



Photo: Jerry Galea/OxfamAUS

BALANCING THE SCALES

USING GENDER IMPACT ASSESSMENT IN HYDROPOWER DEVELOPMENT

2013



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Woman farmer, Vientiane Province, Lao PDR.

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USING THIS MANUAL

The objective of this manual is to provide a simple resource and basic tools for hydropower developers and government to incorporate gender impact assessment (GIA) more comprehensively into their project cycles.

In bringing Gender Impact Assessment more consistently into hydropower development processes, companies have a chance to improve the situation for women alongside that of men. Using GIA will help companies identify and manage risk, avoiding the possibility of your project adding to discrimination and marginalisation of women.

The primary target audience for the manual includes company staff, consulting staff and government agencies with responsibilities for river management, impact assessment and hydropower development.

This manual will help you identify, understand, predict and respond to gender differences, opportunities and needs as they relate to hydropower projects. It includes some helpful guiding questions for staff involved in developing and managing hydropower projects and plans. In its entirety, this manual should also help companies consider their corporate practices beyond the project level; especially their operational policies and their project management frameworks through a lens of advancing gender equality and women's rights.

It is designed to be a flexible resource – to be dipped in and out of – not a detailed policy or process guide to be completed from beginning to end. The manual does follow a logical framework by proposing six basic steps that align with good project design and management principles used by most companies.

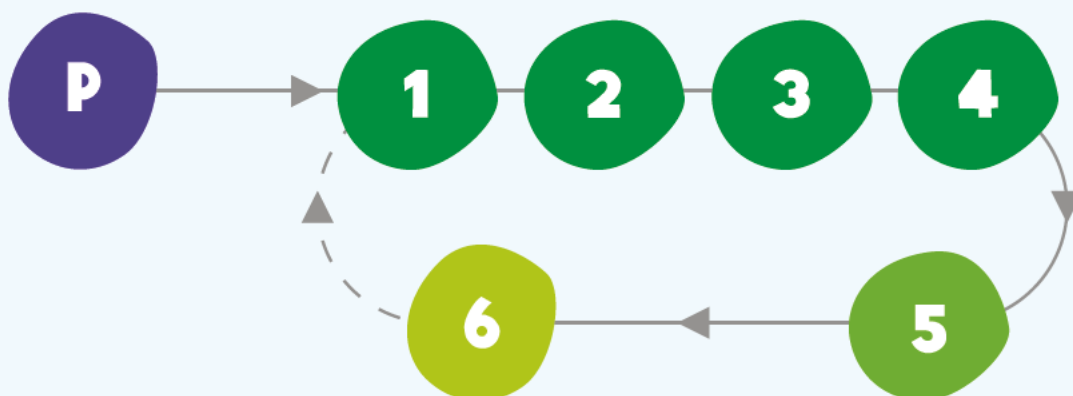
The first 5 chapters outline the background and rationale for why gender is important; what gender impact assessment can provide for hydropower developers; and why considering men and women's different needs and interests is good business.

The 6th chapter outlines the gender impact assessment process manual and introduces tools, checklists and guiding questions to help you implement gender impact assessment into your business cycle.

Finally an appendix chapter looks how gender is included in two current hydropower sustainability assessment tools and makes recommendations for their improvement. Further resources, references and a glossary of key gender terms is also included.

This is outlined in more detail below:

Gender Impact Assessment in the project cycle



This manual is made up of the following chapters:

1. INTRODUCTION.

The first chapter introduces the concept of gender and hydropower and places this in context within the hydropower industry.

2. WHY THIS MANUAL AND WHY NOW?

This chapter identifies who the manual is written for, how it is structured and where it can be useful in hydropower project development. It also includes an examination of the state of gender in the lower Mekong Basin. This provides an analysis of the context of women's rights and gender in the national legislation and policy context for Cambodia, Lao PDR and Vietnam; with a focus on what this means for gender justice in hydropower in the lower Mekong.

3. GENDER IMPACT ASSESSMENT AS GOOD BUSINESS. THE EMERGING CONTEXT AND OPPORTUNITIES.

The chapter looks at how gender and women's rights have been addressed over recent global private sector and hydropower industry processes. It looks at the specific context for indigenous peoples or ethnic minorities in the Mekong and at how hydropower industry initiatives sit together with other multistakeholder and industry approaches.

4. GENDER IMPACT ASSESSMENT: A VITAL TOOL FOR DEVELOPERS.

This Chapter introduces the details of a gender impact assessment and how it can be inserted into existing project management processes and business cycles. Opportunities are explored using the Environmental and Social Impact assessment processes as an example, and basic good practice approaches are outlined.

5. GENDER IN THE RIVER BASIN – PRE PROJECT

This chapter looks at the importance of having a gender baseline for strategic planning – considering environmental, social and economic factors at the river basin scale. It looks at the importance of developing a gendered baseline for the river – before any decisions to build a dam are finalized. This allows for the assessment of options for use of the river and its waters, including by different stakeholders, based on strong gendered analysis and shared understandings. It will also ensure that any trade-offs negotiated as part of decision making will consider gendered impacts and opportunities.

6. THE GENDER IMPACT ASSESSMENT PROCESS – GENDER IMPACT ASSESSMENT AT PROJECT STAGE

This chapter outlines the Gender Impact Assessment process. It introduces a step by step approach to gender impact assessment – focusing on its use in the context of project development. This chapter adapts some of the common gender analysis tools for the hydropower context – including tools for capturing and assessing sex-disaggregated data to develop a gendered project baseline, and to have a strong understanding of the gender context and impacts of the project. In addition it provides guiding questions at each step to ensure that important aspects of gender relations, roles, responsibilities and power are understood. The culmination of this is gender action plan development and the processes of reviewing, auditing and reporting against outcomes.

CONCLUSION

APPENDIX 1 – HSAP AND RSAT: HOW DO THESE HYDROPOWER INDUSTRY TOOLS ASSESS GENDER?

This final chapter provides an overview of how gender is addressed in two industry and stakeholder tools being promoted in the Mekong today – the HSAP (Hydropower Sustainability Assessment Protocol) and RSAT (Rapid Basin-Wide Hydropower Sustainability Assessment Tool). This chapter includes recommendations for how these tools could better address gender issues in hydropower.



Riverbank gardens are an important income source and provide food security for families. They are often tended by women.
Photo: Timothy Herbert/OxfamAUS

1 INTRODUCTION

1.1 THE GENDERED IMPACTS OF HYDROPOWER

Hydropower development in the Mekong region is running at a rapid pace. Thailand and Vietnam have largely developed their hydro resources and have varying interests in regional developments. Cambodia, Lao PDR and Myanmar on the other hand have significant plans for further development on their rivers. Lao PDR in particular has positioned itself to use hydropower development to become the “battery of South East Asia”. Many of the planned developments across the Mekong region are on transboundary rivers.

As new projects are proposed and developed, the importance of good governance of river resources, transboundary and national planning and assessment of impacts can not be overstated.

Hydropower has contributed to national development in many countries around the world. While old technology in relation to other renewable technologies it retains an important role in many energy systems. However, it is also well recognised by the hydropower industry and across the Mekong region that — the construction of hydropower dams has negative impacts on rivers and the environment. In affecting the environment, dams also impact on communities and peoples who use and live in and around rivers. Dams can change how people access and use natural resources — land and water; wetland, forest and aquatic resources. Hydropower dams will often require involuntary resettlement of households and communities which brings great social and psychological upheaval to individuals and to communities as a whole.

These impacts are experienced 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 — these are all affected.

In many societies, it is women who bear the burden of responsibility for the home and for the family, as well as a variety of roles and tasks within communities. 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, in particular, is considered impoverishing as it takes away economic, social and cultural resources simultaneously (Koenig 2002 cited in Scudder 2005). Across all this dam-induced change, in most cases, it is women who are more adversely impacted.

Dam construction and hydropower development has made significant contributions to progress, across the globe. But the negative impacts cannot be understated, and it is still often the case that these impacts remain under-reported and are all too frequently ignored or downplayed in assessing the value and sustainability of projects.

These impacts are generally consistent in the experience of hydropower development globally, and the suggested approach in this manual has global relevance. However, to ground the examples of impacts and identify the gender equality opportunities, the manual does draw specifically on the context of gender in Mekong region hydropower development.

1.2 GENDER-BIAS AND WOMEN WITHIN THE HYDROPOWER INDUSTRY

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.

There is some hope that this is changing — albeit slowly. Women are now seen in the social and environmental aspects of hydropower businesses, or in sustainability or corporate social responsibility arms. But overall women and women’s interests remain under-represented in higher levels of decision-making in hydropower projects and within hydropower companies.

For example, the International Hydropower Association (IHA) — a hydro-industry membership peak body — has a 22-member Board, of which only three are women. The IHA President, the Executive Director, and all five Vice Presidents are men. In some of its largest member companies, the picture is similar:

- China’s Three Gorges Power Corporation has a management board of nine and all are men¹;
- Australia’s Hydropower Tasmania Senior Board and Executive is made up of 17 posts, 12 held by men, five by women²;
- Norway’s Statkraft has a balanced Board of directors with six men and five women, while its management team is made up of six men and one woman³; and
- France’s Electricity du France has a Board of directors with 14 men and four women, and an Executive Committee made up of eight men and one woman⁴.

Having women represented throughout the corporate structure is one step towards women’s empowerment. In addition to representation, having corporate policy in place which advances women’s rights and guides strategic decisions based on assessing gender impacts and opportunities will mean that project staff have a clear policy context to operate within. It is also an imperative to ensure that staff are trained, resourced and able to operationalise policy at the local project level. This manual provides direction to hydropower companies towards achieving positive outcomes for both men and women.

1. China Three Gorges Power Corporation 2002-2010, Corporation Information, Management Team, viewed 14 August 2013, http://www.ctgpc.com/information/information_b.php

2. Hydro Tasmania 2013, About us, viewed 14 August 2013, <http://www.hydro.com.au/about-us/governance>

3. Statkraft n.d., Group management, viewed 14 August 2013, <http://www.statkraft.com/about-statkraft/organisation/group-management/>

4. EDF 2013, Board of directors, viewed 14 August 2013, <http://about-us.edf.com/governance/board-of-directors-43708.html>



Nam Theun 2 reservoir and draw down zone with flooded forest, Lao PDR.
Photo: Michael Simon/OxfamAUS

1.3 THE CONTEXT – WHY GENDER MATTERS

Does it matter that men dominate the industry and decision-making levels within corporations?

“Women workers constitute 40 percent of the world’s workforce, yet in many sectors, such as mining, construction and energy, women represent only a small minority of workers, and in almost all sectors women are less likely than men to be in management positions. Women continue to face many barriers to full and productive participation in the labor market, including discrimination and culturally entrenched ideas about gender roles, and their contribution is not always equally valued”. [IFC 2013, p. 2.]

Corporate leadership and policy frameworks will inform how projects are developed and managed — as such the absence and under-representation of women makes it harder for a project to meaningfully consider and engage with women’s rights and with gender needs and opportunities.

Historically, hydropower projects have exacerbated existing gender biases and adversely impacted women’s roles and position 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 that occurs as a result of displacement and land appropriation associated with dam construction is well-documented as being more severely felt by women (Scudder 2005; WCD 2000).

“Where planning is insensitive to gender, project impacts can at best be neutral, and at worst aggravate existing gender disparities to the extent of radically affecting the pre project gender balance”. (WCD 2000, p.114)

But hydropower, like other infrastructure projects, has the potential to play a positive role in gender relations. The World Commission on Dams noted that:

“ ... as gender is a relational concept, access by women to the benefits generated by a dam is a necessary but not sufficient condition for positive gender impacts.” (WCD 2000, p.114-115)

The WCD indicated that if dams are developed respecting the rights and interests of women, alongside men, water infrastructure has the capacity to achieve benefits equally for women and men. If done well, projects have the potential to play a transformative role in gender relations.

Education about fish conservation and community fisheries are an important aspect in sustainable livelihoods, Lao PDR. Photo: Jerry Galea/OxfamAUS



2 WHY THIS MANUAL AND WHY NOW?

2.1 WHO SHOULD USE THIS MANUAL?

This manual is written to promote stronger consideration of gender in hydropower development. The aim is that this manual will assist hydropower company staff in their day-to-day jobs for assessing impacts and managing risk in hydropower development. In doing so, it should inform decision-making and implementation of hydropower dam projects — so that impacts, rights and opportunities are considered equally for women and men.

The manual introduces useful tools for project staff in hydropower companies, and for government staff responsible for project development and operation.

It is designed to prompt, and expands on existing social and environmental impact and management processes. The intention is that it can be used by many different stakeholders in hydropower businesses — not just staff in community relations or environmental or social management divisions.

2.2 WHERE WILL THE MANUAL BE USEFUL?

This manual sets out a rationale for:

- Why including better consideration of gender impacts will achieve more sustainable projects and outcomes;
- How undertaking gender impact assessment will improve projects; and
- Why including women more centrally and consistently in the processes of assessment, planning and decision-making is likely to lead to better projects.

The manual encourages stronger “up-front” consideration of gender in planning and governance of water resources. The basic premise underpinning this is that by ensuring that both women and men are equally heard, and their interests and rights are considered, there will be an avoidance or minimisation of negative impacts on women. Meaningful participation in processes and decision-making is key to this.

In many cases, after implementing gender impact assessment and developing a gender action plan, projects may be modified. This could facilitate the additional allocation of resources being put towards mitigation, adaptation or benefit sharing processes that target outcomes for women in particular. In some cases, this could also lead to projects being postponed or stopped because of findings in the gender impact assessment. Across these options, gender impact assessment can be seen as a risk management tool. When used to its fullest potential, this assessment can help a project contribute to a transformative agenda for affected communities which will inform more sustainable outcomes.

This manual demonstrates the importance and usefulness of the many assessment tools already being employed by hydropower companies and government agencies. It can provide a resource for consulting companies whose work outputs enable projects to reach project approval milestones. Many of these tools are widely used and well-established. These tools have been adopted and promoted by financiers of hydropower and, as a result, there is existing evidence that demonstrates their use and value within projects.

This manual also looks at recent tools developed specifically to measure sustainability in hydropower projects and how these consider gender, and makes suggestions of how they could be strengthened.

This manual outlines the addition of a specific set of gender oriented criteria and questions to these tools, which reflects the context of hydropower development. We hope this manual adds value to your project development toolbox, and to the monitoring and compliance processes of governments.

2.3 NATIONAL LEGISLATION AND POLICY CONTEXT IN THE LOWER MEKONG REGION

Hydropower development is running at a fast pace in the Lower Mekong basin. While improving the gender practices of private sector developers and financiers is critical, government policy and legislation will set the expectations for individual projects. The following section looks at this context.

The countries of Cambodia, Vietnam and Lao PDR all have provisions in their constitutions, laws and national policy frameworks which promote gender justice and advance equality of the sexes within their national development. Similarly, they have committed to the key international human rights conventions and declarations, which outline a state's obligations. Given the transboundary nature of the Mekong River it is also important to consider additional inter-governmental governance, management expectations and commitments.

The following discussion examines the legal and policy context for gender inclusion and analysis at the country level. This context defines government expectations of the implementing agencies and of private sector developers in terms of gender inclusion and outcomes. This section is a summary of a longer analysis looking at each national context (Simpson 2013⁵).

While the governments of all three countries have commitments to gender and equality of development opportunities for their citizens, the significant challenge is the implementation and monitoring of these policies and laws in hydropower project 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. This is the context for private sector developers in the Mekong.

Gender and Mekong societies

In order to appreciate how and why national legislation and policy has evolved the way it has in the focus countries, it is important to understand traditional views of gender in each.

Vietnam and Cambodia are reasonably closely aligned in this sense, as both have a history of patriarchal mainstream culture. This means that historically men are regarded as household heads, and women have a lower social status and are expected to focus their energies on caring for their husbands and families. A general result is that women receive less education, have fewer rights and are less likely to contribute to decision-making processes outside the home (ADB 2012; Tran 2001).

In Vietnam these attitudes stem from Confucian ethics; and in Cambodia, from traditional codes of conduct for men and women known as the Chbab Srey and Chbab Bros.

In contrast the Lao Tai, who comprise 67% of the Lao PDR population, generally maintain matriarchal practices (ADB 2012). This means that women have a higher status in the family and stand to inherit land and property (FAO 2012). However most of the ethnic minorities in Lao PDR subscribe to similar values as those described in Vietnam and Cambodia, and some maintain practices such as polygamy and marriage of young girls (FAO 2012), meaning that overall Lao PDR ranked 139 out of 186 countries in the United Nations Development Programme's Gender Inequality Index in 2012⁶ (UNDP 2012). Cambodia and Vietnam ranked 138 and 127 respectively (UNDP 2012).

National legislation and policy frameworks

The constitutions of all three countries uphold the rights of all their citizens to equality before the law. They also uphold women's equal status within the family. Cambodia and Lao PDR's constitutions both commit the state to actively progressing the development and welfare of women; and Vietnam and Cambodia specifically prohibit discrimination against women. Vietnam and Lao PDR assert women's rights to economic and political equality.

All three countries have adopted a mainstreaming approach to gender in their national development context, with some articulating mainstreaming responsibilities and expectations into key hydropower-linked ministries. For example, Cambodia's Ministry of Industry, Mines and Energy has established a Gender Mainstreaming Action Group and Plan, while Vietnam's Ministry of Natural Resources and Environment has an action plan on gender equality and advancement of women, which includes commitments to gender mainstreaming in water resource planning and management. Overall how the gender mainstreaming approaches are interpreted and operationalised differs from country to country; and how effective these are as mechanisms within the hydropower development context is a point of current interest.⁷

Development and women's rights

Of the three countries, only Cambodia does not have a dedicated law to protect women or promote gender equality. 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 gender justice in hydropower, this last clause is perhaps the most relevant. Lao PDR's Law on the Development and Protection of Women (2004) promotes equality in "self-development", whereby "women and men

5. Individual country reports for Lao PDR, Vietnam and Cambodia are also available, and can be downloaded at www.oxfam.org.au/giamanual

6. Calculated based on a range of indicators based on empowerment, reproductive health and labour.

7. The Mekong River Commission, working with GIZ, is currently scoping how to advance consideration of gender through discussions and work programs of the Initiative on Sustainable Hydropower.

have the same value and opportunities in politics, the economy, society and culture, family [affairs], national defence and security, and foreign affairs...”

All three countries have current national strategies or projects related to women’s development. Vietnam’s *National Strategy on Gender Equality for the 2011–2020 Period*, Lao PDR’s *National Strategy for the Advancement of Women (2011–2015)* (NSAW) and Cambodia’s *Neary Rattanak III (2009–2013)*⁸ have generally common goals such as the improvement of women’s education, health, employment, political participation, and improving gender awareness, mainstreaming and machinery in their respective governments. Vietnam’s *Gender Strategy for Agriculture and Rural Development (2005)* aims to improve Vietnamese 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”. Further, the Strategy recommends “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 hydropower.

Development and indigenous peoples and ethnic minorities

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. Other policies and pieces of legislation in the three countries which address ethnic minorities focus on the elimination of discrimination and the general improvement of services and support to ethnic minorities. Both Lao PDR’s *National Growth and Poverty Eradication Strategy (NGPES)* and Vietnam’s *Law on Gender Equality (2006)* recognise the particular difficulties faced by ethnic 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 hydropower development.

Rights to land and natural resources

Women’s equal rights to land, both inheritance and ownership, are protected in all three countries by various articles in land, property and resource laws.⁹ All three also recognise, in varying ways, that land acquired by a couple (including in the context of resettlement) belongs as equally to the wife as to the husband; and that land title certificates should include both names.

Cambodia’s *Sub-Decree on Social Land Concessions (2003)* guarantees female headed households rights to participate in social land concession programs,¹⁰ thereby supporting vulnerable women’s access to land or natural resources, which is especially important in the context of a hydropower project’s appropriation of land, water, assets and resources.

National development plans

Of the three countries, Lao PDR’s national planning strategies most comprehensively incorporate issues of gender equity. The country’s *Seventh National Socio-Economic Development Plan (2011–2015)*, which includes hydropower as a development priority, identifies a range of actions related to the capacity building of women to participate in political debate and economic development; increasing women’s participation in provincial and sectoral planning and the integration of gender considerations into such; ensuring that women can access their rights; and intensifying gender-related research to improve all the above.

Lao PDR’s *National Growth and Poverty Eradication Strategy (NGPES)* also 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 the fields of agriculture, education, health, transport and political voice. However, the various national development plans of Vietnam and Cambodia generally mention aspirations for gender equality, but do not integrate specific methods or targets for its achievement.

Energy sector development

With its large-scale vision for investment into the energy (hydropower) sector, Lao PDR has the clearest expression for using investment and project development to achieve gender outcomes.

In particular Lao PDR’s *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)* do articulate expectations for gender sensitive data collection and gender sensitive resettlement entitlements. Emerging guidelines for public involvement in EIA will hopefully continue with a strong consideration of gender.

8. Neary Rattanak translates as “Women are precious gems” and is part of the Royal Government of Cambodia’s Gender Equality and Empowerment Strategic Plan, prepared by the Ministry of Women’s Affairs.

9. For example, Article 43 of Lao PDR’s *Land Law (2003)*, stipulates that the registration certificate of land, where it is matrimonial property, must include the names of both the husband and the wife. While in Vietnam, Article 27 of the *Law on Marriage and Family (1986, revised 2000)* states that all land acquired during marriage is considered to be a common asset, and that LUCs for properties jointly owned by husband and wife must be registered with the names of both spouses. This requirement is echoed in Article 48 of the *Land Law (2003)*.

10. Social Land Concessions are the mechanism whereby land is granted to communities displaced by development in Cambodia.

Vietnam’s extensive laws and strategies for energy, electricity and investment planning and development appear to be largely gender blind. Cambodia’s power and electricity planning similarly lacks clear commitment or inclusion of gender considerations.

Key international agreements and how Mekong governments support them

Vietnam, Cambodia and Lao PDR have signed, ratified or acceded to a range of relevant international agreements, outlined in the following table.

The articles from each of these agreements which are most likely to advance gender justice in hydropower development are identified below. Policy-making efforts of the three focus countries are discussed over the page.

International agreements with relevance to gender justice in hydropower development

	Vietnam	Cambodia	Lao PDR
CEDAW: Convention on the Elimination of All Forms of Discrimination against Women (adopted on 18 December 1979)	Signed 29 July 1980 Ratified 17 February 1982	Signed 17 October 1980 Ratified 15 October 1992	Signed 17 July 1980 Ratified 14 August 1981
CEDAW-OP: Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted on 6 October 1999)	Not signed	Signed 11 November 2001 Ratified 13 October 2010	Not signed
ICESCR: International Covenant on Economic, Social and Cultural Rights (adopted on 16 December 1966)	Acceded 24 September 1982	Signed 17 October 1980 Acceded 26 May 1992	Signed 7 December 2000 Ratified 13 February 2007
ICESCR-OP: Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (adopted on 16 December 1966)	Not signed	Not signed	Not signed
ICCPR: International Covenant on Civil and Political Rights (adopted on 16 December 1966)	Acceded 24 September 1982	Signed 17 October 1980 Acceded 26 May 1992	Signed 7 December 2000 Ratified 25 September 2009
ICCPR-OP: Optional Protocol to the International Covenant on Civil and Political Rights (adopted on 16 December 1966)	Not signed	Signed 27 September 2004	Not signed
Declaration on the Rights of Indigenous People	Voted in favour at the UN General Assembly, 13 September 2007	Voted in favour at the UN General Assembly, 13 September 2007	Voted in favour at the UN General Assembly, 13 September 2007

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

requires the elimination of all discrimination against women. While upheld in the constitutions, and while none of the laws or policies identified in this report has been actively discriminatory, active pursuit of gender equality is required to achieve it in reality. Vietnam and Lao PDR both have gender-focused laws which take steps toward this goal, whereas Cambodia does not as yet. Article 14 of CEDAW stipulates women's right to full participation in development, and Lao PDR's *Technical Guidelines on Compensation and Resettlement in Development Projects (2005)* and Vietnam's *Gender Strategy for Agriculture and Rural Development (2005)* best provide for this in the context of individual hydropower projects.

International Covenant on Economic Social and Cultural Rights (ICESCR)

guarantees in Article 1 the right to subsistence, and in Article 7 the right to decent living. It is unclear how well the national planning specifications regarding the choice of land for resettlement in any of the countries uphold this obligation, however proper consultation with affected communities — including women — as required by various policy instruments across the three countries should contribute to a positive outcome.

International Covenant on Civil and Political Rights (ICCPR)

states in Article 3 that the advancement and development of women is to be a priority; in Article 23 that states are to attempt to ensure gender equality in marriage; in Article 25 that all shall have equal access to participation in public affairs and access to public services; and in Article 26 that all people are to be equal before the law. Equality before the law and in marriage are recognised by all three countries, and development of women addressed previously in the paragraph on CEDAW. While all three countries state intentions to improve women's participation in public decision-making, Lao PDR's *Seventh National Socio-Economic Development Plan (2011–2015)* most clearly articulates intentions to increase women's participation in provincial and sectoral planning and political debate.

The United Nations' Declaration on the Rights of Indigenous People (UNDRIP)

the constitutions of all three countries uphold the equality of indigenous people, as required by Article 1. None of the countries, however, have evident policy provisions for the following: prevention of the dispossession of indigenous people of their lands and resources or involuntary resettlement (Articles 8 and 10); the land rights further enshrined in Articles 27–29 and 32; or Articles 13, 18 and 19 which oblige states to help indigenous people understand and participate in political and legal matters, particularly those that may affect them.

Implementation

Cambodia, Lao PDR and Vietnam all have similar national commitments to women's human rights and gender equity under a range of international treaties. How these have been expressed in national law and policy is mixed; with Lao PDR having the most clear linkages to hydropower development and gender outcomes.

All countries have provisions in their national policy framework which promote opportunity for achieving gender justice in hydropower. However, filling policy gaps for specific gender consideration will be important, as will diligent application of policies and guidelines in project preparation, implementation and monitoring operations.

The Mekong River Commission (MRC) as an inter-governmental body with responsibility for the sustainable use and management of the river basin has opportunity to be a vehicle for advancing common approaches to strengthened gender assessment and gender considerations. The MRC, like its member governments, has adopted a mainstreaming strategy to gender across the various pillars of its mandate. In this, the MRC has developed guidelines, toolkits and checklists for gender inclusion. The Initiative on Sustainable Hydropower is reinvigorating consideration of gender in its areas of responsibility and, importantly, can draw on investments and achievements in other MRC sectors such as fisheries, environment and agriculture. At the time of writing, the toolkit for mainstreaming gender in hydropower is currently under review. But other areas such as work towards common expectations for environmental and social impact assessment — especially in a transboundary context — present meaningful and practical opportunities to promote the value and importance of gender impact assessment for MRC member countries.



Using scoop nets, Lao PDR.
Photo: Simon Bush

3 GENDER IMPACT ASSESSMENT AS GOOD BUSINESS. THE EMERGING CONTEXT AND OPPORTUNITIES.

When gender analysis and gender impact assessment are used to inform decision-making it can lead to your company and the project avoiding adding to or continuing discrimination; and instead a project can play an active role in helping to realise women's empowerment and rights. A gendered approach at all levels within corporate structures, project development and management is good for business.

Over recent years, some of those involved in water management and hydropower development have increased their focus on understanding gender; and a number are actually now trying to position large-scale infrastructure projects to be agents in achieving positive social outcomes.

United Nations' bodies have generated numerous gender resources for use in policy and project development and international financial institutions — including the World Bank and the Asian Development Bank — have developed significant toolkits, policy guidance and resources for ensuring gender is mainstreamed into their project approval and implementation requirements. Institutional alliances have also developed sector-context specific resources which have relevance to the hydropower industry¹¹. The most directly relevant of these are discussed as follows:

3.1 GENDER: WATER INFRASTRUCTURE, HYDROPOWER ASSESSMENT, VULNERABILITY AND IMPACTS

The World Commission on Dams: dams and development report

In 2000, the World Commission on Dams (WCD) released its final report which identified a new approach to decision-making in water infrastructure. The WCD was a global multistakeholder process which deliberated on a large database of experience and evidence in hydropower development. The new WCD framework identified five core values:

1. Equity
2. Efficiency
3. Participatory decision-making
4. Sustainability
5. Accountability

It further detailed seven strategic priorities each of which is supported by a set of policy principles. The seven strategic priorities are:

- i. Gaining public acceptance
- ii. Comprehensive options assessment
- iii. Addressing existing dams
- iv. Sustaining rivers and livelihoods
- v. Recognising entitlements and sharing benefits
- vi. Ensuring compliance
- vii. Sharing rivers for peace, development and security

To implement the five core values, the WCD recommended an approach which aligned these with key decision points and processes in hydropower development — two of these at the strategic governance and planning stage for water and energy planning: a needs assessment for water and energy, and considering options. The other three relate to the selected preferred option and focus on key moments for project preparation, implementation and operation.

Across these, the WCD introduces the importance of adopting an approach which recognises rights, and assesses risks to lay the foundation for negotiating outcomes in water infrastructure. Furthermore, the WCD identifies the importance of considering gender within broader social, cultural and economic risks, and the costs and benefits associated with dam development (WCD 2000).

Hydro sector response

While the hydropower sector accepted the importance of the core values and priorities recommended by the World Commission on Dams (HSAF 2011), its leading businesses and industry association rejected elements of the rights and risk framework as not being practical.

Partially in response to this challenge of practicality, the hydropower industry has initiated processes itself, or joined in with other initiatives to develop its own tools to assess sustainability. How these tools have recognised gender is introduced below and discussed in more depth in the appendix.

Other stakeholders who are involved in hydropower development such as the EU and German Government do use the WCD in their decision making about whether or not to support projects.

11. For example, the World Bank administers the Energy Sector Management Assistance Program (ESMAP) — a multi-donor technical assistance trust fund established in 1983. The ESMAP includes a useful gender project which provides guidance and gender tools for use by energy companies. See ESMAP 2013, *Gender: Social Inclusion in the Energy Sector: Online Resources*, viewed 14 August 2013, <http://www.esmap.org/node/2757>



Rivers are life. Riverbank gardening is a critical livelihood activity throughout the Mekong region.
Photo: Mark Deasey

The Hydropower Sustainability Assessment Protocol

The International Hydropower Association’s Hydropower Sustainability Assessment Protocol (HSAP) of 2011 recognises gender as a crosscutting issue of importance in measuring sustainability.

HSAP Sustainability topics where gender consideration is suggested as important to measure good practice

Early stage assessment	Preparation stage assessment	Implementation stage assessment	Operational stage assessment
Social issues and risks (topic 7)			
	Communications and consultation	Communications and consultation	Communications and consultation
	Environmental and social impact assessment and management		
		Environmental and social issues management	Environmental and social issues management
	Project affected communities and livelihoods	Project affected communities and livelihoods	Project affected communities and livelihoods
	Resettlement	Resettlement	Resettlement
	Labour and working conditions	Labour and working conditions	Labour and working conditions
	Public health	Public health	Public health

Adapted from (HSAP 2011)

The HSAP is used to measure sustainability in individual projects or a suite of projects — that is, it is not structured for basin-wide assessments — and it identifies a number of sustainability topic areas where gender should be considered. Despite this, it falls short of elevating gender as a standalone 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 there is no clear basis in the scoring statements or assessment methodology for allocating a score on the basis of a specific gap on gender performance.

The Rapid Basin-wide Hydropower Sustainability Assessment Tool

The Rapid Basin-wide Hydropower Sustainability Assessment Tool (RSAT), developed specifically for basin-wide application (different to the HSAP) in the Mekong region, also adopts a mainstream approach to including gender. RSAT is designed to facilitate multi-stakeholder dialogue considering a set of topics and sustainability criteria — RSAT is directed largely at a multi-stakeholder engagement which brings together developers with government stakeholders, banks, the Mekong River Commission, river basin organisations and national river basin commissions. RSAT has been updated a number of times and is currently seeking to engage civil society stakeholders.

RSAT topic areas align in many ways with those of HSAP, but is more specific to the Mekong context — for example, focusing on assessing fisheries in detail. Criteria used to inform assessment make specific reference to gender.

Differently to HSAP, users of RSAT are guided to consider gender differences and gender “performance” in the scoring statement criteria. RSAT has adopted definitions of other institutions such as the Asian Development Bank which identify gender and issues of vulnerability for women, such as the definition of “meaningful consultation”¹².

RSAT is explored in more depth in the appendix.

12. Meaningful consultation is a process that (i) begins early in the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision-making such as project design, mitigation measures, the sharing of development opportunities and benefits, and implementation issues. Particular attention will be paid to the needs of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female-headed households, women and children, indigenous peoples and those without legal title to land.” (ADB 2009, p. 26)

Gender and indigenous peoples

One area of importance in the Mekong and many other developing country contexts is how hydropower is developed using the resources, lands, territories and waters of indigenous peoples. Understanding and engaging in gender impact assessment with indigenous peoples is an important opportunity for achieving community consent to a project, and ensuring the project is developed with the interests and rights of women and men considered equally. It is in this context that a company can avoid and mitigate the risk of exacerbating negative gender roles and relations as a result of the project.

Indigenous peoples are among the most impoverished and marginalised 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, healthcare and employment. The status and power of women in indigenous communities can see them suffering multiple forms of oppression and marginalisation. 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.

In this context there is a lot a company can do to help avoid negative impacts. Respecting indigenous peoples' rights to give or withhold their Free, Prior and Informed Consent (FPIC) is a clear statement of intent for the project. Hydropower companies should not condone, tolerate or perpetuate discrimination against women, and should work to avoid the gendered impacts of hydropower by ensuring the involvement of indigenous women in FPIC processes. This is best done by acknowledging and supporting the efforts of indigenous women to operationalise consent in a manner consistent with the rights of all members of their community. It should also be indigenous women (not the imposition of others) who decide how and when they should participate in decision-making processes, as well as their involvement in FPIC processes, based on the principles of equality, non-discrimination and equity.

This manual can be used to help companies ensure that women and men are equally involved in decision-making, and that when a project is developed, it is doing so understanding the gender contexts in which it operates.

United Nations, human rights and business – the context for hydropower

Women's rights are a central part of the international human rights framework and are recognised in specific Declarations and Conventions. Section 6 looks at how Mekong governments have supported these instruments and how they have been realised in the Mekong.

In recent years through the auspices of the United Nations, there has been a strong dialogue with the private sector to determine how human rights instruments apply to business.

The UN *Protect, Respect and Remedy Framework on Business and Human Rights* articulates the roles and responsibilities of both governments and businesses in relation to preventing and addressing business-related human rights abuse. This framework has the support of governments, business and civil society. It has three interlinked pillars:

1. The state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication.
2. The corporate responsibility to respect human rights, which means that businesses should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved.
3. The need for greater access by victims of business-related human rights abuse to effective remedy, both judicial and non-judicial.

The UN *Guiding Principles on Business and Human Rights* developed to help support the Protect, Respect and Remedy Framework explains that the corporate responsibility to respect human rights means business should avoid involvement in adverse human rights impacts, including through their business relationships. In other words, business should, as a minimum, do no harm.

In practice, this requires that businesses have a human rights policy that commits them to respect all human rights, implement a human rights due-diligence process which explicitly considers gender issues to know and show that they are respecting human rights (requiring identification and assessment of impacts; integration of the findings of those assessments throughout corporate processes; and tracking and communicating human rights performance), and work to remedy any adverse impacts they may have caused or contributed to, such as through a formal grievance mechanism.

3.2 HYDROPOWER AND GENDER – THE OPPORTUNITY

In the 21st century, hydropower development is often characterised as a *development intervention*. This is a shorthand way of explaining a project rationale that identifies investment in a dam as an opportunity to bring broader development outcomes to a nation or river basin. That is, the dam itself acts as a bridgehead for wider development and investment — in roads, services, hospitals and so on. If this development outcome is to be achieved, women’s empowerment must be one important aim.

Having an understanding and care for gender is required by many governments through their commitments to international human rights agreements. Governments of the Lower Mekong Basin have all committed to the key human rights instruments which recognise and promote women’s rights.

Increasingly, the respect of human rights is the responsibility of companies, alongside governments.

Put simply, improving gender outcomes in the process of developing and operating hydropower is good business practice. It can be done within existing project management practices and can help a company avoid unintended risk and costs.

The mining industry tackles many of the same challenges that hydropower companies face in the extent of its impacts and the importance of gaining and maintaining a social licence to operate.

*In 2009, multinational mining company Rio Tinto developed **Why gender matters**, a resource guide for integrating gender considerations into communities’ work at Rio Tinto.*

This includes guidance for Rio employees on Rio policy and requirements, on useful tools and references. It is a clear corporate statement of the importance of gender in the company’s operations.

Rio Tinto states:

- *“At Rio Tinto, we have a responsibility to ensure that our actions do not make existing inequalities worse in the communities in which we operate. Rio Tinto’s commitments to sustainable development and human rights also require that we move to situations where we have improved the quality of life and socio-economic conditions of impacted and affected communities — for women and men, girls and boys — in all locations where our operations are based.”*
(Rio Tinto 2009, p. 22)
- *“Rio Tinto has a responsibility to ensure that adverse impacts and social risks are minimised and do not fall disproportionately on any one section of the population. There is clear evidence that in certain contexts women are particularly vulnerable to mining development.”* (Rio Tinto 2009, p 81)
- *“It is important to acknowledge the challenges we face as a company in working towards integrating gender into project and programme development and implementation, at all stages of mine life. We must continue to focus on integrating gender considerations into our engagement processes...”*
(Rio Tinto 2009, p. 72)

This approach adopted by Rio Tinto provides a model for hydropower companies looking to implement a more comprehensive and policy consistent approach to including gender. It can be downloaded at http://www.riotinto.com/documents/reportspublications/rio_tinto_gender_guide.pdf



Women in fish market, An Giang Province, Vietnam. Photo: Gary Lee/Oxfam

4 GENDER IMPACT ASSESSMENT: A VITAL TOOL FOR DEVELOPERS.

4.1 WHAT IS A GENDER IMPACT ASSESSMENT?

Gender impact assessment is a process which allows decision-makers and stakeholders in a project to understand the current situation and context that will be affected by the project, and what changes and results may emerge based on that project. It uses gender criteria to inform that understanding of predicted and realised impacts.

Gender impact assessment will allow the project's developers (including government, financiers and companies) to consider gender relationships between men and women and how the project will impact on women and men. It will ensure that power relations between men and women, many aspects of which will be exacerbated by the project, are understood and that there can be equality in outcomes. So that women in particular, given their greater vulnerability to project impacts, can be better off than before the project.

A gender impact assessment will provide details and information about how men and women relate and interact with one another in all levels of society, and can be used to ensure activities do not disadvantage one gender over the other. Gender analysis will make sure that development decisions are based on facts about relations between men and women and their different context and needs.

Using gender impact assessment in the project cycle allows the developer to assess risks and opportunities on men and women, and to make changes, commitments and decisions to avoid harm, and advance gender equality.

4.2 WHY SHOULD A GENDER IMPACT ASSESSMENT BE UNDERTAKEN?

"The consideration of gender issues in the implementation of hydropower projects is crucial for their sustainability. Hydropower development projects are likely to produce profound environmental consequences. Whether the effects are beneficial or adverse, they will affect the lives of all segments of the population, ie women and men of all castes and ethnicity living in the project area... The adverse effects of project implementation mainly affect the lives of women and the vulnerable castes and ethnic groups, whereas men tend to reap the most of the benefits."
(Department of Electricity Development 2005, p. 1)

The goal of a gender impact assessment will differ depending on the context and the timing. Ideally the gender impact assessment will be undertaken in conjunction with project feasibility and early stage project assessment. This will then inform management plans and budgets. In doing so the possible outcomes include:

- Project developers' understanding of how the project will impact differently on men and women; and from that understanding ...
- Project developers' broaden their consideration of gender impacts and women's participation in key processes which inform future project decisions (including risk assessments, related scoping and commissioning of other impact assessments such as for indigenous peoples or where resettlement will be required, on budget allocations, resourcing, timing, scope and so on); and in doing so ...
- Project developers ensure that project decisions better target gender equality; and
- Risk assessment and cost/benefit analysis is more comprehensive and accurately reflects how the project will affect gender relations now and into the future — including gendered understanding of communities, and use of the ecosystem services that will be affected by the project; and this should help in ...
- Facilitating opportunity for maximum participation opportunities for women and men in the project, and help realise equal access to the sharing of benefits.

Project developers, and their financial backers and government partners will gain value in their project by undertaking gender impact assessment. Considering gender and the impacts of the project on gender, and then adapting the project to address gender equality are critical aspects in considering the sustainability of a hydropower project.

In ensuring that the project makes use of gender impact assessment, and continues to value and monitor gender relations within the project's development and context of operating, project proponents will better manage risk to their project. Proponents should consider the ways that impacts are experienced differentially by men and women and how these impacts affect relations within communities and within individual households.

Achieving sustainable positive outcomes and benefits for women as part of a good practice approach will require a focus on women's empowerment.

If a project is to contribute to transformation or empowerment for women, it is important to acknowledge that women are not just one group among several disempowered or marginalised population groups in society (such as indigenous people, the poor, people with disabilities), but rather that women are present in all these groups. And further, that the family and the household are particular points for women's disempowerment.

In this light, management strategies to address project induced impact will affect interactions between women and men — across the project's footprint this will be different for different cultural and language groups, socio-economic differences, and even nationalities. The project will also affect society, community structures, work and family and, as such, will affect the circumstances under which men and women interact. Considering how policies and project activities affect household level relations and responsibilities is critical. Further, examining the assumptions for compensating or sharing project benefits with communities should appraise the power and control over resources and assets, as well as the institutional opportunities for affecting women's empowerment.

The project should consider these in developing:

- complaints mechanisms or grievance processes;
- negotiating resource, land and water rights for resettled communities;
- replacing lost assets and structures such as schools, health clinics, markets;
- assigning use rights for communities whose livelihoods have been impacted by the project.
- project consultation and community decision making processes;
- project design and impact mitigation plans (such as in resettlement, environmental management);
- benefit sharing agreements; and
- community development projects.

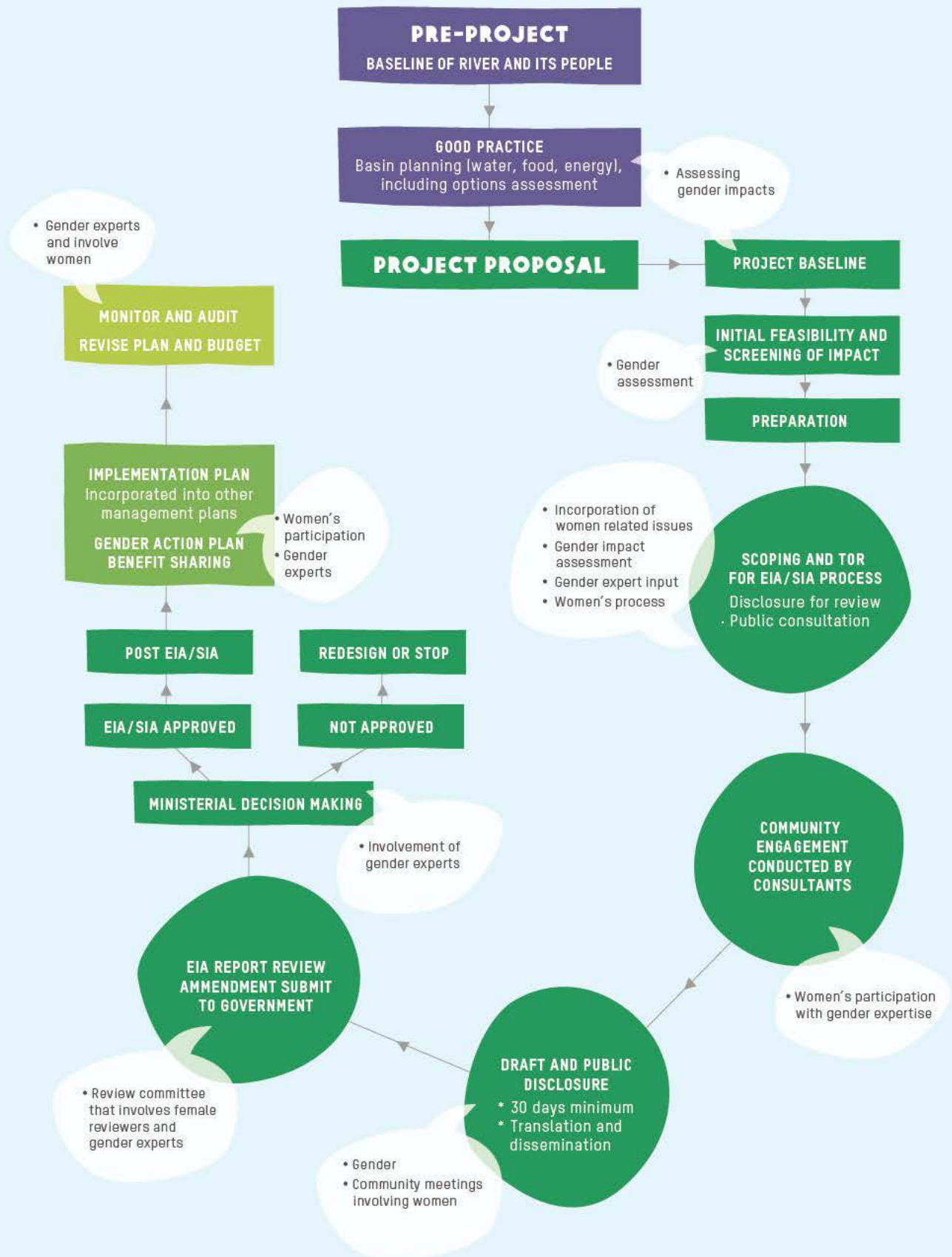
4.3 WHEN SHOULD A GENDER IMPACT ASSESSMENT BE UNDERTAKEN?

Gender analysis and impact assessment should be included as part of stakeholder engagement in strategic river basin planning, from which options for development projects on a river will emerge. Avoiding negative gendered impacts should be one critical decision criteria for assessing the viability and sustainability of options.

In the context of a hydropower project having been identified, gender impact assessment and gender expertise is most useful when it is brought in at the early stages of a project's development. That is, before critical decisions are taken, so that project design and management plans can be adapted based on gendered understandings, and that appropriate budgets and investments are allocated, based on the gender analysis. Building gender impact assessment into E/SIA is one key option.

The following diagram shows where key moments for involvement of gender expertise, of women, and of gender impact assessment can and should occur in project development. This focuses on standard good practice, social and environmental assessment processes.

Gender in E/SIA and project processes



4.4 WHAT IS BASIC GOOD PRACTICE WHEN IT COMES TO GENDER ASSESSMENT?

A useful starting point is for the project's developers to see gender impacts as an issue of human rights. Men and women both have rights. The realisation of these rights play out in assumed and imposed roles and responsibilities within the home and within society. They can be expressed in cultural norms and practices.

Gender assessments can be constructive in ensuring that neither men nor women are disadvantaged by development interventions, and they should help inform the design of mitigation, compensation and benefit sharing programs.

Developing a hydropower project always has gender impacts. Depending on how these are avoided, mitigated and managed, the impacts can be positive or negative.

While some elements are predictable, certain impacts will always be unique to each project context. In order to understand and manage impacts and risk, you need to obtain and study sex-disaggregated data and to ask the right questions:

- Does the project concern one or more affected communities and their use of the river and the natural resource base?
- How will the project affect the daily life of different parts of the population?
- How are the differences between women and men experienced; considering roles and responsibilities, access to and control over resources, needs and interests, and ability to participate in decision making.

4.5 INVOLVEMENT AND PARTICIPATION

How affected peoples — men, women, young, old — are involved in the process of gaining understanding and assessment of gender is also critical to basic good practice. The gathering of sex disaggregated data should be designed and implemented with involvement of different population groups, men and women. It should include these different groups meaningfully in the design and the process of data gathering and assessment. Language and access to information and opportunity should also be considered at the early project planning stage, so that people with disabilities, language differences and education differences, all have equal opportunity to participate and be heard.

The following provides a simple checklist for good practice inclusion:

Particular care should be taken to:

- Ensure that meetings and processes are timed appropriately to allow for men's and women's participation;
- Make sure that interviews and groups are convened that include men and women together, but that women are also facilitated to meet separately;
- Ensure that language is accessible to women;
- Include female facilitators and women interpreters in project teams;
- Ensure that there are females on the project team and that all project team members have a high competency in gender analysis;
- Make sure that young and older people's views are collected and male and female perspectives are equally represented in the data collection;
- Facilitate feedback sessions to women separately and to men and women together, and ensure data review is undertaken to encourage shared understanding of analysis;
- Make certain that women are involved and participate in review and report of findings and analysis;
- Involve representatives of different cultural, ethnic or socio-economic groups from within the community;
- Include women and men from indigenous or minority peoples in the process and ensure their perspectives are equally represented; and,
- Identify practical and cultural barriers to women's participation and ways to overcome these.

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giamanual



Transplanting rice seedlings,
Vientiane Province, Lao PDR.
Photo: Jerry Galea/OxfamAUS

5 GENDER IN THE RIVER BASIN — PRE PROJECT

Before there is a dam, there is a river — and there are people who use that river. Men and women will use that river in different ways; they will value that river and its resources in different ways. They will have differing roles and responsibilities relating to the river and different access and control over its resources. How they relate to each other within language groups, communities and across different communities will be different. Understanding this context is critical for government ministries responsible for water management, agriculture, land and resource management, fisheries, planners and so on.

Strategic river basin planning, including strategic environmental assessments and cumulative impact assessments present important opportunities to ensure strong sex-disaggregated data, and gendered understandings of communities, livelihoods and ways of life across the river basin. When governments and river basin authorities bring these multiple use and different stakeholder perspectives together before infrastructure and investment decisions are made it is more likely that negative impacts can be avoided, and transformative gender opportunities can be realized.

“The rapid pace of hydropower development in these [Mekong sub-basins] basins presents a significant challenge to national governments responsible for the management of river basins already under pressure from many competing needs. These lesser developed basins are often characterised by high levels of poverty and a high dependence on natural resources for livelihoods of the basins population. Whilst hydropower presents significant opportunities for the alleviation of poverty and the economic development of nations it is widely acknowledged that it also can bring significant social and environmental risks.

Sustainable development calls for considering synergies and trade-offs amongst economic, social and environmental values. A balance between social, environmental and economic values should be achieved and ensured in a transparent and accountable manner, taking advantage of expanding knowledge, multiple perspectives and innovation.”
(RSAT 2010, p. 7)

PRE PROJECT: UNDERSTANDING THE CONTEXT — COLLECTING DATA AND ESTABLISHING A GENDER BASELINE

Good practice is that river basins have strategic level management plans — agreed across borders when the river is transboundary. But many lack these higher level agreements — or they have come subsequent to development and investment decisions.

For companies who have an interest in developing a project, or who are employed to undertake environmental or social impact assessments for a project, ensuring that they have a full gendered understanding of communities, river users and broader basin context is important. Once that gendered understanding is established, future decisions on planning and management will be informed by considerations of gender outcomes and relationships.

By incorporating gender impact assessment into the basic survey methods and data gathering techniques for river basin management, there is more probability that a strong gender understanding will be brought into crucial feasibility and planning decisions. This is basic good practice.

This chapter provides an overview of some of the key questions that should be considered in establishing a gender baseline of the river basin and its people.

It also outlines some of the major opportunities for considering gender in good practice planning decisions, and looks at the context of decision making. Finally it outlines a high level context for gendered impacts arising from river basin changes; and suggests where these impacts are most likely to be experienced.

Using the gender impact assessment to guide project development and stakeholder engagement

Consider the following questions in building an understanding of the river and the context for hydropower impacts

- Is there a clear understanding of the way that the river and its resources are used by riparian communities? Does this include an understanding of different roles and activities undertaken by men and women?
- Has a baseline assessment been conducted of who lives on and near the river, and makes use of the river for their livelihood? Is there understanding of the different uses of the river and its resources by men and women? This should include consideration of men's and women's and shared direct economic activity (for example fishing, farming, harvesting of aquatic animals and plants), daily home activities (for example washing, collecting water, transport, play) as well as social and cultural activities (such as religious or spiritual ceremonies and sites of significance).
- Is the baseline assessment inclusive of users of the river at different seasonal times during the year?
- Does the baseline assessment consider itinerant users of the river, such as communities who visit the river to fish only at certain times of the year, in addition to settled river communities? Does this include understanding of the responsibilities and uses made of the river and its resources by men and women?
- Does the baseline assessment consider the conditions and different situations across the full spectrum of affected communities and affected ecosystems? That is, does the baseline include transboundary communities and their ways of life? And in this, has gender-disaggregated data been obtained?

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giamanual

At the strategic planning level for river basins it is important to consider gender impacts and gender needs using the following processes and interventions.

Options assessments: a comprehensive options assessment of development plans on the river needs to consider uses of water for ecosystem health, for river communities' livelihoods and cultural activities as well as contemplating how the delivery of electricity services can be achieved for different uses. At this stage non-dam options are an important part of the development planning. There is also considerable scope for improving existing performance of existing infrastructure to meet energy and water needs.

Demand-side management: considering gender impacts and opportunities in reducing consumption, recycling and energy efficiency can help contribute to achieving gender-strategic interests.

Supply-side management: contemplating options that supply water and energy needs for different users is critical. For example, remote village-level needs often will preference small-scale, decentralised local renewable energy as more viable than large grid-connected systems.

Environmental/downstream flows: look at gender needs in the delivery of environmental flows to understand how flow variability, water volumes and timing of releases connect to environmental processes and downstream community relationships with the river and floodplains; considering gender roles and responsibilities, and transboundary context.

Siting and design: consider gender impacts in assessing viability of options for siting and design can be one of the most strategic ways to avoid or minimise gender impacts from hydropower.

Social Impact Assessments (SIA): design and implementation of social assessments in early stage feasibility are the easiest and most effective entry point for the involvement of women and consideration of gender impacts. These will often be done alongside environmental impact assessments.

Environmental Impact Assessments (EIA): as with SIA, the design and implementation of environmental impact assessments provides an important opportunity to hear women's perspectives and identify practical and strategic gender needs. Considering gender impacts in E/SIA is crucial, as is facilitating meaningful opportunities for the participation of women.

Both EIA and SIA should consider basin-wide impacts, which in the Mekong region may often be across national borders.

GENDER IN DECISION-MAKING

Who is making the decisions?

Decisions in the early stages of the development of a river will be made directly by government agencies responsible for water resources. In some cases, a river basin authority may be established and tasked with these responsibilities, but in most cases government will ultimately control the decisions. Most often this will include the Ministries of Water, Environment, Rural Development or Natural Resources. The checklists and gender manual can provide a useful starting point for government agencies to ensure gender is included in the following contexts for river basin planning and decision making.

- Understanding the legal context for a river is important. What laws and regulations govern its management and use; and how these are consistent or different across State boundaries is an important consideration.
 - This legal context allows any users or potential developers of the river to have some surety over the resource (such as water flows and water quality) so that they can plan accordingly. As such any changes, or potential changes, to those resources by upstream or downstream agencies or authorities present critical risks to any development or investments on the river, or those reliant on river resources. This is the context for hydropower.
- What plan or strategy is being implemented in guiding the use of the river and its resources?
 - In the future, how will the natural resources (such as watershed forests, river banks, wetlands, marshes or riverbed) be zoned?
 - How will resources be managed – including spectrums of management such as protection, use as common resources, and privatisation for certain users (such as industrial development, irrigation extraction and redistribution, mining, hydropower)?
 - Rights in law: how is the river and its watershed resources protected under the law? Is it privatised, is it available to access and use by communities, what is the regulation that underpins this access and use right for communities?
 - Use and access rights: who has the right to access resources from the river?

The sort of decisions that are important for a river's future will include:

- What is the state of the river and its basin (environmental, economic, social, political)?
- Is it managed under one authority or does it cross state boundaries?
- Will the current use of the river and its resources continue, and what is the context for the use (do the users of the river and its resources have rights associated with the access and use)?

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giamanual

This table outlines high level context for how changes to a river can affect men and women differently. Some of these changes come as a result of hydropower development, others arise from other factors affecting the feasibility of a hydropower project.

Context for gender from potential changes to a river and what they mean for hydropower

Change to natural system	Impact on resource	Impact for hydropower dam	Gender considerations
Water is extracted from river upstream (eg by other dams, for irrigation, for water supply)	Less water	May affect feasibility or economic viability of the planned hydropower dam	Can affect men's, women's, community's agricultural production Can affect fisheries and men's/women's roles
Water quality is affected upstream by other industrial activity	Water quality is reduced or fluctuates due to upstream activity	May affect turbines and economic activity	Likely to have subsidiary impacts such as for household use of water, for bathing, washing, use of water for gardens
Forest is cleared	Water quality degraded	May affect turbines and economic activity	Use of forests for harvesting plants and animals likely to be affected
Dams lock up water and release for hydrogeneration	River fluctuates; river flows are high/low at unseasonal times; water deoxygenated	Can affect downstream operators if there is no predictable flow	Can affect how men and women use the river for household and economic responsibilities, especially affects women who use rivers for bathing, washing, food production
Water extracted from one system into another for hydrogeneration	Low flows in one system, unseasonal or regular high flows in other systems	Can justify dams on increased flow river system, can make other schemes unviable if low flows sustained	As above for productive activities. Increased or reduced flows may affect villages or household viability
Downstream wetlands do not receive enough flood pulse to maintain their biodiversity	Wetlands dry out, flooded forest not "recharged"; fisheries and other aquatic species affected/die		Men's and women's productive industries related to wetland affected; fisheries and fish market affected; livelihoods affected
Delta ecosystems are affected changing the fresh/salt water balance	Areas become more/less salty. Delta sediments and sand banks altered		As above for productive activity. May affect village or household livelihoods

Using the baseline to inform decisions and management of rivers and natural resources

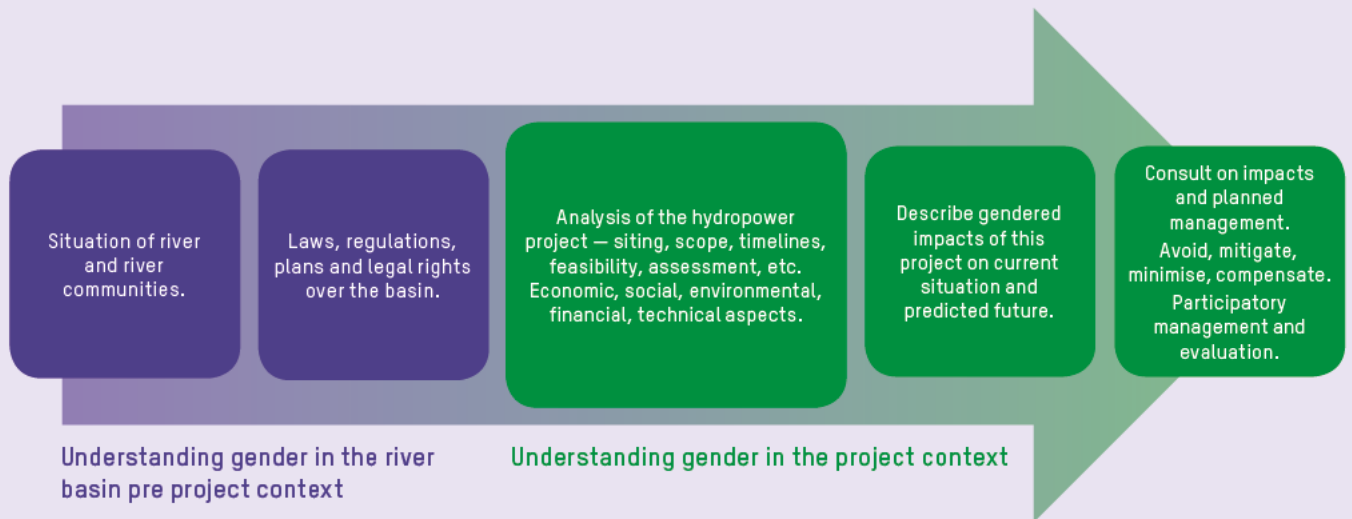
Once a baseline with strong sex-disaggregated data has been established, where and how should it be used?

The baseline gives an understanding of the different uses of the river and its resources for men, women and community. It also gives a sense of how this is the same or different across communities in different contexts. These different contexts might include:

- location in the river and basin system
- demographics of communities
- socio-economic status of the communities

- formal and informal relationships those communities have with the river and its resources
- legal status of these relationships and reliance on the river and resources
- how relationships and reliance on river resources change or differ over time — seasonally and year to year
- how other users of the river and its resources impact on the community's use and access to the river.

Decisions made with regard to the governance and management of the river should consider each of these different aspects.

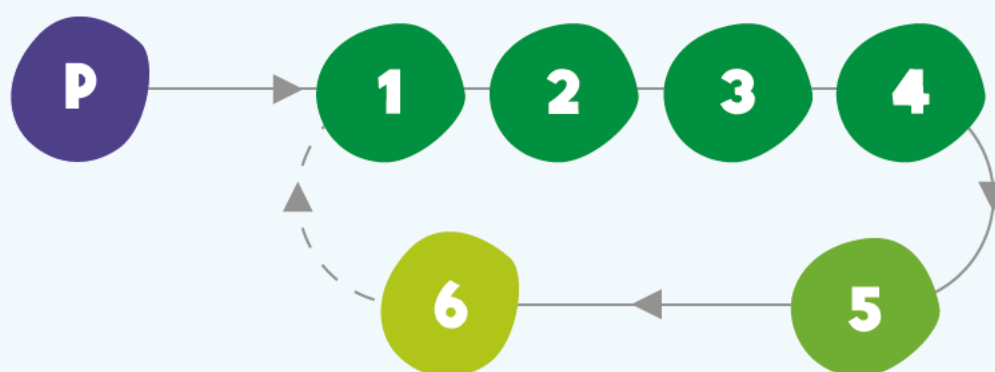


6 THE GENDER IMPACT ASSESSMENT PROCESS

This chapter outlines the gender impact assessment process. It introduces a number of example tools and checklists to help project developers and government agencies gather sex-disaggregated data, and help highlight how this data can be used to inform project level decision making and management planning and implementation. The process is designed to have relevance across the project cycle, from early project feasibility stages through to project planning, implementation and operation.

This GIA process is structured as a simple step-by-step guide.

The manual should guide staff across the project cycle –
assessment/ planning/monitoring



6.1 GENDER ASSESSMENT AT FEASIBILITY, DESIGN AND PLANNING STAGE

Once a project is established and has been approved to move on to the feasibility assessment and planning stage, this is a critical time to ensure gender assessment has been completed satisfactorily. In having a gendered understanding of the project impacts at this stage, you will ensure that future decisions on design, budget, planning and operation are coming from an informed starting point. This will minimise risk in the project.

Addressing gender impacts in the project

Your aim should be for these steps and their outputs to inform and be incorporated into other management plans. However, it is critical that the project develops a good understanding of the current situation of gender relations, as well as the gender context within the project affected communities, and in the broader project areas. This gendered understanding can then be used to inform plans to address impacts, and for the realisation of opportunities for gender transformation.

The following section introduces a simple framework approach to understanding the gender impacts of a hydropower project. It recommends a stepped approach and draws on existing tools and frameworks already being used around the globe by consultants and some companies — in hydropower and other related sectors.

The encouragement for companies using this manual is that these tools are well developed already. Variations of these tools are being used in the Mekong and in other sectors, such as fisheries, agriculture or water and sanitation. Here the gender frameworks have been adapted to include examples and guiding questions that are specific to hydropower development in the Mekong region.



Women's discussion during an impact evaluation, Lao PDR.
Photo: Lee Fitzroy/OxfamAUS

STEP 1: GATHERING THE DATA — ESTABLISHING A PROJECT SPECIFIC BASELINE THAT ANALYSES GENDER

Check that baselines established early in the feasibility assessments are robust for understanding gender context. If there are gaps in project development, the data gathering process described in the preceding section may need to be undertaken, revised or updated.

In the context where detailed environmental and social assessments are being scoped and terms of reference drafted, incorporating gender analysis and expertise will be valuable. The following steps suggest some of the most commonly used tools for gathering and organising gender data to inform analysis and planning — at this early stage of project development.

In order to develop an understanding of the technical aspects of a project's feasibility, developing a baseline about the river and its people that includes sex-disaggregated data will be necessary to inform community engagement and project decisions.

In addition to understanding the gender context, many other demographic factors within the basin and project impact zone should also be considered, including: ethnicity and language groups, socio-economic status, education, literacy, cultural norms and decision-making processes, marginalisation, social norms and domestic violence, disability, and how any of multiple forms of vulnerability intersect with gender.

When the project has been given a green light to proceed to more comprehensive feasibility and impact assessment studies, looking at how gender can be incorporated into processes and decision-making should be considered.

The E/SIA process diagram on page 25 provides guidance on key process opportunities for incorporation of gender expertise and assessment.

STEP 2: UNDERSTANDING THE CONTEXT

A thorough context analysis for the hydropower project will help the company, and its backers in finance and government, understand the communities that will be affected by the dam, how they are structured, how they function and how they interact with other communities and with the natural environment that will be affected by the dam. Good practice means that there needs to be a clear understanding of the roles, responsibilities and relationships between men and women in the affected communities and river user groups.

This context analysis should consider the practical needs and interests of women and men. The following pages outline a number of key tools which will help the company understand the context of how the project will impact on those communities.

Women's and men's roles and the gender division of labour

The social impact assessment process establishes the activity profile, which helps project developers to have an understanding of what women and men do in their households, village, as well as on the river and their lands. The activity profile helps interpret village activity daily, seasonally and over a period of years. It can be used as a key tool of communication between project developers and communities, therefore it is especially important to gather a comprehensive overview of men's and women's activities.

When conducting your activity survey consider the following;

- seasonal variation
- time allocation (how long a task takes, and how long it takes to get to/from the task)
- gendered roles by age (what do boys/girls, women/men and the elderly do)
- where the activity is performed
- disability (are there specific roles and responsibilities or barriers to these tasks for those with disabilities)
- language and literacy. These can be a barrier or limiting factor to certain activities and can ultimately influence how companies and government interact with community representatives. Who speaks which language and which language is used by which sub-groups needs to be identified. Assessing women's and men's competency in language is important, as is a clear picture of who can read and write which languages.

Process checklist for context phase

- Have you held consultations with women and men — separately and together — in community structures?
- Have you identified sex-disaggregated data for communities?
- Have you identified information (and recorded views and perspectives) of men and women, boys and girls?
- Have you shared information about the project with communities? Have you provided this in a form that is equally accessible for men and women, and for those can/cannot read or write?
- Have you responded to different indigenous or ethnic groups in social impact assessment and data gathering processes?
- Have barriers to participation been identified and strategies for mitigating this been agreed with men and women, and for men and women with specific needs?
- Have you engaged with institutional issues — at community, market and state level — incorporating gender considerations and perspectives of men and women?

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When conducting your activity survey consider the following:

- seasonal variation
- time allocation (how long a task takes, and how long it takes to get to/from the task)
- gendered roles by age (what do boys/girls, women/men and the elderly do)
- where the activity is performed
- disability (are there specific roles and responsibilities or barriers to these tasks for those with disabilities)
- language and literacy (these can be a barrier or limiting factor to certain activities and can ultimately influence how companies and government interact with community representatives. Who speaks which language and which language is used by which sub-groups needs to be identified. Assessing women's and men's competency in language is important, as is a clear picture of who can read and write which languages).

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These are sample checklists; a template version can be downloaded from www.oxfam.org.au/giamanual

Activity Profile tool

Purpose: This tool will help you to understand the different work that men and women do, consider where that work is done and when, so that all forms of work and activity — paid and unpaid — are clearly analysed. Care should be taken to gather data and consider seasonal variations, noting when this assessment is undertaken, as in many cases there is great discrepancy of work for men and women at different seasons and times of the year.

Key questions: What are men and women doing in their community? What are their household responsibilities? What are they doing together for the community?

ACTIVITY PROFILE:				
Village name:				Date:
Activities	Women/ girls	Men/boys	Where	When and how long
Productive activities				
Fishing				
Selling fish				
Cash crops				
Caring for animals				
Reproductive activities				
Care of children				
Cooking for family				
Collecting water				
Subsistence/food production				
Family healthcare				
Community work				
Community management activities				
Community politics				
Community seasonal activities				
Community religious or spiritual activities				
Engagement with neighbours and outsiders				
Community labour				
Education and other activities				
School or college				
Training				

Adapted from the Harvard Analytical Framework

Access and control profile tool

Purpose: This tool will facilitate an understanding of the current practices and roles of women and men in regard to accessing resources. It will give an overview of community, but help generate a sex disaggregated breakdown. It will also look at who has control over those resources, meaning who makes decisions about those resources and their use, who has rights under law and/or under household, and community practice.

Key questions: Who has use of resources in the community? Who controls the decision-making over those natural and person-made resources? Who controls the benefits (such as cash) from use, sale or exploitation of those resources?

Access and control profile				
	Access		Control	
	Women	Men	Women	Men
Resources in community and/or household				
Land for subsistence farming				
Land for cash crops				
Labor				
Fishing boats and gear				
Household assets – equipment, technology				
Human assets – healthcare				
Use and access of common resources:				
• forests				
• riverbanks				
• wetlands				
Benefits derived from the use of resources				
Income from sale of cash crops				
Income from sale of fish and other aquatic animals				
Income from harvested products				
Asset ownership				
Education opportunities				

Checklist questions that can be included as a guide to data gathering and data analysis

These overarching questions should be consistently applied across different communities, as each individual community will have different perspectives and circumstances

and as such will experience gender impacts uniquely. Undertaking this will help you understand the different impacts, costs and benefits that are possible from the project. These can be used as a checklist to your data gathering. The questions should be modified to reflect local context.

Introductory questions

- What do communities express as their priorities? How are these recorded and known?
- What interactions do communities (men and women) have with neighbouring villages, the local town, markets?
- What are current labour options in the village? How will the dam affect current labour in the community? What will be the impact on men's and women's labour? How have you identified this?
- What could the project provide to affected communities?
- What resources would be required to deliver that outcome?
- Is resettlement being considered (if so, a resettlement action plan should be created for this project – and this is a critical stage to ensure you have gender experts and resources involved)?
- What are the options for employment in the dam? What is the timeframe for these? That is, will there be ongoing opportunities or will these be only at the construction stage?
- How will workers be supported (housing, transport from local communities, food)?
- How will communities be supported (health clinics, road repair, schools, preferred market suppliers, rules and regulations for how workers will interact with the community and where they will/will not have access to resources)?
- How will the dam (construction, dam site and impacts to river and watershed in operation) affect local agricultural practices?

- How will men's and women's, and boy's and girl's roles in fishing and harvesting be affected?
- What assets (household, community) will be impacted?
- What lands will be required for the project? What are the options, and have these been explained to communities?
- What will operational regimes of the dam affect in terms of natural systems, people's use of river and river banks, floodplains?
- What are the assumptions being made about men and women? What might be some of the barriers to realising positive outcomes?

Mekong specific

- How is fishing affected by the dam?
- How is the harvesting of aquatic plants and animals affected by the dam (consider in-stream, in paddy fields, use of wetlands, use of river)?
- How is river bank and recession agriculture affected by the dam?
- How are other river-extractive livelihoods affected by the dam (artisanal mining, sand extraction, harvesting river weed, etc)?
- How are non-food household activities affected by the dam (washing, bathing, potable water)?
- How are non-extractive livelihoods affected by the dam (transport services, watering livestock)?
- How will access to water and forests be affected by the dam? Will this change seasonally? Will there be new hydrological flow patterns?

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giamanual

Factors that influence gender roles, division of labour and access to and control over resources

Introductory questions that can be included as a guide to data gathering and data analysis

The following questions should be asked consistently across different communities, as each will provide differing context and responses. In undertaking village level surveys to determine the activity profile and the access and control profile, there is a need to also consider other factors that determine or affect relationships and gender roles.

The differences between women's and men's access to and control of resources are a potential indicator of the power imbalances between them.

To ensure an accurate understanding of the gender roles and relationships within and between communities, there is a need to consider other defining factors, including:

- how much a community is incorporated into market or cash economy and if there is interaction between the community and others, who has responsibility for what actions (that is, who takes goods to market, who leaves the community for paid employment);

- what the ethnicity make up of the community is;
- how this differs from neighbouring communities or dominant population groups;
- is the community indigenous, or have multiple indigenous language groups been included;
- breakdown of socio-economic status within the community;
- understanding of household structures – including women-headed households, widows, group or family households that might include multiple generations;
- understanding of age and responsibility profiles; and
- consideration of access and disability.

As a result of this analysis, there should be an understanding of the structures within the household and within the community. Who holds power and authority? This understanding of relationships and who holds what power and authority within those relationships is a critical step in understanding the gender impacts. This analysis recognises that the causes of gender inequality can be found in both household and community structures.

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giamanual

The access and control tool can be used to consider who would have access and control over benefits that may be possible from the dam project. Good practice will see these benefits agreed in a benefit sharing agreement, which can include such things as percentage agreements for payments to community funds from generating revenues, livelihood improvement projects, employment opportunities and projects for community improvement.

It is important to recognise that compensation for loss of assets, lands and other entitlements taken away by the dam are standard replacement activities for impacts. Benefit sharing should be conducted, in addition to compensation.

The acquisition of land, changes to water quality and availability and environmental damage as a result of the dam can undermine women's capacity to provide food and clean water for families. This can mean that women's workloads increase. Replacing access to common resources (such as water or riverbanks) with services that require payment can also add to the burden and costs of household budgets.

If men control the payment of compensation and the management of funds from revenues, women can be denied access and control over the potential financial benefits of hydropower. This can lead to an adverse impact on gender relations and increase women's economic dependence on men. Using both the activity and access and control profile tools will enable plans to be developed targeted to ensure fair sharing between women and men of hydropower projects benefits and compensation.

The influencing roles of state, market and community institutions

A structural and institutional understanding of social relations provides a foundation for considering how hydropower projects may impact on the community and on gender relations. How a community intersects with different institutions and processes of government is important to consider. Women and men will differ in their responsibilities and opportunities for engagement with outside processes and institutions, be it with the State, the market or the economy. Who represents community interests and community decisions with institutional actors? Is it men? Or women? Or mixed groups?

In contexts where the processes of government and policies are weak or inconsistent, the project developers should take special care to understand how these interact with community and social processes. These can expose gender inequities which can easily be exacerbated by the imposition of the new project. Conversely, they also present opportunity for the project to achieve positive gender outcomes.

Overarching questions to guide an understanding of this could include:

- Which institutions are relevant to community needs? Which institutions currently interact with community? Who is involved in using, accessing and guiding such interaction?
- Which government departments and institutions of government have an authority over community activities? For example, the judiciary, army, police, fisheries and agricultural departments, rural affairs, women's and youth unions.
- Which levels of government are most active in community or at basin level — district, provincial, national?
- How is cash used and managed in the community? Who controls monetary resources and who 'generates' money? Are banking and financial institutions used by the community?
- How does the community interact with markets, such as the buying and selling of agricultural goods, access to markets for selling fish or agricultural products? What community institutions exist? For example, community cooperatives, community-based organisations, community fisheries committees, and land and water user groups.

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giamanual

Undertaking an institutional analysis tool

Using an institutional analysis as part of social impact assessment allows the developer to identify power structures, rules, practices, policies, activities and the influence of institutions. The institutional analysis will expose how these different institutional agents or mechanisms create and influence gender relations, and how effectively they contribute to the achievement of equality or exacerbation of inequality. The project developer can assess how the dam could contribute in this context, and in doing so inform project decisions to ensure that gender inequalities are avoided or mitigated.

Purpose: This tool can be used to capture key institutions and processes or mechanisms influencing community and gender relations. The activity profile can be used as a prompt and checklist to ensure all institutions are identified for men, women and community.

Key questions: What services do you get to help you day by day? Who provides those services? Are there people or institutions you engage with to implement your activity? Are you affected by rules or laws in your activities? What are these rule and laws and how do you know about them? Are they enforced? Do these institutions perpetuate gender inequality?

Tool: Institutional Analysis					
Institutions 1	Department or agency	Policy or mechanism	Interaction with community		
			Men	Women	Community
State and regional					
Department of Agriculture	Agricultural extension officers	<ul style="list-style-type: none"> National policy for seed SRI trail 			
Department of Health	Health clinic staff Hospital staff	<ul style="list-style-type: none"> Public health campaign for malaria 			
Department of Fisheries	Fisheries research Fisheries Regulation	<ul style="list-style-type: none"> Community Fisheries sub-decree Dolphin protection zones 			
Ministry of Natural Resources and Environment	E/SIA section Water resources section	<ul style="list-style-type: none"> EIA law Public engagement guidelines 			
Mekong River Commission	National Mekong Committee	<ul style="list-style-type: none"> Fisheries program Initiative on sustainable hydropower Procedures for Notification, Prior Consultation and Agreement 			
Police		<ul style="list-style-type: none"> Law enforcement 			

Community					
Community fisheries committee	Fisheries Department	<ul style="list-style-type: none"> Protected areas agreement Illegal fisheries monitoring and policing program Seasonal access and fishing regulations 			
Water users group	Ministry of Natural Resources and Environment	<ul style="list-style-type: none"> Access to communal toilets and sanitation Access to potable water or village pump Pump and irrigation management group 			
Religious institutions	Pagoda Monks and nuns	<ul style="list-style-type: none"> Pagoda used as meeting space Religious activities for harvest or seasonal activities 			
Farmers' cooperative		<ul style="list-style-type: none"> Seed bank 			
Market					
Credit union		<ul style="list-style-type: none"> Village level rates Mobile phone credit mechanism 			
Banks		<ul style="list-style-type: none"> Community lending mechanism Loan interest 			
Agribusiness companies		<ul style="list-style-type: none"> Contract farming 			
Other hydro companies	Community relations. Workers	<ul style="list-style-type: none"> Resettlement action plan River basin committees Watershed management rules Grievance/complaints mechanism 			
Mining companies	Community relations. Workers	<ul style="list-style-type: none"> Grievance/complaints mechanism Community fund committee 			
Money lenders		<ul style="list-style-type: none"> Community member Outside money lender 			

This is a sample tool; a template version can be downloaded from www.oxfam.org.au/giamanual

STEP 3: IDENTIFY ISSUES INTRODUCED BY DAM

As a result of the context analysis, project developers should have a clear understanding of the capacity of women and men to respond to change imposed by the dam. Initially from community consultation and engagement, this will be in the form of a set of assumptions about men's, women's and community assets, resources, strengths and vulnerabilities. As such, an iterative process for community engagement should be facilitated so these assumptions are tested with community and with men's and women's groups.

Hydropower dams are often large in scale and because they fundamentally change the nature of a river system, often the impacts are widely felt by society well beyond the immediate vicinity of the dam site and reservoir. As discussed elsewhere, some impacts can be positive but others will have direct and far-reaching impacts on communities that rely on the river or its watershed resources for their life and wellbeing.

Understanding and mitigating the full spectrum of these issues is a critical factor in dam approval processes. Having a comprehensive understanding of how issues intersect with gender roles and relations in communities affected by the project is the next step in gender impact assessment.

While established as a standalone step here, this process would be done in parallel with Step 2.

Common issues that will be experienced differently by women and men that arise in many hydropower projects include:

- Forced or involuntary resettlement;
- Loss of assets — such as homes, houses, fruit trees, home gardens, rice banks, community buildings;
- Loss of land and productive resources;
- Changes to water quality;
- Pollution (air, noise, water, soil);
- Loss of fisheries: the dam acts as a barrier to the river which stops migration of fish; leading to the loss of fish habitat due to inundation of riparian habitats; water reduced in river by diversion to power station;
- Health issues — multiple, including environmentally-based impacts, as well as issues arising from an incoming workforce such as STDs;
- Risk of sexual exploitation and violence; and
- Loss of cultural lands, sites and connection to place

In the Mekong, dam-induced risks and impacts might be experienced in neighbouring countries upstream or downstream of the dam location. Some risks that have gained prominence are:

- *changes to water levels and volumes, and how this affects natural systems, such as the Tonle Sap, the Delta or fishing grounds in northern Thailand;*
- *changes to sediment and nutrient flow through the system, and how this will affect wetlands, downstream agriculture and delta ecosystems and agriculture; and*
- *the barrier effect to fish migrations and fish breeding between the Tonle Sap and upper reaches of key tributary systems.*

At this stage you need to understand the various factors of influence over the project and the trends that will affect the project context, especially how this will be experienced by project affected communities.

These impacts are imposed on communities by the introduction of the dam. In this way, communities can be seen to be bearing risk from the project which is imposed (WCD 2000). The changes which come with the project affect social relations and roles within the community and between communities. The very fabric or make up of communities is often undermined by a project, and for riparian communities in the Mekong this directly affects livelihood strategies, and economic wellbeing. Relocation often takes peoples from their ancestral lands and erodes cultural connection to place and property.

As such, looking at how these project-induced changes intersect with each other will help identify how the imposed risks can be avoided, mitigated or minimised. This should include considering direct impacts and risks as well as indirect impacts that might be experienced far beyond the immediate vicinity of the dam.

Participation of men and women, from all affected communities, should be included to ensure a full understanding of the intersectional issues arising from the project.

Consideration should be given to how the hydro project will interact with and impact on:

- gender and power relations in the community;
- gender roles and responsibilities;
- gender division of labour and workload of women (considering paid and non-paid labour);
- women's access to and control over resources, including benefits that may derive from the hydro project (benefit sharing);
- community management structures and processes and how women are, or could be, involved in general and in relation to assessments and decision-making on the hydro project; and
- community wellbeing, livelihoods and services such as education and health.

Tool: Impact and issue log

Impact and issue log				
Issue/impact	Context			Action/ Response
	Men	Women	Community	
Environmental				
Social				
Economic				
Other				

This is a sample tool; a template version can be downloaded from www.oxfam.org.au/giamanual

CRITICAL VULNERABILITIES IN THE MEKONG

Gender, livelihoods and environmental health in the Mekong

Using a checklist to prompt gender assessment can be useful for project staff in a variety of project processes. For example, the Asian Development Bank has developed really useful sector focused gender checklists to assist their staff and consultants in complying with their policies and objectives on gender, as well as ensuring that their projects 'do no harm' and maximize opportunities for positive gender outcomes. The following checklists use this model to cover key vulnerability contexts for hydropower in the Mekong.

Fisheries

A recent study by the Cambodian Government's Inland Fisheries Research and Development Institute confirmed

"... the critical importance of aquatic resources, particularly fish, to the food and nutrition security of Cambodian people. The study found fish and aquatic resources provide 76% of animal intake, 37% of protein intake, 37% of iron intake, and 28% of the fats intake of the Cambodian population. The fisheries sector is therefore a crucial source of energy, protein and iron for people in Cambodia. ... the construction of the mainstream dams will have the strongest impacts on nutrition ... children and pregnant women are the groups most vulnerable to protein deficiency, as people in these groups require high levels of energy, protein, fats and iron compared to their body mass index." (IFREDI 2013, p.1-2)

In the Mekong, fisheries are key to economic and subsistence wellbeing. Fishing is critical to nutrition and food security. In the Mekong system, migration is vital to the life-cycle of many fish. Dams block the movement of fish, and the effectiveness of fish passage to deal with the huge number and different species of fish has been highlighted as one of the biggest challenges to Mekong dams – particularly on the Mekong mainstream, but also at critical locations in tributary systems such as the lower Se San system in North East Cambodia. Will the project impact upon community access and management approaches to use of waters and aquatic resources? Developers should consider the following in terms of gender roles and responsibilities, and how dams are likely to affect them:

- access and control of river waters for fishing;
- access and control over flooded forests and wetlands for fishing;
- roles and responsibilities in fish processing (such as in the making of prahok¹³);
- fish marketing;
- fish catch, harvesting of fish and other aquatic organisms – wetlands, paddy, pond fishery;
- fish growing – aquaculture;
- who controls the access to common property in fisheries; and
- adaptation of local environments for fish catching and fish propagation.

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giannual

13. "prahok" is the name for fermented fish in Cambodia, a key source of protein for all Cambodians, but especially important for the poor.

Agriculture

Many forms of agricultural production underpin rural livelihoods. These are regularly uprooted or altered by the imposition of a dam and its operating regime. Gendered roles and responsibilities should be understood so that gendered impacts can be avoided or mitigated, with particular emphasis on how the project affects women's involvement, control or power in agricultural production. For example, consideration should be given to:

- access to secure and fertile land for household gardens;
- access to river banks as high waters recede in dry season for establishing gardens;
- use of lands for livestock grazing;
- access to water for cultivation;
- use of wetlands and flood plains for agricultural production and harvesting;
- use of lands for swidden or shifting cultivation; and gendered roles in clearing, planting, tending and harvesting gardens;
- roles in growing of household gardens, fruit trees and other forms of productive plant propagation and harvesting;
- raising of livestock;
- cultural norms and structures in use of ecosystems for agricultural production; and
- marketing and selling of agricultural produce.

Watershed area

Dams will likely require closing off access and use of watershed areas above the dam – “protecting” the watershed from tree clearance and over-exploitation, which thereby reduces erosion from negatively impacting water quality in the reservoir and power plant. How are women's, men's and community use of and access to forests, resources and lands in the reservoir area affected? Consideration should be made for paid and unpaid labour. For example:

- gathering food stuffs for home consumption from forests;
- hunting and catching animals from the forest;
- gathering non-timber forest products for sale, consumption or trade;
- collecting fire wood;
- traditional or cultural activities that make use of forest lands, or specific areas in the reservoir area;
- swidden or shifting cultivation, including roles in clearing, planting, maintaining and harvesting of plots; and
- seasonal use of areas, trees or organisms, and multiyear rotation of cropping lands and use of forest products.

Reservoir

The imposition of a dam on a river system normally generates a reservoir which effectively inundates the river system back from the dam. (Due to operating regimes, it can also lead to a reduced flow below the dam, or the loss of seasonal flood pulses due to a levelling out of water releases.) This will mean that the aquatic environment above and below the dam is changed, losing the diversity that exists in seasonal rivers with their shallows, rapids, sand banks, deep pools, floods and droughts, seasonally flooded forest and wetlands. The newly created reservoir will change the hydrological profile and often generates cold waters (due to the depth), de-oxygenated waters, and with the operating schedule of a dam the flows will be affected. For example, waters being stored for generation and released “out of season”, diverted to power houses and then transferred to other rivers/watersheds (raising the waters in those systems and depleting the waters in the original river). Fish will be blocked from moving up and downstream, and the new still, deep environment of the reservoir will not be suited to many species. As mentioned before, all these changes can impact agriculture, fisheries and access and use of watershed environments. Understanding the different uses and control and responsibility over the

river and its resources between men, women and communities can be identified as follows:

- How will the dam change the natural riparian ecosystems and how women and men make use of those ecosystems?
- Will women and men be allowed to access the reservoir area and will they have rights over use of aquatic species?
- How will water quality and quantity be affected and what will be the impacts on the current use of the river and its waters?
- Will people be forcibly resettled from the reservoir area? Women and men and the community should be consulted about the use and access to their lands, waters and territories. They have the right to give or withhold their free, prior and informed consent about their resources.

Downstream

The downstream environment and the impacts of the dam on the natural system and peoples' livelihoods have been regularly overlooked and under-assessed. A dam will block the free movement of fisheries up and downstream, it will block the flushing and movement of sediments and nutrients between uplands and downstream wetlands and deltas, it levels out and reduces or removes the flood pulses which reverse the flow of the Tonle Sap and seasonally charge the lowlands with wet season flood waters. All of these are critical aspects to Mekong livelihoods, which have gendered responsibilities and roles. The way a project will affect the downstream environment should be understood, and this may well be across national borders and language groups. Some areas that should be considered:

- How will the design of the dam and its operating schedule affect downstream flows? What will this effect be like at different seasons? From this, how will these changes affect the use and access of waters and the river, by men, women, young, old and communities? Has consideration been given to how changes will impact the needs of people with disability or people with other specific needs in their access and control over resources and assets?
- Will people lose access to lands or productive resources?
- Is the flow of the river likely to change how people use and access the river at different times of day or different seasonal times?
- Will the management of the dam affect how the river's flow will change, how the river intersects with its river banks and wetlands and the natural and productive systems related to these?
- Will the changed river's regime likely stop cultural or social activities or access to natural or built environments (such as making a river unsafe for transport due to high flows) or will the unpredictable nature of the river endanger use of the river by children, the elderly and women undertaking household chores?
- Will the river's regime endanger people's use of the river bank — for gardening, for storage of fishing gear and boats?
- Will people lose their homes, farmlands or community lands as a result of the dam and its operation (such as by increased flows below the power station)?

STEP 4: UNDERSTAND WOMEN'S (AND MEN'S) NEEDS AND ASPIRATIONS

"Where dams achieve an improvement in living standards in impact areas, this can have a positive spill over effect on gender equity" [WCD 2000, p.116]

Having undertaken the baseline assessment, gathered the sex disaggregated data and identified the issues that the project will introduce from a gendered perspective, it is now a good opportunity to explicitly undertake a process to understand women's needs and interests. And from this consider how the project can respond to these needs.

This will involve assessing the practical needs of women, as well as the potential that the project has to positively address women and community needs.

Using gender assessment the project will assess:

- What women need to help them in their roles and responsibilities (their practical gender needs).
- What women need and what structural or institutional change is required to achieve greater equality in the community (what are the strategic gender interests?).

In this way dams have the potential to play a **transformative** role in gender relations and women's equality. However, so that this is sustainable and culturally appropriate it is particularly important that determining strategic interests and needs is undertaken through a strong participatory and consultative methodology. Projects can make resources available to enable aspirations of affected people to be realised. When assessed against overall project costs this can be a very small amount, and yet make considerable contribution to achieving and maintaining a social licence to operate with project affected communities.

It should not be left to consultants or experts to pre-determine what women need and want, but rather the project should facilitate processes and opportunities for women's voices to be heard equally alongside men's. This should be done in context of recognising different ethnicities or indigenous peoples, so that indigenous men and women are heard equally with non-indigenous peoples. Care should also be taken in establishing this assessment phase to ensure that other minorities or population groups, who may have difficulty accessing community or public meetings, are also actively involved — such as by facilitating household level meetings with women-headed households or with the households of people living with disability.

Basic checklist for women's participation

- Have you translated documents into language and form that means women have the same access to information as men?
- Have you set up separate meeting opportunities with women's groups?
- Have you set up meeting opportunities for women of different status, age, ethnicity and are you sure you have heard from women of all socio-economic and ethnic backgrounds?
- Have you provided women facilitators? Have you involved women from local/national backgrounds with language and cultural competencies?
- Have women been involved in decision-making meetings equally to men?
- Have women been involved in report back and review processes from the E/SIA or gender impact assessment process?
- Have meetings been conducted at times of day, and with seasonal busy periods in mind, that respect women's multiple work responsibilities?
- Have women's organisations or women's leadership groups been involved in consultation and decision-making?

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This is a sample checklist; a template version can be downloaded from www.oxfam.org.au/giamanual

A needs assessment looks at the practical needs of women, but also their status and power in society. Practical needs are those that allow women to do what they do now. Meeting practical needs will maintain the current status quo of gender relations.

Strategic gender interests identify what will help women achieve greater power and control over their own lives and within the society. Strategic gender interests work from a starting point that women in many contexts will have less power and will have lower social status than men. Taking a strategic gender approach means recognising women's rights and transforming the power imbalances in society, community and family that restrict women from realising their rights.

Assessing the practical interests alongside the strategic needs of women allows for consideration of how a project will affect women, as well as how the project can avoid exacerbating inequalities between women and men, and how it can contribute to positive changes in women's lives.

As such, for companies the understanding of both practical and strategic needs of women is useful for project processes which are assessing project induced impacts and mitigating risk.

When combined with some of the other important assessment tools such as the access and control profile, a gender needs assessment will help project staff identify opportunities for strategic interventions. For example, it can be used to inform negotiations and scoping of possible benefit-sharing mechanisms or in the identification of options in involuntary resettlement and livelihood restoration projects.

Many of the project decisions negotiated between a company and dam affected communities will benefit from use of a gender needs assessment. In doing so, a company and their government counterparts can realise positive gender impacts.

Needs Assessment and Strategic Interests Tool

Purpose: This tool will help you to understand women’s needs as they exist now in their current context. In parallel, consider what would need to change or could change to advance the interests, status and power of women in the home, community or society.

Initial data can be extracted from other tools such as activity profiles and access and control profiles, but should then be discussed and refined, based on inputs from men and women. Many of the strategic needs and interests have inherent assumptions attached to them, so these should be further explored and defined where communities of different ethnicities, language groups or cultures are present in project impact areas.

Key questions: What do men and women need to sustain their current lives? What do men identify as priorities? What do women identify? What are identified as shared needs? What could help women gain more control and realise longer term benefits? What do women state as their aspirations for the future?

A gender needs assessment can be recorded in a simple table. This information should be gathered through dialogue with women, with men and with mixed groups. The following table gives some examples for the type of needs that could be assessed and achieved in a hydropower context.

Gender Needs Assessment	
Women’s practical gender needs	Women’s strategic gender needs
<ul style="list-style-type: none"> • Access to riverbanks for gardening • Access to forest for harvesting non-timber products • Access to river and clean water • Firewood • Home gardens • Fishing gear • Fish processing resources • Seeds and productive plants (in resettlement) <p>Needs related to river management and governance:</p> <ul style="list-style-type: none"> • Access to market for selling fish • Access to boat/transport • Specific training related to project imposed change (eg changed agricultural practice) • Paid work 	<ul style="list-style-type: none"> • Community resource agreements that equally include women and give women’s access to productive land • Representation and collective organisation in fisheries committees • Representations and collective organisation in village decision-making • The right to speak out • Skills in leadership and leadership positions in the project or community • Education opportunities • Women gaining titles to land • Cash

Adapted from March, Smyth and Mukhopadhyay 1999, p. 61

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This is a sample tool; a template version can be downloaded from www.oxfam.org.au/giamanual

Women's empowerment

"Given the gender-blindness of the planning process, large dam projects typically build on the imbalance in existing gender relations. For affected communities dams have widened gender disparities either by imposing a disproportionate share of social costs on women or through an inequitable allocation of the benefits generated." (WCD 2000, p. 114)

We have established that the project will have gender impacts. These have potential to be positive, but as highlighted by the World Commission on Dams and other scholars [Scudder, T. *The Future of Large Dams*, 2005], too often hydropower projects will actually exacerbate gender disparities.

For a project to avoid this, it is vital to analyse how the dam project responds to women's needs and interests, and how its development will affect gender relations within its impact zone and sphere of influence.

A useful tool for this process is the Women's Empowerment Framework (WEF), which assesses women's situations and needs relative to men's. This assessment delivers a relational understanding of where women and men sit on a range of development measures. Often used for assessing poverty, the WEF allows the project developer to assess whether and how the project will have positive outcomes for women in relation to men.

The WEF suggests there are three categories or levels that a project can be assessed against:

1. **Negative** level: where the project will impact women negatively.
2. **Neutral** level: where the project will impact men and women equally.
3. **Positive** level: where a project will have a positive impact on women's needs and interests and will improve women's position relative to men's.

The WEF relies on a scaled approach to assessing equality and measuring empowerment. Assessing against five levels of empowerment, starting at the lowest (or least transformative), it can be used to assess women's equality status as a result of the project. The five empowerment levels are:

- i. **Welfare**: women will receive material compensation or project benefits.
- ii. **Access**: women achieve legal status, reform of access rights to productive resources and factors that affect production such as labour, equity and resources equal to men.
- iii. **Conscientisation**: the difference between sex roles and gender roles is understood, that women and men have equality in gender division of labour, and domination is removed.
- iv. **Participation or mobilisation**: women are equally involved in project level decision-making and design, assessments, project mechanisms and management processes.
- v. **Control**: women are equally involved in decision-making and this affects the balance of control over other gender roles and responsibilities.

In many hydropower projects outcomes for women tend to be at the welfare end of the spectrum, where tangible "products" are given to women (and men) such as new houses, new market space or seeds provided to re-establish home gardens after involuntary resettlement. But where gender has been better integrated and women's participation in project planning and decisions is systematic and meaningful, there is greater opportunity to have outcomes realised that are more transformative in nature. This means that women's strategic interests can be addressed by a project.

Women's Empowerment tool

Purpose: The purpose of this tool is to record what project activities and programs have been established and why. It encourages project staff to be explicit in their assessment of why these initiatives are important, and to think through how they could be strengthened or enhanced to positively contribute to women's empowerment.

Key questions: Have women been consulted in the establishment of the project response or activity? Have they been involved in decisions based on full information and with options? Have women been engaged in planning processes for the activity? Have project staff considered how the initial activity could be supported over time to be more empowering for project affected women?

The following table gives an example of how this WEF approach could be adopted in a hydropower context. The examples should be expanded and adapted to local context.

Analysis tool for women's empowerment						
Sector	Project response or activity	Level of concern with women's welfare				
		Welfare	Access	Conscientisation	Participation or mobilisation	Control
Employment/ economic activity						
Home gardens	Seeds provided by company for resettled households					
Household aquaculture	Fingerlings provided by company					
Women farmers cooperative formed	Financial funding					
Women equally represented on village committees	Women can access per diems for their time Work with government to ensure equal representation of men and women					
Education						
School built	Identified in resettlement plan; budget					
Bridge built	Identified in resettlement plan; budget					
Bus	Supplied by company					

Teacher	Teacher house built with school; work with provincial government to ensure support of teacher					
<ul style="list-style-type: none"> • speaks local language • lives in village • female 						
Resources						
Land rights	Work with government to ensure titling includes names of women and men					
Water rights	Have provided resources for establishment of women's water groups; have identified women's priorities					
Forest access and use rights	Have dedicated watershed forest for community access and use; have set up community forestry committee, including men and women					
Household services						
Connection to electricity	Have supplied energy to all houses in resettled and host community					
Water tap stands	Have developed plan based on women's priorities					
House reconstruction	Designs and decisions have involved women					
Irrigation channel	Have involved men and women in identification of channel trace, offtakes and rights/use access					

This is a sample tool; a template version can be downloaded from www.oxfam.org.au/giannual

STEP 5: GENDER STRATEGY AND ACTION PLAN

It is recommended that a standalone gender action plan and strategy is developed. Many projects may incorporate gender data and responses into a social impacts management plan. The gendered analysis and understanding should be included in other management plans as well if gender has been mainstreamed through the project. Where investment in mainstreaming has not been undertaken, or the rollout of a mainstreamed approach may be incomplete, then it is recommended that a standalone gender management plan is developed, which identifies key policy and management areas that should be prioritised, implemented, resourced and monitored.

The assessment carried out in Steps 2–4 will indicate significant impacts on men’s and women’s equality and/or opportunity, and it is necessary to consider recommendations for how they can be avoided or minimised. Various options exist for this, ranging from simply assessing adequate compensation for impacts, through to completely stopping the project if the impacts or risks are too great. The majority of projects will have the capacity for redesign to avoid, minimise and mitigate negative gender impacts and these are often implemented alongside compensation and benefit sharing negotiations. Any changes to the project based on findings and recommendations from the gender impact assessment should be developed in consultation with stakeholder groups, inclusive of women.

By developing a project specific **gender action plan**, informed by the gender impact assessment, the project should have a clear roadmap with specific, measurable and targeted interventions, including indicators, aimed to address predicted or possible unintended negative impacts on gender relations and women’s rights.

The gender impact assessment and gender action plan (GAP) is a guide for decision-makers in the project. These will include gender management strategies which the project developer or operator can use to guide project implementation. They can also be useful tools for reporting to regulatory or compliance bodies and will often be required by financiers. Gender action plans should include budget and resource commitments and timelines. Some entities will require gender action plans to be developed to mirror other project processes and outputs, which in design should ensure that gender is not forgotten or de-prioritised.¹⁴

As part of the action plan, a company should develop a **gender risk awareness and compliance strategy**. This is an advantageous investment as it can be used across the project cycle. The strategy can be utilised to inform future decisions, and including a checklist can help managers from different business units identify opportunities and requirements for incorporating gender into their business processes. The checklist can be used during regular monitoring, evaluation, sustainability assessment or corporate social responsibility audit processes. Care should be taken to ensure the checklist is measuring outcomes as well as activities, and that it is used to cross-reference commitments raised through specific analyses conducted for gender relations, women’s needs and women rights.

¹⁴ The Asian Development Bank, for example, uses an approach where the GAP is incorporated into other project documents. It will include “... clear targets, quotas, gender design features and quantifiable performance indicators to ensure women’s participation and benefits. Key aspects of the GAP are incorporated into project assurances to encourage buy-in from executing agencies and other project partners.” (ADB 2013)

What makes effective gender action plan and strategies? A checklist

Quality social and gender analysis:

- Social and human rights impact assessments should be undertaken, inclusive of gender impact assessment.
- Constraints to participation for women and men are identified.
- Possible short- and long-term benefits are identified for women and men.
- Project activities are developed to enable women's participation and allow the realisation of benefits for men and women.

Design Gender Action Plans (GAPs) and Implementation plans:

- Gender Action Plans and strategies provide clear direction to project staff of expectations, opportunities and minimum standards. Staff reward and remuneration are aligned to gender outcomes.
- GAPs should be publicly available, incorporated into project management plans and monitored consistently.
- GAPs implementation plans provide detailed project activity commitments and targets, are budgeted and identify responsibility between project business centres, departments and implementing agencies.
- Project activities are designed with women's and men's active involvement and are informed by men's, women's and community plans and priorities.
- Monitoring and review of GAPs should include assessment of outcomes not just activities.

Realistic targets and regular monitoring:

- Opportunities should be identified for benefits for men and women equitably. These should be developed within existing structures and processes initially, as well as identifying opportunities for longer term transformation.
- Identify targets which are understood and shared by the community – including specific targets for men, women, and sub-groups within communities.
- Routine monitoring of gender-related targets and activities.

Gender capacity building and gender specialist expertise within the project team and within implementing agencies of government, private contractors and NGOs:

- Provide formal training on corporate policies (where they exist) and on gender awareness more generally. Include training on the gender impact assessment and findings and how it will be used within the business cycle and project management.
- Ensure ongoing support and mentoring are provided to project staff, government counterparts, private contractors and NGO implementers.
- Ensure expertise in gender exists in project teams, and that these staff have mandate and authority for the gender action plan in other management areas.
- Rewards for good gender performance are built into employment packages for project staff.

Adapted from Hunt, Thomas and Lateef 2007, p. 51

STEP 6: REVIEW, AUDIT AND RESPOND

This chapter looks at the importance of monitoring and reporting; emphasising the importance of participatory processes to ensure that the planned and predicted outcomes achieve what they intended; and where they have gone awry, allowing for adjustments and investments to ensure that a project is brought back in line with agreed or renegotiated outcomes; and monitors against unintended gender impacts. In doing so, in a participatory and transparent way, the project developer/operator is more likely to sustain maximum positive outcomes for men and women across the project's impact areas.

Assessing the project using a gender audit

Once the gender impact assessment has been concluded and a gender action plan agreed upon with affected men's, women's and community groups, there is a need to monitor and review against actual impacts and outcomes.

A valuable tool for assessing the plans and strategies is to conduct a gender audit. This should take two forms, which can be undertaken as standalone or linked processes.

1. **Independent audit by gender experts:** This process can be done as part of annual or milestone reporting. Another option is to initiate it as part of a due diligence check before taking a project through a particular milestone decision point. It will give the project managers and project financiers confidence that the gender risks have been assessed and that there are appropriate strategies and resources in place to avoid, minimise, mitigate and compensate risks.
2. **Participatory gender audit:** This is led and controlled by project affected women. It should be facilitated by the company, but again, run with independence from coercion or control. As such, undertaking it as a critical part of the independent audit is a useful strategy. But it can also be facilitated as a standalone process where community women are given the tools and training to conduct their own audit. This can be done as a key pillar in community/company relations and help inform dialogue and identification of issues.

An audit serves a number of purposes:

- looking at actual impacts;
- measuring accuracy of predicted impacts and outcomes;
- providing a structured process to hear from affected women and men, and to understand their experiences from their different perspectives;
- measuring the effectiveness of mitigation measures and assessing adequacy of compensation, which is especially important in the context of resettled communities and livelihood improvement programs;
- testing the efficacy and efficiency of benefit sharing mechanisms, particularly in terms of equality and empowerment of women; and
- identifying how benefit sharing and grievance mechanisms are working for men's and women's interests.

When should an audit be undertaken?

Hydropower projects have long lead times from early inception to final commissioning. While the build up to implementation may take years, impacts can be felt right from the earliest stage of on-site activities. However, outcomes and impacts may not emerge immediately, and sustained monitoring is likely to be required to assess efficacy accurately. In this context, impacts and outcomes for gender should be monitored throughout the project cycle and well beyond the commissioning date.¹⁵

Key vulnerability points for gendered impacts include when:

- land is appropriated and mitigation and compensation are negotiated;
- resettlement is undertaken; and
- contractors and construction staff are on-site and housed locally.

When the gender action plan is negotiated and agreed with communities it is important to consider if adequate attention has been given to these contexts.

15. In the context of policy requirements under IFI lending, audits can be useful checks beyond the project closure dates or full loan disbursement.

When communities are displaced by dams, livelihood improvement or livelihood restoration programs are some of the most common project interventions to mitigate impacts. These should be of special focus within any monitoring and audit process. Participatory or community controlled audits are key tools to help understand how these projects are tracking against agreed outcomes included in the gender action plan.

An audit can be usefully conducted across the different stages of the project's development. A gender audit presents an opportunity for project developers to check on realised outcomes for men and women, rather than relying on predicted or macro data that can skew realities between men and women. Repeating audits will help project managers track progress and change, and identify systemic gaps as well as opportunities for sustainable outcomes.

Using an audit to improve performance

The audit will require a close assessment of the baseline conditions for women and men, and look at gender change in different populations and sub-groups within communities. In the context of Mekong hydropower and its impact on men and women, the following are some critical indicator groups that should be considered in a gender audit:

It should also examine these for host communities where in-migration has occurred, especially for newly "constructed" communities where people have been resettled to new village sites.

- Access and control over river banks, agricultural and forest land and animal resources;
- Access to water, river resources and aquatic organisms, health and numbers of aquatic species in rivers and water resources;
- Quality of water;
- Predictable access and use of water;
- Access to new services — electricity, markets, health services, water, education (schools and training) — especially looking at how this has been accessed and used in women's strategic interests compared to practical needs;
- Infrastructure development — how is it used, who is using it and for what purposes? Who controls its use?
- Employment opportunities and conditions — over time, current, and expected in the future;
- Health constitutions — including maternal and child health, prevalence of STDs against baseline;
- Mobility of population — seasonally and overall;
- Gender based violence;
- Public health and community wellbeing — how is this affected by the project?
- Pollution and disturbance — air, water, noise, agricultural and horticultural lands.

CONCLUSION

Significant opportunities exist for hydropower companies to use gender impact assessment within their business cycles. This manual provides some simple tools to help companies make gender impact assessment standard practice in their operations. It is suggested that this can be most logically done as part of social and human rights impact assessment and due diligence processes.

In doing so, companies can help give an increased voice to women's perspectives, their needs and interests.

In using gender impact assessment to inform management approaches and resource decisions, companies can position their projects to be more responsive to women's needs and interests. As a consequence, they can significantly reduce project risk and also identify more sustainable outcomes for project affected peoples. Companies can use gender impact assessment to demonstrate their commitment to women's rights, gender equality and women's empowerment, thereby establishing sustainable business practice and corporate responsibility.

For hydropower companies to avoid and mitigate gender impacts from their projects, it is recommended that the gender impact assessment:

- is based on a strong baseline understanding of the river system and its people before the project, including sex-disaggregated data;
- understands the gender needs and interests of women and men within project affected communities;
- has a detailed understanding of the gender impacts that the project will introduce to affected communities and how these can be avoided and mitigated;
- identifies opportunities to advance women's practical needs alongside those of men, but also promotes strategic interests of women; and
- in dialogue with women, identifies project opportunities for contribution to gender equality and women's empowerment. The gender impact assessment should inform the development of gender action plans and strategies, which are created in close consultation with and participation of affected women and men. These will inform other critical processes such as the scoping and negotiation of benefit sharing agreements, compensation packages, and community resource funds and projects. As such, ensuring the gender plan is mainstreamed within other management plans and monitoring processes will mean it is more likely to deliver sustainable outcomes for projects, and for the women and men impacted by the project.



Nuy Socheata (name has been changed to protect identity) overlooking the Mekong river nearby the site of the proposed Sambor dam in Cambodia. Her village will be affected by this dam if it proceeds.
Photo: John Sones/OxfamAUS

APPENDIX — HSAP AND RSAT: HOW DO THESE HYDROPOWER INDUSTRY TOOLS INCORPORATE GENDER?

This chapter examines how two hydropower sustainability assessment tools — the Hydropower Sustainability Assessment Protocol (HSAP) and the Rapid Basin-wide Hydropower Sustainability Assessment Tool (RSAT) — incorporate gender. Both of these relatively recent tools are now in the public domain and are being considered by companies and government stakeholders today in the Mekong region.

Target audiences and differences

The two tools have some similarities but also a couple of important differences in their focus and how they are operationalised.

The HSAP is written with the hydropower industry as the primary target audience. It is focused on assessing an individual project, or suite of projects (such as a cascade of dams). The protocol assesses a project against sustainability considerations — called topics — for a hydropower project, and enables production of a sustainability profile for that project. The protocol includes standalone assessment tools designed for application at different stages of a project's development: the Early Stage, Preparation, Implementation, and Operation stages.

The RSAT on the other hand is designed to assess sustainability on a basin scale — not considering individual projects. It is framed within an Integrated Water Resources Management (IWRM) approach to development and was developed through collaboration by the Mekong River Commission, World Wildlife Fund, and the Asian Development Bank. There is a relatively consistent alignment of topic areas and scoring approach between the two frameworks, but the RSAT is more specific to sustainability issues in the Mekong context (given this was the context of its development), focusing on transboundary assessment and emphasising areas such as fisheries as higher level topic areas.

In their initial uptake and rollout both tools are being used as a means of encouraging stakeholder dialogue, and generating an understanding of specific projects and basins considering a broad spectrum of sustainability topics. They use a suite of assessment criteria and guide a “sustainability scoring” of topic areas by outlining expectations for good and best practice, or low performance. To date most use of the RSAT has been with government counterparts, while the HSAP is mainly being considered by member companies of the International Hydropower Association.

HYDROPOWER SUSTAINABILITY ASSESSMENT PROTOCOL

What is it? How does it work? Why was it developed?

The Hydropower Sustainability Assessment Forum was initiated through a collaboration of the International Hydropower Association, World Wildlife Fund and The Nature Conservancy. With 13 members drawn from different sectors and stakeholder groups¹⁶ as well as a coordinator and Chair, the Forum operated as a quasi multi-stakeholder initiative. The Forum was critiqued because it did not include a member from developing country non-government organisations, project affected peoples, or expert membership bodies such as those associated with involuntary resettlement.

The primary output of the Forum negotiations was the Hydropower Sustainability Assessment Protocol (HSAP). The protocol adopts a mainstreaming approach to including gender, as it also does for other important areas of sustainability for hydropower, such as climate change and human rights. The following section explains this approach, and identifies gaps and how these could be improved.

Useful outputs of the Forum process, beyond the protocol, are captured on the IHA sustainability protocol website knowledge base (IHA 2011a). Importantly there remain some critical areas of non-consensus in the HSAP — these relate to expectations around determining what is “basic good practice” in Free, Prior and Informed Consent and Involuntary resettlement.

The protocol is an assessment framework that works at different stages of project development. It can deliver a sustainability profile for a project based on project performance and outcomes across a range of sustainability issues. These are called “sustainability topics” in the HSAP.

The suite of sustainability topic areas for the protocol is outlined in full on p. 41. Environmental, social, technical, economic/financial and integrative perspectives are explored through more specific protocol topics. These topics are defined by a common approach, which includes a statement of description and intent; scoring statements across five levels where “5” represents best practice, “3” good practice and “1” no/poor performance. The scoring statements are informed by criteria specific to that topic, at that stage of the project's development. Finally, assessment guidance is provided which outlines for the assessors and the company users' key definitions, examples, and concepts referred to in the topic and criteria. These should guide the assessors to make judgement on scoring.

16. Forum members were invited from the following stakeholder groupings: developing country governments, developed country governments, the hydropower industry, the environmental and social NGO sectors, and financing sector. The author of this manual represented Oxfam in the Forum.

The protocol is developed as a set of standalone tools for use at different stages of development of a river and a project: early stage (before there is a project), then preparation, implementation and operation. The last three project-oriented tools set out a graded scoring system to assess performance against statements of good to best practice within the industry.

The process of undertaking an assessment requires measurement against objective evidence and documentation. Scoring reflects this evidence base and should be factual, reproducible, objective and verifiable. While problematic to establish in application of the protocol, it does recognise the validity of verbal evidence from project affected peoples — important for gender-based information. There are six criteria areas for assigning scores: assessment, management, stakeholder engagement, stakeholder support, conformance/compliance, and outcomes.

As previously discussed, the protocol was developed as a tool for industry to assess projects for sustainability. The World Commission on Dams had earlier established a new framework for developing water infrastructure — recommending a rights, risks and negotiated outcomes approach — but the International Hydropower Association and some other key stakeholders responded to this framework by claiming it did not deliver a practical tool for developers.¹⁷ It was in this context of practical tools for industry that the Forum developed the protocol.

HSAP approach to gender — how the protocol addresses gender

The HSAP adopts a cross-cutting approach to gender. Gender, along with human rights, climate change, corruption, grievance mechanisms, IWRM, transboundary issues and transparency are among some of the “high profile issues” that the protocol identified. Despite being high profile, these are not identified as sustainability topics, but rather the protocol includes consideration of them in various areas throughout the framework. A summary of where gender appears in the protocol is outlined on p. 19.

What this means in practice is that gender can easily be “lost” in the process of considering what is important when assigning performance scores. It is unclear how cross-cutting issues in the HSAP are reflected in scoring decisions. If a cross-cutting issue is not reflected in scoring statements but only in the Guidance notes, as is the case with gender, then there is no clear basis for the assessor to include it in a scoring decision. This raises the methodological question of how cross-cutting issues are assessed and reflected in scores, if they do not explicitly appear in scoring statements.

For example, in topic P5 on Environmental and Social Impact Assessment and Management in the Preparation Stage, gender is not addressed at all in the topic description and intent, nor identified in any of the scoring statement at any level. The one place that it is identified is in the Guidance Notes for that topic — as one of the many examples of evidence for an assessor to consider:

“Key social issues include project-affected communities, indigenous peoples, ethnic minorities, resettlement, cultural heritage (both physical and non-physical), and public health; and are analysed with respect to socio-economic indicators (including living standards, livelihoods, and health statistics) as well as gender. Social impacts of the project that extend beyond the jurisdictional boundaries in which the project is located would need to be assessed and included in management plans.” (IHA 2011a, p. 60)

HSAP in application: how gender assessment is measured; how an assessor is required to assess and measure a project’s impact on women and men

The protocol is a public document, openly accessible but controlled by terms and conditions of use. Its official use is limited by licence from the IHA and governance committee for official protocol assessments. A set of terms and conditions guide the use of the protocol and what claims can be based on its official use. It can be used for unofficial assessments — interest in this to date is largely from self assessments conducted by hydro operators and developers as learning exercises.

The use of accredited assessors is required by the IHA to undertake official protocol assessments. The IHA has assumed the role of the management entity overseeing the protocol, while its governance is in the hands of the Hydropower Sustainability Assessment Council, made up of a central governance committee with sector chambers.

17. Oxfam supports the WCD framework as the pre-eminent tool for achieving sustainable development of rivers, while protecting the environment and advancing the rights of river communities. Oxfam joined the HSAP process with the aim to ensure the WCD approach was reflected in the HSAP. Areas of non-consensus in the protocol are indicative of where this aim was not achieved. The HSAP identifies these as priority areas for future review and revision of the protocol.

Limitations in public access and transparency

While the protocol is publicly available and open to scrutiny for how and where it does and does not address gender impacts and opportunities, the accreditation of assessors and conduct of assessments is more closed. The IHA states that all assessments use standardised methodology and materials designed for sustainability partnerships but none of this is publicly available. The requirements, training, assessment tables and scoring sheets for the assessors are not publicly available either. While there are many disciplines and areas of expertise required to make up assessment teams, ensuring basic competency of trained assessors in gender analysis and gender assessment should be the one key way in which the protocol could help promote improved gender practice in hydropower.

Shortcomings:

- The sustainability assessment is captured simply using a spider diagram to represent the scores. As gender is not considered in scoring statements, there is no representation of gender as an important consideration for sustainability in this key communication tool.
- Scores are recorded by assessors using a matrix approach, with their justification against consideration of evidence. As described previously, gendered performance or approaches are not an explicit requirement in any scoring statements in the HSAP so gaps in gender practice therefore cannot be reflected in scoring decisions.
- There is no direction for the consideration of the high profile and cross-cutting issues in reporting and marking scores for sustainability.

Recommendations for HSAP

- The HSAP should be independently reviewed and rewritten to include gender and women's rights more centrally and comprehensively, including assessing the efficacy of the cross cutting approach to gender (and other core sustainability areas).
- With in the current structure of the protocol, this could best be achieved by:
 - elevating gender to a topic area and in doing so ensuring that gender performance is measured and reported against as a key sustainability area,
 - including gender considerations more consistently across the assessment guidance; and
 - incorporating gender and women's empowerment into scoring statements for basic good practice, and thereby have gender performance better reflected in scoring decisions.
- HSAP accredited assessors should have competency in gender analysis and gender impact assessment; and/or assessment teams should be required to have at least one member with this competency and expertise.
- The HSAP should look to include gender impact assessment explicitly within its expectations for 'assessment' and 'management' good practice in gradational scoring.
- Ensure gender impact assessment is included in training and competency assessments for Protocol assessors.
- The HSAP should be a fully open source tool, including making the protocol assessor's guidance and the tools for assessment publicly available.
- Once these are publicly available, a gender review of the tools, training and selection criteria for assessors and assessment teams should be undertaken.

RAPID BASIN-WIDE HYDROPOWER SUSTAINABILITY ASSESSMENT TOOL

What is it? How does it work? Why was it developed?

The RSAT identifies 10 topic areas¹⁸ for sustainability with 27 sub-topics. Each sub-topic consists of four common criteria that are assessed in all topic areas. The four criteria provide a framework for assessing topics against four key areas of responsibility for IWRM and hydropower development. Each topic area has a number of performance statements, which outline the expectations and focus of the topic area in balancing the IWRM and hydropower aspects.

The four criteria are:

1. **River basin planning and management**, which looks at the different sectors and interests involved in rivers and how they are represented and considered in basin planning and management, and the quality of basin-wide baseline data across sectors.
2. **Energy/power sector planning and regulation**, which looks at the policy and planning for energy and power within the basin, with a focus on hydropower. It also considers how hydropower and water use planning is developed.
3. **Hydropower projects**, this looks at the individual and combined plans, studies and management actions of all hydropower developers and operators in the basin. It also considers how these are coordinated, and how other users of water within the basin are considered and involved. Considers projects at all stages of development and operation.
4. **Regulatory and governance**: considers the regulatory and planning frameworks for hydropower and water resource management. This looks across all the scales — from local to international and how they are enforced and implemented in practice. (RSAT 2013)

RSAT approach to gender — how the RSAT framework addresses gender

In the latest draft of the RSAT,¹⁹ gender analysis and understanding is expected in two key areas:

- i. In the Criteria within some sub-topics. For example, sub-topics *4.2 National to local benefit sharing*, *5.3 Food Security and poverty alleviation*, and *5.4 Indigenous peoples and ethnic minorities*, all identify the importance of considering gender and women's interests in the RSAT process.

- ii. In the Guidance Notes and Definitions for some of the topics. For example, Guidance Notes and Definitions for *Topic 5 Social issues and stakeholder consultation* identifies the importance of sex-disaggregated data with social data collection; and in considering social risks and defining meaningful consultation, the RSAT identifies the importance of gender inclusive and responsive processes.

The RSAT Assessment Guide, which informs the expectations and processes for undertaking an IRSAT assessment, does not require gender data or gender expertise.

RSAT in application: how gender assessment is measured; how an assessor is required to assess and measure impacts on women and men

Key to an RSAT assessment, similarly to the HSAP, is the collection of evidence and data. As such, gender data and sex-disaggregated data may be collected and considered in an assessment, but it is not required to undertake the assessment. Performance statements which do identify gender considerations would however require the assessors to gather gender data. As such the topics mentioned previously, it might be identified as a gap during an assessment. Similarly to the HSAP, gender expertise is not required as part of the assessment process and participation of women, and of women within different stakeholder groups, is not required.

The processes of conducting the assessment presents opportunity for gender assessment and gender inclusion. The selection of the facilitator for the RSAT is identified as critical, but does not indicate expertise in gender as a criterion for selecting that facilitator. Similarly, the conduct of the basin field visit is identified as an important opportunity for gaining an on-ground understanding of the basin and identification of important issues — but does not identify gender considerations in the list of context deliberations for selection of sites and issues.

If these factors are in place by chance, there is a real possibility that an RSAT assessment could meaningfully consider gender in its dialogue and rapid assessment. But because it is an accidental rather than deliberate focus, the RSAT could also miss important opportunities to take into account gender and women's experience, needs and interests.

18. While there are some important differences specific to the Mekong context of the RSATs development, there is also an intentional alignment in RSAT topic areas to the HSAP.

19. At time of writing, the RSAT 2010 is publicly available. The RSAT is produced as an open source document with new drafts being developed on an ongoing basis; a 2013 draft which has incorporated gender to a greater extent than the 2010 version, is yet to be publicly released. Analysis and recommendations herein are based on this 2013 draft unless otherwise stated. This was sourced August 2013.

Recommendations for RSAT

- Address aspects of the RSAT where gender is not explicitly identified as it undermines gender inclusion in other areas of the RSAT. For example gender considerations could be included more clearly in the key principles for IWRM and hydropower which frames the RSAT tool. Further, explicit identification of gender should be included in the following principles:
 - i. **Engaging stakeholders and protecting rights and entitlements;**
 - ii. **Equitably sharing the benefits and costs of development;** and
 - iii. **Addressing poverty and food security in hydropower basins.**
- Consider strengthening Topic 5 Social issues and stakeholder consultations, by including a new sub-topic Gender and Women's needs and more clearly identifying gender in the intent and performance statement for Topic 5. Sub-topics 5.3 Food Security and poverty alleviation and 5.4 Indigenous peoples and ethnic minorities present strong approaches to considering gender impacts and consultation with men and women.
- Strengthen mainstream approach: Incorporate a more systematic and consistent approach by including gender explicitly within the Criteria descriptions for River basin planning and Hydropower projects. The approach adopted in sub topic 4.2 National to local benefit sharing, under Topic 4: Equitable sharing of hydropower costs and benefits, presents a good model. "Basin-wide planning includes provision for distribution of hydropower costs and benefits across sectors and communities in the host sub-basin. Specific plans exist for women, ethnic groups and other sub-groups to access benefits ..." (RSAT 2013, p. 21).
- The RSAT assessment guide presents a number of opportunities for better consideration of gender issues and gender impacts in an RSAT process, such as:
 - ensuring that gender consideration is included in the preparation undertaken by assessment teams as part of the preliminary desk top review;
 - identifying women stakeholders and gender experts as critical in the stakeholder analysis and selection of assessment participants;
 - ensuring gender skills as a core competency in the facilitator;
 - identifying opportunities for exposing gender understanding in field visits for the assessment; and
 - making gender and sex-disaggregated data a standard expectation in the advisory note.
- Consider including some of the tools from this manual, such as the Access and Control profile, in the RSAT Assessment Guide.
- After finalising and using the RSAT for 2-3 years, review effectiveness of the RSAT in considering gender issues.

GLOSSARY OF TERMS AND CONCEPTS

Gender

The different roles and responsibilities taken up by women and men. These are learned from early in life and throughout life from those around us; they are not “natural”. They vary between cultures and localities, and they change over time.

Gender and sex

Sex refers to the biological differences between men and women.

Gender refers to the roles, responsibilities and relationships taken up by women and men and the social differences which are imposed on men and women within societies and between societies.

Gender blind

Failure to consider the differences between men’s and women’s needs, benefits, and access to resources, power and social status.

Gender equality

Equal rights, status, opportunities and outcomes for both men and women.

Gender equity

Gender equity is achieving fair treatment for women and men. Strategies and special measures will often be required to compensate for women’s historical and social disadvantage. Positive discrimination may be required to help women access equal opportunity. In achieving equity, equality is made possible.

Gender mainstreaming

A process of ensuring that all work, in the way it is done, contributes to women achieving an equal share of resources and power. Everything the company or organisation does, including: policy-making, setting agendas, planning, human resource management, program management, information management and resource allocation, must be informed by gender analysis.

Gender neutral

Relating to people or communities and not specifically to men or to women. Can risk overlooking important differences.

Gender relations

These are the social relations between women and men and are concerned with the distribution of power between the sexes. They define the way in which responsibilities and social expectations are allocated, and the way in which each is given a value. Gender relations vary according to time and place, and between different groups of people. That is, they vary according to other social relations such as class, race, ethnicity, disability, age and culture (adapted from Office of Women and University of Adelaide 2005).

Gender transformative

Where gender is treated as central to promoting equality and achieving positive development outcomes. It takes on the task of transforming unequal gender relations to promote shared power, control of resources, decision-making and support for women’s empowerment.

Intersectionality

Where gender is assessed alongside other factors which affect power relations and vulnerability, including class, race, religion, ethnicity or disability. This is especially useful when looking at issues of identity and power in understanding how change will be felt by marginalised or disenfranchised peoples.

Women’s empowerment

A “bottom-up” process of transforming relations of power between women and men. It is achieved by individuals or groups of people, particularly women, through becoming aware of women’s lower status and power, or imposed barriers and limited opportunities, and building their capacity or facilitating avenues to challenge and change this.

Women’s rights

The 1948 UN *Universal Declaration of Human Rights* outlines the human rights of all men and women. However, tradition, prejudice, social, economic and political interests have combined to exclude women from many of these rights. Thus the human rights of women need to be considered separately and given special attention.

(adapted from Kilsby, D 2013, Gender terms and definitions, Internal working paper, Oxfam)

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RESOURCES

This report refers to the following established frameworks, and suggests approaches as to how these can be used in the hydropower context.

A more comprehensive list of these frameworks is available in Hill's (2009) *Gender impact assessment in mining*, while the various approaches and their strengths and weaknesses, and context for use are examined in March, Smyth and Mukhopadhyay's seminal text, published by Oxfam, *A Guide to Gender-Analysis Frameworks* (1999).

Harvard Analytical Framework

The Harvard Analytical Framework examines the gender division of labour, and maps the work and resources of men and women in a community. The framework reflects an efficiency approach to integrating women in development and is designed to demonstrate that there is an economic case for allocating resources to women as well as men.

Moser Framework

The Moser Framework was developed by Caroline Moser in the early 1980s as a method of gender analysis and planning within the women's empowerment approach. Moser argued for the integration of gender planning in all development work with the goal of the emancipation of women from their subordination, and their achievement of equality, equity and empowerment.

Women's Empowerment (Longwe) Framework

The Women's Empowerment Framework was developed by Sara Hlupekile Longwe within the context of an empowerment approach, and questions what women's empowerment and equality mean in practice; critically assessing to what extent a development intervention supports this empowerment.

Intersectionality

While not specifically designed as a gender analysis framework, Kimberlé Crenshaw's conceptualisation of "intersectionality"²⁰ is a useful tool in gender analysis because it analyses the intersection of various forms of women's discrimination and disempowerment. This approach explores the interaction of different dimensions of discrimination and subordination that structure the relative positions of women and men.

²⁰ See Crenshaw, K 1991, "Mapping the margins: intersectionality, identity politics, and violence against women of colour", *Stanford Law Review*, vol. 43, pp. 1241–99; and Crenshaw, K 2000, *Background paper for the Expert Group Meeting on the Gender-Related Aspects of Race Discrimination*, held in Zagreb, Croatia, 21–24 November 2000.



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