



**INTERNATIONAL FINANCIAL INSTITUTIONS  
AND USING COUNTRY SYSTEMS:  
IMPLICATIONS FOR GENDER EQUALITY**



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## INTRODUCTION

## Leveraging Country Systems: Possibilities and Pitfalls for Advancing Gender Equality in the NDB

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International Financial Institutions such as the International Monetary Fund and the World Bank are powerful entities. Their programmes and policies impact the lives of millions of children, women and men in developing countries. Undeniably, the policy and programmatic requirements, including conditionalities, that these bodies devise for the governments that they support, shape policies and practices as well as establish norms and rules.

In times of emergencies such as the current Covid-19 pandemic, countries lean heavily on the IFIs. The International Monetary Fund, which on an average approves 18 programs a year, has more than 100 (of its 189 members) knocking on its door this year. Simultaneously, regional and national developing banks' activities are on the rise and may present alternative (and or complementary) sources of finance for some national governments, localities and businesses. An important actor in this regard is the New Development Bank (NDB), created by the BRICS in 2015.

However, while independent in most regards, entities such as the NDB are also influenced by and committed to the approaches of the World Bank and the other IFIs, including the resort by these entities to an approach based on "country system". For the last 15 years, IFIs led by the World Bank, have implemented "using country systems" approach. Country systems emphasize the centrality of national regulation and domestic public policies, in not only of social and environmental regulation, but also of financial management procedures that include procurement, taxes, and profit remittance.

Feminists have long argued that the IFI's policy-based loans disproportionately harm poor women, who often become the "shock absorbers" of policy changes like privatisation of public enterprises, cutbacks in social spending, trade liberalisation and financial sector reforms. Feminists have therefore strongly advocated for reform of the IFIs and the absolute integration of gender, human rights and sustainable development principles as key drivers in their operations. There is lack of clarity however as of now on whether the use of country systems will facilitate IFIs to move

in this direction or how it can contribute towards achieving the Sustainable Development Goals (SDGs)?

Multilateral Development Banks (MDBs) are viewed as key actors that can support the "efforts to translate the SDGs into meaningful country-level targets, policies, programs, and projects" that are to propel the country towards achieving the SDGs. However, there are also concerns over the imposition of policies and projects by MDBs, especially around infra structural development that contribute to environmental degradation and human rights violations. The existing safeguards at the national and sub-national level are often weak or inadequate and therefore efforts to pursue growth often compromise the rights of the most vulnerable.

Infrastructure development is often viewed as gender-neutral and most fail to adopt a gender-responsive approach. BRICS Feminist Watch's research has clearly proved the need for building frameworks and principles that will allow for infrastructure that promotes gender equality and sustainability. There is also cognisance that this also requires strong voices from civil society for "fostering social inclusion, gender equality and women's economic empowerment in the design, execution, supervision and evaluation of their infrastructure investments"<sup>1</sup>

Today, one of the youngest MDB is the New Development Bank (NDB), which has been initiated by the BRICS bloc (and has since become more independent). It has become a significant player for a variety of reasons. For one, "the BRICS aggregate GDP is now greater than that of the advanced countries when the Bretton Woods institutions were founded"<sup>2</sup>. And, therefore, the setting up of a BRICS bank in this context was considered as resistance to the control of international financial institutions by the developed nations<sup>3</sup>.

The institutional architecture of the NDB is unique as well, since the founding members equally share quotas and all founding members are both borrower and donor countries. It was based on the idea of South-South Cooperation, and, has expressed its core commitment to country safeguard systems<sup>4</sup>. In this climate, there is,

<sup>1</sup>Vazquez, K. C., Roychoudhury, S., & Borges, C. (2017, November). Building Infrastructure for the 21st Century Sustainable Development: Lessons and Opportunities for The BRICS-Led New Development Bank. (p 5)

<sup>2</sup>Stern, N. (2017, August 30). A New World's New Development Bank. Project Syndicate. <https://www.project-syndicate.org/commentary/the-benefits-of-the-brics-development-bank?barrier=accesspaylog>

<sup>3</sup>Desai, R. (2017, May 31). The Brics are building a challenge to western economic supremacy. The Guardian. <https://www.theguardian.com/commentisfree/2013/apr/02/brics-challenge-western-supremacy>

therefore, a necessity to examine and understand the use of country systems and how the agenda of sustainability, gender equality and human rights in general, can be enhanced within the institution.

The papers that follow examines the potential and limitations of the using of country systems by IFIs including New Development Bank (NDB) through a critical gender lens, and offers key think-points on possible ways in which these MDBs can proactively and effectively center gender issues within a sustainable development and SDG friendly approach to lending and macroeconomic support policies of these organization.

### *Idea of Using Country Systems*

The 2000s saw the emergence of new agents in the field of cooperation and development finance that significantly transformed the practices of development institutions (Development Banks - national, regional and multilateral - and cooperation agencies). These transformations were fueled by the (re)emerging economies that had a great appetite for development finance – particularly infrastructure investment. They had difficulties accessing concessional lending and so these (re) emerging economies attempted to meet their needs through their national development banks or through multilateral institutions, of which they had become members.

Concurrently, (between 2004-2005), MDBs led by the World Bank, for a variety of reasons, piloted an approach called “country systems”. Country systems have been defined by the Paris Declaration 2005 as “National arrangements and procedures for public financial management, accounting, auditing, procurement, results frameworks and monitoring”. They were to be used/deployed in wide range of fields that are “deemed essential for better development effectiveness: public financial management, national competitive bidding, social and environmental safeguards, international competitive bidding and the selection of consultancies<sup>5</sup>”.

The “use of country systems” emphasises the centrality of national regulation and domestic public policies, but also of financial management procedures that include

procurement, taxes and profit remittances. The approach was a response to voices from the South demanding greater say and control over the investments that flowed into their countries. This was raised in the Paris Declaration for Aid Effectiveness, and reiterated in the Busan Partnership for Effective Development Cooperation, (2011). Both these documents underlined this principle of – “Use country public financial management systems as the default option for development financing, and [to] support the strengthening of these systems where necessary<sup>6</sup>”. Recipient countries were to agree to strengthen their national systems of public financial management and procurement<sup>7</sup>.

The concept of country systems also received an impetus in 2015, when six multilateral development banks published the report, “From Billions to Trillions: transforming development finance”. This report endorsed the mobilisation of private investment as necessary and even desirable to fulfill the post-2015 agenda of SDGs<sup>8</sup>.

### *NDB and Country Systems*

The NDB's score commitment to country safeguard systems is reiterated in its various documents. It states that as a principle – “National sovereignty is of paramount importance to NDB in its interactions with member countries<sup>9</sup>” and that projects will be funded “in line with the borrowing country's overall development agenda”. This principle is further translated into its practices, when its strategy document states that it will “use the borrowing country's laws and, regulations and oversight procedures<sup>11</sup>”.

This idea reappears in the document when it says, “The Bank's policies are directed toward the goal of using and strengthening country systems. Instead of starting from an externally designed set of standards, NDB will take a country's systems as the starting point, and see where weaknesses may need to be addressed to meet the Bank's requirements<sup>12</sup>”.

Vazquez et al., assert that the NDB's objective of using country systems, besides strengthening the borrower's capacities is also aimed at “avoiding the misuse of project

<sup>5</sup>Serrano Oswald, O. R. (2018). The new architects: Brazil, China, and innovation in multilateral development lending. *Public Administration and Development*, 39(4–5), 203–214. <https://doi.org/10.1002/pad.1837>

<sup>6</sup>Conectas Human Rights. (2018, May). Country Systems and Environmental and Social Safeguards in Development Finance Institutions: Assessment of the Brazilian System and Ways Forward for the New Development Bank. (p.37) [https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas\\_Country\\_Systems\\_DFIs\\_Brazil\\_NDB-Final.pdf](https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas_Country_Systems_DFIs_Brazil_NDB-Final.pdf)

<sup>7</sup>4th High Level Forum for Aid Effectiveness. (2011, December 1). The Busan Partnership for Effective Development Co-operation (p.5) <https://www.oecd.org/development/effectiveness/Busanpartnership.htm>

<sup>8</sup>Conectas Human Rights. (2018, May). Country Systems and Environmental and Social Safeguards in Development Finance Institutions: Assessment of the Brazilian System and Ways Forward for the New Development Bank. (p.37) [https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas\\_Country\\_Systems\\_DFIs\\_Brazil\\_NDB-Final.pdf](https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas_Country_Systems_DFIs_Brazil_NDB-Final.pdf)

<sup>9</sup>4th High Level Forum for Aid Effectiveness. (2011, December 1). The Busan Partnership for Effective Development Co-operation (p.5) <https://www.oecd.org/development/effectiveness/Busanpartnership.htm>

<sup>10</sup>ibid

<sup>11</sup>Conectas Human Rights. (2018, May). Country Systems and Environmental and Social Safeguards in Development Finance Institutions: Assessment of the Brazilian System and Ways Forward for the New Development Bank. (p.12) [https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas\\_Country\\_Systems\\_DFIs\\_Brazil\\_NDB-Final.pdf](https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas_Country_Systems_DFIs_Brazil_NDB-Final.pdf)

<sup>12</sup>New Development Bank. (2017). NDB's General Strategy: 2017 – 2021. (p.11) <https://www.ndb.int/wp-content/uploads/2017/08/NDB-Strategy.pdf>

<sup>13</sup>ibid p3

<sup>14</sup>ibid p16

<sup>15</sup>ibid p16

resources and the creation of negative impacts on the environment and vulnerable groups<sup>13</sup>. The NDB, therefore, has formulated its specific requirements, including, for instance, the protection of minorities and vulnerable groups.

### *Unpacking the Country Systems*

While the idea has gained steam over the years with various IFIs, including the newer ones, there is a need to make a realistic assessment of this component of IFI support. Below is quick sketch of some of the potential gains and possible drawbacks of using country systems.

#### *The Assumed Benefits*

Using country systems became the preferred practice for IFIs as it was supposed to:

- ◆ Respect the sovereignty of its members: MDBs have historically dictated the terms on which financial support would be made available, largely by prescribing rules on financial management and environmental and social safeguards. The use of country systems is intended not to infringe on a country's autonomy to determine its domestic policies<sup>14</sup>.
- ◆ Tailor-made systems: At the very core, the use of country systems allows for flexibility in approach. The regulatory systems of each country reflect not only its context, and capabilities but also its history. It is an acknowledgment that there cannot be a one-size-fits-all approach that is determined by the powerful MDBs, as the situation of each country is different<sup>15</sup>.
- ◆ Build ownership: By allowing countries to exercise greater control over the processes, it is assumed that they would be more vested in the projects. This would help to increase accountability and positively impact sustainability<sup>16</sup>.
- ◆ Build capacities: This process is intended to strengthen the systems of a country since domestic actors, institutions and processes would be involved. The limitations of current systems would show up and efforts could be made to shore it up. This would increase the sustainability of projects<sup>17</sup>.
- ◆ Save on costs: It is assumed that the adoption of

country systems would eliminate costs of complying with a parallel regulatory framework and paying expensive consultancy fees; as the existing systems will be employed. The country would also have in-house expertise and therefore the dependency on external consultants would be reduced<sup>18</sup>.

- ◆ Generate a rapid response: The use of the country's own established regulatory mechanisms would allow loans to be dispersed promptly, which is an important advantage for emerging economies.
- ◆ Gain a competitive edge: MDBs that adopt them have a competitive edge over other funders as borrowers would be inclined to choose them over others.

#### *Limitations And Risks*

Even though the adoption of country systems is viewed as a desired step in the evolution of the MDBs and also a recognition that developing countries have promoted significant advancements in their capacities, governance and implementation of development projects and programs<sup>19</sup>, activists, practitioners, and scholars have also pointed to the pitfalls of this approach. The issues they raise include:

- ◆ Disguising conditionalities: The use of country systems by IFIs may appear to be an improvement over the conditionalities imposed by another era and opposed by CSOs and activists, but in reality, most MDB loans still carry conditionalities which are now disguised as priori targets, benchmarks etc.
- ◆ Abdicating responsibility: The MDBs abdicate responsibility for any failure to meet global standards in social and environmental safeguards as the burden shifts to the borrower<sup>20</sup>.
- ◆ Incentivise deregulation: The use of country systems may incentivise deregulation, as countries will be motivated to attract investments by making it less "risky" for investors to meet the growing demand for financing infrastructure projects.
- ◆ Lowering of project standards: Environmental activists indicate that the institution may well be on a path towards "downward harmonisation" of project

<sup>13</sup> Vazquez, K. C., Roychoudhury, S., & Borges, C. (2017, November). Building Infrastructure for the 21st Century Sustainable Development: Lessons and Opportunities for The BRICS-Led New Development Bank. (p 45) [http://dspace.jgu.edu.in:8080/jspui/bitstream/10739/2110/1/building\\_infrastructure\\_for\\_21st\\_century.pdf](http://dspace.jgu.edu.in:8080/jspui/bitstream/10739/2110/1/building_infrastructure_for_21st_century.pdf)

<sup>14</sup> Conectas Human Rights. (2018, May). Country Systems and Environmental and Social Safeguards in Development Finance Institutions: Assessment of the Brazilian System and Ways Forward for the New Development Bank. (p.12) [https://rightsindevelopment.org/wp-content/uploads/2018/05/Conectas\\_Country\\_Systems\\_DFls\\_Brazil\\_NDB-Final.pdf](https://rightsindevelopment.org/wp-content/uploads/2018/05/Conectas_Country_Systems_DFls_Brazil_NDB-Final.pdf)

<sup>15</sup> Prinsloo, C (2017, August). Informing the Approach of Multilateral Development Banks to Use of Country Systems. Global Economic Governance Africa. [https://media.africaportal.org/documents/GA\\_Th1\\_PB2\\_prinsloo\\_20170901.pdf](https://media.africaportal.org/documents/GA_Th1_PB2_prinsloo_20170901.pdf)

<sup>16</sup> OECD Publishing. (2010, January). Development Co-operation Report 2010. (p 49) <https://doi.org/10.1787/20747721>

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Conectas Human Rights. (2018, May). Country Systems and Environmental and Social Safeguards in Development Finance Institutions: Assessment of the Brazilian System and Ways Forward for the New Development Bank. (p.37) [https://rightsindevelopment.org/wp-content/uploads/2018/05/Conectas\\_Country\\_Systems\\_DFls\\_Brazil\\_NDB-Final.pdf](https://rightsindevelopment.org/wp-content/uploads/2018/05/Conectas_Country_Systems_DFls_Brazil_NDB-Final.pdf)

<sup>20</sup> Guerrero, D. G., & Manji, F. M. (2008). China's New Role in Africa and the South. (p 33) Amsterdam University Press.

standards to ensure that it does not lose its infrastructure borrowing clientele<sup>21</sup>.

- ◆ Inadequate implementation: Analyses of World Bank's practices warn us that while improvements to the national safeguards systems of borrowing countries are proposed, the implementation is inadequate<sup>22</sup>.
- ◆ Changes in regulatory frameworks: Country systems may be weakened by changes in the regulatory frameworks – for example, the watering down of the environmental regulatory regime that includes instances of diluting environmental laws to ease the operation of industrial activities and the hollowing out of institutions that play watchdog roles.
- ◆ Compromising the use of country systems: "If results can be achieved more efficiently by donor-implemented projects<sup>23</sup>", then MDBs compromise the use of country systems.

### *The Gender Lens*

Since the historic Fourth World Conference on Women in Beijing, 1995 the idea of "gender" and gender mainstreaming have rapidly been gaining ground in policy circles over the years. This was a departure from earlier strategies of "adding women in" and sought to ensure that the realisation that gender equality is an integral dimension of all development programmes and policy-making processes.

Scholarship around "gender mainstreaming" in global governance, and the gains and limitations of this approach have grown over the years<sup>1</sup>. Women's movements have also been constantly demanding that the idea of sustainable development should be reimagined and financial institutions, who have been tasked with the role of helping to actualise Sustainable Development Goals, adhere to human rights, environmental and gender equality standards<sup>2</sup>.

While research on the use of country systems has grown, there is little gendered analysis of the implication of this approach.

### *Online Seminar:*

These papers draw on an online seminar (<https://www.youtube.com/watch?v=Np8DTIbKOxY>) held on 20th October 2020 by PWESCR on behalf of BRICS Feminist Watch and in partnership with the South Centre, IWRAP Asia Pacific, the Inequality Movement and Gen Dev Centre for Research and Innovation

The Seminar draw on experts from different parts of the world. It was pitched at the level of those who are interested in MDBs but may not have much familiarity with the processes and architecture

### *It Was Aimed At:*

- ◆ Increasing understanding around MDBs, especially on using country systems, among feminist practitioners, scholars and activists.
- ◆ Increase capacity for advocacy with the NDB and other MDBs particularly with respect to addressing the recovery post COVID-19 and beyond.

### *The Seminar Covered The Following:*

- ◆ The historicity around the idea of using country systems in the context of Environmental and social safeguard (ESS), women's empowerment and gender equality
- ◆ The potential and pitfalls in using country systems for advancing women's rights
- ◆ Ground realities: What does that point to in terms of country systems?
- ◆ Good practices and suggestions/advocacy points for NDB

These papers address the above questions and together, we hope will offer us a chance to reexamine the much-touted country systems to explore pathways by which feminist can usher in greater accountability in these powerful institutions. We welcome activists to join our network to deepen our understanding and to amplify our voice. ■

<sup>21</sup>Guerrero, D. G., & Manji, F. M. (2008). China's New Role in Africa and the South. (p 33) Amsterdam University Press.

<sup>22</sup>Elaine Zuckerman

<sup>23</sup>Holzapfel, S. (2014). Boosting or hindering aid effectiveness? An assessment of systems for measuring agency results. Deutsches Institut für Entwicklungspolitik. (p 2) [https://www.die-gdi.de/uploads/media/DP\\_31.2014.pdf](https://www.die-gdi.de/uploads/media/DP_31.2014.pdf)

## FOREWORD

### Country Systems Require Attention to Address Feminist Concerns

*Manuel F Montes, Society for International Development. United States and Philippines*

It is a privilege for me to participate in this consultation on “International Financial Institutions and Using Country Systems: Implications for Gender Equality.” The subject of ‘Using Country System’ has a long history and evolution.

To briefly introduce myself, I have been formally trained in economics and been an economic faculty member in the Philippines. I have spent less than a decade working in the UN secretariat and before that, I was with the Ford Foundation, where I met many of the colleagues here in this network. Subsequently, I have also worked for the South Centre, and now, I am a Senior Advisor at the Society for International Development.

When I was much younger, in the mid-1980s, the explosion of the debt crises in developing countries swept into my country, the Philippines, as well. During the crisis, in order to rapidly route funds through debtor countries to service debts of private lenders in the developed countries, the structural adjustment loans were invented. However, in exchange for the loans, countries had to consent to wide-ranging policy reforms, such as trade liberalisation - policies that bypass the interest of citizens and legislative bodies in these countries. With a lot of effort, especially on the part of the international civil society, these pitfalls have begun to be addressed through the Monterrey Consensus<sup>24</sup> in 2002, the Paris Principles on Aid Effectiveness<sup>25</sup> in 2005, and Busan in 2019.

The formalisation of the discussion of ‘Country Systems’ creates an arena, in which civil society, government officials and stakeholders can engage in setting the benchmarks for the operations of the satellite financial institutions of the donor and creditor countries -such as the WB, IMF, and regional development banks – so that these sources of international financing can be held as concrete indicators to attain the goal of recognising national leadership and ownership of development policies in recipient countries.

The intention of this grouping to apply a feminist perspective to this issue, responds to the need for an analytical and theoretical approach that also examines how countries organise their societies. Standard economics is blind to many of the issues that bedevil the creditor-debtor relationship. Feminist economics throws light on the ways, in

which societies solve their collective problems and is sensitive to how many societies, historically have imposed the costs and strictures of their collective solutions<sup>26</sup> on women<sup>27</sup> and marginalised groups such as indigenous peoples.

The ongoing pandemic compels us to reflect and forces us to look into what social reproduction, a most important problem of collective action facing all societies, actually means. The pandemic also underscores how the foundation of all economies is really a healthy, social reproduction system, a reality, which is often hidden from view.

The discussions we have had in this seminar<sup>28</sup> once again demonstrates the power of this kind of framework– by allowing us to ask powerful questions in each session. What do you do with country systems? We know that the IFI funding is public moneys and we know that the governments, which are the recipients of the IFI’s financial resources, are duty-bound to uphold human rights. One of the efforts we were involved in was the debt issue crisis of the 1980s of developing countries. We were heavily focussed on augmenting the possibility of giving more control, to the recipient country, over how they were getting their financing and what they would do with it. And, additionally, how they could have genuine control of any kind of economic restructuring. These are very difficult problems to solve.

I will be unable to do justice to all the presentations and the vigorous discussions we have feasted on in this webinar and can only point to a few examples.

One of the things that I learnt from the sessions is that there are countries which can actually claim to have country systems, but that they are being violated in the practices of external financing. So, the question is, how do you preclude the imposition of external conditionality, including actually incorporating the gender issue as another channel of conditionality on developing countries by donor countries?

During my time at the UN, one of the issues developing countries were sensitive about was that the developed countries would often use gender as a hammer against developing countries.

<sup>24</sup>In the Monterrey Consensus UN member states agreed that “Effective partnerships among donors and recipients are based on the recognition of national leadership and ownership of development plans” (United Nations 2002, paragraph 40).

<sup>25</sup>See OECD (2008).

<sup>26</sup>These solutions to collective action problems can be effective and sustained for centuries but still be unjust (Montes 2017).

<sup>27</sup>See OECD (2011).

<sup>28</sup>This online seminar entitled – International Financial Institutions and Using Country Systems: Implications for Gender Equality was held by PWESCR on behalf of BRICS Feminist Watch and in partnership with the South Centre, IWRAP Asia Pacific, the Inequality Movement and Gen Dev Centre for Research and Innovation—on October 20th 2020



In her presentation, Ella reminds us of two things: first, that gender-concerned donor countries control the international financial institutions and do it in a very unaccountable way and second, what is really at stake when “gender” is invoked is human rights, for which there are a whole range of policies at stake.

In my own words, to truly practise gender as a matter of human rights, donor countries which are truly concerned about gender should also be concerned about how the preferred policies of these international financial institutions - such as the kind of trade and economic policies they favour, their facilitation of the activities of debt pushing private financial sectors, and their support for rules by which international companies extract resources and tax revenues from their client countries – all of which, adversely affect women and marginalised subgroups where these international financial institutions operate. Gender should not be ring-fenced, otherwise it is only another external conditionality.

The presentations in the webinar, all based on actual work on the ground, chalk out the paths that can be pursued in more concrete terms. I really appreciated Sibulele's survey of the issues about and Priti's proposal on norms over infrastructure projects. I hope these ideas can be incarnated in all funding for infrastructure projects that can be set as a standard for everybody. I am from a very old generation, it used to be the dam projects. What is at stake is the possibility of infusing infrastructure activities with the feminist framework, recognizing that upgraded infrastructure is critical in developing countries. Mariama called for a normative framework in IFIs, a demand that is proving very difficult for these financing agencies to internalize.

I hope these ideas can be incarnated into all funding for infrastructure projects and can serve as a standard for everybody. I am from a very old generation, and our work used to be around dam projects. What is at stake here is the possibility of infusing infrastructure activities with the feminist framework, recognising that upgraded infrastructure is critical in developing countries. There is a call for establishing a normative framework in IFIs, a demand that is proving very difficult for these financing agencies to internalise.

Secondly, our own officials, our representatives from developing countries in these IFIs, may not be very strong supporters of pushing normative standards in the IFIs.

In her presentation, Mariama reminded us of how the struggles of civil society lies behind the evolving standards on economic, social and governance (ESG) toward against the resistance of the staff and member states of international financial institutions. She also pointed out the default position of the World Bank, where it does not work on human rights.

I have also learnt about a very important issue at this webinar. This concerns the Brazilian case presented by Patricia that is innately rooted in a feminist analysis, and which involved many interacting elements. These elements were all well-meaning and generated a lot of economic growth. However, the enormous growth generated did not benefit all the people!

The methodologies that have been pioneered in each one of these studies should be shared among all of us in the network. People in other places can benefit by trying to apply and adapt these methodologies to make analytical arguments and to inform or to strengthen their advocacy. The norms around infrastructure, the questions of growth without growth for everybody, and growth only for select people from financing, which is stemming from public sources and private sources – these are all powerful insights that emerged out of this discussion.

Let me end with one idea: this is a BRICS network—a South-South agenda, and there are all kinds of powerful possibilities here. There should be a way in which we could establish a network among the people, who were involved and were part of these discussions, so that the analysis, methodologies, and our political experiences can all be shared. I learnt a lot from this discussion, and while the discussions have filled me with great optimism, I also know that the mountain to climb is very, very steep, especially, the situational conflicts that arise in practice between the concept of country systems and donor conditionality. The discussions however make me very optimistic since a lot is being accomplished and a lot of progress is indeed possible.

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## CHAPTER 1

## The World Bank's Adoption Of A Country Systems Approach

Ella Hopkins, Bretton Woods Project, United Kingdom

In this piece, I will offer a quick overview of the genesis and application of the Use of Country Systems in the Bretton Woods Institutions and examine the reasons it was adopted, the manner in which it was used and also look at how the New Development Bank (NDB) adopted this concept.

*The Genesis and Application of the Use of Country Systems at the World Bank*

- ◆ The World Bank (WB) says it has been using a 'country systems' approach in its development financing since 2004. The Bank defines country systems as 'a country's national, subnational, or sectoral implementing institutions and applicable laws, regulations, rules, and procedures. Before this, the Bank had used Country Assistance Strategies (CASs), which originated during the 1990s and served as the development framework for the Bank's assistance in countries. In 2013, the Bank's engagement was replaced by a new model, which introduced two instruments: The Systematic Country Diagnostic that fed into the Country Partnership Frameworks they use today.
- ◆ Using 'country systems' was therefore framed by the Bank, as enhancing what they call 'country ownership' without intervening in domestic affairs, which they highlighted would improve the 'sustainability' of development projects. It was, in theory, a departure from a more centralised approach dictated by World Bank HQ in Washington DC, which had some input from regional leaders.
- ◆ The Bank rolled this out for its environmental and social framework which took effect in 2018. This sets out the mandatory requirements for the Bank to follow through Investment Project Financing – which is its lending instrument that provides financing for a specific project – often big infrastructure projects but also education and health projects as well.
- ◆ At the time this new framework was announced, many civil society and human rights groups were disappointed that the safeguards did not necessarily align with human rights standards, including CEDAW. Many argued that they actually had watered down existing safeguards in many cases<sup>29</sup>. The critiques of the new safeguards maintained that it had vague language, loopholes, flexible principles, which "reflected a race to the bottom in terms of requirements for environmental and social due diligence". From their standpoint, 'using country systems' was a useful framing for the Bank to shirk some its own responsibility to meet human rights standards in its lending, allowing it to get around having really clear, rights-based safeguards for itself.
- ◆ There are countless examples here Bank projects do not meet human rights standards and cause significant harm to women or have deepened gender inequality, especially infrastructure projects. Recent examples include, a public-private partnership for reproductive health in Uganda<sup>30</sup>, human rights violations linked to a dam in Guatemala<sup>31</sup>, and sexual abuse of women and girls at a construction project in Uganda<sup>32</sup>. To cite another recent example, in March earlier this year, the WB approved a US\$500 million-dollar loan to the Tanzanian government for its secondary education programme<sup>33</sup>. This came at a time when many Tanzanian human rights groups had documented the expulsion of girls who had become pregnant from the schools, which is permitted under Tanzanian education regulations and has been endorsed enthusiastically by Tanzania's president. Many human rights groups and parliamentarians in Tanzania saw the Bank's approval of this loan as an endorsement of these discriminatory practices. Especially because part of the loan, which was meant to address the issues, merely provided what the Bank called "Alternative Education Pathways" or parallel education centres for these girls expelled from school for being pregnant. The Human Rights Watch had

<sup>29</sup>Centre for International Environmental Law, Proposed World Bank standards represent dangerous set-back to key environmental and social protections, 2016.

<sup>30</sup>Allana Kembabazi, 'World Bank funded \$17.3 million Uganda reproductive health voucher PPP fails to reach the poorest women', Bretton Woods Project Observer, 2019.

<sup>31</sup>IFC denies responsibility for community harms following CAO's Guatemala dam investigation', Bretton Woods Project Observer, 2020.

<sup>32</sup>How will the World Bank reform after its disastrous Uganda transport project?' Bretton Woods Project Observer, 2017.

<sup>33</sup>Maria SarungiTsehail, 'World Bank must support rigorous independent monitoring of discrimination against girls in Tanzania', Bretton Woods Project Observer, 2020.

found these centres to be inadequate compared with the mainstream education system<sup>34</sup>. One thing that stood out to me was an interview, in which the WB's VP for Africa was asked about working with the government on human rights standards. In response, he said the Bank is "not supposed to get into issues of politics", which again speaks to this idea of not interfering in domestic affairs.

- ◆ For all the talk of country ownership and sovereignty, the Bank has a huge influence over the domestic policies of countries in many different ways. A direct example is the Bank's lending instrument, called development policy financing, which provides direct budget support to governments, which are not for specific projects. These loans, which are about a third of Bank lending, come with policy conditions, where the Bank requires governments to change laws and policies, often macroeconomic policies and policies around deregulation in order to facilitate greater private sector involvement. Women's groups have been critiquing these types of loans from a feminist perspective for many years, in their previous iteration as well as in structural adjustment loans<sup>35</sup>. While others have highlighted these loans as an opportunity for the Bank to support climate action through 'green conditionality'<sup>36</sup>, some have highlighted how this instrument is used to support fossil fuels and undermine environmental governance<sup>37</sup>.
- ◆ Bretton Woods Project briefing on this lending instrument shows how it undermines women's rights with some recent examples of policy conditions, included in loans to Turkey, Serbia, Mongolia, Montenegro and Colombia<sup>38</sup>. The briefing explores how the WB addresses gender equality in Development Policy Financing (DPF). It aims to stimulate further discussion around the linkages between gender equality, macroeconomic policy, and the role of the WB, ultimately to help create an enabling macroeconomic policy environment for gender equality.
- ◆ This is just one example of what appears to be a massive inconsistency, where the Bank is using a country system approach when it suits and fails to do so, when it does not suit them. How can country systems be leveraged to achieve gender equality and

non-discrimination at a national level, rather than as the Tanzanian education loan showed the exact opposite where it was used as an excuse to support discrimination?

- ◆ For the NDB, this country systems approach was adopted right from the start, after a concerted civil society push. In relation to the WB, where decision-making is dominated by the US and European powers, the NDB raises interesting questions about South-South cooperation. Also, if this shift in power of the governance of the institution can or does address some of the issues within how the country systems approach has been used by WB. Does South-South cooperation have the potential to make 'using country systems' more effective, or whether it is just making the same mistakes as the case with the WB?

If we consider the ground reality, we turn to the question whether 'Using Country Systems' can help foster gender equality in borrowing countries?

- ◆ The main takeaway is that country ownership is not just about the government. Banks are under pressure to get financing out of the door quite quickly, and it is very unlikely to think about accountability of that government to citizens in the formulation of loans. The task is to remind them that country ownership is beyond just the government itself. Secondly, the contradiction is between using a country system approach and having policy conditions attached to loans that compromise the country's ability to develop its own regulatory system.
- ◆ *The bare minimum which the WB is yet to do:*
  - ◆ Have a mandatory gender safeguard and then integrate gender into the other safeguards, without this, it is really easy for gendered impacts to fall through the cracks.
  - ◆ Conduct gender impact assessments in line with human rights standards both in designing a loan and afterwards, for all lending. As others have suggested, this could be done through a joint assessment by the multilateral bank, with the state and other stakeholders, and with a plan for remedying any gaps or shortcomings.

<sup>34</sup>Human Rights Watch, 'Tanzania: Q & A on Ban on Pregnant Girls and World Bank Education Loan', 2020.

<sup>35</sup>Association of Women's Rights in Development, 'The World Bank and Women's Rights in Development', 2002.

<sup>34</sup>Human Rights Watch, 'Tanzania: Q & A on Ban on Pregnant Girls and World Bank Education Loan', 2020.

<sup>35</sup>Association of Women's Rights in Development, 'The World Bank and Women's Rights in Development', 2002.

<sup>36</sup>World Resources Institute, 'The World Bank's Policy Lending Can Better Support Climate Action', 2020.

<sup>37</sup>Recourse, 'World Bank Development Policy Finance Props Up Fossil Fuels and Exacerbates Climate Change', 2017.

<sup>38</sup>Bretton Woods Project, 'The World Bank and gender equality: Development Policy Financing', 2019.

If we look at the question of how far can the UN's 2030 Agenda, the Generation Equality Forums, the treaty body system (particularly the CEDAW and CESCR Committees) leverage these concepts to ensure that international financial institutions, the public development banks align with the goals and principles of international human rights standards and especially, the norms of equality and non-discrimination, then we realise there are huge power imbalances between international financial institutions and the UN, including treaty bodies, which have been undermined and underfunded for decades by certain member states.

The WB does not use a human rights framing, so bridging the gap between country systems and human rights obligations can be challenging. The more the UN system engages with IFIs, like with the recent privatisation<sup>39</sup> and austerity<sup>40</sup> reports, as well as the CEDAW Pakistan country report<sup>41</sup>, which looked at the impact of WB and IMF programmes reminding the WB and regional development banks of domestic human rights obligations, it has become necessary that their approach should align to countries' human rights obligations. For example, if a country has signed up to CEDAW, the WB should not undermine these obligations. For groups in the North, we can do this more by challenging our own countries' role as prominent shareholders of IFIs.



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<sup>39</sup>UN OHCHR, 'UN poverty expert warns against tsunami of unchecked privatization', October 2018.

<sup>40</sup>UN OHCHR, 'Financial institutions complicit in impact of austerity measures on human rights', says UN expert, September 2019.

<sup>41</sup>Bretton Woods Project, 'UN holds Pakistan to account for IMF programme impacts on women', April 2020.

## CHAPTER 2

### International Financial Institutions and Using Country Systems: Implications for Gender Equality

*Mariama Williams, South Centre and BRICS Feminist Watch, Jamaica and Switzerland*

In this piece, I will offer a quick overview of the genesis and application of the Use of Country Systems in the Bretton Woods Institutions and examine the reasons it was adopted, the manner in which it was used and also look at how the New Development Bank (NDB) adopted this concept.

I am the Coordinator of the Sustainable Development, Climate Change and Gender Programme at South Centre, an intergovernmental think-tank of developing countries based in Switzerland. We support developing countries in their negotiation on a wide range of topics, including access to medicine and intellectual property rights, climate change, economics and international trade by providing objective, independent research analysis and technical assistance-based capacity building.

Here, I will briefly address the use of environmental and social safeguards in the international financial systems and how it fits into the framework of 'Country Systems', adopted by International Financial Institutions (IFIs). I will extend this discussion to include the Asian Infrastructure Investment Bank (AIIB) and the New Development Bank (NDB), the newest entities in the global, development finance architecture.

I am not a vested expert in ESS/ESG, but I have worked for several years on issues related to IFIs – from the Third World Debt crisis of the 1980s and the related structural adjustment policies of the IMF and the World Bank (WB), to the current sustainable development financing architecture. Currently, I am working on women's empowerment in the context of climate change and climate finance. I also provide support to South Centre's delivery partner – the Green Climate Fund Readiness and Preparatory Support programme – which incidentally maintains ESS and gender as core requirements. Hence, I have significant experience in this area. From this context, I will attempt a brief comparative assessment of the applications of environmental and social safeguards of climate funds and the operations of the Multilateral Development Banks (MDBs), such as the WB, the African and Asian Development Banks (AfDB and ADB),

the Inter-American Development Bank (IDB), as well as national development banks.

First, I propose to offer a snapshot of the landscape of the nature, scope and of application of environmental and social safeguards or standards (ESS, also called environmental and social sustainability or ESG (environmental and social governance)). Different IFIs may use one or the other such descriptor for their policies, systems, procedures and approaches to avoid, or to mitigate potential adverse environmental and social impacts of projects they fund or provide technical assistance and policy advice on; including maximising the benefits and performance of such projects and programmes. For example, the WB focusses on environmental social framework, encompassing 10 environmental and social standards that are mandatory for its borrowers. These standards describe its overarching framework to incorporate environmental and social considerations into its decision-making operations and outcomes of funded or supported projects. There is an entire permutation of names under this umbrella. Whatever may be the nomenclature adopted, the reference is to the set of principles, actions and measures that seeks to ensure that the institution's projects, programmes and policies do not harm people and the environment. The focus is to minimise the adverse effects on the physical environment; lives, incomes, and access to resources and raw materials of the women, men and children residing near project areas, and those who own the resource base.

The WB, over the years, has been implementing these systems, which have become the benchmarks for ESS<sup>42</sup>. The adoption of these standards has ensued over time, as a fallout of the advocacy of civil society activists, who had argued that in many cases the Bank's large projects were doing more harm than good. They were damaging the environment and were not actually conducive to economic development and certainly not for social or sustainable development. These complaints and the pressure led the Bank to develop a codified set of principles (2012) and in 2017, it floated a long consultation process to review its ESG framework and revised the framework in 2018.

<sup>42</sup>According to the GCF, Environmental and social safeguards (ESS) "refers to a set of standards that specifies the desired outcomes and the specific requirements to achieve these outcomes through means that are appropriate to the nature and scale of the activity and commensurate with the level of environmental and social risks and/or impacts. For the purposes of this policy, "ESS standards" refer to the environmental and social safeguards standards, which is currently the interim ESS standards adopted by GCF until GCF develops its own standards. When used in the long form, "environmental and social safeguards standards", it refers to the accredited entities' own standards;

Many international development finance institutions, to some degree follow the Bank's ESS framework or some derived version of it. The Green Climate Fund and a few others are working with ESS frameworks elaborated by the International Financial Corporation (IFC, a member of the WB Group<sup>43</sup>). In many respects, the Bank's 2018 framework has backtracked on many aspects that civil society had advocated for and which were part of an earlier framework.

The banks have been very consistent that its mandate does not include engaging in human rights. (In 2015, the Special Rapporteur on extreme poverty called the WB 'a human rights-free zone'<sup>44</sup>) So, that's still something to fight against; it needs to be taken to the board of directors –which are mainly the developed countries. Many of these countries are also proponents of human rights, gender equality and women's empowerment. Thus, there is a lack of coherence across the systems, both from governments who put money into the system and from those who demand that money.

The environment and social safeguards are well-elaborated. A snapshot is presented in the annex below; the IFC has detailed 8, while the WB lists 10. A comparison and contrast between the IFC and WB 2018, as well as those of the IDB, is available. As stated previously, many entities have been using some variants of the 2012 environmental safeguards. The AIIB's 2016 ESS Framework policy is also grounded in this framework. It specifies among other aspects, Environmental and Social Standards framework mandatory environmental and social standards (ESSs): ESS 1: Environmental and Social Assessment and Management; ESS 2: Involuntary Resettlement; and ESS 3: Indigenous Peoples. On the integration of ESS and country systems, the AIIB argues:

The Bank considers that strong country and corporate systems are crucial to the management of environmental and social risks and impacts and assists in strengthening them through a variety of mechanisms in public and the private sectors. The Bank believes that, in many cases, the best way to strengthen these systems is to use them at the operational level, with adequate support to achieve their objectives, which itself may be an important development outcome of the Bank's financings. As provided in the ESP, the Bank may selectively provide the Client the option of using all or part of such systems for a project in place of all or part of this ESP and ESSs, provided the Bank has determined that the Client has the ability and capacity to achieve environmental and social objectives materially consistent

with the ESSs. This may be on a project, sectoral or broader basis. In this regard, the Bank coordinates closely with other multilateral development banks, bilateral development organisations and relevant centers of expertise.

The NDB too has an environment and social framework in place as of 2016. The Framework has two parts:

*Part 1. Environment and Social Policy. Here the link is made between country systems and environmental risks under the heading – 'C. Policy Approach'*

5. *Under the Framework, NDB requires the clients to meet the key requirements for environment and social assessment, involuntary resettlement and indigenous peoples' standards (Part 2) in the preparation and implementation of NDB projects.*
6. *NDB promotes the use of strong country and corporate systems in the management of environment risks and impacts. NDB relies on country and corporate system in the preparation and implementation of the projects, on the basis that such system is fully consistent with the key requirements of NDB's Environmental and Social Policy and Environmental and Social Standards. NDB addresses the gaps, if any, through engaging client to take adequate actions to ensure the full achievement of the objectives of this Framework.*

*Part II. Environment and Social Standards which has the following social and environmental standards*

#### *ESS1: Environmental and Social Assessment social coverage*

17. *Vulnerable groups. Assess social risks and impacts that fall disproportionately on vulnerable groups, and any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of vulnerable groups.*
18. *Gender is provision... Identify any potential gender-specific adverse impacts of the project and undertake to develop mitigation measures to reduce these. Where relevant, consider enhancing the design of the project to promote equality of opportunity and women's socio-economic empowerment, particularly with respect to access to finance, services and employment.*

<sup>43</sup>The World Bank Group consists of the International Bank for Reconstruction and Development (IBRD), commonly referred to as the 'World Bank' or 'the Bank', the International Development Association (IDA), the International Financial Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA) and the International Centre for Settlement of Investment Dispute (ICSID). The IBRD and the IDA both 'provides financing, policy advice, and technical assistance to governments of developing countries' with IDA focus(ing) on the world's poorest countries, while IBRD assist(ing) middle-income and creditworthy poorer countries. IFC, MIGA and ICSID all focus on Partnering With The Private Sector(?) in developing countries; they provide financing, technical assistance, political risk insurance, and settlement of disputes to private enterprises, including financial institutions. According to the Bank's website, the five institutions have their own country membership, governing boards, and articles of agreement, (but) work as one to serve ... partner countries.

<sup>44</sup>Please see +<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16517&LangID=E>

*ESS2: Involuntary Resettlement and ESS3: Indigenous Peoples*

The NDB has merged some more elaborations of ESS in its context, though it has a much narrower range of environment social safeguard. It is noteworthy that when the bank was being proposed, many feminists had suggested to the designers the importance of an appropriate balance between the development needs of developing countries, protection of the environment and the social and gendered differentiated interests of women and men living in their project funded areas.

It is important NDB and AIIB consider ways to impose appropriate standards that will generate development and simultaneously produce social and environmental good. This tension has not been fully resolved in the adopted ESS/G systems. None of these banks have a normative framework; this is not surprising since the foundation – the root of the system – the WB does not have one. It is also interesting to examine if European entities, such as EIB have a normative framework, and if they lack such a framework, then their demand that southern institutions adopt one, rings hollow and is frankly unacceptable.

In general, in the environment social safeguard framework used by IFIs and climate funds, gender is listed as a topic of focused interest. Many IFIs and climate funds too have gender policy or gender action plan as complementary or as a stand-alone policy. The NDB, as of date, lacks a gender policy, while the AIIB has references in its ESF to diversity, which is a broad area, and gender is one among a slew of issues that are diversely looked at. Climate funds such as the Green Climate Fund (GCF) have environment social safeguards, mostly all have the ESS.

For example, with respect to GCF, accredited entities cannot submit a proposal for consideration to either the Secretariat or the Independent Technical Assessment Panel without a gender assessment. Gender experts and some CSOs however observe many challenges with the content of some gender assessments. They are not perfect; there are many issues around the kind of assessment they use and how they do it. But just the fact that there is a requirement to submit a proposal and that submitting entities must do environment social assessment and a gender assessment, is a positive step. This is a step towards a closer integration of gender mainstreaming within environmental social assessments. None of the IFIs do that well, and I think the closest that is strong on this front is the Inter-American Development Bank (IDB).

The recent paper, "Unmet Gender Promises, Making IFIs Policies and Projects deliver on gender and equal rights" by Gender Action, explores more explicitly the gender issues underpinning the operations of IFIs the paper ranks the IFIs in terms of indicators on how strong or how weak they were, or how adequate or inadequate they were on integrating

gender into their framework. And, none of them came out very well.

No environmental social safeguard framework considers social reproduction, or un- paid work by women. This should be an important element at the time of assessment of compensation arising from impacts – especially, the loss and damages from the implementation of the funded projects by these entities. This is missing and should be addressed. In day-to-day commercial life, insurance companies are able to take some of this into account while deciding claims. Many of the ESSs, i.e., the MDBs – the Bank, the ADB, the IDB, have been very good at facilitating women's participation in consultation and encouraging women's participation in some jobs/positions at project implementation level. But, none of them take into consideration childcare or transportation and how that may impact women and men in issues related to resettlement, whether forced or voluntary.

The recommendation from many CSOs is that instead of framing the ESG as 'not doing harm', they should be framed in terms of 'doing good'. Gender sensitise them to consider issues of unpaid work, issues of men and women's access to resources; raw and natural resources and linking echo systems and natural systems and more such concerns. If climate funds can have a stand-alone gender policy and gender mainstreaming, there is no reason why the WB, which for years has been telling us about gender and women's rights and so forth, cannot have ESS that has a robust gender dimension integrated internally, as well as a complementary stand-alone policy. These dimensions should include unpaid work, access to childcare, and other relevant gender specific issues, as part of looking at issues of resettlement and compensation. Finally, from the literature, it would seem that the Inter-America Development Bank has been one of the better examples of integrating gender sensitivity into their systems.

If we explore the issue of intersectionality, there are a few important distinctions to be taken into account in the ESS and gender framework. There are male and female – farmers, teachers, doctors, who are also from indigenous and ethnic minorities, women and men living with disabilities groups, some of the ethnic minorities, sexual and LGBTIQ issues. As we can see 'regional inter-sectionalities' are very important if you consider gender.

In terms of the NDB and their reliance on country systems, they still rely on the 2016 ESS framework, which they were meant to review. But it is unclear whether the framework has been reviewed and updated. This older framework is certainly extremely weak in terms of including gender in environment and social assessment, and they were very weak in including gender in non-discrimination and climate and environment issues. They are weak in terms of integrating gender in monetary assessment as well, and all of them are weak in incorporating norms against gender-

based violence and sexual harassment of women into their policies.

In the Gender Action publication ranking, the NDB ranked adequate in one instance, and it is in terms of gender consultation. They seem to feature strongly in the area of gender resettlement and compensation. This will require verification from practitioners in the field, particularly those working on women's livelihoods and land rights. The assessment was based on examination of proposals and projects in different regions of the world. In many of the examples presented, gender conditions were flouted and there was lack of coherence between gender and social and environment assessment.

The NDB, the AIIB and national development banks should have a normative core; they should start with the rights framework. This means grounding all safeguards into all the various rights frameworks that already exist. There are rights instruments for indigenous people, the elderly, youth, and people living with disability. They are part and parcel of a

whole host of both global convention and regional conventions. The ESS approach should be grounded in those rights, it is then you are on a very firm footing. In this way, you can bypass the adverse impact of the neo-liberal economic policy as well as avoid the issue of neo-liberal based macroeconomic conditionality, which infuses the WB policy advice and recommendation. Instead, we need to ensure whatever policies are put in place, in terms of borrowers and country lending, they are grounded in matters that meets men's and women's lived realities in terms of where they are. In terms of gender, many countries have or are implementing or discussing gender policies and gender mainstreaming processes as part of their obligations under CEDAW, their commitments under the Beijing Platform for Action as well as in working to successfully implement the Sustainable Development Agenda. Hence, you can avoid unilateral imposition of conditionalities that have adverse development impacts for the countries' national plans, including its climate and sustainable development actions.

## ANNEX: SNAPSHOTS OF ESS OF VARIOUS ENTITIES

### *IFC 8 Performance Standards:*

Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts

Performance Standard 2: Labor and Working Conditions

Performance Standard 3: Resource Efficiency and Pollution Prevention

Performance Standard 4: Community Health, Safety, and Security

Performance Standard 5: Land Acquisition and Involuntary Resettlement

Performance Standard 6: Biodiversity Conservation and Sustainable

Management of Living Natural Resources Performance Standard 7: Indigenous Peoples

Performance Standard 8: Cultural Heritage

### *World Bank 10*

- Environmental and Social Standard 1: Assessment and Management of Environmental and Social Risks and Impacts;

- Environmental and Social Standard 2: Labor and Working Conditions;

- Environmental and Social Standard 3: Resource Efficiency and Pollution Prevention and Management;

Environmental and Social Standard 4: Community Health and Safety;

Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and In-Voluntary Resettlement;

Environmental and Social Standard 6: Biodiversity Conservation and Sustainable Management

of Living Natural Resources;

Environmental and Social Standard 7: Indigenous Peoples/Sub-Saharan African Historically

Underserved Traditional Local Communities;

Environmental and Social Standard 8: Cultural Heritage;

- Environmental and Social Standard 9: Financial Intermediaries; and

- Environmental and Social Standard 10: Stake-holder Engagement and Information Disclosure

### *The Inter-American Development Bank (IDB)*

The Board of Executive Directors of the Inter-American Development Bank (IDB) approved a new Environmental and Social Policy Framework (ESPF) on September 16, 2020.

ESPF stipulates when free, prior, and informed consent is required from indigenous peoples, mandates protections for African descendants and persons with disabilities, and requires consideration of race, ethnicity, age, and social conditions.

the ESPF will supersede the following IDB environmental and social operational policies once it becomes effective:

the Environment and Safeguards Compliance Policy (OP-703),

the Disaster Risk Management Policy (OP-704),

the Involuntary Resettlement Policy (OP-710),

the Policy on Gender Equality in Development (OP-761), and the Indigenous Peoples Policy (OP-765).



## CHAPTER 3

### New Development Bank and Country Systems: Gender Equality Implications

Priti Darooka, *PWESCR International and BRICS Feminist Watch, India*

Country systems have gained significant importance in all investments in the last 10 to 15 years. This was an advocacy agenda raised by the global south-based CSOs for over two decades and was built on improving quality, transparency and efficiency of development aid/partnerships. The practice of using country systems by IFIs has become the preferred approach, as it is supposed to respect the sovereignty of its members, as there is no imposition of rules on financial management and environmental and social safeguards<sup>45</sup>. It also moves away from a one-size-fits-all approach to allow for the contextualising the approach<sup>46</sup>. The other main advantages that are touted are the building of ownership by the countries as they have greater control over processes<sup>47</sup>, enhancement of local capacities to manage complex projects<sup>48</sup>, and saving costs by not having to establish parallel regulatory framework and paying expensive consultancy fees<sup>49</sup> besides, fostering an environment for more rapid and flexible response to situations.

'Younger' banks such as the New Development Bank (NDB) have given momentum to the commitment to make stronger use of country systems following 'older' and west based IFIs such as the World Bank, IMF etc. As a south-based BRICS bank, NDB claims to be different from other IFIs as it is founded on the principles of south-south cooperation of horizontality and non-conditionality; respect for national sovereignty, national ownership and independence, equality, non-interference in domestic affairs and mutual benefit. In the General Strategy 2017-2021,<sup>50</sup> NDB commits to the use of 'borrowing country legislation, regulations and oversight procedures as a priority'. It asserts that it will work with national systems as a starting point, in a transparent and rigorous manner as a key component of their partnership agreement. The stress is on the ownership of borrowing countries ownership as opposed to an externally designed set of standards.

In addition, in its Environment and Social Framework<sup>51</sup>, NDB also lists the use of country systems as one of its core principles aimed to build its policies, procedures and operational standards. According to NDB, using country systems is intended to achieve two goals:

1. Risk management which includes financial management and ensure the management of negative impacts on environment or on vulnerable groups
2. Strengthening local structures – building capacity of borrowing countries. NDB believes that the best way to achieve sustainable development in the long term is by strengthening countries' own capacity, also through material procurement and expertise of local resources.

NDB's approach to country system was also flaunted by the management team during the CSO meeting in Shanghai in November, 2018<sup>52</sup>. The Bank shared that it conducts assessment of borrowing countries' national systems and addresses gaps, builds capacity and provides technical support. The Bank presented how it relied on country systems for project preparation and implementation and also shared the Bank's commitment to expand the scope of country systems approach after the review of local instruments.

While adopting country systems are seen as a desired step in the evolution of the MDBs, the activists, practitioners, and scholars have also pointed to the pitfalls of such an approach. The issues they raise include, with the MDBs abdicating responsibility for any failure to meet global standards in social and environmental safeguards as the burden shifts to the borrower<sup>53</sup>, it may incentivise deregulation as countries will be motivated to attract investments, and may lead to a path of "downward harmonisation" of project standards<sup>54</sup>. Analyses of the World Bank's practices warn us that while improvements to the national safeguards systems of borrowing countries are

<sup>45</sup>Conectas Human Rights. (2018, May). Country Systems and Environmental and Social Safeguards in Development Finance Institutions: Assessment of the Brazilian System and Ways Forward for the New Development Bank. (p.12) [https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas\\_Country\\_Systems\\_DFIs\\_Brazil\\_NDB-Final.pdf](https://rightsindvelopment.org/wp-content/uploads/2018/05/Conectas_Country_Systems_DFIs_Brazil_NDB-Final.pdf)

<sup>46</sup>Prinsloo, C (2017, August). Informing the Approach of Multilateral Development Banks to Use of Country Systems. Global Economic Governance Africa. [https://media.africaportal.org/documents/GA\\_Th1\\_PB2\\_prinsloo\\_20170901.pdf](https://media.africaportal.org/documents/GA_Th1_PB2_prinsloo_20170901.pdf)

<sup>47</sup>OECD Publishing. (2010, January). Development Co-operation Report 2010. (p 49) <https://doi.org/10.1787/20747721>

<sup>48</sup>Ibid

<sup>49</sup>Ibid

<sup>50</sup>NDB's General Strategy: 2017-2021, <https://www.ndb.int/wp-content/uploads/2017/08/NDB-Strategy.pdf>

<sup>51</sup>NDB's Environment and Social Framework, 2016, <https://www.ndb.int/wp-content/themes/ndb/pdf/ndb-environment-social-framework-20160330.pdf>

<sup>52</sup>A day long Civil Society Meeting was hosted by NDB on November, 22, 2018 in Shanghai.

<sup>53</sup>Guerrero, D. G., & Manji, F. M. (2008). China's New Role in Africa and the South. (p 33) Amsterdam University Press.

<sup>54</sup>Ibid

proposed, the implementation is inadequate<sup>55</sup>. Country systems may be weakened by changes in the regulatory frameworks – for example, diluting environmental laws to ease the running of industrial activities and the hollowing out of institutions that play watchdog roles.

PWESCR in partnership with BRICS Feminist Watch monitored two NDB funded projects in India. This included:

1. The Major District Roads in Madhya Pradesh<sup>56</sup>.

2. Rajasthan Water Sector Restructuring Project for Desert Areas (RWSRPD)<sup>57</sup>.

These two Indian projects revealed critical gaps and concerns. While there is some research on the use of country systems, there is little gendered analysis of the implications of using this approach. The primary questions that BFW explored are – How is the country system approach used by the NDB? What are its impact and effect on the most vulnerable economic actors and decision makers, – especially, women?. Will the use of country systems allow for greater participation of marginalised groups especially women? Will it make it easier for affected communities especially within the context of infrastructure megaprojects, to raise their concerns?

Following are the key findings from the two NDB projects monitored in India<sup>58</sup>:

- ◆ NDB in its policy documents (ESF) claims it undertakes assessment of country systems. However, none of these assessment reports are made public. In absence of such reports, it cannot be established that assessments of country systems are part of the assessment and monitoring of project approval process. This raises doubts whether NDB actually undertook systematic, comprehensive, participatory assessment of country systems in India, in the context of international standards of human rights, gender equality, environmental justice for these projects. Unfortunately, the BFW research team did not find evidence on the ground in consultations with implementing organisations or the communities to substantiate claims<sup>59</sup> that assessments were carried out.
- ◆ The BFW research showed that NDB failed in their due diligence, and did not assess enforcement mechanisms of legal, regulatory policy frameworks,

capacity to manage environment and social safeguards of implementing institutions. This resulted in additional risks and negative impacts especially for women and communities on the ground. This included widespread issues of land grabbing, water logging, use of bonded migrant labour, environment pollution, etc.

- ◆ State government institutions were the implementing partners for these projects. These institutions were not given any clear environmental and social guidelines, training or even cost analysis to follow these E&S standards by NDB<sup>61</sup>.
- ◆ The two case studies also showed that in spite of well-developed legal framework around social and environment issues in India, there are many failures and gaps that prevent effective implementation of laws and policies in practice which leads to serious rights violations, especially for women. Exploitation and discrimination of women workers is one such example. 90 percent of the women workers in the construction sector in India are in temporary jobs and are fired routinely for demanding equal wages, leave and other benefits. They are denied equal pay for equal work, and often not even paid minimum wages<sup>62</sup>. India does have several systems in context of law and policies as well as institutions around several key issues including environment, land, water, labour etc. However, these systems are weak in practice.
- ◆ There was no evidence to show any improvements were made by NDB or the project to the social and environmental governance in India – no evidence that showed NDB actually addressed any gaps, setbacks in national systems. – nothing to show anything around women's rights or gender equality. Unfortunately, the National Ministry of Women and Child or the State Women's Commissions are not engaged in these projects at all.
- ◆ The emphasis is on 'efficiency' which puts pressure to get the project done on time. Under such pressure, environmental and social safeguards are either ignored or only selectively implemented.
- ◆ These negative impacts are instead viewed as 'standard' or 'normal' short-term risks for long term good.

<sup>55</sup>Elaine Zuckerman

<sup>56</sup>BRICS Feminist Watch and PWESCR; Gender Monitoring of New Development Bank Project: Major District Roads Madhya Pradesh, India: Key Findings; <http://pwescr.org/NDBIndiaprojectMPMajorDistrictRoadskeyfindings.pdf>

<sup>57</sup>Darooka Priti and Chacko Shubha, Intertwined: Women and Water: Towards a policy at the New Development Bank, by Policy brief, BRICS Feminist Watch and PWESCR; <http://pwescr.org/Women%20and%20Water%20policy%20brief.pdf>

<sup>58</sup>Ibid

<sup>59</sup>Ibid and also during CSO meeting with NDB management in November 2018 in Shanghai.

<sup>60</sup>Madhya Pradesh Road Development Corporation representative shared this information with BFW research team in an interview. Please also refer to the report <http://pwescr.org/NDBIndiaprojectMPMajorDistrictRoadskeyfindings.pdf>

<sup>61</sup>Ibid

<sup>62</sup>Verma, Praveen, 12 June 2013 Informal Labour and Dynamics of Construction Sector in India, Ritimo Le Changement par l'info!

- ◆ Participation of communities in all development projects is a key component of sustainable development and should be part of any country system assessment process. For engaged informed participation of communities, especially of women, communities are required to have access to information. NDB does not make any project related information available to the public. The projects lack transparency and accountability at all levels. Project related documents, including ESF assessment, contact details of implementation organisation, information about community consultations, and other details are not made public. This prevents women and community's participation.
- ◆ NDB boasts itself as a 'lean, and clean' bank. The 'lean' structure without clear E&S standards, indicators, benchmarks and monitoring mechanisms – without checks and balances – does hinder the Bank to be 'clean'.
- ◆ NDB believes large infrastructure projects such as roads, water management are gender neutral and benefit both men and women equally. Women's realities are ignored and therefore these projects indirectly perpetuate gender inequality and gender is not part of any assessment of country systems<sup>63</sup>.
- ◆ Due to several limitations including prescribed gender roles, men benefit more from these projects both in terms of employment and to gain access to better infrastructure resulting in increased gender gap on several social and economic indicators.
- ◆ These projects failed to see women as development or economic agents but only as a vulnerable group that needs to be taken care of<sup>64</sup>.
- ◆ Project revealed several violations of gender equality, labour rights, land grabbing etc. These failures had significant impact on women and girls.
- ◆ Indian cases highlight that there are several problems both in terms of negative impact of the project on women and gaps in the protection systems and practices.

In a country like India there are elaborate laws policies around equality, non-discrimination along gender, caste, religion etc., and labour laws. NDB projects on the ground were found to be violating several of these national laws. These violations in several of our countries are not because

of lack of adequate country systems, which can be further enhanced for sure, but these violations are due to country practices. For example, the construction sector is notorious for labour rights violation, discrimination along gender, caste, ethnicity lines and all kinds of exploitation, including horrendous working conditions. Any IFI, which funds infrastructure and relies heavily on construction sector for its project implementation, for example, in countries like India therefore needs to pay particular attention to how country systems are violated in project cycles and how country systems can be further strengthened to ensure enhanced realisation of human rights for all as well.

NDB's ESF states that the bank believes gender equality is important to successful and sustainable economic development and accordingly, considers it imperative to mainstream gender equality issues in all its operations<sup>65</sup>. However, the five year strategy document adopted by NDB in 2017 doesn't have the word gender or women in it. Projects are selected without gender criteria. The bank has neither defined gender equality nor integrated gender issues in its structure or operations. BFW, since 2017, in discussions with NDB management has proposed three key points to ensure mainstreaming of gender equality in all its structure and operations:

1. Set up an external multi stakeholder gender advisory
2. Frame a mandate to develop a gender policy
3. Establish an internal gender unit of senior gender-experts within NDB.

NDB doesn't have a strategy on how to strengthen country systems at national level. The strategy says it will provide technical assistance to the country during the project cycle and increase monitoring and oversight. Can NDB that doesn't have a gender policy in place or women in senior management positions, or a gender advisory committee, be in a position to evaluate national systems, capacity laws policies etc. around gender equality?.

NDB unfortunately, has not yet developed any comprehensive strategy to strengthen country systems. According to their strategy document such a policy will be developed to provide technical assistance. These concerns were raised by BFW during the November 2018 CSO meeting in Shanghai and during the Annual General meeting in Cape Town in April 2019. BFW's findings from monitoring NDB projects on the ground and through interaction with their management, it has been established that NDB itself doesn't have gender equality systems, indicators, integrated in its

<sup>63</sup>BRICS Feminist Watch and PWESCR: Gender Monitoring of New Development Bank Project: Major District Roads Madhya Pradesh, India: Key Findings; <http://pwescr.org/NDBIndiaProjectMPMajorDistrictRoadsKeyFindings.pdf>

Darooka Priti and Chacko Shubha, Intertwined: Women and Water: Towards a policy at the New Development Bank, by Policy brief, BRICS Feminist Watch and PWESCR; <http://pwescr.org/Women%20and%20Water%20policy%20brief.pdf> and also during CSO meeting with NDB management in November 2018 in Shanghai.

<sup>64</sup>NDB's Environment and Social Framework, 2016, <https://www.ndb.int/wp-content/themes/ndb/pdf/ndb-environment-social-framework-20160330.pdf>

<sup>65</sup>NDB's Environment and Social Framework, 2016, <https://www.ndb.int/wp-content/themes/ndb/pdf/ndb-environment-social-framework-20160330.pdf>

structure and operations. At each CSO meeting, the NDB management assures its commitment to gender equality and promises to explore BFW recommendations, yet no steps have been taken to move in this direction.

### *To Conclude, what we found with NDB:*

- ◆ There are huge gaps between NDB policies, project planning, and measures to strengthen national systems.
- ◆ The NDB seems to be hiding behind country systems as an excuse to shift responsibilities to its client countries.
- ◆ CSOs from the global south have advocated for the use of country systems. While the IFIs led by the West such as the World Bank, have been a major actor in adopting country systems approach. Now this idea is totally co-opted, it an excuse for doing nothing.
- ◆ Gender is a hit or miss. Gender is not an integrated category for NDB it is therefore not part of any assessment and monitoring process.
- ◆ The bank approach is more like a “check-list”. There is lack of understanding to strengthen systems from the perspective of transparency and accountability.

- ◆ NDB itself doesn't have capacity, expertise to address any gaps in national systems around gender.
- ◆ NDB is unable to go beyond 'do no harm to women' (looking at women as a vulnerable group) and is unable to be a gender justice champion and proactively promote gender equality and do some good.

### *Recommendations:*

- ◆ NDB should have a robust gender policy
- ◆ Also, a policy to consistently integrate country system approach with gender equality. For example, they should have gender indicators to monitor all aspects of the project including country systems.
- ◆ Have a plan to address setbacks, and gaps. Practice due diligence
- ◆ Follow international standards around gender equality and non-discrimination – as elaborated in CEDAW for example.
- ◆ Build capacity of local actors, including women leaders, organisation, institutions



## CHAPTER 4

### Gender Sensitivity In Chinese Overseas Investments: A Policy Perspective *Zhiqian Zhao, Greenovation Hub (GHUB), China*

#### Introduction

China's influence and role in global development and governance has become increasingly important, with its rapidly growing overseas investments, such as the Belt and Road (BRI) Initiative, the co-founding of the Asian Infrastructure Investment Bank (AIIB) and the BRICS New Development Bank, and the country's active role in South-South cooperation. During China's 'going out' phase, their individual projects have created adverse environmental and social impacts, including gendered impacts<sup>66</sup>. Yet, many existing policies, research and discussions in China mainly address the environmental impact of Chinese overseas investments, while few address gender and other social aspects.

This paper mainly examines China's gender policy and their overseas investment policies but also takes a glimpse at the structure and practices of Chinese financial institutions. Overall, there is a lack of a gender perspective in China's overseas investment policies. In the Chinese financial system, there's a significant lack of awareness of potential gendered impacts of overseas financing. However, China's national gender policy and its political discourses on gender equality have great potential to promote a more gender responsive 'going-out', which helps manage the risks of Chinese overseas investment, and further, foster positive impacts in host countries.

#### Overview of gender policy in China

The People's Republic of China (PRC) has a long history of what some scholars theorise as a form of 'state feminism'<sup>67</sup>. Since its establishment in 1949, the PRC has promoted women's participation in the economic sphere as well as in the political arena, while building socialist China. Famously, Mao Zedong has proclaimed that women hold up half the sky', drawing influences from Marxist critique on women's oppression. The outcome of gender policies of this era has been mixed. Many discriminative customs were abolished and women were encouraged to participate in political and social lives. However, discrimination in a range of social and economic spheres remained largely intact and the issue of

'double burden' arose. In 1958, despite high work participation, rural women only earned 35% of the total labour points<sup>68</sup>.

By the end of the 1980s, the 'women's liberation' project was largely considered as completed. However, this presumption was challenged by the inadvertent effects of the 'One Child Policy' and marketisation<sup>69</sup>. Since 'Reform and Opening up' in the 1980s, industrial economy has expanded, while public provision has shrunk. Compared to men, women's participation in the market economy has proven to be more limited.

Participation of women in the labour force has declined from 73.2% in 1990 to 59.2% in 2020<sup>70</sup>. The female to male participation rate dropped from 85.9 to 81.5. This could be due to various reasons including labour market marketisation, change of working hours and locations, reduced number of nursery facilities affiliated to workplace or communities, and so on.

A policy shift took place in 1995, the year in which China hosted the Fourth UN World Conference on Women. At the time, the World Conference on Women was the most high-level international conference that China had ever hosted and thus held great significance to the country. At the conference, China announced to the world that it will lay out 'equality between men and women' as its basic national policy. On the legislative front, the Law on the Protection of Women's Rights and Interests was adopted by the National People's Congress in 1999. In recent years, women's groups and the general public in China have largely focused on the issue of gender-based violence, especially domestic violence and workplace sexual harassment, and the equal rights to education and employment. Legislatively, immense progress has been made in these areas, while some gaps in law remain as well as in the implementation and in gender awareness across law enforcement bodies.

<sup>66</sup>Business and Human Rights, 'Why Chinese Investment Need Gender Sensitivity: The Case of Sexual Harassment in Cambodia's Garment Industry' (Sept 2020)<https://www.business-humanrights.org/en/blog/why-chinese-investment-needs-gender-sensitivity-the-case-of-sexual-harassment-in-cambodias-garment-industry/>

<sup>67</sup>Wang Zheng, "State Feminism?" Gender and Socialist Formation in Maoist China

<sup>68</sup>Leader, 'The Emancipation of Chinese Women', World Politics, Vol. 26, No. 1 (1973), pp. 55-79

<sup>69</sup>Wang Zheng, 'Maoism, Feminism and the UN Conference on Women: Women's Studies Research on Contemporary China', Journal of Women's History, Vol. 8, No. 4 (1997), p.126-152

<sup>70</sup>The World Bank, "Labor Force Participation Rate, Female (% of Female Population Ages 15+)" (Modeled ILO Estimate), China, 1990, 2020

### *Cooperation on gender equality in bilateral and multilateral platforms*

In several bilateral and multilateral cooperation platforms, China has engaged with gender and gender equality. The Forum on China-Africa Cooperation (FOCAC) is one of the main multilateral mechanisms of China's South-South cooperation and for the purpose of consultation between China and African states. The FOCAC Beijing Action Plan (2019-2021) includes a statement, which says that the 'two sides will strengthen exchanges and cooperation in gender equality and women empowerment, encourage and support high-level women's dialogue, seminars, skills training and exchanges among women entrepreneurs in support of women's all-round development'<sup>71</sup>. Bilaterally, in 2017, for instance, Chinese Vice President Liu Yangdong has remarked on her trip to South Africa that, 'China is willing to deepen pragmatic cooperation with South Africa on women's affairs'<sup>72</sup>.

Recently, Chinese President Xi Jinping addressed the United Nations, to mark the 25th anniversary of the Fourth World Conference on Women. President Xi affirmed that 'equality between men and women' is China's basic national policy and further stated that, 'we need to enhance global cooperation in advancing women's development'. This statement was explicitly addressed to multilateral institutions and mechanisms such as the UN, but the momentum is worth noting.

### *Gender in China's overseas investment policy*

China's policy and regulation on overseas investments from environmental and social perspectives are however still under development, compared to its national ones. Among the existing policies and regulations, much of the weight has been given to environmental impacts. In 2013, the Ministry of Commerce and Ministry of Environmental Protection of the PRC, issued the Guidance on Environmental Protection for Foreign Investment and Cooperation. In 2017, the Ministry of Ecology and Environment with four other ministries released the Guidance on Promoting Green Belt and Road.

The guidance states that '[a green BRI] incorporates eco-environment protection into all the aspects and the entire process of the building of the BRI project and follows the concept of ecological civilisation – a term that has been written in the Chinese constitution in 2018. Policy banks are to play a 'key role'<sup>73</sup>, while state-owned financial institutions will also take into account such policies, as will private financial institutions but to a lesser extent.

China's policy on gender-responsiveness in the BRI or Chinese overseas investments in general is quite absent, although the country has its national policy and legislation on gender equality as mentioned above. China is also a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Due to the lack of gender sensitivity in its overseas investment policies, the state plays a limited role in regulating or guiding the overseas investments activities, in terms of gender-risk management. What happens is that Chinese companies just abide by the local laws and regulations, which sometimes are inadequate in safeguarding the gendered impacts of the project on the ground.

### *Gender sensitivity of Chinese banks*

How is gender policy at the national level and an international cooperation policy with gender aspects translate into the governance and financing activities of Chinese financial institutions? In this paper, we only focus on banks, including two policy banks and five state-owned commercial banks. All of them have sizable investments outside China.

While examining their strategy papers, corporate social responsibility (CSR) reports, and other publicly available information, it is observed that gender is incorporated into the banks' CSR reporting and to an extent, in their governance<sup>74</sup>. Gender equality is linked to the banks' Sustainable Development Goals (SDGs) and Environmental, Social, and Governance (ESG) disclosures.

The approach to gender in governance focuses on addressing the 'specific needs' of female employees and gender parity in staffing. For instance, all the banks examined provide gender-inclusive infrastructure to some extent, such as breast-feeding rooms, welfare provision etc. This infrastructure is largely mandated by the state and implemented by All China Women's Federation (ACWF) subdivision at each bank. In terms of staffing, there's balance between male and female employees at entry level and at the middle level, while the top-level leadership remains dominated by men.

The gender perspective is quite limited, if not absent, in the risk management mechanisms of the banks' financing activities. In the publicly available materials on investment strategy and risk management that we examined, no mention of gender or women is found<sup>75</sup>. This means that when banks conduct environmental and social risk assessment and management, no consideration is given to the gender implications in land acquisitions, use and management of natural resources, hiring and work

<sup>71</sup>FOCAC, 'Forum on China-Africa Cooperation Beijing Action Plan (2019-2021)', (2018): [http://www.focac.org/eng/zywx\\_1/zywj/t1594297.htm](http://www.focac.org/eng/zywx_1/zywj/t1594297.htm)

<sup>72</sup>Xinhua, 'China Pledges to Deepen Cooperation with South Africa on Women's Affairs' (2017): [http://www.xinhuanet.com/english/2017-04/27/c\\_136239105.html](http://www.xinhuanet.com/english/2017-04/27/c_136239105.html)

<sup>73</sup>MEE PRC, 'Guidance on a Green Belt and Road' (2017): [http://english.mee.gov.cn/Resources/Policies/policies/Frameworkp1/201706/t20170628\\_416864.shtml](http://english.mee.gov.cn/Resources/Policies/policies/Frameworkp1/201706/t20170628_416864.shtml)

<sup>74</sup>See for example, China Construction Bank, 'Corporate Social Responsibility Report' (2018); Industrial and Construction Bank of China, 'Corporate Social Responsibility Report' (2017); China Development Bank, 'Sustainable Development Report' (2018)

<sup>75</sup>See for example, Bank of China, 'Annual Report 2018' (2019); China Bank of Construction, 'Annual Report 2019' (2020); Industrial Bank, 'Annual Report 2019' (2020)

conditions, consultation, information disclosure, and so on. Several investment projects inside China, which aim at poverty alleviation have some degree of gender sensitivity<sup>76</sup>. Interestingly, these projects are supported by either the ACWF or China Women's Development Fund (CWDF), a fund established by the ACWF.

This observation should not lead to an over-emphasis on the role of the ACWF, especially given that the ACWF is not hugely involved in China's overseas investments. Rather, it can be observed and emphasised here that banks lack broader policy incentive to incorporate gender in their investment profiles.

### *Conclusion*

Chinese state and banks are paying close attention to the environmental impacts of overseas investments. However, the social impacts, especially gendered impacts, are largely overlooked and under-addressed. In practice, this is the case for both investments inside China and outside China. A number of factors contribute to this, ranging from legislation on environmental and social impacts to institutional awareness. This paper focuses on the policy side, giving a brief overview of gender policies at the national level, gender policies of overseas investments and international cooperation policies that address the environmental and social aspect. There is a huge gap in both policy and practices. Nonetheless, China's gender equality national policy and laws and some of its bilateral and multilateral cooperation discourses present great opportunities for future work on the issue.

As China is deepening its cooperation with developing countries, it is critical to enhance understanding of its impacts from a gender perspective, and formulate guidelines and policies to identify and manage gender risks of the overseas investments, and moreover, to create positive impacts on the local communities with regard to gender equality. China's interactions with developing countries have been the subject of much attention and study from both inside and outside the country. Yet, gender issues remain largely absent. We call for more research and better information flow in this topic and encourage better gender-responsiveness from China's presence in the global South.

### *Recommendations for civil society organisations:*

- ◆ Incorporate a gender lens into their research on Chinese overseas investments
- ◆ Through active dialogue, raise better awareness and capacity on gender across Chinese financial institutions
- ◆ Through policy research and advocacy, promote better gender commitments from relevant stakeholders

### *Recommendations for financial institutions*

- ◆ Make gender commitments on an institutional level and raise gender awareness across staff
- ◆ Increase gender-responsiveness in due diligence, environmental and social risks assessment, and compliance mechanism
- ◆ Open dialogues and collaborations with external gender experts, international and women's organisations, NGOs, think tanks, and others to improve their awareness on gender

<sup>76</sup>See for example, Agricultural Bank of China, 'Corporate Social Responsibility Report' (2017), (2018); China Development Bank, 'Sustainable Development Report' (2018)

## CHAPTER 5

Development Projects And The Implication On Women's Land Rights:  
The Case Of Pernambuco Development Zone In Goiana, Brazil*Patricia Chaves, Espaço Feminista, Brazil*

The international financial institutions, the IMF, the World Bank and the regional banks all wield considerable power in framing and implementing global financial systems and governance. The neo-liberal orientation of these institutions, their policies, their programmes and their lending conditionalities shape global rule setting and also the design of national level policies and practices. As a result, this affects the lives of millions of women and children, men and trans people in developing economies in the global south.

*National Financing Institutions and the Development Agenda: Development for whom?*

The Brazilian National Development Bank (Banco Nacional de Desenvolvimento Economico e Social – BNDES) has played a major role in the national and international development agenda over the last two decades making investments in many countries in Latin America and Africa. However, there has been a lot of criticism from human rights organisations and environmentalists about the bank's lack of transparency and non-adherence to international standards, and its non-compliance with the Brazilian Constitution and other national laws in respect to the impact of its investments.

The best example of BNDES' lack of compliance towards the population directly impacted by their investments, has been the Belo Monte hydroelectric dam built on Rio Xingu, in the Altamira area, Estate of Pará. The negative impact of the dam on the indigenous populations, as well as the environmental

consequences have been the subject of legal disputes and have caused a great damage to the entire region. (in:<https://www.terra.com.br/noticias/bndes-aprova-r-225-bilhoes-para-financiamento-de-belo-monte,78b833a5fe53d310VgnCLD200000bbcceb0aRCRD.html>)

The Investment Report 2018, Conectas Direitos Humanos provides an analysis of the BNDES' international investments over the last decade, in respect to protection of human rights in sync with international standards. Some of the conclusions, as demonstrated in the table below, reveal that although the bank has specific internal conventions, norms, policies and best practices, it does not comply with basic international standards nor does it show compliance to country systems. Also, the bank does not have a legal framework to deal with the implications of its investments – its projects and programmes – on the living conditions of the people and the environment, not just in Brazil but also in other countries in Latin America, as well as in Africa.

In 2014, Conectas launched a study, “Development for the people? The BNDES financing and the human rights.” The study analysed the negative impacts of their investments on the living conditions of the most vulnerable populations and also indicated the gaps in terms of best practices and international standards in areas such as institutional transparency, prevention and mitigation of socio-environmental impacts and consultation with the interested population. The basic results are present in the table below.<sup>77</sup>

<sup>77</sup><https://www.conectas.org/wp/wpcontent/uploads/2018/08/BNDES-Sumario-Executivo.pdf>



Table 1 – Requirements of Human Rights protection adopted by International Financial Institutions

BANKS/ AGENCIES	DUE DILIGENCE	CONSULTATION AND ENGAGEMENT WITH COMMUNITIES	FPIC WITH INDIGENOUS PEOPLES	RESETTLEMENT PLAN	COMMUNICATION CHANNELS ESTABLISHED BY THE BENEFICIARY
<i>International and Multilateral Institutions</i>					
CFI	⊗	✓	✓	✓	✓
BANCO MUNDIAL	⊗	✓	✓	✓	✓
BID	⊗	✓	✓	✓	*
NBD	⊗	✓	⊗	✓	✓
BAlI	✓	✓	✓	✓	✓
BEI	✓	✓	✓	✓	✓
BAD	⊗	✓	✓	✓	✓
<i>National credit agencies for export</i>					
BNDES	⊗	⊗	⊗	⊗	⊗
BDC	*	*	*	✓**	*
GIEK	✓	*	*	✓	✓
ATRADIUS DSB	✓	*	*	*	*
BDAA	⊗	✓	✓	✓	✓
AEC	✓	✓	*	✓	*

Source: Table translated by the author based on the publication in: <https://www.conectas.org/wp/wpcontent/uploads/2018/08/BNDES-Sumario-Executivo.pdf>

### Using data to monitor financial public investments in women's land rights: the case of Pernambuco

In 2019, Espaço Feminista's team envisaged a great opportunity to analyse and build up evidence about the impact of a new development project launched in 2010 and implemented by the State of Pernambuco.

*Espaço Feminista para Democracia e Direitos Humanos (or Feminist Space for Democracy and Human Rights) – EF – is a civil, non-profit, non-partisan feminist group that works as an umbrella organisation based in Pernambuco, Brazil. However, EF operates on different levels, from local to global, due to its participation in different land and feminist social movements, platforms and coalitions. It serves as an open and inclusive space, where women from different areas and constituencies gather to discuss their struggles and to learn from each other, and unite to fight against women's social, political and economic exclusion, which is rooted in gender and race inequality.*

Pernambuco is one of the nine states of the north-eastern region of Brazil; it occupies the 7th position among the 27 federal units of Brazil in terms of the size of the population, and 10th in terms of the Gross Domestic Product – GDP. Pernambuco is historically one of the largest sugarcane producers in the world since the colonial period. However, the predominance of seasonal low-paid work and the monoculture of sugarcane have contributed to a massive land concentration, and with one of the worst social indicators represented by the Human Development Index. Therefore, the development project was announced as a great opportunity to attract private international investment

to free the population here finally from centuries of poverty and insecurity over land access.

The project promised to transform the region by generating thousands of new jobs and opportunities for all the residents. It aimed to do this by converting a total area of 25 municipalities, which were to be positively impacted by the project, into a manufacturing hub by destroying the 500-year-old sugarcane plantations.

The project was conceived as a form of public investment to create infrastructure, which would then attract international and national corporations to build their plants in the administrative zone called Zona da Mata Norte. During the announcement, the Pernambuco governor indicated that advanced negotiations were underway to build the newest and most modern FIAT-Chrysler plant and system. This was hailed as an example of prosperity and transformation envisaged for the region.

However, in order to attract these corporations to move to Pernambuco, the government had committed to create infrastructure and also offer fiscal incentives from the state. The commitment of an initial investment of US\$1,716 billion was announced by the Estate of Pernambuco in 2013. The investment represented the financial support of the Federal Government of Brazil through public direct funding, and financial assistance of US\$207,780 million from the National Bank of Social and Economic Development – BNDES. In 2013, the Estate of Pernambuco announced more investments for the development project arriving at a total extra investment of US\$1,411 billion from different sources, which were all public investments.

*What effectively happened and what were the implications on women's lives and landrights?*

Espaço Feminista saw a unique opportunity to analyse the data around land holdings of 2006 and 2017, and undertook a research to understand the implications on grassroots women's groups from that zone. In order to do this, we studied the data released by the Instituto Brasileiro de Geografia e Estatística – IBGE (our National Statistic Office) from the two Agricultural Census of 2006 and 2017. Comparing the changes in the land holdings for the population of that area during this time period (i.e., between 2006 to 2017), we analysed these changes against the land SDG indicators 1, 2, 5 and 11, localised to our Brazilian reality.

We worked more specifically with SDG indicators 1.4.1, 1.4.2, 2.1.2, 5.a.1 and 11.1.1. We also looked at the changes under categories such as property tenure, land size, and most of the data analysed were disaggregated on the basis of race and other variables such as age. One of the most important variables was the size of the properties.

Hence, we were able to understand what happened and the kind of impact such a big project had on the population, especially on the rural women of the 18 municipalities that constitutes Zona da Mata Norte, which includes the municipality of Goiana. This is where the FIAT-Chrysler plant was built along with many other ancillary companies that emerged to cater to the assembly line.

*Some evidence to illustrate the impacts on women's land rights*

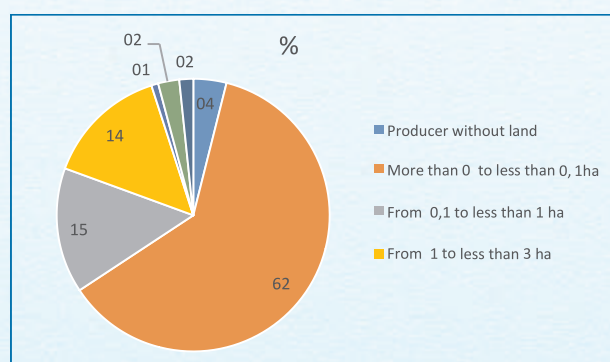
EF has dedicated the last 10 years to build evidence and knowledge in order to influence the formulation and

implementation of public policies that challenge inequality and gender and race discrimination. EF's mission is to contribute to women's empowerment from a feminist perspective and challenges social exclusion, gender and race inequality as key elements of social injustice.

In this article, I will present just some of the main findings from our current research, since Espaço Feminista is still to collect primary and direct data to better understand what the secondary data analysis is indicating to us. We are especially interested in identifying the implications on gender equality in the *development project*, which promised to transform the lives of urban and rural inhabitants of the Zona da Mata Norte region of Pernambuco.

First, in order to build or provide the conditions for the corporations to invest in the area, the government of Pernambuco had to expropriate large areas of land, which were then offered to these companies or corporations. To the FIAT-Chrysler plant alone, an area of 1,000 hectares was expropriated in Goiana from sugarcane industries. The implication of this was an immediate rise in land prices in that area. This, according to our research, had a very negative impact on the capacity of women to hold and maintain the land. The Graphic 1 below, based on the secondary data analysis indicates that in 2006, the size of the land registered in women's names in Goiana were as follows: 31% had between 1 to 3 hectares; 14% had between 3 to 5 hectares and 14% had between 3 to 5 hectares. The second graphic on the right reveals that in 2017, in the same rural area of Goiana, 62% of rural women had just 0 to 0.1 hectare of land.

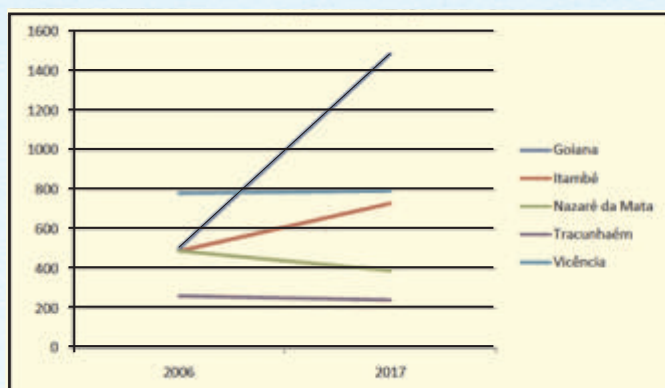
*Graphic 1 - Rural establishments controled by women, 2017*



Produced By Vilarim (EF), 2019. Source: IBGE

Although the size of the properties in the name of women has declined drastically, as demonstrated in the Graphic 1 above, the number of agricultural properties in the municipality of Goiana has risen in comparison to the other municipalities, as demonstrated in the Graphic 2

Graphic 2 – Change in number of agricultural properties between 2006 and 2017



Source: Agricultural Census/IBGE, 2006 and 2017

The graphic above shows the variance in the number of properties between 2006 and 2017 and by municipalities

A second point to address is related to the choices that governments make about their investments. In that zone, according to the table below, in 2010, in most municipalities the population was in extreme poverty or vulnerable to poverty. In Goiana, as presented in the table 2. 96.61% of the population had an average income per capita of less than US\$ 167.12 per month, which represents less than US\$5.57 per day. Moreover, the table also indicates that in Goiana, 12.71% of the population lived in extreme poverty and 83.90% was vulnerable to poverty.

A third point is clearly the opposite of what we had expected – there was a significant increase in the municipal GDP, something around 700 per cent as shown in the However, the expenditure on social policies did not increase, and on the contrary, there was even a small decrease in spending on social policies (education, health, housing, sanitation) in the region (Jucá, 2019a)

Table 2 – Social Indicators for the Municipalities of Zona da Mata Norte in 2010

Municipality	Income by person in 2010 (in Brazilian)	IDEB – Basic Education Development Index	% people in extreme poverty	% of people vulnerable to poverty
Atenas	275.50	2.90	11.87	78.36
Buenos Aires	296.70	nil	13.79	78.01
Caramuru	305.53	3.40	15.00	76.47
Copasa	170.00	3.70	8.86	83.84
Chã de Alegria	289.64	3.40	18.95	82.45
Condado	341.34	3.60	15.29	79.31
Ferreiros	1.034.14	3.80	13.00	7.15
Glória do Góia	482.44	4.00	16.55	85.04
Goiana	279.33	3.50	12.71	83.90
Itambé	218.32	3.40	16.28	84.67
Itapitinga	312.47	2.90	16.22	75.21
Legião de Itambé	206.22	4.00	13.83	84.61
Legião do Carro	252.80	3.40	15.32	82.67
Macaparana	388.37	3.00	17.16	73.07
Nazaré da Mata	358.70	3.70	11.04	76.85
Paudalho	258.04	3.50	11.74	81.20
Timbóite	237.89	3.80	14.55	75.75
Tracunhaém	470.44	3.40	9.27	46.64
Vicência	337.92	3.30	17.12	76.81

Prepared by the EF research team with data from CGMA/Ministry of Agrarian Development/BRAZIL, Mai/2015

Table 3 – Comparison in Municipal Gross Domestic Product 2010-2016

Municipality	Setor of Activity			
	Agriculture	Industry	Services	Management
Goiana	188,3	770,3	467,7	165,2
Itambé	139,5	183,2	334,1	166,6
Nazaré da Mata	58,6	220,4	223,0	175,2
Tracunhaém	-53,5	168,5	186,5	167,7
Vicência	204,7	68,7	193,6	175,3

Organized by Vilarim (EF), 2019. Source:IBGE.

Finally, we identified some internal migration, indicating that the huge investment and jobs created in those industries failed to benefit the local population. According to the testimonials from women's groups representing diverse constituencies, the only jobs the men had access to were in building infrastructure.

Apart from coping with increased pressure to sell their land, the women were also dealing with a decrease in technical assistance as demonstrated in the Table 4 below. The number of properties that received technical assistance (Assistência Técnica – AT) is insignificant, as compared to the ones who did not receive any assistance at all. If we look at Goiana for instance, we notice that only 46 properties received AT and a much larger number of 1,500 properties failed to receive any assistance at all.

Table 4 – Number of Rural Properties receiving Technical Assistance in 2017

Municipality	With Technical Assistance	Without Technical Assistance	Type of Manure			
			Chemical Fertilizer	Chemical & Organic Manure	Organic Manure	Without any Manure
Goiana	46	1500	136	78	189	1100
Itambé	32	713	219	70	115	306
Nazaré da Mata	43	346	19	22	122	226
Vicência	74	694	165	109	115	372
Tracunhaém	11	231	29	11	9	193

Source: Agricultural Census-IBGE, 2017

Many families that fought for years to scrape by with the seasonal and low-paid work in the sugarcane plantations now are facing a more vulnerable situation. They are renting their land to the sugarcane industries and receive a meager payment in return. They are not able to maintain their family gardens since water has become incredibly difficult and expensive due to climate change effects.

The Table 5 below indicates that despite the billions of dollars invested in the area to transform the lives of residents and free them from sugarcane plantations, in 2017, several years after the investment in that zone, sugarcane dominated as the major crop, while production of the other crops have been insignificant.

*Table 5 – Agricultural production by number of properties and tonnes in 2017*

Crops and Quantities		Municipality				
		Goiana	Itambé	Nazaré	Tracunhaém	Vicência
Sugarcane	Stabs.*	55	82	51	26	92
	Ton.**	627359	569583	141959	229455	148795
Cassava	Stabs.*	579	463	290	170	436
	Ton.**	879	1058	1453	213	439
Green bean	Stabs.*	294	144	178	93	273
	Ton.**	101	44	53	60	22
Banana	Stabs.*	28	24	4	2	157
	Ton.**	40	43	7	--	9880
Pumpkin	Stabs.*	110	59	45	--	122
	Ton.**	29	30	17	--	42
Broad bean	Stabs.*	32	56	92	25	297
	Ton.**	2	12	10	3	23

Note : \* Stabs. - Stablishments; \*\* Ton. - Tones

Source: Agricultural Census, 2017 - IBGE

### *The importance of monitoring the development projects from a gender perspective*

EF has been working from a bottom-up perspective for almost 12 years. For us, the most important aspect is to be able to influence the livelihood of the different communities that form part of our umbrella organization. Based on the Paulo Freire and feminist pedagogy, we put together knowledge built on the experience and struggles of each one of us. Hence, our work is oriented to build knowledge and evidence from a gender perspective, using that evidence in our processes of political formation, wherein the different women's groups bring their knowledge and experiences and collectively, we analyse the situation, build alliances, evidences and narratives to present to local and state governments and other actors.

What we do is to build women's networks, coalitions and platforms at all levels from local to global, thereby increasing our capacity to influence policy agenda setting, as well as in the formulation and implementation of public policies in favour of gender and race equality.

Therefore, based on our experience and perspective, we need to concentrate our efforts and forces at the lowest level, where grassroots women have a chance to collectively put pressure on governments, create and exercise agency. But, they also more importantly, need to unite voices, forces and struggles, and create a movement that extends to a number of communities and women's constituencies and to the global stage from a municipality level. We need to build an inclusive and diverse space, where women from different constituencies can discuss and bring their differences and divergences forward with respect and openness.

However, in the end, they all know that through that capacity to understand and support one another, we can make a difference in the political agenda, and, in the way we organise ourselves. we can resist an unprecedented situation of inequality and destruction.

### *Building a south-south cooperation to challenge IFI and NDBs investment agenda*

It is in this spirit that we ask for an effective, international south-south feminist and women's movement. And, we use different spaces and platforms to raise these questions. Looking at the different mechanisms we have, we urge the development community to listen to the women's organisations working on the ground, who are currently faced with the increasing challenges imposed by Covid-19. We are urging the different actors and different platforms – international women's platforms and south feminists' coalitions to look at our on-the-ground experiences and evidences in order to amplify our voice and our capacity to resist and to transform.

We must challenge the International Financial Institutions' neo-liberal orientation, as well as their policies and programmes and how their decisions and policies are affecting the lives of millions of women and children, men and trans people in developing economies in the global south, such as Brazil. The adverse effects of the Belo Monte Hydroelectric dam construction in the Amazon region of Xingu, are a proof of such a disaster. In Goiana, we will fight for the thousands of families affected by this development project.

(This article is based on the presentation made during the webinar – International Financial Institutions and Using Country Systems: Implications for Gender Equality)



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## ACKNOWLEDGMENTS



In November 2018 during one of the Civil Society meetings with the New Development Bank's management in Shanghai, BRICS Feminist Watch along with other colleagues raised the issue of information disclosure, and transparency. NDB is one of the most opaque IFI and does not make project documents public. BFW in partnership with PWESCR in India had monitored one of NDB funded infrastructure project in India – Major District Roads in Madhya Pradesh. Key findings that highlighted violations of labour, environment, gender equality from this research were shared at this meeting. NDB in its defence kept emphasising that the Bank believed in South South Corporation and was committed to using country systems. This was seen as a lame attempt by the Bank to hide behind country system as an excuse for inaction. Hence a strategic decision was made by BFW leadership to undertake research on IFIs and country systems from gender perspective, and to unpack key challenges and trends in this context.

In October 2020, PWESCR on behalf of BRICS Feminist Watch and in partnership with the South Centre, IWRAP Asia Pacific, the Inequality Movement and Gen Dev Centre for Research and Innovation hosted a Webinar: International Financial Institutions and Using Country Systems: Implications for Gender Equality. The Webinar examined the potential and limitations of the using of country systems by IFIs including New Development Bank (NDB) through a critical gender lens, and offered key think-points on possible ways in which these MDBs can proactively and effectively centre gender issues within a sustainable development and SDG friendly approach to lending and macroeconomic support policies of these organization. Webinar provided a platform for learning and sharing. This publication is a compilation of the rich presentations made by various experts at the Webinar. I am grateful to all partnering organisations.

Shubha Chacko was the over all coordinator of the Webinar and this publication. I am grateful to Shubha not just for the detailed logistic planning but also for her in depth research that was key to this conversation. Her energy brought creative thinking and made sure the conversation was not just a cerebral one.

I am grateful to all the presenters, Mariama Williams, Sibulele Poswayo, Ella Hopkins, Zhiqian Zhao, Patricia Chaves. These experts came from different parts of the world and were willing to be challenged by each other in order to develop new ideas and new strategies. I am also appreciative of the generosity with which these people shared their experiences, and learning. It was their committment that made the Webinar and now this publication productive. I am equally appreciative of all those who joined us for the Webinar and contributed to the discussion.

I also would like to acknowledge contribution by Manuel (Butch) Montes as a discussant for his support and confidence in BFW and the much need analysis that this Alliance provides. The Webinar was moderated by Priyanthi Fernando. I grateful to Priyanthi to bring such energy to help create an environment were a productive dialogue could happen. I would like to also thank Rajesh Eralil and his team at the South Centre for providing all the technical support for the Webinar.

To capture the nuances of a rich conversation is a challenging task. I am therefore also grateful to Shubha Chacko for coordinating each submission. This publication would not have been possible without the extreme valueable contribution byKavitha S hanmugam as the content editor. We are grateful to Vishwanath of VARGAMUDRA for designing this.

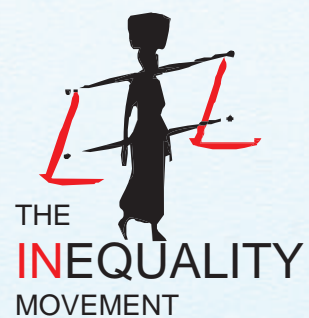
I am also grateful to the Heinrich Böll Stiftung, India, especially to Shalini Yog, who saw value in having this conversation and provided the financial support for this work.

PWESCR and BFW's on-going exploration on IFIS and gender equality continues to contribute toward increasing the knowledge base and scholarship to explore new ways of thinking about this work and to develop strategies that can be used in diverse situations. We decided to publish this report in hopes that it will stimulate further exploration and work amongst a wide range of audiences.

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Founder, Coordinator, BRICS Feminist Watch

Partners:



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