communities along road corridors, and at transit stops and border crossings.”<sup>245</sup>
- Lao PDR's *8th Five-Year National Socio-economic Development Plan 2016–2020* does not mention gender in the context of national infrastructure development; gender is identified as a cross-cutting priority.
- The *Renewable Energy Development Strategy in Lao PDR (2011)* includes increasing gender equality as one of its main objectives, as well as “environmentally and socially sustainable development through enforcement of adequate safeguards to ensure ... local communities’ food security, and secure access to adequate land to meet and develop their livelihoods for all ethnic groups with special focus on women.” The strategy does not elaborate on how it will meet these objectives, but the *Social Impact Assessment and Technical Guidelines on Compensation and Resettlement in Development Projects (2005)* articulate expectations for gender-sensitive data collection and gender-sensitive resettlement entitlements.<sup>246</sup>
- MPWT has a *National Strategy for Public Works and Transport (2016–2020)* which includes gender targets; this is mirrored in the *MPWT Strategy for the Advancement of Women (2014–2025)*. They key issues include increasing the representation of women in the ministry and at decision-making levels, improving the capacity of women in the sector, and creating a mechanism for gender planning and M&E.<sup>247</sup>
- MEM has a *National Strategy for Energy and Mining (2016–2020)* which includes targets for women staff (25 percent) and decision makers (20 percent), and women in training (30 percent) in MEM. MEM also has a *Gender Equality Development Strategy and Plan (2016–2025)* which aims to eliminate discrimination and violence against women in the energy and mines sector, increase and develop female staff capacity in decision-making, and strengthen the sub-CAW units at all levels of MEM.<sup>248</sup>
- *Vision 2030 on Women Development and Ten-Year National Strategy on Gender Equality and Women’s Development (2016–2020)*, the *Lao PDR Women’s Development Plan (2016–2020)*, and

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<sup>245</sup> Government of Lao PDR. “*National Growth and Poverty Eradication Strategy*”. c. 2000.

<sup>246</sup> Virginia Simpson, “*Gender and Hydropower, National Policy Assessment Lao PDR*”, Oxfam Australia, 2013. [https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13\\_Lao%20Gender%20and%20Hydropower\\_Policy%20Assessment.pdf](https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13_Lao%20Gender%20and%20Hydropower_Policy%20Assessment.pdf)

<sup>247</sup> KII MPWT, July 2020; KII ADB Gender Specialist July 2020; Government of Lao PDR, Ministry of Public Works and Transport (MPWT), “*Strategy for Advancement of Women in the Public Works and Transportation Sector (2014–2025)*”

<sup>248</sup> Government of Lao PDR, “*The First 5 Years Gender Equality Development Plan of Ministry of Energy and Mines (2016–2020)*”, 2016.

the 3rd Five-Year National Plan of Action on Gender Equality (2016–2020) promote gender equality and women’s empowerment in broad terms focusing on education, health, employment, political participation, and leadership. This promotes women’s involvement in protecting natural resources but does not refer to infrastructure, energy, or transport.<sup>249</sup>

- The National Strategy for the Advancement of Women (NSAW) for 2011–2015 was designed to promote women’s equality in Lao PDR, with specific goals to increase understanding of gender equality; enable more women to take on decision-making roles; provide opportunities for women and girls to access health care, education, training, employment, income generation, infrastructure, and social protection; promote wider participation of women from all ethnic groups in economic activities and social services; and strengthen gender machinery in-country, especially the NCAW. It includes provisions requiring that the government issue guidance for sectors and local authorities at all levels on integrating NSAW action plans into their targets, with allocations coming from their own budgets.<sup>250</sup>

All national strategies are being updated for 2021–2025. This represents an opportunity to cross-reference GESI and infrastructure development across the relevant strategies and plans.

### *Institutional Mapping*

- The National Commission on the Advancement of Women, Mothers and Children (NCAWMC, formerly NCAW) is the government focal point for gender integration and assists with formulating national policy guidance and strategic action plans to promote women’s advancement and gender equality. The NCAWMC works alongside the LWU to implement the laws protecting women in Lao PDR. Sub-CAW units were established throughout the country at the provincial, district, and village levels, and across line ministries, to enhance central policymaking and support monitoring CEDAW implementation. NCAWMC provides training to line ministries on gender-equality policy and women’s rights, GBV.
- The LWU is an important organization for women’s empowerment at all levels of government—central, across all line ministries, provincial, district, and village, with a total membership of over one million. The LWU is responsible for responding to women’s development needs, promoting the status and role of women, and promoting unity among women of different ethnic groups and social strata throughout the country. Among various functions, the LWU is mandated to promote the implementation of the *Law on Protection and Development of Women* and *National Strategy on Gender Equality and Women’s Development*. The LWU is active within MPWT, MEM, and other actors such as EDL.<sup>251</sup> The LWU are considered an active partner to mobilize women to participate in EIAs, to support women-focused initiatives, and to address issues of GBV on the ground. They are less visible at the national policy dialogue level, particularly in infrastructure. The LWU at the provincial level received Training of Trainers training in the Oxfam GIA methodology specific to hydropower; however, they have limited capacity to provide technical inputs and advice regarding infrastructure development.<sup>252</sup>
- There is at least one person and/or division responsible for gender in all ministries, and all ministries have a representative from the LWU and the NCAWMC. These two organizations are the national machineries which have a direct role and perform as a coordination body for gender-integration activities. While their role in supporting the advancement of women within the government agencies is clear, their capacity and visibility in sector policy and planning is less evident.

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<sup>249</sup> Government of Lao PDR, “*Vision 2030 and 10-Year National Strategy on Gender Equality (2016–2025)*”.

<sup>250</sup> ADB, “*Gender Analysis of CCDRM Policies in Lao PRD*,” 2019.

<sup>251</sup> Oxfam and IUCN, “*Regional Forum on Gender Equity and Women’s Leadership in Transboundary Water Governance in the Lower Mekong Basin*”, IUCN, 15 September 2017.

[https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam\\_iucn\\_gender\\_forum\\_report\\_sept\\_2017\\_210218.pdf](https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam_iucn_gender_forum_report_sept_2017_210218.pdf)

<sup>252</sup> KII, Director GDA Lao, July 2020.

- The MEM has a sub-CAW which provides gender awareness training to ministry staff and companies, and provides inputs to sector policy and strategies. There are 22 percent women staff and 18 percent women in decision-making in the ministry.<sup>253, 254</sup>
- MPWT includes a Committee for the Advancement of Women (CAW) that sits under the Minister's Cabinet and reports to the NCAW. It is responsible for implementing the Strategy for the Advancement of Women. As mentioned above, the MPWT has developed a Ten-Year Strategy for the Advancement of Women (2014–2025). There are 22 percent women in MPWT and 15.4 percent women in decision-making positions; women's representation decreases at sub-national levels. MPWT has a gender focal point who coordinates gender in all projects. According to the MPWT, GBV/SEAH is not an issue in the transport sector; it is the responsibility of the LWU to handle it on the ground.<sup>255</sup> The NCAW has provided generic gender training to the MPWT. The following gender constraints are priorities for MPWT: low overall number of women in the ministry; few women in decision-making positions and lack of involvement in decision-making; women lagging behind men in regards to skills and capacity development; no mechanisms and tools to integrate gender into sector planning at central, provincial, and district levels; no uniform monitoring and evaluation of gender mainstreaming; and lack of formal communication and reporting mechanisms between the NCAW, Sub-CAW, and Department for the Advancement of Women (DAW).<sup>256</sup>
- The *Gender Analysis of Climate Change Disaster Risk Management (CCDRM) Policies in Lao PRD* conducted gender institutional capacity assessment of eight ministries and government agencies, including Ministry of Planning and Investment, MONRE, Ministry of Industry and Commerce, MEM, and LWU, which found that, in general, the gender-integration capacity of these government agencies is weak, even though all ministries have a person and/or division responsible for gender along with at least one representative from the LWU and the NCAWMC. Most ministries lack resources such as checklists and guidance notes to help advance gender equality and gender mainstreaming in their work. While, on average, the political will and gender policy are visible, accountability of the ministries is poor. Low gender awareness, a limited amount of gender training, a lack of sex-disaggregated data collection, and low level of participation of women as leaders are the major challenges for all ministries. All ministries have a gender policy related to the strategic plan of the NCAWMC and the strategic plan of the LWU in their ministries. However, efforts in gender mainstreaming are constrained due to a lack of budget, lack of leadership support, the ineffectiveness of budget expenditure, and lack of gender-sensitive training.<sup>257</sup>
- The Lao Hydropower Developers' Working Group was launched in 2013 to provide a space for interactive seminars between the private sector and other stakeholders on applying good international industry practices to the sector. The Hydropower Developers' Working Group of the Lao People's Democratic Republic met with the Lao Women's Union and Oxfam in mid-September to discuss the incorporation of gender considerations into each step of hydro project-development cycles. IFC, Oxfam, and the LWU all agree projects that integrate gender into initial project planning will have lower costs and improved business operations in the long term.<sup>258</sup>

## EIA

- Hydropower developers are required to conduct an ESIA of their activities (in accordance with the *Decree on Environmental Impact Assessment of 2010*). However, there are no specific legal requirements

<sup>253</sup> KII, MEM, July 2020.

<sup>254</sup> International Rivers, "State of Knowledge: Women and Rivers in the Mekong Region", 2020. <https://drive.google.com/file/d/1AOKSeBeLMe2oNtIAfDyiAoaFiZ7Nt72r/view>

<sup>255</sup> KII, MPWT, July 2020.

<sup>256</sup> Government of Lao PDR, Ministry of Public Works and Transport (MPWT), "Strategy for Advancement of Women in the Public Works and Transportation Sector (2014–2025)".

<sup>257</sup> ADB, "Gender Analysis of CCDRM Policies in Lao PRD," 2019.

<sup>258</sup> IFC Web Site Accessed 24.6.2020.

that oblige project developers to assess the gender impact of their projects or to consider how a project may affect women and men differently, as part of these assessments.<sup>259</sup>

- Efforts led by coalitions of stakeholders across government, finance, industry, civil society, and international development agencies have sought to build upon Lao PDR's existing legal frameworks to support stronger implementation and incorporation of gender into social impact assessments for hydropower development, resettlement agreements, and resettlement planning in villages. The responsibility for regulating hydropower developments and incorporating social and environmental considerations is shared between national and regional actors. Of note, Lao PDR does not have an independent energy regulatory authority, and the actions of these agencies correspond to the roles of energy regulators in other country contexts.<sup>260</sup>

### *Ethnic Minority Women*

- Lao PDR's *Technical Guidelines on Compensation and Resettlement in Development Projects (2005)* requires the development of a separate Ethnic Minority Development Plan in all instances where ethnic minorities are likely to be impacted by development.
- Lao PDR's *NGPES* recognizes the difficulties faced by women from ethnic minority communities.<sup>261</sup>

### Myanmar

There are contradictory messages in the legal framework, including the plural legal system with different gender equality and women's rights standards, and policy–practice disconnects; furthermore, there is a shortage of gender statistics and research, a lack of awareness, and limited institutional capacity to protect women's rights in infrastructure development.<sup>262</sup>

Myanmar laws afford little legal protection for women whose human rights may be impacted by infrastructure projects. Although legislation stipulates or assumes gender equality, there is no law specifically focused on the promotion and protection of women's human rights, particularly in the context of infrastructure development. However, the National Strategic Plan for the Advancement of Women (NSPAW), a strategic planning document which serves as a framework for women's advancement, declares women's human rights as one of its focus areas.

There is no legislation dedicated to protecting women or gender issues linked to large development projects. There are several laws which discriminate against women and ethnic minorities—for example, laws and policies specific to natural resources management, investment, and social impact assessments also do not address the gendered impact of large-scale development and infrastructure projects.

In Myanmar, large infrastructure projects, including hydropower, are historically linked to human rights violations, including forced relocation, rape, torture, and killings due to conflict between armed groups and the central government's military around dam sites.<sup>263</sup>

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<sup>259</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>260</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>261</sup> Virginia Simpson, "Gender and Hydropower, National Policy Assessment Lao PDR", Oxfam Australia, 2013. [https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13\\_Lao%20Gender%20and%20Hydropower\\_Policy%20Assessment.pdf](https://wle-mekong.cgiar.org/download/mk13-gender-in-hydropower/MK13_Lao%20Gender%20and%20Hydropower_Policy%20Assessment.pdf)

<sup>262</sup> Peter Wulf, "Environmental and Social Impact Assessment Guidelines for Hydropower Projects in Myanmar", IFC, no date. <https://www.ifc.org/wps/wcm/connect/f6ee0e54-469e-435f-95ea-3e03a6c94ef2/Myanmar+HPP+ESIA+Guidelines+V8+for+consultation.pdf?MOD=AJPERES&CVID=IPFz09i>

<sup>263</sup> Hnin Wut Yee, "Large Hydropower Projects in Ethnic Areas in Myanmar: Placing Community Participation and Gender Central to Decision-Making", Myanmar Centre for Responsible Business (MCRB), September 2017.

Although there is no legal framework in Myanmar covering businesses operating in conflict sensitive areas, UNGP Guideline 7 can be applied in this context. This spells out guidance on how businesses need to respect human rights in conflict-affected areas and how states are required to put stringent actions and necessary support to such businesses to avoid potential human rights violations.<sup>264</sup> The gendered impact of conflict, displacement, and the prevalence of gender and sexual violence needs to be adequately addressed in infrastructure laws and regulations,<sup>265</sup> and gendered impact assessment should be considered in the EIA process.<sup>266</sup>

The Government, spearheaded by the Deputy Minister of Finance and Industry, who is considered cutting edge and open to new ideas on planning and industry, is currently running a Project Information Bank, however there is no capacity to consider GESI issues in infrastructure.<sup>267</sup>

### Laws

- There is no legislation specifically dedicated to gender equality or women's issues.<sup>268</sup>
- The 2008 Myanmar Constitution prohibits discrimination against women. Section 347 of the Constitution guarantees all persons equal rights before the law and equal legal protection, while Section 348 does not discriminate against any Myanmar citizen on the basis of sex.<sup>269</sup> Section 350 stipulates that women shall be entitled to the same rights and salaries as men for similar work;<sup>270</sup> however, Section 352 states: “nothing ... shall prevent the appointment of men to the positions that are suitable for men only.”<sup>271</sup>
- The Draft Anti-Violence Against Women Law, which will be Myanmar's first law to protect women from all forms of violence, has been waiting for parliamentary approval since 2013.
- According to Article 3 of the Citizenship Law (1982), national races (the government's preferred term in referring to ethnic minorities) are “Kachin, Kayah, Kayin, Chin, Bamar, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the state as their permanent home from a period anterior to 1185 B.E., 1823 A.D.” This narrow category of ethnicities that qualify

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<sup>264</sup> Hnin Wut Yee, “Large Hydropower Projects in Ethnic Areas in Myanmar: Placing Community Participation and Gender Central to Decision-Making”, Myanmar Centre for Responsible Business (MCRB), September 2017.

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<sup>265</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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<sup>266</sup> Nang Shining, “Gender and Hydropower: Women's Rights in the Development Discourse”, Weaving Bonds Across Borders and Mong Pan Youth Association, Sept 2017.

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<sup>267</sup> KII, UNW Myanmar, August 2020.

<sup>268</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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<sup>269</sup> Peter Wulf, “Environmental and Social Impact Assessment Guidelines for Hydropower Projects in Myanmar”, IFC, no date.

<https://www.ifc.org/wps/wcm/connect/f6ee0e54-469e-435f-95ea-3e03a6c94ef2/Myanmar+HPP+ESIA+Guidelines+V8+for+consultation.pdf?MOD=AJPERES&CVID=IPFz09j>

<sup>270</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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<sup>271</sup> Peter Wulf, “Environmental and Social Impact Assessment Guidelines for Hydropower Projects in Myanmar”, IFC, no date.

<https://www.ifc.org/wps/wcm/connect/f6ee0e54-469e-435f-95ea-3e03a6c94ef2/Myanmar+HPP+ESIA+Guidelines+V8+for+consultation.pdf?MOD=AJPERES&CVID=IPFz09j>



as citizens excludes ethnic minority populations. Although gender is commonly considered in citizenship laws, there is no articulation of women's rights within the law.<sup>272</sup>

- The 2015 Law on Ethnic Rights Protection aims to ensure that people of ethnic groups as determined by the law enjoy equal citizenship and constitutional rights, to protect their culture, language, and tradition, and to develop the least-developed regions, which include many of the ethnic minorities. The law does not include any statement regarding equality between women and men of ethnic groups. Myanmar has yet to fully incorporate provisions on United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in the domestic legal framework. The FPIC concept is thinly included in Article 5 of the Law on Ethnic Rights Protection that concerns development projects, including extracting natural resources from ethnic areas.<sup>273</sup>
- Article 4 of the 2012 Foreign Investment Law stipulates that “business which can affect the traditional culture and customs of the national races within the Union” are restricted or prohibited. It should be noted that a new Myanmar Investment Law bringing together the domestic and foreign investment laws was drafted by the government and supported by the IFC.<sup>274</sup> The 2017 Myanmar Investment Rules Article 61 states that “where the Investment may be subject to the Law on Ethnic Rights Protection, the Myanmar Investment Commission will consider any specific consultations that may be required with the relevant state or regional government or other stakeholders as part of the assessment process or in connection with any conditions to be included in the Permit.” This provision paves the way to apply FPIC principle by spelling out the FPIC process and procedures in the bylaw of the Ethnic Rights Protection Law, which is currently being drafted. FPIC can be adopted prior to consideration of mega extractive projects that can have negative impact on the environment and ethnic people.<sup>275</sup>
- Legal pluralism in Myanmar: Section 13 of the Myanmar Law Acts (1898) provides that “Where in any suit or other proceeding in the Union of Myanmar it is necessary for the Court to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, (a) the Buddhist law in cases where the parties are Buddhists, (b) the Muhammadan law in cases where the parties are Mohammedans, and (c) the Hindu law in cases where the parties are Hindus, shall from the rule of decision, except in so far as such law has by enactment been altered or abolished, or is opposed to any custom having the force of law.”<sup>276</sup> Legal pluralism exists in matters of inheritance, marriage, and divorce. A variety of statutory and customary laws are applicable to women's right to land, depending on their religious affiliation. Furthermore, customary land tenure is practiced in ethnic minority states, in accordance with traditional practices specific to their culture. These statutory and customary laws, more often than not, contain discriminatory clauses which negatively impact women's

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<sup>272</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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<sup>273</sup> Hnin Wut Yee, “Large Hydropower Projects in Ethnic Areas in Myanmar: Placing Community Participation and Gender Central to Decision-Making”, Myanmar Centre for Responsible Business (MCRB), September 2017.

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<sup>274</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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<sup>275</sup> Hnin Wut Yee, “Large Hydropower Projects in Ethnic Areas in Myanmar: Placing Community Participation and Gender Central to Decision-Making”, Myanmar Centre for Responsible Business (MCRB), September 2017.

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<sup>276</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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right to land.<sup>277</sup> Given customary land issues, often land title is not formally recognized, which causes complications in determining whether affected people should be entitled to compensation.<sup>278</sup>

- During household registration and on the national identity card, men are named as the “head of the household” and the working status of women is “dependent.” The Farmland Law (2012) states that land will be registered to the head of the household, who are men. The implication of the law and practice is that the compensation will be given to the head of household but not to any dependents, which discriminates against women and denies them the right to own or manage any financial compensation given by the project developers.<sup>279</sup>
- The legal framework for labor does not include specific gender-responsive strategies and procedures.<sup>280</sup>

The following laws, rules, and directives may govern the implementation of infrastructure projects; however, none of them refer specifically to women or include gender considerations.

- Notification 1/2013 of the Myanmar Investment Commission defining businesses open to foreign investors on certain conditions.
- Foreign Investment Law (2012) and Foreign Investment Rules (2013).
- Environmental Conservation Law (2012), which includes requirements for EIAs.
- State-Owned Economic Enterprises Law (1989).
- Electricity Law (1984; updated 2014).
- Companies Act (1914).
- Land Acquisition, Resettlement and Rehabilitation Law.
- Land Policy (draft).
- Forest Law (1992), Vacant, Fallow and Virgin Lands Management Law (2012), Farmland Law (2012). These laws do not provide for joint ownership of property by husband and wife.<sup>281</sup>

### *Policies*

- Article 67 of Part VIII of the Land Use Policy enacted in 2016 guarantees women’s participation in decision-making processes related to land-tenure rights issues. Part IX also provides equal rights of men and women in terms of land tenure and in participating and representing the community regarding various land-related issues.<sup>282</sup>
- The appeal process is limited in scope and should be expanded to include a GRM to receive and facilitate resolution of affected people’s concerns and grievances related to environmental and social issues, including a separate GRM for GBV/SEAH.<sup>283</sup>

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<sup>277</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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<sup>278</sup> Peter Wulf, “Environmental and Social Impact Assessment Guidelines for Hydropower Projects in Myanmar”, IFC, no date.

<https://www.ifc.org/wps/wcm/connect/f6ee0e54-469e-435f-95ea-3e03a6c94ef2/Myanmar+HPP+ESIA+Guidelines+V8+for+consultation.pdf?MOD=AJPERES&CVID=IPFz09i>

<sup>279</sup> Nang Shining, “Gender and Hydropower: Women’s Rights in the Development Discourse”, Weaving Bonds Across Borders and Mong Pan Youth Association, Sept 2017.

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<sup>280</sup> Derin Henderson, “Myanmar Legal Conformance Table”, June 2020.

<sup>281</sup> Lan Shioh Tsay, “Gender and Hydropower National policy assessment Myanmar,” Oxfam Australia, 2015.

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<sup>282</sup> Hnin Wut Yee, “Large Hydropower Projects in Ethnic Areas in Myanmar: Placing Community Participation and Gender Central to Decision-Making”, Myanmar Centre for Responsible Business (MCRB), September 2017.

[https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7a77e31d1927bf76f2d8/1509587600723/MK31\\_Hnin+Wut+Yee\\_Policy+Brief+-+electronic.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7a77e31d1927bf76f2d8/1509587600723/MK31_Hnin+Wut+Yee_Policy+Brief+-+electronic.pdf)

<sup>283</sup> Derin Henderson, “Myanmar Legal Conformance Table,” TAF, June 2020.



## Strategies

- The *National Strategic Plan for the Advancement of Women (NSPAW) (2013–2022)* aims to ensure that “all women in Myanmar are empowered and able to fully enjoy their rights with the support of the Government. Enabling systems, structures, and practices are created for the advancement of women, gender equality, and the realization of women’s rights.” It focuses on women’s role in management of natural resources and the environment, the promotion and protection of women’s human rights, and women’s participation in decision-making processes concerning the community or national development. The NSPAW provides an opportunity to promote a gender-equality agenda through inter-ministerial collaboration and gender mainstreaming into sectoral policies, plans, and programs. As a policy framework it does not address gender issues in infrastructure projects.
- The *Myanmar Sustainable Development Plan (2018–2030)* places primacy on infrastructure development; it does note the need for taking into consideration social, environmental, and economic costs and benefits and avoiding negative social impacts. Gender is considered cross-cutting. The plan aims to “Place equity, inclusivity and gender empowerment at the center of development strategies and policies at all levels and in all sectors ... Restore and safeguard ecosystems that provide essential services to local communities taking into account gender and the needs of youth, ethnic and local communities, the poor and other cultural considerations ... Strive for at least 30 percent participation of women in political dialogues.” The plan does not specifically mention the need to address GESI in infrastructure development.<sup>284</sup>
- The 2015 Myanmar Energy Master Plan does not mention gender or women.<sup>285</sup>
- The government is also currently developing five-year plans for each key sector however sector line Ministries do not have sectoral gender plans or strategies
- JICA has supported the preparation of a Myanmar national transport development plan; however, the draft available does not include GESI.

## Institutional Mapping

- The Department of Social Welfare (DSW), under the Ministry of Social Welfare, Relief, and Resettlement (MSWRR), as part of their responsibility for the technical implementation of NSPAW, takes the lead in promoting policies to enhance protection of women’s human rights. They do not currently address GESI in infrastructure issues.<sup>286</sup>
- Four Government/DP/Civil Society TWGs were created to support the implementation of the NSPAW in four priority areas: Violence Against Women and Girls, Gender Mainstreaming, Economic and Political Participation, and Women Peace and Security. None of these cover GESI in infrastructure issues.
- The Myanmar National Committee for Women (MNCW) with branches at the national (Union) and the sub-national levels (State, District, Township) supports the advancement of women, including the protection of women and children from violence, trafficking, and abuse. The Union level MNCW coordinates with the Sub-National Level branches to implement the NSPAW. The Myanmar Women’s Affairs Federation (MWAFF) was formed in 2003. Neither are addressing GESI in infrastructure issues.
- Sector Line Ministries are starting to appoint ad hoc/informal gender focal points to attend gender related events, however they tend to be low level and lacking in technical capacity to address gender in their sectors. The sector Ministries are very “siloeed” and there is little interaction particularly regarding gender.<sup>287</sup> The Business Coalition for Gender Equality (BCGE) is a nonprofit association and also a coalition of companies that are committed to promoting gender equality in the workplace

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<sup>284</sup> Myanmar Government, Ministry of Planning and Finance. “*Myanmar Sustainable Development Plan (2018–2030)*”.

<sup>285</sup> The Government of the Republic of the Union of Myanmar, National Energy Management Committee, “*Myanmar Energy Master Plan,*” 2015. [https://www.burmalibrary.org/docs22/2015-12-Myanmar\\_Energy\\_Master\\_Plan.pdf](https://www.burmalibrary.org/docs22/2015-12-Myanmar_Energy_Master_Plan.pdf)

<sup>286</sup> KII, UNW Myanmar, August 2020

<sup>287</sup> KII, UNW Myanmar, August 2020

in Myanmar. They are funded by DFAT through Investing in Women and include Parami Energy.<sup>288</sup> Their membership includes 3 of the largest national infrastructure companies, and members commit to achieving gender outcomes.<sup>289</sup>

- The Myanmar Center for Responsible Business provides training to private sector, government and CSOs, on responsible business practices, and has conducted studies on safeguards related to large infrastructure development.<sup>290</sup>
- The Myanmar Learning Center for Environmental and Social Risk Management is being supported by the World Bank Australia Safeguards Partnership in collaboration with the Ministry of Natural Resources and Environmental Conservation, IFC, ADB, and JICA. The Center delivers training on international best practice on safeguards to government officials. The training programs have included GESI.<sup>291</sup>
- The Myanmar Hydropower Developers Association is a platform for hydropower companies and industry professionals to support dialogue, influence policy, and improve environmental and social management practices and governance in the sector. They are planning to start a sub-working group on gender.<sup>292</sup>

### EIA

- Several laws, rules, and regulations have been amended, including the Environmental Conservation Law, approved on March 30, 2012, and the EIA procedure which was then approved on December 29, 2015. SIA is a component of the EIA, but the procedure does not currently include a gender impact assessment.<sup>293</sup>
- Article 7 of the Myanmar Environmental Impact Assessment procedures enacted in December 2015 requires projects that include involuntary resettlement or projects that have potential negative impacts on ethnic people to adhere to international good practices, including the IFC performance standards (IFC PSs). IFC PS 7 specifically focuses on protection of indigenous peoples' rights from the activities of businesses. Gender, human rights, and water are among the cross-cutting topics of IFC PSs; however, clear guidelines are needed on how to implement such requirements effectively.<sup>294</sup>
- EIA Procedures Notification 616 (2015) does not include explicit requirements that specify how women are included in the consultation, taking into consideration their gender-specific knowledge, roles, responsibilities, and potential impacts. The legal framework should incorporate guidelines promoting women's participation in the consultation process to ensure their voices are heard. There is also no provision when consulting with indigenous people / ethnic groups to obtain their free, prior, and informed consent. The EIA procedures should include provisions requiring specialized consultations to identify GBV risks in areas deemed of substantial and high risk.<sup>295</sup>

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<sup>288</sup> The Business Coalition for Gender Equality (BCGE) website <https://www.mbcgea.com/>

<sup>289</sup> KII, BCGE, August 2020

<sup>290</sup> KII MCRB, August 2020

<sup>291</sup> KII WB Social Development Specialist, Lao PDR, July 2020

<sup>292</sup> KII, IFC Gender Specialist for Myanmar, July 2020.

Myanmar Hydropower Developers Association Web site, accessed July 2020. <https://www.ifc.org/wps/wcm/connect/e4512509-dbc9-4db5-bf1a-8b699eb0b70f/HMDA+-+Core+Information+and+Membership+Form.pdf?MOD=AJPERES&CVID=mWb5luq>

<sup>293</sup> Nang Shining, "Gender and Hydropower: Women's Rights in the Development Discourse", Weaving Bonds Across Borders and Mong Pan Youth Association, Sept 2017.

[https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31\\_Nang+Shining\\_Policy+Brief+-+electronic.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31_Nang+Shining_Policy+Brief+-+electronic.pdf)

<sup>294</sup> Hnin Wut Yee, "Large Hydropower Projects in Ethnic Areas in Myanmar: Placing Community Participation and Gender Central to Decision-Making", Myanmar Centre for Responsible Business (MCRB), September 2017.

[https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7a77e31d1927bf76f2d8/1509587600723/MK31\\_Hnin+Wut+Yee\\_Policy+Brief+-+electronic.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7a77e31d1927bf76f2d8/1509587600723/MK31_Hnin+Wut+Yee_Policy+Brief+-+electronic.pdf)

<sup>295</sup> Derin Henderson, "Myanmar Legal Conformance Table", TAF, June 2020.

- In 2015 the IFC provided the government of Myanmar environmental and social guidance around hydropower projects, where social issues, including gender, were identified as important and inadequately addressed in hydropower policy and development.<sup>296</sup>
- The EIA Procedure (2015) includes requirements for social and socioeconomic assessment and considerations. The SIA provisions, however, are not detailed. A review of EIAs in Myanmar shows that public participation, gender, ethnic minority groups or livelihood issues have not been well covered.<sup>297</sup>
- Myanmar with the support of IFC has developed a national Strategic Environmental Assessment (SEA) of hydropower to understand the socio-ecological impacts of proposed hydropower developments in the country. The SEA process generated sex-disaggregated demographic data and captured ethnic and social values from across Myanmar's primary river basins. The final SEA report, which acts as an information resource and decision-making tool to foster socially inclusive and ecologically sustainable hydropower plans in Myanmar in the next 10–20 years, argues against more large scale hydropower projects on the mainstream river.<sup>298</sup> However the government intends to proceed with large scale hydropower projects.<sup>299</sup> External observers comment that the EIA implementation, disclosure and quality of reports is very weak, and that often infrastructure construction starts even before the EIA certificate is issued.<sup>300</sup>

### *Ethnic Minority Women*

Many of the hydropower projects in Myanmar are in areas where ethnic minority groups live. As such, it is critical to understand the complexities of the interaction of a hydropower project and the impact this might have on people of specific ethnic groups. The Ethnic Rights Protection Law states that all the ethnic groups who originated in Myanmar are ethnic people. The objectives of the law are to ensure that people of ethnic groups as determined by the law enjoy equal citizen and constitutional rights; to protect the culture, language, and tradition of ethnic groups; and to support development of the least-developed regions, which include many of the ethnic minorities. The law does not include any statement qualifying equality between women and men of ethnic groups.<sup>301</sup>

## Thailand

### *Laws*

- Thailand's Gender Equality Act (2015) protects all individuals from gender-based discrimination and provides for a Gender Equality Promotion Fund. Section 17 Paragraph 1 states that prescribing policies, ordinances, rules, notifications, measures, projects, or procedures for state agencies, private organizations, or any person which appear to discriminate unfairly by gender shall be prohibited.<sup>302</sup>
- Gender-responsive budgeting is now included in the 2017 Constitution and will be implemented at the national level.

<sup>296</sup> Lan Shioh Tsay, "Gender and Hydropower National policy assessment Myanmar," Oxfam Australia, 2015. [http://www.mekongwaterforum.org/sites/default/files/LanShiohTsai\\_2015\\_Gender-and-Hydropower-Myanmar.pdf](http://www.mekongwaterforum.org/sites/default/files/LanShiohTsai_2015_Gender-and-Hydropower-Myanmar.pdf)

<sup>297</sup> IFC, MONREC, AusAid, "Strategic Environmental Assessment of the Myanmar Hydropower Sector", 2018. [https://www.ifc.org/wps/wcm/connect/f21c2b10-57b5-4412-8de9-61eb9d2265a0/SEA\\_Final\\_Report\\_English\\_web.pdf?MOD=AJPERES&CVID=mslr9yx](https://www.ifc.org/wps/wcm/connect/f21c2b10-57b5-4412-8de9-61eb9d2265a0/SEA_Final_Report_English_web.pdf?MOD=AJPERES&CVID=mslr9yx)

<sup>298</sup> Oxfam and IUCN, "Regional Forum on Gender Equity and Women's Leadership in Transboundary Water Governance in the Lower Mekong Basin", IUCN, 15 September 2017. [https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam\\_iucn\\_gender\\_forum\\_report\\_sept\\_2017\\_210218.pdf](https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam_iucn_gender_forum_report_sept_2017_210218.pdf)

<sup>299</sup> KII, Myanmar CSO, August 2020.

<sup>300</sup> KII, Myanmar Centre for Responsible Business, August 2020

<sup>301</sup> Peter Wulf, "Environmental and Social Impact Assessment Guidelines for Hydropower Projects in Myanmar", IFC, no date. <https://www.ifc.org/wps/wcm/connect/f6ee0e54-469e-435f-95ea-3e03a6c94ef2/Myanmar+HPP+ESIA+Guidelines+V8+for+consultation.pdf?MOD=AJPERES&CVID=IPFz09j>

<sup>302</sup> OECD, "Thailand Gender Budgeting Action Plan", (no date, c 2019/2020?).

- Two 1992 legislations—the National Energy Policy Act and the Energy Conservation Promotion Act—set the direction for renewable energy technologies in Thailand more than twenty years ago.<sup>303</sup> Energy policy in Thailand has typically lacked opportunities for public participation, including participation of women.<sup>304</sup>
- Despite progress toward gender equality in Thailand, the country’s labor laws discriminate against women migrant workers in several ways. For example, while the Thai Labor Protection Act 1998 and amendment of 2007 require equal treatment of all employees, including migrant workers irrespective of their legal status, domestic workers are excluded from many provisions of the act, including provisions on the maximum number of hours worked each day; maternity leave; prohibitions on termination due to pregnancy; and minimum wages.<sup>305</sup>
- Legally, women have equal rights of land ownership, but men customarily control most land, particularly in rural areas.<sup>306</sup>
- There is no legal provision for GRMs, including separate GRM for reporting GBV/SEAH.

The following laws are relevant for infrastructure development and do not refer to GESI:

- The Thailand Constitution (2017)
- The Energy Industry Act (2007)
- The Occupational Health and Safety Act (2011)
- The Civil and Commercial Code (1925)
- The Enhancement and Conservation of National Environmental Quality Act, Amended (2018)
- The Fisheries Act (2015)
- The Act on Protection and Promotion of Traditional Thai Medicinal Intelligence
- The Marine Coastal Resources Management Promotion Act (2015)
- The Wildlife Preservation and Protection Act

### *Policies*

A policy on gender equality and the empowerment of women has been adopted at all levels; however, it does not include reference to gender issues in infrastructure planning and development.<sup>307</sup>

### *Strategies*

- The *12th National Economic and Social Development Plan, 2017–2021 (NESDP)* includes the following: “Foster universal and tailor-designed infrastructure which emphasizes appropriateness for children, women, disabled persons, the elderly and disadvantage groups; ... Draft of the Women’s Development Plan under the Twelfth National Economic and Social Development Plan (2017–2021).”<sup>308</sup> This plan does not include references to gender and infrastructure development.<sup>309</sup>
- The *Women’s Development Strategy (2017–2021)* sets out goals, objectives, and targets in the area of gender equality.<sup>310</sup> The Tenth National Women’s Plan is being used as a guideline for other

<sup>303</sup> [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2) page 20.

<sup>304</sup> Maureen Harris, “Women Must Be Central to Decisions on Mekong Hydropower”, The Bangkok Post, 7 March 2018. <https://www.internationalrivers.org/resources/women-must-be-central-to-decisions-on-mekong-hydropower-the-bangkok-post-16756>

<sup>305</sup> Derin Henderson, “*Thailand Legal Conformance Assessment Table*”, TAF, June 2020.

<sup>306</sup> Derin Henderson, “*Thailand Legal Conformance Assessment Table*”, TAF, June 2020.

<sup>307</sup> Office of Women’s Affairs and Family Development and Human Security, “*Questionnaire to Governments on Implementation of the Beijing Platform for Action and Outcome of the 23<sup>rd</sup> Special Session of the General Assembly*,” 2004. <https://www.un.org/womenwatch/daw/Review/responses/THAILAND-English.pdf>

<sup>308</sup> USAID, “*Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities*,” 2017.

[http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2) page 20.

<sup>309</sup> KII UNW Thailand, June 2020

<sup>310</sup> OECD, “*Gender Budgeting Action Plan, Thailand*,” (no year, c 2018).

organizations to create gender equality and women empowerment and integrate the plan into their projects and activities.<sup>311</sup>

- Thailand has created a National Plan on Gender Statistics.
- In 2015, the Ministry of Energy introduced a set of five new plans known collectively as the *Thailand Integrated Energy Blueprint 2015–2036 (TIEB)*. The timeframe of the TIEB plans is aligned with the NESDP, 2015–2036. There is no mention of GESI in the TIEB.<sup>312</sup>
- The *Strategy for Advancing Infrastructure and Logistics*, including transportation and energy, does not address GESI issues.<sup>313</sup>
- Thailand Transport Infrastructure Strategic Plan, 2015–2022, does not address gender or women’s issues.

### *Institutional Mapping*

- The National Commission on Women’s Affairs and Family Development (NCWAFD) is the national gender mechanism at the highest level. The commission coordinates the implementation of the Women’s Development Plan among all agencies in both public and private sectors and proposes to the government recommendations and measures for gender equality.
- The Senate Committee on Women, Youth and Elderly Affairs is a high-level mechanism to monitor the implementation of agencies in both public and private sectors on issues relating to children, women, and the elderly.
- The Office of Women’s Affairs and Family Development under the Ministry of Social Development and Human Security is the core mechanism responsible for developing and implementing policies, plans, and projects regarding women’s affairs in areas such as gender mainstreaming, gender advocacy, women empowerment, and research on gender-equality development.
- Chief Gender Executive Officers (CGEOs) are high-ranking officials in all ministries and departments mandated to integrate gender perspective into policies, plans, budgets, projects, and programs of all agencies and to develop a five-year *Master Plan on the Promotion of Gender Equality* of their agencies.
- Gender focal points are meant to be established in every ministry and department to ensure gender equality in the operation of all ministries and departments. However, KII suggest that some of these gender focal points either have not been appointed or are not visibly active, as external stakeholders are not aware of them. Some gender focal points are just doing administrative work, keeping a record of the number of women in the agency rather than focusing on mainstreaming gender across government policies and programs.<sup>314</sup>
- There are four Gender Equality Promotion Committees which include representatives from various ministries, but not those related to infrastructure development.<sup>315</sup> The National Committee on the Policy and Strategy for the Advancement of Women (KorYorSor), chaired by the Prime Minister, and the Committee for Promoting the Improvement of the Status of Women (KorSorSor), which supports KorYorSor in implementation would be of particular interest here.
- The Committee on Consideration of Unfair Gender Discrimination handles complaints on gender discrimination, supports research, coordinating with various organizations in both public and private

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<sup>311</sup> UN ESCAP, Thailand, Beijing 15 Response. Overview of achievements and challenges in promoting gender equality and women’s empowerment. <https://www.un.org/womenwatch/daw/beijing15/responses/escap/Thailand.pdf>

<sup>312</sup> Government of Thailand, Ministry of Energy, “*Thailand Power Development*,” 2015. [http://www.eppo.go.th/images/POLICY/ENG/PDP2015\\_Eng.pdf](http://www.eppo.go.th/images/POLICY/ENG/PDP2015_Eng.pdf)

<sup>313</sup> Government of Thailand, “*The 12<sup>th</sup> National Economic and Social Development Plan, 2017–2021*”. [https://www.oneplanetnetwork.org/sites/default/files/thailand\\_national\\_economic\\_and\\_social\\_development\\_plan\\_nesdp.pdf](https://www.oneplanetnetwork.org/sites/default/files/thailand_national_economic_and_social_development_plan_nesdp.pdf)

<sup>314</sup> KII, UNW Thailand, June 2020, KII Thailand Environment Institute, June 2020

<sup>315</sup> Government of Thailand, “*Thailand Gender Equality Act*”, 2015 <https://www.hrw.org/news/2015/09/21/thailand-gender-equality-act>

sectors and civil societies to prevent unfair gender discrimination at both national and international levels.<sup>316</sup>

### *EIA*

- The legal framework should include a provision to begin the stakeholder consultation process with gender-responsive stakeholder mapping.<sup>317</sup>
- EIA provisions do not specifically require gender considerations to be included. For Full Conformance the National Environmental Quality Act (NEQA) or notifications issued under the act should clearly specify the need to identify the full range of socioeconomic impacts that cover livelihood, vulnerable groups, gender concerns (especially), and other key social concerns, as well as provide directions on the process for full and informed assessment of socioeconomic impacts. EIA instruction manuals on procedures should explicitly instruct consultants to ensure both women and men attend the consultations.<sup>318</sup>
- Notification 2536 issued in 2009, under the Enhancement and Conservation of the National Environment Quality Act of 1992: This notification provides substantial guidance on the process of consultation; no explicit mention is made of women's participation in the EIA consultation processes, although implicit requirement for community participation would also include women's participation. To achieve full conformance, the legal framework needs to include specific requirements for gender considerations, ICP for project-affected people (PAP), and FPIC for indigenous people.<sup>319</sup>
- Procedure and Conditions in Providing an Environmental Impact Assessment Report (2019) does not require a GAP or GBV risk-mitigation plan.<sup>320</sup>
- Gender, ethnic minorities, and people with disabilities are not a priority under EIAs. If addressed, this comes under "local community development" such as income generation for women and vulnerable groups.<sup>321</sup>

### *Ethnic Minority Women*

- Indigenous peoples are not officially recognized in any state legislation. In 2014, during the drafting of the current Interim Constitution of Thailand, indigenous peoples submitted proposals for specific legislation for the promotion of the rights of indigenous peoples, but these were not accepted. The Regulation of the Prime Minister's Office on the Issuance of Community Land Title Deeds 2010 does not provide legal recognition to traditional land tenure and resource management systems by indigenous peoples.<sup>322</sup>

### *Vietnam*

The Vietnam constitution protects the rights of both women and men and prohibits discrimination against women. Vietnam has specific legislation, policies, and national strategies on gender equality. The strongest clauses relate to women's rights in the home and within the family, and to education, economic opportunities, and land rights.

What appears to be missing is the connection between these broader rights statements and the more specific policies that guide the planning and development of infrastructure projects. The filling in of existing

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<sup>316</sup> Government of Thailand, "Thailand Gender Equality Act", 2015 <https://www.hrw.org/news/2015/09/21/thailand-gender-equality-act>

<sup>317</sup> Derin Henderson, "Thailand Legal Conformance Assessment Table," TAF, June 2020.

<sup>318</sup> Derin Henderson, "Thailand Legal Conformance Assessment Table," TAF, June 2020.

<sup>319</sup> Derin Henderson, "Thailand Legal Conformance Assessment Table," TAF, June 2020.

<sup>320</sup> Derin Henderson, "Thailand Legal Conformance Assessment Table," TAF, June 2020.

<sup>321</sup> KII, Thailand Environment Institute, June 2020.

<sup>322</sup> Derin Henderson, "Thailand Legal Conformance Assessment Table," TAF, June 2020.



policy gaps and then the rigorous implementation of gender-supportive policy will be Vietnam's next challenges.<sup>323</sup>

### Laws

- Vietnam's *Law on Gender Equality (2006)* aims "to ensure gender equality in all fields of politics, economy, culture, society and family; to support and create conditions for men and women to bring into play their abilities and provide them with equal opportunities to participate in the process of development and benefit from development." With respect to infrastructure, this last clause is perhaps the most relevant.<sup>324</sup>
- The 1993 Land Law was revised with a 2001 government decree stipulating that the names of both husband and wife should be included on land-use certificates (originally, there was space for only the name of the household head, which is typically the husband). However, the number of women with formal land-use certificates remains small, due to lack of administrative capacity; complex bureaucratic procedures and language barriers; and the preference of local mediation committees to abide by traditional family norms rather than the formal law when resolving disputes over land.<sup>325 326</sup>
- The legal framework in applicable land legislation (e.g., Land Law, Law on Forest Protection and Development, etc.) should include explicit formal governance powers over land and natural resources for indigenous people and ethnic groups, particularly the recognition of customary rights to land, forests, and other natural resources. It should also include the relevant provisions from the United Nations Declaration on the Rights of Indigenous Peoples, which grant indigenous people the right of free, prior, and informed consent in relation to state intervention, and ensures fair and effective participation in the ESIA process.<sup>327</sup>
- Vietnam has very few legal differences between men and women's employment; these are mostly restrictions on sectors and occupations where women may work, and on the scope of their work, their working hours, and earlier retirement age. Some jobs are restricted for all women and some for pregnant women or for women who are nursing children younger than twelve months old. For example, women may not work on oil rigs at sea (except to provide medical or social services), drive heavy construction machines, or drive trains unless automatically operated. These provisions, originally put in place to "protect" women in male-dominated industries, such as mining and construction, block women's access to several well-remunerated positions in fast-growing sectors.<sup>328</sup> The revised 2012 Labor Code includes provisions on nondiscrimination and women's labor rights, such as prohibition of sexual harassment; extension of maternity leave to six months; and equal pay for work of equal value. However, women are prohibited from working in the maintenance and repair of power lines or on high-voltage power lines and the erection of high-voltage power columns, according to the *Joint Circular No. 40-2011-BL-DTBXH-BYT, Appendix 1*.<sup>329</sup>
- The revised Labour Code (2019) includes progressive revisions regarding clearer definition of Sexual Harassment (SH) to make enforcement more realistic: a new, more comprehensive definition of the

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<sup>323</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455-470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>324</sup> Michael Simon, "Balancing the Scales: Using Gender Impact Assessment in Hydropower Development," Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>325</sup> Derin Henderson. "Legal Conformance Assessment Table Safeguard Policies and Standards, Vietnam" 2020.

<sup>326</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455-470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>327</sup> Derin Henderson. "Legal Conformance Assessment Table Safeguard Policies and Standards, Vietnam," TAF, 2020.

<sup>328</sup> USAID, "GSIA Green Invest Asia", 2019.

<sup>329</sup> Maria Orlando, et al, "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

“workplace” where SH happens, which includes unconventional places in the redefined social context, ensuring that the approach to addressing SH is “victim-centered” and “independent/regardless of the intent of the alleged perpetrators” and includes “clarification of the prevention and response mechanism.”<sup>330</sup>

- The Law on Environmental Protection (2014) states that “Environmental protection must harmonize with the promotion of gender equality.”
- The legal framework should include explicit requirements for assessing the project impacts on women, indigenous people, and vulnerable groups: there is no provision in the legal framework to assess gender and GBV impacts, and there is no explicit requirement to include women in the ESIA consultation process.<sup>331</sup>
- In the *Decree No. 18 Prescribing environmental protection master plan, strategic environmental assessment, environmental impact assessment and environmental protection plan (2015)* there is no provision when consulting with indigenous people / ethnic groups to obtain their free, prior, and informed consent. The decree should include provisions requiring specialized consultations to identify GBV risks in areas deemed of substantial and high risk.
- The law on ESIA is being revised, and the revised version will have a stronger social component.<sup>332</sup>
- The legal framework for resettlement should include provisions for gender considerations and the protection of the vulnerable groups in land acquisition and resettlement.<sup>333</sup>
- The legal framework has provisions requiring stakeholder consultations and information disclosure at various stages in the project development cycle, but there are no requirements to begin with stakeholder mapping and analysis to ensure that it is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups.<sup>334</sup>
- Circular No. 27 on SEA, EIA, and Environmental Protection Plans (2015): There are no provisions requiring that the environmental and social requirements, as well as mitigation and management measures and plans, need to be included in all relevant procurement and contracting processes. There are also no provisions requiring that gender considerations, and specifically GBV requirements, should be included in the bidding and procurement processes.<sup>335</sup>
- According to the Law on Promulgation of Legal Documents (2015) the Parliamentary Committee for Social Affairs must ensure that gender equality is mainstreamed in draft laws, ordinances, and resolutions. This law specifies that during the legal drafting process gender issues and impacts must be identified and addressed.

*Laws that are related to infrastructure but do not address GESI:*

- The Electricity Law (2004)
- The Law on Water Resources (2012)
- The Construction Law (2014)
- Decree No. 24/2000/ND-CP on the implementation of the law on foreign investment in Vietnam (2000)

**The World Bank Australia Safeguards Partnership**

The World Bank Australia Safeguards Partnership project has developed an Environment and Social Country Safeguards Assessment which compares the national policy framework with the World Bank ESF, and includes an entire section on gender as a cross-cutting issue. It notes that there is no specific mention of gender impacts of land acquisition on vulnerable people in the Land Law, and recommends adding gender to the training on resettlement;

<sup>330</sup> Government of Vietnam, “Revised Labour Code,” January 2019.

<sup>331</sup> Derin Henderson. “Legal Conformance Assessment Table Safeguard Policies and Standards, Vietnam” 2020.

<sup>332</sup> KII, WB VN Environment Specialist, July 2020

<sup>333</sup> Derin Henderson. “Legal Conformance Assessment Table Safeguard Policies and Standards, Vietnam” 2020.

<sup>334</sup> Derin Henderson. “Legal Conformance Assessment Table Safeguard Policies and Standards, Vietnam” 2020.

<sup>335</sup> Derin Henderson. “Legal Conformance Assessment Table Safeguard Policies and Standards, Vietnam” 2020.



it notes that the legal framework on GBV in Vietnam is focused more on domestic violence than on GBV and that responsibilities for prevention and response to GBV are unclear.

The country system is overall assessed as consistent for ESS 1, 2, 4, and 10. Under ESS 1 and 10, there is a fair deal of experience in a gender-sensitive approach to project design both in domestic projects and Overseas Development Assistance (ODA) projects. Vietnam Women's Union (VWU) mainly works with women from two target groups: vulnerable women and women entrepreneurs. The higher vulnerability of women-headed households is recognized and results in specific social assistance measures under Ministry of Labour and Social Affairs (MOLISA). Under ESS 10, during implementation, the country system promotes women's participation in various fields, including road maintenance and supervision. Under ESS 2 and 4, women in the workplace and women safety risks are more openly discussed, which is described as a positive impact of social media. There are, however, a range of obstacles in employer compliance with regulations protecting women workers and to address the specific vulnerabilities of women migrants.

The legal and institutional framework is less focused on land and ethnic minority issues. Several legal documents, including the Land Law and the Law on Marriage and Family, have specific provisions to ensure women's access to land-use rights, including in case of divorce for the latter. The institutional framework is also favorable. For example, Committee on Ethnic Minority Affairs (CEMA) has a gender department promoting consultation with women in ethnic minority communities. However, linkages with the operational project level are weak both at design stage and during implementation, partly due to a lack of consultants with capacity to link gender and technical issues, as well as weak presence of relevant NGOs. Women's limited participation in a project is perceived as inevitable in some areas, not because of a remaining gender gap.<sup>336</sup>

The project also developed an Assessment of Environmental and Social Management Practice in Transport and Urban Development. It notes that while the government is addressing gender-related issues in transport and urban development projects, project-specific processes need to be put in place to ensure women's voices are heard during stakeholder engagement and that the risk of incidence of GBV is minimized, as GBV is a major risk in transport projects, particularly in large road construction projects. The impact of labor influx, e.g., exposure of women and girls to GBV from infrastructure workers, may also reach communities that do not live close to a road, and there is a specific opportunity at construction stage to build on the existing experience in the prevention of GBV in transport projects. The report recommends adding specific requirement on prevention of GBV (harassment, assault) to projects. Less systematic attention to gender in resettlement is noted in the transport project documents.<sup>337</sup>

### Strategies

- The *National Strategy on Gender Equality 2011–2020* specifically aims to “intensify women’s participation in managerial and leading positions in order to gradually narrow the gender gap” in the political field. Additionally, the strategy expresses the need “to ensure conditions for women to fully and equally access economic resources (such as cultivation land, credit sources, market information, law, and policy information) and enjoy equality in opportunity to participate in production and business.”<sup>338</sup> The strategy sets ambitious targets: all ministries and government committees to have women in leadership positions; 100 percent of ethnic minority women to have access to credit; and a reduction of the time spent on housework by women relative to men. It does not include any reference to infrastructure, energy, or transport.
- Based on the above strategy, a *National Action Plan on Gender Equality 2016–2020* was developed and all line ministries and provinces were mandated to develop their own gender action plans following the national strategy for gender-equality framework.<sup>339</sup> The MONRE has an action plan on gender

<sup>336</sup> World Bank Australia Safeguards Partnership, “Vietnam Environment and Social Country Safeguards Assessment,” 2019.

<sup>337</sup> World Bank Australia Safeguards Partnership, Phase II, “Vietnam: Assessment of Environmental and Social Management Practice in Transport and Urban Development,” June 2020.

<sup>338</sup> Government of Vietnam, Socialist Republic of Vietnam, “National Strategy on Gender Equality 2011-2020,” 2012. <http://www.chinhphu.vn/portal/page/portal/English/strategies/strategiesdetails?categoryId=30&articleId=10050924>

<sup>339</sup>FAO Vietnam, “Country Gender Assessment,” 2019.

[https://books.google.com.sg/books?id=rIG\\_DwAAQBAJ&pg=PA14&lpg=PA14&dq=vietnam+molisa+dept+for+gender+equality&source=bl&ots=dCRiHMz\\_XQ&sig=ACfU3U05ou6HJwlgMbSp5BjHswlcAn4V3w&hl=en&sa=X&ved=2ahUKEwj4j6PR9-](https://books.google.com.sg/books?id=rIG_DwAAQBAJ&pg=PA14&lpg=PA14&dq=vietnam+molisa+dept+for+gender+equality&source=bl&ots=dCRiHMz_XQ&sig=ACfU3U05ou6HJwlgMbSp5BjHswlcAn4V3w&hl=en&sa=X&ved=2ahUKEwj4j6PR9-)

equality for women advancement, including gender mainstreaming in the water resource planning and management.

- While MONRE is responsible for ESIA, their sector focus is on environment and not on social issues. The Ministry of Industry and Trade (renewable energy, oil, and gas), and Electricity of Vietnam (EVN) have gender action plans which focus mainly on promoting the status of women within the ministries and not on addressing gender and safeguard issues.<sup>340</sup>
- The *Gender Strategy for Agriculture and Rural Development (2005)* aims to improve women’s “access and involvement into the management of major resources, including land, water, infrastructure, credit lines, and other public services in the [agricultural and rural development] sector.” This strategy also recommends “a gender analysis database and quantitative tools need to be established while development policies, plans, programs, and projects are developed” and “targets on gender [and] sex-disaggregated monitoring and evaluation tools in development policies, plans, programs, and projects.” This is perhaps the most directly relevant strategy for targeting the needs of women impacted by infrastructure.

### *Institutional Mapping*

- The Department of Gender Equality under MOLISA is the lead government agency to undertake state management for gender equality. MOLISA is responsible for the development of legal documents, strategies, and programs in gender equality, provision of guidelines for monitoring the Gender Equality Law, and reporting gender-equality results to the National Assembly. They are also coordinating the development of the next *National Strategy on Gender Equality 2021–2030*.
- The VWU is a membership organization that is mandated to protect women’s rights and promote gender equality, and it plays a critical role in bringing women’s concerns into policy formulation. The VWU has a strong network and presence at the central, provincial, district, and commune levels, and it is often used as an effective mechanism to reach women for information sharing and consultation.<sup>341</sup> The *VWU Orientation and Tasks for the 2017–2022 Term* does not refer to infrastructure, construction, energy, or transport. While the VWU are expected to cover all issues related to women and gender, they are stretched thinly on the ground, and they lack the technical capacity to address gender in infrastructure and safeguards. PMUs for infrastructure projects often will rely on the local VWU to be responsible for gender in their project; however, there is little actual monitoring of gender during project implementation and thus no real understanding of what is being accomplished.<sup>342</sup>
- The National Committee for the Advancement of Women (NCFAW) is an inter-ministerial coordination committee and consists of vice ministers from sixteen ministries. NCFAW members are expected to lead their respective ministries in integrating gender in their sectoral plans and strategies. MOLISA is the chair and coordinates NCFAW’s operations. NCFAW is tasked with advising the Prime Minister on multisectoral issues affecting gender equality and women’s advancement. There are ministerial and provincial-level CFAWs. As with the VWU, they lack the technical capacity to address gender and infrastructure and safeguard issues.
- Each sector line ministry has a VWU and NCFAW focal point whose role is to promote women’s rights and gender equality within the ministry; however, external stakeholders observe that for the Ministry of Transport (MOT) and the Ministry of Industry and Trade (MOIT) there is little engagement in gender, and most of it is externally driven.<sup>343</sup> Furthermore, the focus seems to be on promoting women within the ministries rather than on addressing gender in sectoral planning and policies, and they lack the technical capacity related to GESI and safeguards.<sup>344</sup>

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fpAhUo73MBHZuQDkoQ6AEwBXoECAoQAQ#v=onpage&q=vietnam%20molisa%20dept%20for%20gender%20equality&f=false

<sup>340</sup> KII, World Bank Vietnam, Social Development Specialist and Gender Focal Point. July 2020.

<sup>341</sup> VWU website, accessed June 2020. <http://vwu.vn/vwu-action-plans>.

<sup>342</sup> KII, World Bank Social Specialist, July 2020.

<sup>343</sup> KII, World Bank Social Specialist, July 2020.

<sup>344</sup> KII, World Bank Social Specialist, July 2020.

- MONRE is hosting a Safeguards Learning Center under the World Bank Australia Safeguards Partnership, which delivers training on international best practice on safeguards to government officials. USAID is a partner in this initiative focusing on environment. The EIA training programs in the past have covered ethnic minority issues, and those planned the coming year will include gender and GBV, based on the World Bank ESF good practice guidelines. The Vietnam Learning Center is the most advanced in the project, and it is expected that the other countries (which include China and Myanmar) will follow the Vietnam curriculum, which is shared across the participating countries. The Vietnam Learning Center also will accept participants from other countries.<sup>345</sup>

### *EIA Regulations*

- Since 1993, the government of Vietnam has required EIAs for large-scale infrastructure-development projects after the Law on Environmental Protection (LEP) was enacted. LEP's decrees and circulars mandate public consultations in the EIA process. In the 2014 amendment of LEP, the government required public consultations during the preparation of the EIA report until its completion, to minimize negative impacts on people and the environment. Developers are required to organize public consultations with organizations and affected communities. These legal provisions for enhanced public participation, however, do not specify the need to be socially inclusive, specifically to include women, ethnic minorities, and other social groups in the public consultations.<sup>346</sup> Thus, the voices of local communities and other related stakeholders, particularly the poor, women, and ethnic minorities, have not been fully included.<sup>347</sup>
- Currently, there is no requirement in Vietnam for an assessment of the gender impacts of hydropower projects, or guidance on how such an assessment might be done, and there is little practical experience within any stakeholder group of doing such an assessment.<sup>348</sup>

### *Ethnic Minority Women*

- The law recognizes the difficulties faced by ethnic minority women. But overall, there is limited specific policy or legislation guiding gender outcomes in the context of impacts on indigenous peoples or ethnic minorities in and around infrastructure development.<sup>349</sup>

## 4.4 Participation in Decision-Making

### Overview

Public participation in infrastructure development optimizes decision-making by taking affected groups' perspectives and needs into account. This requires, however, an enabling climate conducive to public participation, which includes information properly disseminated, clear participation methodologies, functional grievance mechanisms, and public participation that is mandatory and not just encouraged. Research findings demonstrate that if public participation initiatives are to be successful, they must

<sup>345</sup> KII, World Bank Social Specialist, July 2020.

<sup>346</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Water insecurity disadvantages women as they shoulder heavier caring obligations," SEI discussion brief, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>347</sup> Pham Thi Dieu, Nguyen Quy Hanh, "Hydropower Impacts: From Environmental, Social and Gender Perspectives, Evidence from the Central and Central Highlands Vietnam", Center for Social Research and Development, 2018. <https://oxfam.box.com/s/chgi63mp4bav62jb3hjuwyca7yf33u1c>

<sup>348</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", Gender & Development, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>349</sup> Michael Simon, "Balancing the Scales: Using Gender Impact Assessment in Hydropower Development," Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

simultaneously consider broader social and institutional contextual conditions as well as individual agency and capability (often influenced by gender and ethnicity).<sup>350</sup>

Trade-offs in infrastructure decision-making are common, but their effects on outcomes are often overlooked. For example, making quick decisions to move a project forward comes at the expense of proper public consultation and diverse input. To developers, giving those that will be impacted by projects a strong voice might risk the project's feasibility and profitability, leaving important perspectives—particularly those from women—left out.<sup>351</sup>

On the other hand, if done properly, it can also help manage project development risk and elevate potential for positive outcomes. Comprehensive and independent SIA reports of large infrastructure projects remain an exception. SIA is typically included within EIA reports and often accounts for a very superficial part, typically about 10 percent of the EIA content, 20 percent maximum. This is insufficient to adequately address all social aspects, such as gender issues, inequality, or ethnicity.<sup>352</sup>

Gender blindness in the energy and transport sectors is in large part due to two interlinked factors: women's social position and the attitude of related institutions to gender issues. Women's control over decisions is generally weaker than that of men; men tend to dominate decision-making within households, in communities, and in institutions. Policy makers tend to be largely men, and infrastructure institutions and organizations both in the public and private sector tend to be male dominated, particularly in professional posts.<sup>353</sup>

A lack of women's representation in public offices and in private sector leadership positions results in significant absence of women's concerns from the main discourse and agenda for change. When women are excluded from energy and transport planning and policy development, the result is gender-blind planning of policies, financing, and execution that may not account for gender differences and may exacerbate inequalities.<sup>354</sup>

### Barriers to Inclusive Participation

Often women's participation in infrastructure governance is assessed only by the number of women present at meetings rather than whether they can successfully raise gender issues in these meetings. Gender norms and unequal power relations that are embedded in local institutions, social contexts, and practices constrain women's meaningful engagement and tend to be ignored.<sup>355</sup>

Women's low participation in public consultations can be explained through social and gender norms which place primacy on men as decision makers in the household and community, the burden of household

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<sup>350</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy. "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>351</sup> Heidi Tuhkanen and Michael Boyland, "How better hydropower planning can avert future disasters on the Mekong," *Eco-Business Website*, 14 September 2018. <https://www.eco-business.com/opinion/how-better-hydropower-planning-can-avert-future-disasters-on-the-mekong/>

<sup>352</sup> Minh Ha-Duong, Lan Anh Nguyen, Tracey Strange and An Ha Truong, "Social acceptability of large infrastructure projects in Vietnam", *Field Action Science Reports*, 2016. <https://journals.openedition.org/factsreports/4081#tocto2n9>

<sup>353</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities," USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

<sup>354</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>355</sup> Pham Thi Dieu, Nguyen Quy Hanh, "Hydropower Impacts: From Environmental, Social and Gender Perspectives, Evidence from the Central and Central Highlands Vietnam", Center for Social Research and Development, 2018. <https://oxfam.box.com/s/chgi63mp4bav62jb3hjuwyca7yf33u1c>

work, and barriers related to language and illiteracy. Often, information dissemination does not reach women, and in many cases, men discourage women's participation in meetings and their access to information, believing that development issues are not women's concern or that the men know better how to handle these issues.<sup>356</sup>

In a study from the Mekong Delta, Vietnam, it was found that while women participate in community water governance meetings, they often do not voice their opinions during the meetings and participate less when senior officers were involved. Poor ethnic women disproportionately experience exclusion from community decision-making, such as meetings introducing new projects for dams and water distribution, especially due to language barriers.<sup>357</sup>

There is no clear procedure for local women's participation. In the pre-compensation meeting, only the household head, which is normally a man, was invited to the meeting. Women did not have the opportunity to express their needs and concerns.<sup>358</sup> This pattern is repeated across projects due to gendered norms and inequalities that prevent women's meaningful participation and leadership in infrastructure governance sectors and decision-making.<sup>359</sup>

A 2017 study on gender impacts of hydropower projects in the LMRCs found that fewer than half of the participants in past EIA consultations were women, and that EIA consultants and local authorities were not aware of the need to deliberately summon women and men equally from communities that were likely to be affected by large-scale investment projects. No guidelines within EIA procedures explicitly instructed equal participation of women and men in consultations.

The other key constraints for women's full and meaningful participation were low education levels, insufficient access and understanding of information due to language barriers, and the use of technical language, gender biases of consultants, and local authorities toward women. Gender norms and stereotypes shaped these biases, as women were fundamentally not considered citizens with full rights for engagement, as opposed to men, who are recognized as household heads and community representatives.

When the invitation is sent to the representative of the household, men generally respond. A woman only participates if her husband is busy or the invitation addresses her directly. In Myanmar, heavy security, restricted time and spatial coverage for consultations, and, in some cases, conflict present further constraints. The study found that fewer than half the participants were women, male household heads were primarily invited, and there was no deliberate effort to ensure information on consultations reached both women and men.

In Cambodia, informants in the study remarked that consultations were only for one-way sharing of technical information, often in Khmer, rather than in the ethnic languages of local villagers. In Vietnam, the VWU would have been an appropriate forum to convene meetings with women and the project

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<sup>356</sup> USAID (United States Agency for International Development). "Engendering Utilities: Improving Gender Diversity in Power Sector Utilities". Washington, DC: United States Agency for International Development. 2016.

<sup>357</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Exploring gender dimensions of water security and governance in the Lower Mekong region", Stockholm Environment Institute, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>358</sup> Pham Thi Dieu, Nguyen Quy Hanh, "Hydropower Impacts: From Environmental, Social and Gender Perspectives, Evidence from the Central and Central Highlands Vietnam", Center for Social Research and Development, 2018. <https://oxfam.box.com/s/chgi63mp4bav62jb3hjuwyca7yf33u1c>

<sup>359</sup> Oxfam and IUCN, "Regional Forum on Gender Equity and Women's Leadership in Transboundary Water Governance in the Lower Mekong Basin", IUCN, 15 September 2017. [https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam\\_iucn\\_gender\\_forum\\_report\\_sept\\_2017\\_210218.pdf](https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam_iucn_gender_forum_report_sept_2017_210218.pdf)

developers and relevant government agencies; however, they had not been consulted on this or any other hydropower project in Vietnam.<sup>360</sup>

The absence of women from community consultation processes on compensation and norms around the management of household finances in some communities means that some women were not aware of how much compensation money their family received. Their husbands participated in the compensation meetings and received the money on behalf of their families. Community members in the research reported that some men used the money for family needs, while others used the money for their “drinking habits.”<sup>361</sup>

This study on LMRC hydropower projects found that, in general, women were often described as being shy and reticent, lacking self-confidence, and insecure about their presence and participation in these consultations.<sup>362</sup> Local women reported feeling intimidated in the presence of EIA technical consultants, local authorities, NGOs, and development project proponents due to their low education levels and weak understanding of mainstream languages. They felt further intimidated due to the amount of technical information that was communicated in high-level jargon rather than in grounded and simpler terms.

Women’s participation increased when NGOs stewarded them through the consultation process, leading them to share their opinions more freely.<sup>363</sup> The International Accountability Project (IAP) works in Vietnam, China, Lao PDR, Thailand, and Myanmar to provide this level of support and accompaniment to affected communities, by providing them with accessible and timely project information and ensuring that consultations are responsive to the specific needs of women and ethnic minorities.<sup>364</sup>

The main barriers to women’s participation in EIA processes are as follows:

- Norms, attitudes, and beliefs that define women as occupying back-seat roles in both family and public concerns.
- Low awareness on the rights of and need for women’s participation and gender biases among local authorities, EIA experts and consultants, investors, and donors.
- Lack of respect for women’s opinions.
- No explicit guidelines on how to foster women’s involvement and influence in public participation as well as lack of practices and criteria for inclusive consultation.
- Lack of gender and social specialists on consultant teams.
- Women’s lack of self-confidence in their own communication, presentation, and decision-making skills, and their feeling intimidated by gendered social norms and power asymmetries.
- Excessive use of technical jargon and inaccessible language that is difficult to understand.

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<sup>360</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, “Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam”, *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>361</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, “Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam”, *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>362</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, “Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam”, *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>363</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy, “Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam”, *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

<sup>364</sup> KII, International Accountability Project Community Organizer, South East Asia, July 2020. IAP website <https://accountabilityproject.org/>



- Limited access to adequate and thorough information on impacts of infrastructure projects.<sup>365366</sup>

### Benefits of Inclusive Participation in EIAs

While enormous constraints prevent women from sharing their views on investment projects openly and freely, there are some positive examples of facilitating women’s participation and influence. For instance, in Vietnam, women had very specific concerns on livelihood and environmental issues such as drinking water; pollution of rivers, fields, gardens, and air; and associated health impacts, but their concerns arose at the late stage of the project implementation.

Women benefited from their participation when NGOs stewarded them through the consultation process, leading them to share their opinions more freely. In Myanmar, a study found that women were concerned with their communities and not just the well-being of their families, and, compared with the men who were interviewed, the women had more suggestions about where the school and market would be located to suit everybody’s needs.<sup>367</sup>

#### Nam Theun II Hydropower Project <sup>368</sup>

The Nam Theun II hydropower project was developed in the Nakai Plateau of Lao PDR and resettled over 6,000 people. The project was developed by the Nam Theun Power Company, supported by the WB and the ADB. Given the strong influence of the WB in project development, the Concession Agreement and Resettlement Policy outlined comprehensive social and gender interventions based on findings from the gender assessment conducted during the project design phase.

The gender assessment found that women faced “greater risks in the resettlement process” due to a lack of access to “education, off-farm employment, production markets, cash assets, and sociopolitical empowerment.” The project integrated gender considerations into the Social Development Plan and Resettlement Action Plan, which were legally enforced. At the very outset of the project, the agencies made sure to incorporate women by forming a resettlement committee, which had three women represented from the province and women from the LWU on the Resettlement Management Unit. These entities were responsible for directing and guiding the resettlement process.

The power company involved in the project hired gender specialists to support and work closely with local government agencies led by the LWU. The participation of gender specialists resulted in more effective implementation of the gender-sensitive Social Development Plan and Resettlement Action Plan and facilitated women’s participation in all stages of the project cycle, ensuring their adequate compensation. Land titles for affected persons were issued jointly to husband and wife, and all compensation payments were handed over jointly to husband and wife.

Throughout the monitoring period of the project, the power company and the WB enlisted the expertise of local nonprofits such as the Association for Development of Women and Legal Education and the LWU to provide capacity building for the village committees on understanding the differences between customary law and the protections for women under Lao law. This training also focused on differentiated impacts to women to increase the capacity of the village grievance committee after the formal resettlement period ends and the hydropower developer exits.

<sup>365</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, “Water insecurity disadvantages women as they shoulder heavier caring obligations,” SEI discussion brief, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>366</sup> International Rivers, “State of Knowledge: Women and Rivers in the Mekong Region,” April 2020. <https://drive.google.com/file/d/1AOKSeBeLMe2oNt1AfDyiAoaFiZ7Nt72r/view>

<sup>367</sup> Bernadette Resurreccion, et al, “Gender and Public Participation in EIAs.” USAID/SEI, (no date). [http://www.mekongwaterforum.org/sites/default/files/SEI\\_Gender%20and%20public%20participation%20in%20EIAs\\_regional%20synthesis\\_1.pdf](http://www.mekongwaterforum.org/sites/default/files/SEI_Gender%20and%20public%20participation%20in%20EIAs_regional%20synthesis_1.pdf)

<sup>368</sup> Kalee Whitehouse and Julie Curti, “The Practical Guide to Women in Energy Regulation”, USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

The **Theun-Hinboun Expansion project** is operated by the THPC, with international financial backing. Driven mainly by the financial shareholders and corporate responsibility, the THPC has focused on gender equity and social inclusion throughout the project planning, implementation, and follow-up, including conducting a pre-resettlement health survey with gender-disaggregated data and setting indicators that tracked health throughout the resettlement process.<sup>369</sup>

GESI was firmly embedded in the ESIA as part of the licensing agreement between the company and the government.<sup>370</sup> Similar to the NT2, the consultative process included separate meetings with women to ensure that the THPC understood their concerns. The LWU was considered a key ally in facilitating a gender-inclusive consultative process.<sup>371</sup>

The company supported a “sustainability program” that has for the most part been turned over to the government, which included building and staffing schools and health clinics. According to the company this relatively low-cost measure ensures that communities are satisfied and do not have grievances, and the company has a “social license to operate.”<sup>372</sup>

The main enabling factors for inclusive participation in EIA processes are as follows:

- NGOs, mass organizations (LWU, VWU), and gender focal points at local levels can help to support women and ethnic minorities be active participants in the consultation process by explaining issues and encouraging them to share their opinions more freely.
- Invitations should go to both men and women specifically in the household, not just addressed to “head of household.”
- Consultations should be held in languages used by the stakeholders and at a place and time that is convenient and accessible (in particular, based on women’s domestic responsibilities and mobility).
- Key information points and issues should be shared with participants before the consultations.
- Consultation facilitators should include gender specialists, women, ethnic minorities, etc. and should include questions directly related to gender gaps and issues, GBV/SEAH, etc.
- Women should be directly targeted for their views and opinions during consultations; this can be through thematic discussions, all-women consultations, or breakout groups, etc.
- Women and ethnic minorities, and representatives of women’s and ethnic minority groups, should be included in the resettlement committee.
- Project implementors and contractors should include gender specialists throughout the life of the project, starting with stakeholder engagement and consultation, and should work closely with local women’s representatives and groups.

## Women’s Participation in Infrastructure Governance

Policy makers tend to be largely men, particularly in energy and transport institutions and organizations both in the public and private sector. Economists and engineers are the dominant professions,<sup>373</sup> with

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<sup>369</sup> Kalee Whitehouse and Julie Curti, “*The Practical Guide to Women in Energy Regulation*”, USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>370</sup> KII Robert Allen Jr., General Manager, Theun-Hinboun Power Company Limited, July 2020.

<sup>371</sup> Kalee Whitehouse and Julie Curti, “*The Practical Guide to Women in Energy Regulation*”, USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>372</sup> KII Robert Allen Jr., General Manager, Theun-Hinboun Power Company Limited, July 2020.

<sup>373</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, “*Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities*,” USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)



limited focus or expertise in gender and social issues.<sup>374</sup> These professions often do not see the relevance of gender to their work and consider gender issues a matter of local culture and not a technical concern.

Women have also long been marginalized in the energy and transport sector workforce and particularly at technical and leadership levels. They rarely hold ministerial positions in the fields of science, technology, natural resources, transport, and energy. They are seldom considered key stakeholders for related initiatives.<sup>375</sup> This male-dominated structure results in men talking to men about infrastructure issues, consolidating and sustaining dominantly male social networks and circles. Consequently, the fora where the issues are identified, agendas and budgets are set, and any potential solutions proposed tend to have a gender bias.

Women's engagement and gender-equality advocacy is conventionally confined to the micro, community, or household scales, while they are primarily absent from higher-level decision-making processes, particularly in infrastructure governance, which is seen as a traditionally male and technical domain of practice and knowledge. Training of infrastructure professionals often brackets out social and gender concerns. Women are excluded based on stereotypes of women as being nontechnical and unscientific.<sup>376</sup>

The lack of women representatives within the infrastructure sector who could establish direct relationships with women in the project-affected communities is linked to the gender-blind processes and outcomes seen in previous sections. Promoting gender balance is good for project sustainability and outcomes as well as business and social performance.<sup>377</sup>

Like many engineering and infrastructure sectors, hydropower historically is an industry dominated by men. Many of the processes involved in developing hydropower—from engineering to resettlement—are controlled by men and deliver outcomes largely in the interests of men. For example:  
The International

In the transport sector—especially, but not exclusively, in the road sector—state institutions at the national and local levels are responsible for the provision and maintenance of transport infrastructure. Historically, the participation of women in these institutions has been very low.<sup>378</sup>

The Lao PDR MPWT's Strategy for Advancement of Women in the Public Works and Transportation Sector (2014–2025) notes that due to the very low level of women's involvement in decision-making regarding subproject identification, planning, and implementation, and M&E, considerable gender gaps exist in service delivery as a result of a

systematic bias against women whereby consultations are usually held with men, which in turn reduces sector performance.<sup>379</sup>

<sup>374</sup> Oxfam and IUCN, "Regional Forum on Gender Equity and Women's Leadership in Transboundary Water Governance in the Lower Mekong Basin", IUCN, 15 September 2017.

[https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam\\_iucn\\_gender\\_forum\\_report\\_sept\\_2017\\_210218.pdf](https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam_iucn_gender_forum_report_sept_2017_210218.pdf)

<sup>375</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities," USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

<sup>376</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Exploring gender dimensions of water security and governance in the Lower Mekong region", Stockholm Environment Institute, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>377</sup> O'Neil, D., D. Renzi, A. McDermott, and A. Atanassova. "Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects", USAID's Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3, 2015.

<sup>378</sup> Priyanthi Fernando, "Making the Case for Gender-Responsive Transport Infrastructure", IVRAW, no date, accessed May 2020. <https://www.iwraw-ap.org/the-case-for-gender-responsive-transport-infrastructure/>

<sup>379</sup> Government of Lao PDR, Ministry of Public Works and Transport (MPWT), "Strategy for Advancement of Women in the Public Works and Transportation Sector (2014–2025)" 2014.

The MEM Department of Energy Policy and Planning (DEPP) is responsible for renewable energy policy development and electricity supply planning. The Director of the DEPP Power System Planning System Division is one of the highest-ranking women in the energy sector at the national level and has responsibility for electricity transmission and distribution policy and planning, of which around 90 percent is sourced from hydropower. She argues that DEPP, and the national government more broadly, affords women and people from ethnic minority groups priority when it comes to hiring and internal promotions due to a formal quota target.<sup>380</sup>

The largest power producer in Thailand is the Electricity Generating Authority of Thailand (EGAT), a state enterprise managed by the Ministry of Energy. It employs close to 23,000 staff, of which approximately 5,000 (23 percent) are women. Engineers form the core of EGAT's employees, and around 50 percent are technical staff required to do on-site/field-based work on rotation. This has traditionally restricted women's career advancement.

All eight of EGAT's executive officers are men. There are some women occupying assistant and deputy manager positions, but performing largely administrative roles. Women are concentrated within EGAT's administrative, accounting, human resources, and finance units. Some women are involved in the marketing of power to distributors, but they do not make up top representatives.<sup>381</sup>

A USAID gender assessment of the Power Development Planning (PDP) process found that Thailand is quite advanced in terms of women's participation in renewable energy target setting and the PDP process, as there has been a high proportion of women participating in the process. Women also played significant roles as participants and panelists in public events such as public hearings and focus groups, including representatives from electricity authorities, NGOs, academic institutes, and private sector.

Lao PDR shows a promising trend of increasing women's participation in renewable energy target setting and the PDP process. Even though the current proportion is small, the energy ministry places emphasis on increasing women's roles and contributions in the ministry, which could result in an increase in the number of women staff and executives in the ministry, as well as the women's' participation in renewable energy target setting and PDP development.

Government officials in the MOM in Cambodia are predominantly men since the sector has been traditionally populated by men with engineering backgrounds.<sup>382</sup> As noted above, in Vietnam most officials in high positions at MOIT are men. At the Institute of Energy, there are office-based women staff working mostly on modeling, accounting, and technical assessment, but none occupy high-level positions. It is considered challenging for women to be engineers in the energy sector due to many field visits, which will take women away from their families for extended periods. Thus, it can be concluded that not many women participate in the PDP process in these two countries. There is no evidence that other gender issues are directly addressed or considered for PDP development.<sup>383 384</sup>

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<sup>380</sup>USAID, Clean Power Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities," 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

<sup>381</sup> USAID, Clean Power Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities." 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

<sup>382</sup>Abt Associates, USAID, "Updating Planning Assessment: Integrating Climate Resilience in the Power Sector and Addressing Gender Issues in Energy Planning," 2018.

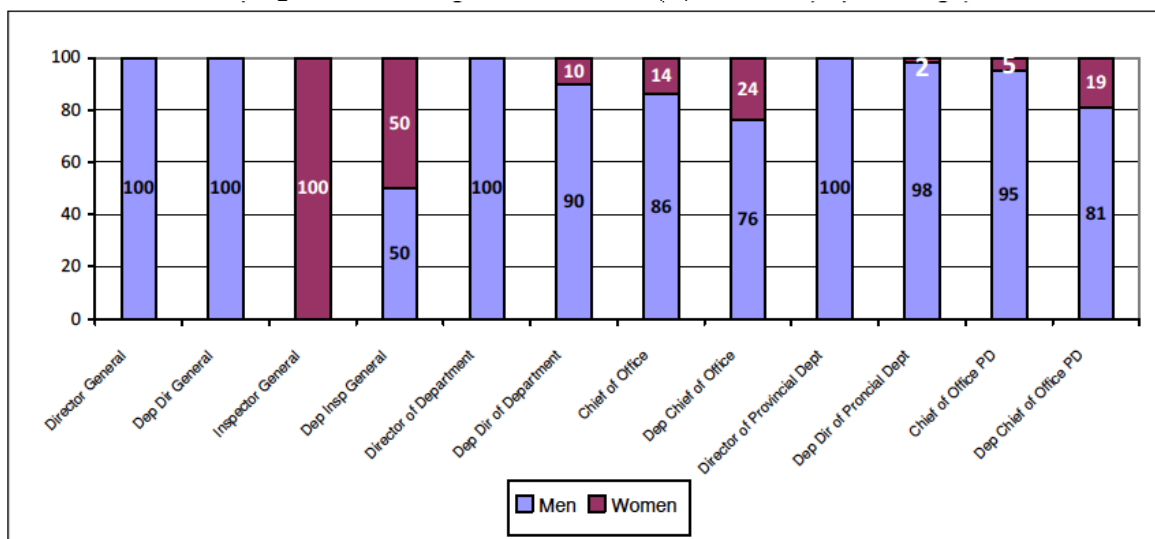
<sup>383</sup>Abt Associates, USAID, "Updating Planning Assessment: Integrating Climate Resilience in the Power Sector and Addressing Gender Issues in Energy Planning," 2018.

<sup>384</sup>USAID, Clean Power Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities", 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

In Myanmar, a study of ten energy companies found that 28 percent of employees are women, 29 percent of women are in executive roles, and 30 percent of women are in management roles.<sup>385</sup>

In Cambodia, the rate of women in decision-making at the MOWRAM, which is responsible for water transport and hydropower and hosts the National Mekong Committee, is low. There are no directors at central and provincial levels, as shown in the graph below, and women make up only 21 percent of all MOWRAM civil servants. Women’s participation in trainings in-country was 38 percent and internationally was 24 percent in 2018.<sup>386</sup>

Women in Decision-Making Positions in MOWRAM in 2018 (%)



Source: Ministry of Civil Service, January 2019

### GESI in Infrastructure Decision-Making Processes

In recent years, gender integration in governance institutions has generally advanced, but persistent challenges remain. Overall, national and regional institutions on gender and infrastructure development in the Mekong countries have their own specific and separate technical concerns, with very limited involvement in other sectors. This results in a lack of gender-responsive integrated infrastructure management. Many developers and infrastructure-related government agencies do not have gender or social experts, and there is a shortage of trained social scientists working in energy and transport.<sup>387</sup> Thus, few infrastructure policies incorporate gender-equality issues at the national level in LMRCs, as shown in the section on Laws and Policies.

When gender-integration efforts in infrastructure institutions are considered, they are often not effectively implemented due to lack of capacities and overall low priority and resources assigned to gender equality. While national gender policies and/or strategies appear to be firmly in place in all LMRCs, they do not link with infrastructure policies. Instead they focus more on women’s social welfare, employment, and political

<sup>385</sup> IFC, “Powered by Women, Brochure, What is the Business Case for Gender Diversity?” [https://www.ifc.org/wps/wcm/connect/042f8b08-c16a-491f-8ac0-976574882cc8/Brochure-PbW\\_Final-PRINT-02%231.pdf?MOD=AJPERES&CVID=IjdYXg](https://www.ifc.org/wps/wcm/connect/042f8b08-c16a-491f-8ac0-976574882cc8/Brochure-PbW_Final-PRINT-02%231.pdf?MOD=AJPERES&CVID=IjdYXg)

<sup>386</sup> Government of Cambodia, MOWRAM, “Gender Mainstreaming Strategic Plan (2019–2023)”, 2019.

<sup>387</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, “Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities,” USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

participation. Thus, outcomes have largely only acknowledged the issue and fail to understand how gender inequality is embedded in the systems and may be reinforced by infrastructure governance.<sup>388</sup>

As discussed in the section on Laws and Policies, gender and social inclusion are not on the agenda of infrastructure-development agencies, and likewise infrastructure development is not on the agenda of most gender specialists and women's organizations. Consequently, holistic solutions are missing as gender, social, technical, and environmental mandates and agendas remain separated and addressed individually by organizations that do not interact at a technical level, resulting in silos in governance where gender and infrastructure policies remain separate.

Gendered impacts of dams tend to be systematically disregarded in the design of consultations and assessments, which lack reference to basics such as sex-disaggregated data or more specific identification of gender-related issues and vulnerabilities. While the environmental impacts of Mekong dams are well studied, gender-specific issues have been largely ignored in assessments and planning.

In 2017, International Rivers commissioned an independent review of the EIA for the Pak Beng Dam, led by Chinese developer Datang Corporation. They found that the studies lacked sex-disaggregated data on key issues; failed to distinguish between women of different ethnic, cultural, and economic backgrounds; and provided little indication of specific efforts to include women in the consultations for the assessments.<sup>389</sup>

A USAID study on hydropower in LMRCs found ESIA reports did not include gender analysis on the impacts of projects. Potential gender-specific impacts and issues were not proposed for further exploration. Baseline studies (e.g., population, location, water management, agriculture, energy) did not include gender-segregated data, or any gender analysis. There was no record of women's attendance at consultation meetings, although photos show they were present.

The study noted gender-blind facilitation and processes, unequal representation of women and men, and uneven power in decision-making, especially in the results of the assessment. Women's representation in public consultations was at 30–40 percent. Concerns of women and men were not systematically presented in the consultation reports, women were not encouraged to voice their views, consultations were used for sharing technical information with little dialogue, local languages were not used in consultations, and local NGOs commented on the EIA report yet did not significantly influence final outcomes.

EIA reports and monitoring plans did not reference how women's and men's concerns on the project should be equally addressed. Overall, gender was not considered a significant variable in screening, scoping, or baseline study efforts by EIA consultants, due in large part to an absence of guidelines in EIA procedures.<sup>390</sup> The study notes that local participation and gender mainstreaming are popular concepts

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<sup>388</sup> Ha Nguyen, Natalia Biskupska, Sofie Mortensen, "Exploring gender dimensions of water security and governance in the Lower Mekong region", Stockholm Environment Institute, January 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-water-insecurity-sei-discussion-briefing.pdf>

<sup>389</sup> Maureen Harris, "Women Must Be Central to Decisions on Mekong Hydropower", The Bangkok Post, 7 March 2018. <https://www.internationalrivers.org/resources/women-must-be-central-to-decisions-on-mekong-hydropower-the-bangkok-post-16756>

<sup>390</sup> Christina Hill, Phan Thi Ngoc Thuy, Jacqueline Storey & Silavanh Vongphosy. "Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam", *Gender & Development*, 25:3, 455–470, DOI: 10.1080/13552074.2017.1379777, 2017. <https://doi.org/10.1080/13552074.2017.1379777>

Bernadette Resurrecion, Ha Nguyen, Aziya Taalailekkyzy, "Gender and Public Participation in EIAs," USAID/SEI, 2017. [http://www.mekongwaterforum.org/sites/default/files/SEI\\_Gender%20and%20public%20participation%20in%20EIAs\\_regional%20synthesis\\_1.pdf](http://www.mekongwaterforum.org/sites/default/files/SEI_Gender%20and%20public%20participation%20in%20EIAs_regional%20synthesis_1.pdf)

that are often incorporated into government and donor policy on sustainable energy development, but evidence of these notions in practice proves elusive.<sup>391</sup>

The International Rivers' 2020 report on women and rivers in the Mekong finds differences between what EIA/SIA experts count as a successful consultation, and what NGOs understand to be an effective, gender-sensitive consultation process. Furthermore, there remain deep-seated tensions between formal rules, rights, and policies, and local customs and norms which affect the outcome of consultations. The report finds that the lack of a gender approach in Chinese policy may serve to undermine efforts to support local resource management and climate adaptation.<sup>392</sup>

The changing investments and plans in energy and infrastructure in the region have implications for transboundary water governance and for gender relations and women's opportunities, and yet gender concerns are not highlighted in transboundary water governance arenas, where efforts to create gender awareness have been met with resistance or apathy and indifference.<sup>393</sup>

Outside of the workplace, hydropower companies are typically weak in applying gender diversity and equality principles and are largely unaware of mitigation strategies for addressing the gendered impact of hydropower development on affected communities. Hydropower companies are largely unaware that hydropower development and related displacements in livelihoods, residence, resources, and security will have different impacts on men and women and that different strategies may be needed to mitigate these.<sup>394</sup>

At the Lao PDR MPWT, there are no mechanisms or tools to integrate gender into sector planning, and there is no standard application of gender analysis to identify impacts and benefits for women from development proposals, or with which to identify appropriate gender-based indicators for M&E of plans approved. Furthermore, there is no formal role for the MPWT sub-CAW, or specifically for female staff, in the PWT planning process. The MPWT Gender Strategy 2014–2025 aims to address these issues.<sup>395</sup>

There are some examples of institutional efforts to address gender: the World Bank (2011) noted that the Vietnam Ministry of Transport Committee for the Advancement of Women addressed the gap between gender-equality policy and practice through awareness raising and capacity building at the national and grass roots levels, as well as gender-informed monitoring and evaluation and integration of gender and transport into the national training institute curriculum.

The VWU managed and monitored the recruitment of the female road workers and the Provincial Department of Transport provided hands-on road maintenance capacity building. They learned about basic road classification, bridges, spillways, construction and development of rural roads systems, and community responsibilities for rural road maintenance. Ethnic minority language barriers posed challenges that trainers addressed through demonstrations and hands-on road maintenance and repair practice. The WB recommended integrating gender and transport into the government's rural transport training

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<sup>391</sup> Sam Sreymom, Nong Monin, and Ky Channimol, "Gender in EIA and Public Participation", USAID/PACT, 8 November 2016. [https://www.sumernet.org/upload/media/0001/01/CDRI\\_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf](https://www.sumernet.org/upload/media/0001/01/CDRI_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf)

<sup>392</sup> International Rivers, "State of Knowledge: Women and Rivers in the Mekong Region," April 2020. <https://drive.google.com/file/d/1AOKSeBeLMe2oNtIAfDyiAoaFiZ7Nt72r/view>

<sup>393</sup> Oxfam and IUCN, "Regional Forum on Gender Equity and Women's Leadership in Transboundary Water Governance in the Lower Mekong Basin", IUCN, 15 September 2017. [https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam\\_iucn\\_gender\\_forum\\_report\\_sept\\_2017\\_210218.pdf](https://www.iucn.org/sites/dev/files/content/documents/2018/oxfam_iucn_gender_forum_report_sept_2017_210218.pdf)

<sup>394</sup> May Thazin Aung, Bernadette P. Resurrección, Michael Boyland, "Making the business case for gender equality in the renewable energy and power sector: Insights for companies in Myanmar," Stockholm Environment Institute Asia, 11 December 2017. (unpublished)

<sup>395</sup> Government of Lao PDR, MPWT, "Gender Strategy", 2014.

curriculum to facilitate institutionalization of gender-informed analysis and approaches in the transport sector in the longer term.<sup>396</sup>

## 4.5 Gender Norms and Beliefs

### Overview

Patriarchal norms dominate the Mekong countries. Women tend to be, directly or indirectly, excluded from infrastructure decision-making or capacity-development activities by governments and even those organized by international organizations and NGOs (e.g., technical sessions or workshops) due to gender-related norms and barriers. Exclusion is especially pronounced in ethnic minority communities, such as in Lao PDR and Myanmar.

When workshop opportunities are available to a government office, usually male staff are chosen to attend, unless the workshop is on a gender-related topic, in which case women will generally be selected to participate. In some cases, women may experience GBV because of attempting to participate and become “visible” or face the possibility of becoming targets of other forms of harassment. When women are invited to attend meetings at the central or regional level, they often remain quiet, due to their lack of confidence and support, and feelings of intimidation by unfamiliar interlocutors, language, terminology, and issues.<sup>397</sup>

These issues have posed ongoing challenges for Chinese investors, who are frequently seen to be failing to be inclusive but who possess limited ability to compel local women to join or speak up at community meetings. Chinese investors contend that they would like to engage women’s voices in their project and have tried to invite women to attend public hearings with men; yet the women often do not show up.

Aside from having to keep to tight project timelines, and the fact that most consultations usually take between three to six months, investors claim that they want to respect local customs and do not want to force women to speak if community rules dictate that they should not do so. If the investor were serious in their intent to gain input from women, they would need to navigate these customs and social norms to create a space that would be safe for women to add their voices.

Women would need to feel assured that they were feeling respected through the process and that their opinions mattered and would be considered. They would need a process that provided reassurance that they were not violating any social gender norms through their participation, possibly even through women-only consultation events. Doing so takes time and resources, both of which are often in short supply when development projects have aggressive timelines and limited resources for conducting consultations and ESIAAs.

Thus, it appears that investors are aware of gendered barriers to women’s participation but are not making the necessary accommodations to overcome them. However, such an investment in time and resources is necessary to break through these gender barriers, facilitate women’s inputs, and help prevent infrastructure projects from exacerbating inequalities or disproportionate impacts on women. The report gives the example of the case of the consultation process from the Nam Ou dam cascade, where only a few women were able to attend due to conflicting household responsibilities and lack of understanding about the issue, as most of the project information from the company was in English.<sup>398</sup>

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<sup>396</sup> World Bank, “*Building capacity to make transport work for women and men in Vietnam: Gender and transport challenges.*” East Asia and the Pacific Region. Washington DC, 2011.

<http://documents.worldbank.org/curated/en/463921468329686918/pdf/679800BRI00PUB0a10Development0Notes.pdf>

<sup>397</sup> Michael Simon, “*Balancing the Scales: Using Gender Impact Assessment in Hydropower Development.*” Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>398</sup> International Rivers, “*State of Knowledge: Women and Rivers in the Mekong Region.*” April 2020.

Gendered social norms influence the ways women participate within the labor market and domestically. In many cases, these norms have relegated women to traditional positions within formal and informal economic sectors. These gendered expectations can influence the roles that women can ultimately take on within the energy and transport sectors, especially if a position is not in line with cultural expectations in and outside of the workplace.<sup>399</sup>

Generational gaps in knowledge and attitude are significant throughout the region. On one hand, the more educated and exposed younger generation will be able to shift gender norms and increase women's representation in infrastructure governance, as younger women are gaining knowledge, self-confidence, and opportunities to share their voices and participate in decision-making, representing a rising tide with their own ways of learning and doing, and different ideas about gender equity. On the other hand, there is generally a mistrust between generations, where older generations do not think that the younger generations have the knowledge or experience to take on leadership roles.<sup>400</sup>

### Examples of Country Gender Norms

While the legal system is largely gender equal on paper, in practice Cambodia has a very patriarchal structure, with social norms and beliefs that put women at a clear disadvantage. Men are traditionally assigned higher status than women. Domestic labor and family care are considered women's work, and this has changed little despite women's increased participation in the labor force, thus effectively increasing the burden on women.

Married women are primarily responsible for home and family, and their time is entirely devoted to household chores, looking after children, cooking for husband and family, cleaning the house, fetching water, and so on. Women are considered responsible for the "small things," while men are entrusted to handle major jobs in the family and the community. The husbands make decisions in the family while wives follow in their footsteps.

Women do not participate equally in public decision-making processes. The traditional codes of conduct for women (or *chbab srey*) specify idealized gender roles and behaviors which prompt women to respect their husband and accept their behavior, be shy and gentle as well as modest and obedient. Moreover, women are also expected to advise their husband but never question them in public, and to manage family finances.

Young unmarried women are also expected to be shy and demure. For men, the codes of conduct (or *chbab bros*) press men to be the household head and exercise authority.<sup>401</sup> Thus, in Cambodia, the lack of deliberate effort to be inclusive in the EIA process is largely shaped by biases against women that draw from traditional gender stereotypes and conceptions about their roles and capacities. Women in Khmer society are traditionally expected to be submissive and defer to men; thus their opinions and interests are not prioritized. Women do not express themselves, and even when they do, men seem to take little notice of their ideas and opinions. These stereotypes and attitudes can create a psychological barrier,

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<https://drive.google.com/file/d/1AOKSeBeLMe2oNtIAfDyiAoaFiZ7Nt72r/view>

<sup>399</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region," Discussion brief. Stockholm Environment Institute, 2019.

<https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>400</sup> International Rivers, "State of Knowledge: Women and Rivers in the Mekong Region", April 2020.

<https://drive.google.com/file/d/1AOKSeBeLMe2oNtIAfDyiAoaFiZ7Nt72r/view>

<sup>401</sup> Sam Sreymom, Nong Monin, Ky Channimol, "Gender in EIA and Public Participation", USAID/PACT, 8 November 2016.

[https://www.sumernet.org/upload/media/0001/01/CDRI\\_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf](https://www.sumernet.org/upload/media/0001/01/CDRI_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf)



leading women to think they are not equal to men in decision-making or preventing them from expressing their views in public.<sup>402</sup>

Gender relations in Vietnam are influenced by their Confucian roots, their socialist recent past, and the current greater integration into the global economy. While cultural traditions remain centered on patriarchal norms about family and gender roles, a gradual change in attitudes is noticeable, particularly among the better educated urban youth.

For example, the views that men are better than women at learning, particularly in the natural sciences and technical subjects, or that men make better leaders, are much less popular among the urban eighteen-to twenty-four-year-olds than the rest of the population.<sup>403</sup> However, some men still do not want their wives to attend meetings or training courses, and one head of the local Women's Union explained, "Although we [wives] have our own bank accounts, if your husband tells you to withdraw money from your account it's difficult to refuse."<sup>404</sup>

In the EIA processes leading to the Truong Son hydropower project in Vietnam, women's opportunities to raise their voices in public consultations were hampered by social norms on women's public behavior, limiting their ability to contribute their ideas or influence decisions on the quality and potential outcomes of the building of the dam. Women from ethnic minorities were further constrained due to weak Vietnamese language skills. These gender blind EIAs ignore women's increasing domestic burdens and risk of GBV that result from insecure resettlement schemes related to dam development.<sup>405</sup>

The rich ethnic diversity of Lao PDR has led to some resettlement challenges, especially in cases when villages with different cultural practices are resettled together. Analysis of ethnic intersectionality is still rare within social impact assessments of infrastructure projects. In capacity-building programs for women, some developers have begun to use local trainers who speak multiple languages and can better ensure that the needs of ethnic groups are accounted for.<sup>406</sup>

The widely held belief in Myanmar is that women should stay at home, cook, clean, and take care of children. They are expected to be the caretakers of the household, to play supportive roles for men, to be family oriented, to be "well-behaved" both in private and public spheres, and to focus on reproduction. Because of their multiple roles in society, they have limited access to formal and nonformal education. As a result, women hardly participate in sociopolitical activities.

Generating income is regarded as the obligation of men. Women are under considerable social pressure to behave in certain ways, with many rules and regulations. For instance, it is believed that women should be decent, polite, shy, quiet, and obedient to all the advice of elder people in the community. In some communities, women have not been included in community meetings, and their voices have been ignored.

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<sup>402</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region" Discussion brief. Stockholm Environment Institute, 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>403</sup> USAID, "GSIA Green Invest Asia," 2019.

<sup>404</sup> Jane Singer, Pham Huu Ty, Hoang Hai, "Broadening stakeholder participation to improve outcomes for dam-forced resettlement in Vietnam", Water Resources and Rural Development, July 2014. [https://csdlkhoahoc.hueuni.edu.vn/data/article/jane-Ty-Hai\\_Published\\_article\\_pdf.pdf](https://csdlkhoahoc.hueuni.edu.vn/data/article/jane-Ty-Hai_Published_article_pdf.pdf)

<sup>405</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region." Discussion brief. Stockholm Environment Institute. 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>406</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

These social pressures, the feeling of being powerless, and a lack of gender-responsive policies restrict women from meaningful participation in decision-making processes in infrastructure development.<sup>407</sup>

As an example: in the Upper Paunglaung project site, it was believed that women worried more than men about the loss of livelihood and the future because they have more responsibility at home, caring for children and the community. Stereotypes and perceptions constrained women from attending consultations. One informant said that despite acquiring permission from her husband to attend the consultation, the village leader said that she had nothing to do there and should stay quiet. Villagers were also told by local authorities that if the women complained, their husbands would end up in prison.

These biases against women, and the stereotypes that perpetuated them, do not begin and end in the villages where these consultations took place. They are prevailing gender norms that cut across all levels of engagement, and they explain the lack of institutionalization of gender in EIAs and in environmental policies in general.<sup>408</sup>

## 4.6 Gender Roles, Time Use, Mobility, and Jobs

### Gender Roles and Time Use

The ability for women to participate in stakeholder consultation processes or influence policy can be limited by their time poverty (the absence of spare time to engage in any activities outside their daily tasks) and other constraints due to their responsibilities, such as income generation, childcare, and domestic duties.<sup>409,410</sup> During the implementation stage, potential gender gaps can emerge if livelihood restoration is not designed based on thorough gender analysis and proper understanding of women's constraints and opportunities in contributing to the economic development of their households.<sup>411</sup>

In Vietnam, for example, caring for household and children is seen as women's primary responsibility, and thus women are typically hired only for positions deemed compatible with their family role. Women and men alike view childcare as a woman's task. This is one of the most persistent gender norms and one that has deep implications on how far women can advance in the workplace.<sup>412</sup>

Constraints on women's participation in the economy are higher for ethnic minority groups, particularly in rural areas, where a more traditional division of labor persists. Women of the Mong and the Tay

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<sup>407</sup> Nang Shining, "Gender and Hydropower: Women's Rights in the Development Discourse", Weaving Bonds Across Borders and Mong Pan Youth Association, Sept 2017. [https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31\\_Nang+Shining\\_Policy+Brief+electronic.pdf](https://static1.squarespace.com/static/575fb39762cd94c2d69dc556/t/59fa7c0a0846654cd8e1c64b/1509588000676/MK31_Nang+Shining_Policy+Brief+electronic.pdf)

<sup>408</sup> Bernadette Resurrecion, Ha Nguyen, Aziya Taalailekkyzy, "Gender and Public Participation in EIAs," SEI, USAID, 2017. [http://www.mekongwaterforum.org/sites/default/files/SEI\\_Gender%20and%20public%20participation%20in%20EIAs\\_regional%20synthesis\\_1.pdf](http://www.mekongwaterforum.org/sites/default/files/SEI_Gender%20and%20public%20participation%20in%20EIAs_regional%20synthesis_1.pdf)

<sup>409</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region." Discussion brief. Stockholm Environment Institute. 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>410</sup> Sam Sreymom, Nong Monin, Ky Channimol, "Gender in EIA and Public Participation", USAID/PACT, 8 November 2016. [https://www.sumernet.org/upload/media/0001/01/CDRI\\_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf](https://www.sumernet.org/upload/media/0001/01/CDRI_Gender%20in%20EIA%20and%20Public%20Participation%20in%20Cambodia.pdf)

<sup>411</sup> World Bank, "How to Ensure Better Outcomes for Women in Resettlement: A Toolkit", World Bank Group, 2019. <http://documents.worldbank.org/curated/en/812241554967756481/pdf/How-to-Ensure-Better-Outcomes-for-Women-in-Resettlement-A-Toolkit.pdf>

<sup>412</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

minorities experience lower access to productive resources, lower access to health and education, and lower likelihood of engaging in community leadership and decision-making.<sup>413</sup>

### Mobility and Travel

Women often face mobility constraints due to social responsibilities and traditional norms, which limits their participation in activities that require relocating or traveling. The infrastructure sector tends to demand a high geographic mobility of its workforce. Although this affects all, women are likely to be at a significant disadvantage. For example, construction projects can be in isolated areas, require purpose-built accommodation for workers, and impose long absences from families, and women are less likely to be able and willing to be away from home for long periods.<sup>414</sup>

Perceptions that “energy work” involves heavy labor and is not “suitable” for women remain persistent. This is in large part due to the field-based aspects of installation and repair of power grids that are commonly associated with masculine labor, and that traveling afar for this purpose poses risks to women and pulls them away from their families. As a result, the public energy sector in the LMRCs responsible for energy policy and planning is dominated by men, who are mostly engineers by trade.<sup>415</sup>

As a result of their limited mobility, on transport projects, particularly rural roads, women can usually access only temporary project employment as unskilled labor drawn from communities near the road construction sites, which does not involve migration and staying in camps.

Some communities engage in swidden agriculture and subsistence practices rather than income-driven lifestyles. In many of Lao’s ethnic groups, women lead foraging activities and riverbank agriculture, and thus their livelihoods and income generation are negatively impacted by resettlement that moves them far from their natural resource and impacts their access to rivers and forests.<sup>416</sup>

### Infrastructure Jobs

The infrastructure sector tends to be male-dominated due to a variety of factors, including social norms, occupational segregation by sex, access to technical training and skills, and work environments that do not take into account women’s needs such as personal safety. Employer-provided or supported training usually targets men. Capacity-development activities are often confined to technical upgrading, and for these, men are usually tapped for training.<sup>417</sup>

Addressing gender gaps within the workplace requires human resource policies that create incentives to hire and retain women. This can be done by facilitating on-the-job training and career progression, having the appropriate policy architecture—including zero tolerance of sexual harassment—introducing family-friendly policies (such as childcare facilities or services, paid leave, flexible working hours), designating

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<sup>413</sup> USAID. “GSIA Green Invest Asia,” 2019.

<sup>414</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, “Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities,” USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

<sup>415</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, “Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities,” USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

<sup>416</sup> Kalee Whitehouse and Julie Curti, “The Practical Guide to Women in Energy Regulation”, USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>417</sup> May Thazin Aung, Bernadette P. Resurrección, Michael Boyland, Making the business case for gender equality in the renewable energy and power sector: Insights for companies in Myanmar Stockholm Environment Institute Asia, 11 December 2017. (unpublished)

senior role models and mentors, and instituting other policies that create conditions that attract women.<sup>418</sup>

Men and women may be differently affected by an infrastructure project's induced changes in local labor markets. New jobs directly created by transport and energy infrastructure projects have mainly attracted men, since infrastructure construction is traditionally a highly male-dominated industry. Typically, women's direct employment opportunities in infrastructure projects have been restricted by gender roles and social norms in the local community or nationally; women's low technical, construction, and professional engineering skills; occupational segregation by gender; and employer stereotyping. Working conditions in construction areas may also be a deterrent.<sup>419</sup>

Thus, while large infrastructure projects can generate sizable local employment opportunities, such as jobs in road construction and maintenance, or installation and operation of power-generation plants, women are not always able to take full advantage of these opportunities. Cultural views of women's roles prevent women from going after jobs in the energy and transport infrastructure sectors that are traditionally held by men.<sup>420</sup>

The nature of the work also affects the extent to which women and men are affected. For example, the construction of transmission and distribution lines may not require a large pool of workers, and the project may bring in its own external workforce that moves from one project area to another.<sup>421</sup>

In addition to legal and cultural restrictions on work opportunities for women, systematic gendered differences in educational trajectories contribute to the shortage of qualified women engineers and technicians. Stereotypes and gender biases persist even when women defy their traditional roles and choose professional careers in STEM fields.<sup>422</sup><sup>423</sup> The fact that women are largely underrepresented in the energy and transport industry's workforces, particularly in both technical and managerial positions, limits their decision-making influence.<sup>424</sup>

Another aspect that may discourage women from seeking employment in infrastructure is a gender-insensitive work environment (e.g., lack of job flexibility and work-life balance or unsafe working conditions). Many large-scale infrastructure projects are implemented in remote areas, requiring constant travel and relocation. It may be harder for women to take up such jobs, given their roles as caregivers and

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<sup>418</sup> Caren Grown. 2018. "This International Women's Day: Let's design infrastructure better", World Bank, 2018.

<sup>419</sup> O'Neil, D., D. Renzi, A. McDermott, and A. Atanassova. "Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects", USAID's Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3, 2015.

<sup>420</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region". Discussion brief. Stockholm Environment Institute. 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>421</sup> Maria Orlando, et al, "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>422</sup> Maria Orlando, et al, "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>423</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region." Discussion brief. Stockholm Environment Institute. 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>424</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities," USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?e\\_b\\_d\\_l=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?e_b_d_l=0733fc18ffa57ebcf7df29f69d4662d2)

homemakers. Also, housing and catering conditions at construction sites are often cited as inadequate, unsafe, and discouraging for women.

Safety is a significant concern for women considering jobs in infrastructure, particularly with respect to sexual harassment. Women can be put at risk when there are no established systems to prevent sexual abuse, alcoholism, and drugs consumption. These potential dangers make women unwilling to move for work in an area they deem unsafe, even if the job is well paid.<sup>425</sup>

Experts also cite hesitation to include women within the energy workforce due to concerns over sexual harassment and gender sensitivity within the workforce. One expert described the hesitation to hire women as engineers within their commission due to the nature of the work, since overnight stays away from home are a requirement of the position and not acceptable for women.<sup>426</sup> Absence of childcare and high responsibility for unpaid domestic work also constrains women's participation in infrastructure employment.<sup>427</sup> Data on women's care work reveals that women spend 4.1 times more time in Asia and the Pacific in unpaid care work than men.<sup>428</sup>

Projects are more likely to induce women's economic activity indirectly, such as in the provision of catering and cleaning services to labor camps. As a result, large infrastructure projects have mainly offered women self-employment opportunities in traditionally female-dominated areas, such as hospitality services, catering and food supply, and laundry services resulting from the arrival of external workers.<sup>429</sup> In project management teams, the new project-related jobs offered to women involve traditionally feminine tasks such as finance, accounting, and clerical support, while men occupy the top positions of decision-making.<sup>430</sup>

Industry-wide challenges include lack of data and policies: sex-disaggregated employment data is not typically tracked by utilities, developers, or energy regulators, or in the transport and construction industries. This lack of data puts limitations on intervention techniques such as improving gender diversity among employees or measuring productivity and women's impact as employees within the sector.

Sex-disaggregated data is needed to understand the barriers that are hindering participation in the energy and transport sector workforce. Current economic contributions of women in the energy and transport sectors is unaccounted for at the national level. There is also a lack of information about women's participation in the infrastructure sector more broadly. For instance, research indicates that "Women—both as consumers and suppliers—remain invisible in the energy sector. In designing projects to improve energy security, it is crucial to consider realities and differences in needs, constraints, and opportunities between men and women in relation to energy infrastructure and services development." Similarly, other

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<sup>425</sup> Maria Orlando, et al., "Getting Gender Equality in Energy Infrastructure: lessons from Electricity Generation, Transmission and Distribution," World Bank ESMAP, December 2018. <http://documents.worldbank.org/curated/en/639571516604624407/pdf/122887-REVISED-GenderEquality-Report-WEB-2-2-18.pdf>

<sup>426</sup> Mortensen, S. and Boyland, M. "Integrating gender in transitions to renewable energy in the Lower Mekong Region." Discussion brief. Stockholm Environment Institute. 2019. <https://www.sei.org/wp-content/uploads/2019/01/gender-and-renewable-energy-sei-discussion-briefing.pdf>

<sup>427</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016. <https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

<sup>428</sup> Laura Addati, Umberto Cattaneo, Valeria Esquivel and Isabel Valarino, "Care work and care jobs for the future of decent work," ILO. 2018. [https://www.ilo.org/global/publications/books/WCMS\\_633135/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_633135/lang--en/index.htm)

<sup>429</sup> O'Neil, D., D. Renzi, A. McDermott, and A. Atanassova. "Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects", USAID's Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3, 2015.

<sup>430</sup> Dr. Bernadette P. Resurrección, SEI Asia Michael Boyland, SEI Asia, "Gender Equality in Renewable Energy in the Lower Mekong: Assessment and Opportunities," USAID Clean Power Asia, July 21, 2017. [http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd\\_dl=0733fc18ffa57ebcf7df29f69d4662d2](http://usaidcleanpowerasia.aseanenergy.org/email-before-download/?ebd_dl=0733fc18ffa57ebcf7df29f69d4662d2)

studies point out that “the energy value chain is largely gender-blind” and does not recognize the contributions of women.<sup>431</sup>

An IFC gender profiling exercise of renewable energy companies in Myanmar shows that, in the workplace, the representation of women in the sector still lags behind that of men—just 30 percent of total employees are women, and 30 percent of executives (including directors, CEOs, deputy CEOs, boards of directors) and managers (including heads of departments and divisions) are women. Further, women make up just 15 percent of all engineers. Women are largely concentrated in administration (although still more men than women work here), HR, finance and investment departments, whereas men are mostly technical engineers.<sup>432</sup>

Despite the current situation, there are strong arguments in favor of gender-balanced staffing and decision-making in infrastructure development: research indicates that involving women during infrastructure project development can reduce disparate impacts on both men and women, potentially boosting productivity, efficiency, and return on investment, and therefore minimizing cause for consumer and investor disputes.

For example, in a review of the World Bank infrastructure projects, women’s participation was found to improve “governance, management, cost recovery, and production” and “creates an improved work environment, with less violence and drinking in project sites.”<sup>433</sup> Furthermore, the large number of men away from their families and communities in large-scale infrastructure projects is known to be associated with behaviors that are risky and harmful to women and girls in the project-affected communities and with an increase in demand for commercial sex, which is often linked to trafficking, HIV, and GBV/SEAH.

#### **Energy sector is male dominated**

On a global level, women make up less than 6 percent of technical staff and below 1 percent of top managers in the energy industry. In the Electricity Generating Authority of Thailand, for instance, all eight executive officers are men and only 23 percent of the staff are women,

## 4.7 Access and Control Over Resources

The most significant resource issue at stake in infrastructure projects is land title and house ownership, as these determine how resettlement compensation will be distributed. Legally, all LMRCs ensure that both single and married men and women have equal ownership rights to property, to inherit assets from their parents and deceased spouses. The Cambodia Sub Decree on Social Land Concessions specifically states women’s rights, “in order to ensure the land policy responds to all citizens’ needs, such policy must respond to women’s needs,

especially women heads of household.”

In Lao PDR, land and property laws treat both women and men equally, and state that any property purchased during marriage is regarded as jointly owned, while property owned by a woman prior to her marriage remains hers, as does any land she inherits from her parents. However, civil society organizations

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<sup>431</sup> Kalee Whitehouse and Julie Curti, “*The Practical Guide to Women in Energy Regulation*”, USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>432</sup> May Thazin Aung, Bernadette P. Resurrección, Michael Boyland, Making the business case for gender equality in the renewable energy and power sector: Insights for companies in Myanmar Stockholm Environment Institute Asia, 11 December 2017. (unpublished)

<sup>433</sup> Kalee Whitehouse and Julie Curti, “*The Practical Guide to Women in Energy Regulation*”, USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

report that land documents tend to be registered in men's names, and discriminatory inheritance practices impede women's land access. While, legally, women and men have equal rights to access of land, the government of Vietnam does not legally recognize privately owned land. Instead, the 2003 Land Law grants individuals' long-term leaseholds through land-use right certificates.<sup>434</sup>

Despite the revision of the Land Law, gender gaps in access to land remain very large. Women lease 15.4 percent of total agricultural land in Vietnam, while men lease 71.8 percent. The remainder (12.8 percent) is jointly leased.<sup>435</sup> In 2013, the percentage of rural women who were named as sole owners (17 percent) or joint owners with their husband (14 percent) on the land-use title was still lower than the percentage of rural men named as sole owners (59 percent).<sup>436</sup>

Generally, men are the legal head of household, and thus their names tend to be on the land title and house ownership document. Furthermore, men tend to have more access to consultation meetings and information about resettlement and compensation processes, which can result in biased compensation outcomes. As part of the resettlement process, communities are offered compensation, which can often take the form of land and/or cash.<sup>437</sup>

Analyses of hydropower projects indicate that women have more limited access to land titles and cash compensation from resettlement. In the case of a divorce or separation, this can leave women with few resources. To address this issue, the Theun-Hinboun project compensated families through a joint bank account, which required signatures from both partners to access funds. In addition, in their resettlement agreement with the Nongxong village, the developer agreed to provide land for land, as opposed to cash compensation for land.<sup>438</sup>

In Myanmar, daughters are unable to inherit property in favor of brothers or other male relatives. Among several ethnic groups, men generally inherit land under customary law, while most women are landless or are not even considered as farmers, but rather their role is to support male family members in livelihoods. Women also continue to be listed as "dependents" in family registration cards, thus weakening their chances of accessing resources.<sup>439</sup>

Access to project-related information is based on how and to whom information is shared with communities, the level of media connectivity, language used, education level, etc. For instance, those living at the project site may not have access to media or internet. In combination with being located far from the national capital, where governmental processes take place, they may not know that a decision has been made. If an announcement is made in print, impacted stakeholders may not be able to read it, either because of literacy issues, or because it is not in a language they understand.

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<sup>434</sup> ASEAN Secretariat, "Projected Gender Impact of the ASEAN Economic Community", ASEAN Secretariat, March 2016.

<https://www.asean.org/storage/2015/11/Final-Gender-Dimensions-of-the-ASEAN-Economic-Community-updated-on-13.03.pdf>

<sup>435</sup> USAID. "Green Invest Asia". 2019.

<sup>436</sup> UNW, "Towards Gender Equality in Viet Nam: Making Inclusive Growth Work for Women," 2016. <https://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2016/07/making-inclusive-full-en-final.pdf?la=en&vs=4651>

<sup>437</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>438</sup> Kalee Whitehouse and Julie Curti, "The Practical Guide to Women in Energy Regulation", USAID Office: Energy Division, Office of Energy & Infrastructure, Bureau for Economic Growth, Education, and Environment, June 2018. <https://pubs.naruc.org/pub/CAA05EA6-CDCE-3F80-DBF6-56F3A3C31C8F>

<sup>439</sup> May Thazin Aung, Bernadette P. Resurrección, Michael Boyland, "Making the business case for gender equality in the renewable energy and power sector: Insights for companies in Myanmar," Stockholm Environment Institute Asia, 11 December 2017. (unpublished)



Women, especially those who live in rural areas, are statistically less literate and educated than men, but also disproportionately represented in activities such as water collection or agricultural work that may be impacted by the project.<sup>440</sup> Public participation processes, now mandated by law in the LMRCs, are another way that women can make their voices heard during this stage of project development. However, these processes are often ineffective. For instance, there is no requirement to meaningfully address power imbalances due to different language abilities or educational achievement, causing women to be shut out of discussions.

So-called super-infrastructure projects are commonly located far from urban metropolises. The population of the LMRCs remains predominantly rural, and many living there are ethnic minorities or indigenous peoples. This means more rural people are impacted by infrastructure development, and these impacts add to existing gender issues to make rural women disproportionately vulnerable, as they continue to have lower levels of education and literacy.<sup>441</sup>

For example, in Lao PDR there is a large gender gap in literacy; 90 percent of the male population and 80 percent of the female population are literate. Literacy is higher for men than women in all categories of urban, rural with road, and rural without road; with the biggest disparity being between men (81 percent) and women (62 percent) in rural areas without a road.

There is also a distinct difference in literacy rates among major ethnic groups overall, as well as a disparity by gender within each ethnic group. While 92 percent of Lao-Tai women are literate, only 47 percent of Chinese-Tibetan women are literate. The least disparity is in the Lao-Tai group (male: 95 percent, female 92 percent) while the Mon-Khmer, Hmong-Iewmien, and Chinese-Tibetan groups all have a disparity of around 10 percentage points.<sup>442</sup>

Indigenous peoples are among the most impoverished and marginalized in the world. Furthermore, within some communities who have experienced involuntary appropriation of their lands and resources, indigenous women encounter further discrimination and are denied the opportunity for full enjoyment of their human rights. Indigenous women often have lower rates of education, health care, and employment. The low status and power of women in indigenous communities' results in multiple forms of oppression and marginalization.

In the context of a hydropower dam being developed, which appropriates traditional lands and resources from indigenous peoples and impacts community structures, it is often the men who negotiate the agreements and control the flow of revenues and other benefits to households and communities.<sup>443</sup>

For ethnic minorities, another big obstacle is language. Large numbers of minority peoples, especially those who are most likely to be affected by large infrastructure projects, have little contact with their own governments. When they do, the content of the interaction is usually negative. For 70 percent of the Lao population, Lao is not their mother tongue.<sup>444</sup> When women do not speak or do not feel fully comfortable in the national language, this seriously limits their ability to engage with consultation processes.

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<sup>440</sup> Open Development Mekong website, accessed May 2020. <https://opendevlopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>441</sup> Open Development Mekong website, accessed May 2020. <https://opendevlopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>442</sup> USAID, "GSIA Legal Aid Support Program," Laos. 2019.

<sup>443</sup> Michael Simon, "Balancing the Scales: Using Gender Impact Assessment in Hydropower Development," Oxfam Australia, 2013. [https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file\\_attachments/GIA%20MANUAL%20EN.pdf](https://cng-cdn.oxfam.org/asia.oxfam.org/s3fs-public/file_attachments/GIA%20MANUAL%20EN.pdf)

<sup>444</sup> USAID, "GSIA Laos Legal Aid Project," 2019.

International Rivers notes that knowledge is one of the main gender issues related to the access and control over resources in the context of water resource management, which is linked to hydropower, specifically how women’s indigenous knowledge relates to other, more technical knowledge systems. Local women who rely on the Mekong River for food and livelihood understand the river that transcends quantitative scientific data, and yet women have largely been excluded from accessing and producing technical knowledge.

Recently, access to technology has helped to level the playing field by giving those with smartphones access to information that would otherwise be less accessible. This point is especially relevant to the younger generation, who seek a better understanding of technical knowledge compared to older generations, who value lived experiences as a source of knowledge.

Another key issue relates to women’s control and management of rivers at different levels of water governance, where women are the most affected by water infrastructure and development projects but have little say in how water resources are managed at the national level.<sup>445</sup>

Women’s lack of access to higher-level technical education, and lack of support or encouragement to study STEM subjects in particular, such as engineering, are further significant barriers to their participation in infrastructure decision-making and leadership roles, contributing to fewer women being represented in this field.<sup>446</sup>

At the MPWT in Lao PDR, female staff do not receive the same opportunities as their male counterparts for capacity development and training, particularly in the use of improved technology, which affects their opportunity for advancement. In 2012/13, women accounted for 13 percent of participants at in-country technical and service training. Of those staff sent for overseas tertiary qualification upgrading, 11 percent were women.<sup>447</sup>

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<sup>445</sup> International Rivers. “*State of Knowledge: Women and Rivers in the Mekong Region*,” April 2020. <https://drive.google.com/file/d/1AOKSeBeLMe2oNtIAfDyiAoaFiZ7Nt72r/view>

<sup>446</sup> Open Development Mekong website, accessed May 2020. <https://opendevopmentmekong.net/topics/gender-and-infrastructure-development/>

<sup>447</sup> Government of Lao PDR, Ministry of Public Works and Transport (MPWT), “*Strategy for Advancement of Women in the Public Works and Transportation Sector (2014–2025)*”, 2014.

## 5. OPPORTUNITIES AND RECOMMENDATIONS

### 5.1 Introduction

The recommendations are summarized in a decision-making matrix which maps specific actions against an agreed set of criteria, including alignment with the Activity's Results Framework (RF), timeframe, cost, and partnership opportunities. These recommendations cover the "universe" of opportunities as well as align with the Activity's RF planned activities and timeline, which will minimize the additional cost, as GESI will be integrated into the existing activities and not entail separate interventions. The GIDAP will further elaborate on the specific GESI activities selected to include in the Activity's implementation.

### 5.2 Approach

A useful hierarchy for considering GESI entry points in infrastructure at the planning and project level is as follows: (i) do no harm, (ii) achieve the project objective, and (iii) seek opportunities to improve gender equity and social inclusion in the sector.

- To do no harm, planners need to ensure the design will not lead to negative unintended gender impacts resulting from infrastructure development, such as, for example, the risk of GBV/SEAH in the context of labor influx, reducing natural resource-based livelihood opportunities for women, etc.
- Infrastructure planning needs to incorporate the GESI-specific elements necessary to achieve the overall development objective. Initiatives that focus on resettlement, livelihood restoration, and improved infrastructure access can target women and other vulnerable groups to increase their participation in consultation meetings, training, and employment opportunities within the project as well as in the local labor market, benefit-sharing schemes that increase access to education and health care, and other essential services.
- At a more strategic level, infrastructure planning can incorporate design features that capitalize on opportunities for longer-term change to reduce gender disparities in the sector and improve overall development outcomes at a broader level. This can be done through legal and policy reform and institutional capacity building for integrating a GESI approach in infrastructure. This might include creating the mechanism for dual-title land deeds, including targets and quotas for women in technical and nontraditional training and employment, increasing participation of women and marginalized groups in infrastructure sector decision-making, and building capacity for infrastructure planners to address GESI in policy and planning.

While all three of these levels of GESI are important, the Activity takes a transformational approach to GESI, aimed at systems change and creating an enabling environment to ensure sustainable and enduring GESI outcomes. Furthermore, the Activity's GESI approach acknowledges the importance of strategic partnerships to ensure maximum impact, through alignment of resources and agendas, and coordination of efforts. There are a few other infrastructure and safeguard initiatives in the region, including the World Bank Australia Safeguards Partnership and the forthcoming DFAT SEAGIF. Both would lend themselves nicely to potential partnership opportunities.

Thus the conceptual framework for the recommendations starts with legal and institutional-level GESI integration into international best practice standards (WB/IFC/Equator Principles [EPs]) based on which GESI gaps can be addressed in national infrastructure sector laws, policies, and strategies, as well as in infrastructure sector government agencies, Chinese and international financial institutions (FIs), development partners (DPs), and contractors' regulations and practices. Furthermore, national machineries for gender and GESI can also be equipped to address GESI in infrastructure policy dialogue, planning, and monitoring. GESI should be addressed at the decision-making level, through increasing women's and marginalized groups' representation in key decision-making fora and infrastructure-related stakeholders, including regional intergovernmental bodies, government agencies, DPs, financial institutions

and investors, and contractors. The themes of partnership and institutional capacity building run through all these areas.

The Activity identified the universe of areas in which it could theoretically work over its remaining three years, with those that seem most appropriate to incorporate into the Activity's programming given its remaining timeframe, the cost of interventions, and presence of potential parties. In that regard, each potential opportunity is ranked by priority: High, Medium, and Low, with those ranked "High" as the opportunities that the Activity would seek to integrate into its future programming.

## 5.3 Opportunities and Recommendations

Table A: Full list of potential opportunities for GESI in Infrastructure Development							
#	Problem Statement	Opportunities	RF	Timeframe	Cost	Potential Partnerships	Priority
<i>Upstream</i>							
<i>Legal and institutional</i>							
<i>Strengthen GESI in international best practice.</i>							
1	Lack of definitive normative standard on GESI in infrastructure ESG that is agreed and used by key partners.	Set a normative international standard on GESI in infrastructure ESG, through consensus among key partners (WB, IFC, AIIB, ASEAN, ADB, JICA, DFAT, China, etc.). Use that standard consistently throughout the Activity's activities/each IR and sub IR.	222 223 231 232 115	As per the Activity	Low	WB, IFC, AIIB, ASEAN, ADB, JICA, DFAT	High
2	Need for stronger mandatory GESI/GBV/SEAH requirements in ESF policies and guidelines	Collaborate with WB/IFC to strengthen GESI/GBV/SEAH mandatory requirements in ESF policies and guidelines. Include GESI in FI mapping assessment (on-going)	115 231	As per the Activity			High
3	Some stakeholders do not see the value of GESI in infrastructure development	Develop the "business case" for GESI-responsive infrastructure development (cost/benefit analysis).	122	As per the Activity	Low	WB, IFC, DFAT	High
4	GESI is currently not included in Infrastructure Planning Processes	Include GESI into Integrated Infrastructure Planning (tools and stakeholders): <ul style="list-style-type: none"> <li>GESI in Activity's PEA (on-going)</li> </ul>	222 232 223	As per the Activity	Low	TBC	High
<i>Legal / policy gaps (by country: CCLMTV) meeting international standards. If there are strong overlapping gaps across countries, organize regional dialogue.</i>							
5	GESI is either lacking or weakly applied in national legislation related to infrastructure development	Include GESI requirements as part of national legislation reform: ESIA/ESMP content, stakeholder consultation participation, information disclosure, GRM. Include Do No Harm and GBV/SEAH risk assessment and mitigation plan, <i>see examples in table B below</i>	112 113 114	As per the Activity	Low	WB, IFC, DFAT	High
6	Weak or no accountability for GESI in Infrastructure development related government agencies, private sector contractors, etc.	Develop and agree on accountability mechanism with screening and monitoring functions throughout the project cycle.	112 113 114	As per the Activity	Low	WB, IFC, DFAT	High
<i>Governance Institutions: infra and gender government agencies (by country: CCLMTV). If there are strong overlapping gaps across countries, organize regional dialogue.</i>							
7	Some infrastructure related government agencies do not have GESI plans, focal points or capacity	Infra-related line ministries (energy, transport, environment, etc.) <ul style="list-style-type: none"> <li>Include GESI requirements in sector strategies/policies, and strengthen sector gender plans/strategies to reflect best practice.</li> <li>Strengthen capacity of GESI committees/focal points with GESI expertise.</li> </ul>	112 113 114	As per the Activity	Low	WB, IFC, DFAT	High
8	Gender/Women's Government Agencies do not have the capacity to address gender/GESI in infrastructure and safeguards in their policies and strategies	Gender/Women's Machinery <ul style="list-style-type: none"> <li>Include (mirrored) infra-specific clauses in strategies and policies, appoint infra focal points.</li> </ul>	112 113 114	As per the Activity	Low	TBC	Medium

		<ul style="list-style-type: none"> <li>Strengthen their capacity to advise on GESI/infrastructure policy formulation and implementation.</li> </ul>					
	<i>Decision-making and participation.</i>						
		<i>Employment: Government agencies, IFIs, private sector contractors.</i>					
9	Women are under-represented in the infrastructure sector, particularly at technical and decision-making positions which contributes to GESI not being addressed in these organizations	Conduct baseline assessment of women in technical and decision-making positions in key infra-related line ministries; map against national targets for women in decision-making; discuss and formalize plans to close gaps.	221 222	As per the Activity	Medium	TBC	Medium
10	Women are under-represented in the infrastructure sector, particularly at technical and decision-making positions which contributes to GESI not being addressed in these organizations	Same for IFI energy and transport departments.	231	As per the Activity	Medium	TBC	Medium
11	Women are under-represented in the infrastructure sector, particularly at technical and decision-making positions which contributes to GESI not being addressed in these organizations	Same for selected private sector contractors (IFC has a gender and PS program model that would be good to follow).	132	As per the Activity	Medium	TBC	Medium
12	Most stakeholders do not have gender responsive HR policies or gender specialists	Agree with all stakeholders on gender and HR principles and targets; commit to having GESI specialists in each project team.	222 131 132	As per the Activity	Medium	TBC	High
13	Most stakeholders do not have gender responsive HR policies or gender specialists	Disseminate gender-responsive HR practices to all above stakeholders.	222 131 132	As per the Activity	Medium	TBC	Medium
		<i>Networking and capacity building.</i>	222 223 232	As per the Activity			
14	Women's machineries have low awareness and capacity of GESI in infrastructure development	National level, regional level: organize convenings for Women's Machineries and gender focal points in infra line ministries to share information and build capacity for promoting/monitoring GESI in infra.	114 115	As per the Activity	Low	DFAT	High
15	There are a few other partners that offer potential opportunities to collaborate on GESI interventions	Partnerships with other ongoing/pipeline similar initiatives: <ul style="list-style-type: none"> <li>WB Aus. Safeguard Partnership (China, VN, Mya, possibility Cam, Lao)</li> <li>DFAT Southeast Asia Economic Governance and Infrastructure Facility (SEAGIP) (Indonesia, Philippines, Vietnam, Thailand, Malaysia, Cambodia, Laos, Myanmar, Timor-Leste, and ASEAN).</li> </ul>	All 232	As per the Activity	Low	WB, DFAT	High
16	Safeguards training programs are weak on GESI	Integrate GESI into ongoing safeguards training program (see tools and resources).	114 115 125	As per the Activity	Low	WB, DFAT	High

17	Some CSOs in the region have the interest and capacity to support GESI in infrastructure and should be included as partners	<p>Improve civil society access to infrastructure information:</p> <ul style="list-style-type: none"> <li>• GESI CSOs access infra info and contribute to GESI agenda.</li> <li>• All CSOs access GESI and infra info.</li> </ul>	125 211 212	As per the Activity	Low	DFAT	High
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**Table B: examples of entry points for strengthening GESI in legal and policy framework**

<b>Issues during Project Implementation</b>							
EIA methodology and consultations, ESMP: pilot and scale up GESI-responsive EIA requirements as model of best practice for legal and policy reform in 1a and 1b. Develop SOPs.							
Resettlement: agree on standard GESI requirements for resettlement packages, ensuring compensation for lost livelihoods based on reduced access to natural resources, markets, etc.							
Community benefit sharing: develop and agree on standard GESI requirements for community benefit sharing such as improved access to health care, education, markets, livelihood opportunities, etc. at the new resettlement site.							
Skilled and unskilled labor in infrastructure projects: develop an SOP to ensure that project developers provide the necessary training, equipment, working conditions, and opportunities to women, ethnic minorities, and People with Disabilities. Showcase examples of women in nontraditional infra roles to demonstrate feasibility and encourage uptake.							
GBV/SEAH: (follow WB/IFC Guidance Notes) develop SOP to ensure that all project ESIA include standard GBV/SEAH risk assessment and that all ESMP include GBV/SEAH risk mitigation and response plan. During construction ensure that all contractors and staff sign a CoC, and ensure that it is closely monitored by PMU, local government, and CSOs.							
GRM: ensure that the GRM is GESI responsive and accessible to women and vulnerable groups; develop separate GRM for GBV/SEAH.							
<b>Issues during downstream operationalization</b>							
Transport: develop standard GESI requirements for ensuring equal access to benefits of new transport infrastructure: e.g., universal access to safe, affordable public transport for women and marginalized groups who cannot afford their own vehicle.							
Energy: develop standard GESI requirements for ensuring equal access to benefits of new infrastructure: e.g., universal access to affordable energy and electricity connection, etc.							
Evaluation: agree on mechanism to monitor and document GESI outcomes and develop policy briefs and knowledge products.							



# APPENDICES

## Appendix I. Methodology

**Desk review:** The research is based on a comprehensive desk review of secondary data sources, wherein 161 documents were reviewed, and notes taken (see Annex 6.3 for a list of documents reviewed). It was agreed to try to limit the desk review to material that is less than seven years old (dated 2012 and after), to ensure that the findings are current. Some exceptions have been made in cases where the studies are particularly relevant.

**Key informant interviews:** a series of remote KIIs supplemented the desk review to seek further clarifications on the research questions, particularly related to issues that have not been adequately covered by the existing literature, such as data on women in decision-making and GESI approaches in infrastructure-related institutions, evidence of sexual abuse and exploitation in the context of large-scale infrastructure development, and other emerging issues. A total of fifty-three key informants were interviewed (thirty-eight women), including ten government officials, twenty-six DP representatives, twelve NGO representatives, and three academics or experts. The table below summarizes the types of key informants and the purpose of the interviews.

Stakeholders	Purpose
<b>Key Informant Interviews</b>	
Government Agencies (responsible for Energy, Transport, Infrastructure)	To assess level of GESI responsiveness in infra-related national sectoral policy and legal frameworks, institutionally, and in programs. To assess the extent to which GESI impacts of infrastructure projects are understood and addressed.
Government Agencies (responsible for Gender, Women’s Affairs)	To assess level of engagement with infra-related ministries and programs. To collect information on GESI impacts of infrastructure.
Development Partners (DP) engaged in infra (WB, IFC, ADB, JICA, DFAT, etc.)	To assess level of GESI responsiveness of DP procedures and how GESI is reflected in ESIA, project plans, and impact reporting. To collect information on challenges and opportunities for advancing GESI in infra.
NGOs and specialists engaged in ESIA, GESI	To collect information on GESI impacts of infrastructure, and challenges and opportunities for advancing GESI in infra.

The actual range of stakeholders consulted included (a full detailed list is included in Annex 6.2):

- Chinese stakeholders
  - DPs: World Bank
  - NGOs: GHub
- Lower Mekong Regional
  - MRC
  - WB/IFC
  - ADB
  - DFAT
  - JICA
  - AIIB
  - UNW
  - NGOs
- Country specific (Cambodia, Laos, Myanmar, Thailand, Vietnam)

- Government agencies (responsible for Energy, Transport, Infrastructure)
- Government Agencies (responsible for Gender, Women's Affairs)
- DPs engaged in infra: WB/IFC, ADB, DFAT, JICA
- DPs engaged in GESI: UNW
- INGOs and local CSOs engaged in GESI and infra

## Appendix 2. Stakeholders Consulted

Stakeholder Type	Sex	First Name	Surname	Position Title	Organisation	Interview Date
Financier - Development	F	Alkadevi Morarji	Patel	Regional Senior Social Specialist	World Bank	16-Jun-20
Government	F	Meanvy	Men	Secretary of State	Ministry of Public Works and Transport	17-Jun-20
Government	F	Mom	Thany	Secretary of State	Ministry of Environment	17-Jun-20
Government	F	chinneth	cheng	Director of Gender Equality Department	Ministry of Women's Affairs	19-Jun-20
Government	F	Sotheary	Meach	Deputy Director of Gender Equality Department	Ministry of Women's Affairs	19-Jun-20
Government	M	Bothkosol	Watt	Deputy Secretary General of Cambodia National Mekong Committee	Ministry of Water Resources and Meteorology	19-Jun-20
Government	F	Sophanna	Ou	MRC Coordinator	Ministry of Water Resources and Meteorology	19-Jun-20
NGO	M	Gary	Lee	Environment Specialist	International Rivers	23-Jun-20
Government	F	Chhorda	Pen	Secretary of State	Ministry of Mines and Energy	24-Jun-20
Financier - Development	F	Kate	Lazarus	Regional ESG Specialist	IFC	24-Jun-20
Academic	F	Pichamon	Yeophantong	Senior Lecturer and Research Fellow	University of New South Wales	25-Jun-20
Development Agency	F	Vipunjit	Ketunuti	Country Programme Coordinator	UNW	25-Jun-20
Development Agency	F	Saranya	Chittangwong	Programme Officer	UNW	25-Jun-20
Financier - Development	F	Amy N.	Luinstra	Senior Operations Officer, Gender, EAP	IFC	25-Jun-20
NGO	F	Penchom	Saetang		Earth Foundation	26-Jun-20
NGO	F	Benjamas	Chotthong	Director of Gender Equality Department	The Environment Institute	29-Jun-20
Consultant	F	Charlotte	Bisley	Managing Director	Social Clarity	30-Jun-20
Financier - Development	F	Gayle Andrea	Cullinan	E&S GBV specialist	IFC	30-Jun-20
Financier - Development	F	Adriana Maria	Eftimie		IFC	30-Jun-20

NGO	F	Bernadette	Resurrección	Senior Research Fellow	Stockholm Environment Institute	30-Jun-20
Consultant	M	Phothong	Siliphong	Gender Consultant	Consultant	07-Jul-20
Government	F	Sipaseuth	Chanthapananya	Gender Specialist	Ministry of Tourism	09-Jul-20
Financier - Development	F	Luz Lopez	Rodriguez	Gender Consultant	ADB	09-Jul-20
Government	F	Chanthano m	Souligno	Deputy Permanent Secretary	Ministry of Public Works and Transport	09-Jul-20
Financier - Development	M	Son Van	Nguyen	Senior Environment Specialist	World Bank	10-Jul-20
Financier - Development	M	Martin	Lenihan	Social Development Specialist	World Bank	10-Jul-20
Project Developer/Contractors	M	Robert	Allen	General Manager	Theun-Hinboun Power Company Limited	10-Jul-20
Financier - Development	M	Giang	Nguyen	Social Development Specialist	World Bank	13-Jul-20
Financier - Development	F	Theonakhet	Saphady	Social Development Officer	ADB	13-Jul-20
Financier - Development	F	Yuko	Kawai	Representative, Thailand	JICA	13-Jul-20
Financier - Development	F	Megumi	Kato	Assistant Director, Credit Risk Analysis and Environmental Review Department	JICA	13-Jul-20
Financier - Development	M	Takeharu	Kojima	Director, Credit Risk Analysis and Environmental Review Department	JICA	13-Jul-20
Financier - Development	F	Chieko	Yokota	Deputy Director, Office for Gender Equality and Poverty Reduction	JICA	13-Jul-20
Government	F	Chansavath	Boupha	Deputy Minister	Ministry of Energy and Mines	13-Jul-20
NGO	F	Manivanh	Suyavong	Director	Gender and Development Association	15-Jul-20
Financier - Development	M	Yiren	Feng	Environment Specialist	World Bank	15-Jul-20
Financier - Development	M	Songling	Yao	Social Development Specialist	World Bank	16-Jul-20
Financier - Development	F	Ellen	Maynes	Gender Specialist (Myanmar/Pacific)	IFC	16-Jul-20
NGO	F	Zhiqian	ZHAO	Program Officer	Green Hub	20-Jul-20
NGO	F	Hongyu	GUO	Program Manager	Green Hub	20-Jul-20

NGO	F	Thien	Hoang	Community Organizer, SEA	International Accountability Project	23-Jul-20
NGO	M	Mark	Grimsditch	China Global Program Director	International Accountability Project	28-Jul-20
NGO	F	Hnin	Wut Yee	Deputy Director	Myanmar Centre for Responsible Business	06-Aug-20
NGO	F	Kyawt Kay	Thi Win	Country Director	Business Coalition for Gender Equality	11-Aug-20
Financier - Development	M	Myint	Kyaw	Operations Officer - Transport	World Bank	12-Aug-20
Financier - Development	F	Degi	Young	Operations Officer - Gender	World Bank	12-Aug-20
Development Agency	M	Nicolas	Burniat	Country Director	UNW	13-Aug-20
Development Agency	F	Anita	Karki	Technical Advisor (Gender Equity)	UNW	17-Aug-20
Financier - Development	F	Helle	Buchhave	East Asia and Pacific Gender Focal for the Social Development Global Practice	World Bank	email
Financier - Development	M	Woochung	Um	DG Sustainable Development	ADB	email
Financier - Development	F	Sonomi	Takana	Technical Advisor (Gender Equity)	ADB	email
Inter-Governmental Cooperation Network	M	Lieven	Geerinck	Consultant	MRC	email
NGO	F	Socheata	Sim	Regional Programme Coordinator	Oxfam	email

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## Appendix 4. Interview Tools and Guidelines

Stakeholders	Guiding questions
<b>Key Informant Interviews</b>	
<p>Government Agencies (responsible for Energy, Transport, Infrastructure)</p> <p>This includes government agencies in China as well as CLMTV.</p>	<p>Do your sector’s policies and laws include GESI responsiveness, to what extent, and is this being implemented in practice? If not, what are the constraints?</p> <p>Are women, People with Disabilities, and EM represented in decision-making positions and processes in your agency? Provide specific data.</p> <p>Does your ministry/agency have a gender strategy?</p> <p>Is there a gender focal point in the ministry/agency?</p> <p>How do your infra projects address GESI in practice?</p> <p>Do you collaborate with GESI-related government agencies and/or NGOs, specialists? If so how? If not, why not?</p> <p>What do you think are the GESI issues related to your infra projects and are they being addressed?</p> <p>What are initiatives and interventions in the sector you are working in that address GESI issues?</p> <p>Are the contractors you hire to implement the infra projects required to address GESI, and if so, do they comply? If not, what are the consequences of noncompliance?</p> <p>Are you aware of any incidents of sexual assault and/or exploitation in the context of infra projects? How is this addressed?</p> <p>What are the challenges and opportunities related to advancing GESI in infra projects?</p>
<p>Government Agencies (responsible for Gender, Women’s Affairs, Ethnic Minorities, People with Disabilities)</p> <p>This is just for CLMTV.</p>	<p>Do your sector’s policies and laws include reference to infra, to what extent, and is this being implemented in practice? If not, what are the constraints?</p> <p>What do you think are the GESI issues related to your infra projects and are they being addressed?</p> <p>Are you consulted by, and do you collaborate with, infra-related government agencies and/or NGOs, specialists? If so, how? If not, why not?</p> <p>Are you aware of any incidents of sexual assault and/or exploitation in the context of infra projects? How is this addressed? How should it be addressed?</p> <p>What are the challenges and opportunities related to advancing GESI in infra projects moving forward?</p>
<p>Development Partners engaged in infra (WB, IFC, ADB, JICA, DFAT, etc.)</p> <p>This includes regional and country specific (CLMTV, as well as Chinese investors / banks).</p>	<p>Do your internal infra policies and procedures include GESI responsiveness, to what extent, and is this being implemented in practice? If not, what are the constraints?</p> <p>What policies and procedures have worked well and why do you think they are working?</p> <p>Are women, People with Disabilities, and EM represented in decision-making positions and processes related to infra in your agency? Provide specific data.</p> <p>How do your infra projects address GESI in practice?</p> <p>Do you collaborate with GESI-related government agencies and/or NGOs, specialists? If so, how? If not, why not?</p> <p>What do you think are the GESI issues related to your infra projects and are they being addressed?</p>

	<p>Are the contractors you hire to implement the infra projects required to address GESI, and if so, do they comply? If not, what are the consequences of noncompliance?</p> <p>Are you aware of any incidents of sexual assault and/or exploitation in the context of infra projects? How is this addressed?</p> <p>What are the challenges and opportunities related to advancing GESI in infra projects?</p>
<p>NGOs and specialists engaged in ESIA, gender, EM, People with Disabilities</p>	<p>Do you feel that government and DPs infra policies and procedures include GESI responsiveness, to what extent, and is this being implemented in practice? If not, what are the constraints?</p> <p>What policies and procedures have worked well and why do you think they are working?</p> <p>How do infra projects address GESI in practice?</p> <p>Do you feel that the government and DPs collaborate with GESI-related government agencies and/or NGOs, specialists? If so, how? If not, why not?</p> <p>What do you think are the GESI issues related to infra projects and are they being addressed?</p> <p>Are the contractors hired to implement the infra projects required to address GESI, and if so, do they comply? If not, what are the consequences of noncompliance?</p> <p>Are you aware of any incidents of sexual assault and/or exploitation in the context of infra projects? How is this addressed?</p> <p>What are the challenges and opportunities related to advancing GESI in infra projects?</p>
<p>Focus Group Discussions</p>	
<p>Women, People with Disabilities, EM affected by infra projects</p>	<p>What do you think are the GESI issues and impacts (both positive and negative) related to infra projects and are they being addressed?</p> <p>Have you been involved in consultations, ESIA research? If so, what was the experience and the outcome? If not, why not?</p> <p>What are the key constraints to women, People with Disabilities, EM engagement in infra projects, and what are some suggestions to overcome them?</p> <p>Are you aware of any incidents of sexual assault and/or exploitation in the context of infra projects? How is this addressed?</p> <p>What are the challenges and opportunities related to advancing GESI in infra projects moving forward?</p>
<p>Local-level CSOs and Community Based Organizations (CBOs) involved in organizing and supporting communities affected by infra</p>	<p>What do you think are the GESI issues and impacts (both positive and negative) related to infra projects and are they being addressed?</p> <p>Do you feel that the government, DPs, and contractors are addressing GESI? If so, how? Is it effective? If not, why not and what are the consequences of not addressing GESI in infra?</p> <p>Have you been involved in consultations, ESIA research? If so, what was the experience and the outcome? If not, why not?</p> <p>What are the key constraints to women, People with Disabilities, EM engagement in infra projects, and what are some suggestions to overcome them?</p> <p>Are you aware of any incidents of sexual assault and/or exploitation in the context of infra projects? How is this addressed?</p> <p>What are the challenges and opportunities related to advancing GESI in infra projects?</p>