

**Good words make no good boys -
The ADB's Draft Energy Policy, 2021: Not Energetic Enough for Gender Justice**

ADB's announcement of its decision to stop financing coal projects and coal powered plants in its Draft Energy Policy of 2021 is appreciated. The draft comes after long standing demands from communities and CSOs that IFIs are causing serious human rights violations and environmental destruction by financing largescale coal extraction, thermal power and policy reforms that have promoted states to invest in and privatise coal mining. We, as a network of women from the Asia region take note of this policy change in the ADB for its long overdue amendment to its earlier Energy Policy.

We write from our lived experiences of rural and indigenous women who have suffered greatly from the highly destructive nature of coal mining that affected eco-systems, food security, health and entitlements of women. Majority of largescale open pit and underground coal mining has been in indigenous peoples' lands and the ore was transported to far off places to supply the national grids that in turn entertained huge inequities in usage, priorities and entitlements to energy sharing. It led to decades of powerlessness for many indigenous women for the kind of market driven development that our states sought to achieve, no doubt with the financial, TA (technical assistance) and policy support received from the ADB and other IFIs.

Today, the ADB has revised its direction in energy financing with a stated vision to the commitments of the Paris Agreement, *"to achieve a prosperous, inclusive, resilient, and sustainable Asia and the Pacific"*, with some high priority areas like *" ii) accelerating progress in gender equality, (iii) tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability, (v) promoting rural development and food security"*. Further, it proposes that *"75% of the number of ADB's committed operations (on a 3-year rolling average, including sovereign and non-sovereign operations) will promote gender equality by 2030"*. These are commendable goalposts to claim. The language of the entire document of the draft Energy Policy reflects the gender inclusivity objective, sustainability and priority to the poor last mile end user farmers, women and urban poor consumers. Women should be happy and we are relieved that our future struggles against destructive coal mining in green-fields will not have to be spent knocking at the doors of the ADB.

Yet, we wish to put our strong observations and criticisms in the public domain, as we are informed that the policy is still a draft and is open to review, especially as the ADB aims to contribute to *'reducing persistent gender gaps, addressing gender inequality, and reducing women's burden of care and unpaid work'* through this proposed policy. A policy as we know, is a statement of intent and the current policy is a very broad statement of good intent with regards to women. A project as we know, from the hundreds of projects experienced in the past, is a reality of experience. And hence, we women, wish to review the policy from this reality of ground level projects that were implemented, the highly complicit nexus of state and corporate non-compliant performances, largely gender discriminatory markets and the ineffective operational directives that the ADB and other IFIs have been using as yardsticks of voluntary guidelines to demonstrate good gender practices in financing. Unless these broad commitments are more concretely located, we believe that good words do not yet make good boys.

The core commitment made is the shift from future financing of coal extraction and coal fired projects. Since fossil fuels emit polluting carbon, the proposal is to transit to low carbon and renewable energy alternatives. While this is also our demand, is it merely a matter of switching from one energy source to other renewables and non-renewables (since the ADB still plans to finance oil and gas) and a tweaking with technological explorations? The policy gives an impression that merely by shifting from coal, without addressing the core issues of ‘energy for whom’ and ‘energy for what’, the climate change problems of GHG emissions would be reduced. It appears to be about how much more to produce with alternate mechanisms than to actually address the sustainability of production, consumption, storage and waste management. The policy merely talks about how the Asian countries are growing fast in their urbanisation and industrialisation needs and about their fast growing economies of markets which the policy needs to meet. As long as we do not challenge the highly inequitable, exploitative and market-oriented demands of energy, even a shift from fossil fuels to other sources will end up with policies that promote unsustainable, resource exploitative and gender exploitative power dynamics. For women, these concerns lie in the core of achieving gender equity and sustainability of ecosystems.

This raises the second glaring conventional focus of ADB’s new policy—a major emphasis on private sector promotion and privatisation of energy which the ADB itself admits to have promoted in many DMCs. ADBs TA for policy reforms towards privatisation (as in Mongolia’s several laws especially in relation to extractives and energy projects being amended by private businesses with ADB investments), multisectoral and hybrid approaches to PPP and combination of national grid and off-grid innovations appears that the redemption from coal would come mainly with privatisation of energy, and yet it proposes to promote social equity, meet the needs of the last mile poorest end user—often, women in rural and indigenous communities. While the safeguards and gender policies of the ADB claim to have active processes to adhere to international commitments such as,

- *Under its Social Protection Strategy, ADB is committed to support “core labor standards”*
- *Declaration of Human Rights provides that “[n]o one shall be arbitrarily deprived of his property” (Article 17.2),*
- *Most DMCs have introduced laws or policies governing involuntary resettlement in connection with development projects, in several cases with TA from ADB.*
- *Both resettlement and development activities in indigenous/ethnic minority areas raise significant gender issues, including GLP issues. These issues are increasingly being addressed through specific gender strategies incorporated in the resettlement and/or indigenous/ethnic minority development plans*
- *Women’s customary rights to access land, water, forest resources, and other natural resources should also be recognized and compensated under the resettlement framework*

Yet, the policy regimes pushed by the ADB for reduced state participation and increased private sector influence, have resulted in poor regulation and monitoring of many of the above safeguards. Indigenous and project affected women have several grievances unredressed in these energy and infrastructure projects financed by the ADB, whether in relation to rehabilitation, women’s labour rights or right to free, prior and informed consent. One would assume that if energy production and generation shifts to renewables like solar, wind, biogas, etc, the pressure on the subsurface resources like coal, of communities living far away in the forests, would be vastly reduced. One would think it implies local centric mechanisms of power generation where cities, villages and towns would evolve their own

systems of production and benefit sharing based on their spheres of human settlements – sustainable, resilient, accessible and climate safe mechanisms based on local resources. However, if the focus remains privatisation and largescale private actors taking control over energy systems, and not decentralisation of energy planning and generation, then sustainability and equity would be preceded by private agendas. For instance, the ADB financing of energy projects and policies in Bangladesh, the Philippines and India to push for private and foreign players is an example of ADB's policy interference leading to increase in prices of power for consumers than of benefits, huge losses to local communities and their resources, and the increasing security risks of voicing dissent.

So far, most examples of the PPP models have ensured costlier forms of consumption and pricing for the poor citizens, whether of water or power. Women's needs are the first to be compromised whether in the accessing of energy for cooking, or washing or occupational needs or agriculture. Women simply resort to manual ways of 'powerless' survival, especially in this crisis of the pandemic. It is not convincing that the hybrids proposed would put women in the centre of power equity or that cooking, farm-work and other occupations which involve intensive manual labour of women would hold priority in the power distribution planning since the highly mechanised industries where women are least in number are the biggest consumers of power. For example, the ADB states its commitments to clean cooking technologies that are directly related to women's traditional domain of burden of work. So far, such clean cooking technologies have been erratic with no serious impact on the larger majority of women other than remaining as pilot innovations. The Bank needs to make more concrete strategies, investments and sustain the interventions on long term for women (and hopefully men too) to have healthier options for cooking.

Even the private sector is not a uniform entity. The policy being too general, it does not give confidence that the bank's future financing to policy and technology will place priority on small private and community driven enterprises that would be local, decentralised and participatory and not to large private players who are often crony capitalist oriented where power (political and financial power) is centred in a few monopolistic oligarchies. The potential for poor indigenous, rural or even urban slum dwelling women in Asian countries to have access to participation, information or exercising their ownership or entitlements to production or benefit sharing seems highly unlikely. They end up being the highest paying consumers with lowest access to power and with the lowest carbon footprint within the highly polarised gendered economic hierarchies of the global south.

The policy mentions just transition in a transitory way without providing any details of strategic actions. Further, it is mentioned more in the context of coal powered plants being reviewed for just transition investments and technologies, without a mention of just transition from extraction of existing and closed mines. Vast areas in countries like India, Indonesia, Mongolia, Vietnam, and others have been plundered and abandoned or controlled by irresponsible mining projects. One of the foremost concerns globally is the issue of sustainability of labour and local communities in a post fossil fuel landscape. *ADB's social safeguard policies, including the Policy on Involuntary Resettlement and the Policy on Indigenous Peoples, are intended to avoid, minimize, and mitigate any social costs to households and communities, or to marginalize vulnerable groups that could result from ADB-supported development projects.* The Energy policy does not indicate a responsible withdrawing from fossil fuels financing, where communities and workers will be sustainably rehabilitated in earlier Bank financed projects. The policy has not made any commitment to clean up, or reclamation, reforestation, resurfacing or revival of local livelihoods in the

context of all its previous financing of coal projects. Does the Bank imply, let bygones be bygones and walk away from its past destruction. Women, and particularly indigenous women, in large numbers, are affected negatively by coal mining that has happened and continues. What responsibility does the policy take towards the demands of these women where their lands, forests, water bodies, and physical bodies have been contaminated by coal pollution, is totally unclear, when the policy only talks about future financing. For example, pastoral women and women mine workers retrenched in Baganuur, Mongolia have been demanding for actions regarding the negative impacts of coal mining on their health, water bodies and pasture lands. Their grievances remain unredressed despite the ADB and the World Bank having their gender policies, external forum on gender and environmental safeguards policies as well as the ADB financing Extractives Sector Governance in Mongolia. In Baganuur, the inspection panel's enquiry into the grievances have failed to satisfy the women's complaints and women continue to suffer both in terms of health and their access to pastoral lands. So are women from fishing and indigenous communities in Bangladesh, India, Indonesia struggling for years to get their grievances addressed in coal mining sites. These reveal that IFI social policies and operational directives are far too ineffective to address women's grievances. Women would like to see more clarity on the exit policy that accountably closes coal projects as well as large hydro, oil and gas projects which impact women in very serious negative ways where safeguards policies are grossly inadequate to ensure gender justice. For example, the ongoing struggles of indigenous women in the Upper Trishul hydro project in Nepal still remain unaddressed by the ADB.

The policy does not speak about production and consumption inequities in the first place although it does mention an intent to encourage 'prosumers'. The policy mentions that women will be given opportunities for enterprises, better income generating skills through electricity facilities, etc. The policy statement that '*ADB will develop comprehensive approaches to increase and promote women's productive use of electricity, through provision of knowledge and skills on how to use electricity for income generating activities with access to credit for business development*' are easier said than met as we have seen oft-repeated such statements in most project documents. Such programmes have been mentioned in other policies but the manner in which ad hoc, scattered and tokenistic programmes are implemented so far, these do not lead to strategic or real life changes in gender equality or women's roles, participation or entitlements as 'prosumers'. These merely serve the purpose of compliance to operational directives in bank financed project appraisal documents, rather than leading to real changes to women's lives.

Currently, in most Asian countries, solar and wind energy producers are still struggling to break even and present subsidies for installation and production are presumably inadequate. If women were to take control as prosumers, the challenges faced by the renewables sector have to be addressed from a gender lens for local women to participate. Investing intensively in women's training on technology, management and social dialogue fronts are necessary to effectively translate ADB's goodness in generating gender equality in power sector, especially its off-grid solutions. However, on the ground, there are serious issues of land and resource ownership which is highly gender unequal in most of our countries. If women were to set up energy enterprises either individually or collectively, there are serious hurdles unless, as the policy tends to lean towards women who are in better positions of resources and finances. At present, maximum opportunities accorded to women lie in daily wage labour in the solar parts assembling units which are small in number and scale. Women's skill mobility access outside of farm labour presents very poor statistics in all Asian countries.

With high levels of caste, class, community and religious conflicts apart from militarisation growing in the region, social sector investments of states are centred around small welfare schemes for women rather than resource rights, education or skills building in ways that materialise into concrete turn around scenarios. Investments in energy sector capacities alone would be grossly inadequate unless women's education, formal resource rights and entitlements are addressed. Although the Bank's future focus is on social sector financing, women's formal entitlements in policy reforms are receiving lesser importance compared to welfare interventions in order to effectively negotiate with states in Bank lending contracts. Unlike the Bank's persistence with states for policy reforms on privatisation, we do not see such seriousness to bring pressure for resource rights legislations in favour of women, without which we cannot witness changes in gender inequities.

While we emphasise the need for alternative bio-fuels based energy solutions that are local, decentralised and accessible, the risk posed by privatised alternatives like bio-fuels plantations on a large scale, to women's land and food security are grave concerns. These are pointed out in the policy, *(to ensure sustainability of bioenergy expansion, ADB will encourage synergies in land use between food supply and energy production)* but insufficiently addressed in real value regulatory solutions or legal reforms. However, the policy's thrust towards privatisation more than becomes a determinant of resulting in monocultures as misleading solutions for climate change mitigation, low carbon and adaptation solutions, exacerbated by misguided Green Climate Finances of the Bank. Most Asian countries are witnessing rapid negative changes in eco-systems exploitation on the pretext of economic recovery in relation to the pandemic rather than applying more stringent environmental safeguards. Women, are not only losing voice over energy projects, but would be seriously affected by loss of land, livelihoods and food security. These are already being witnessed in a big way in almost all Asian countries with oil palm, jatropha, eucalyptus and other short term commercial species through contract farming and climate mitigation/adaptation programmes that are highly exploitative of women farmers and labourers.

“ADB will use its competitive advantage in the region to leverage international climate finance”. The international climate finance in most of our countries is linked to both alternate energy resources like solar on the one hand, and reducing emissions projects like REDD+ and green climate funds, on the other. In the region, while the former has not yet become accessible to women in an affordable and sustainable way, the latter is leading to serious human rights violations, without either reducing emissions or improving climate health. It is leading to land and forest rights being stolen and women facing the risks of military and police excesses. A clear example from India are the largescale evictions and violence faced by women in Compensatory Afforestation Fund Management and Planning (CAMPA) projects linked to the REDD+ objectives. We do not believe that Banks like the ADB or the World Bank are naïve to these concerns. We would like clarity on how women will be protected from such violations in renewable projects or green climate funds.

ADB's Action Plan for Healthy Oceans and Sustainable Blue Economies is worrying, especially with countries like India already granting permissions for ocean bed mining with no stringent regulatory structures to ensure environmental sustainability. ADB promoting these through its financing would only give opportunity for destroying our marine-eco systems on which many of our women from fishing dependent communities survive.

We do not appreciate the use of gender in the casual topping to the Bank curries. We believe that gender has to be taken as a serious mission, not an after-thought (or fore thought) frivolously added, where states and corporates even more frivolously respect. Shrinking the role of the state in energy sector also shrinks accountability towards communities and especially towards women.

We do not believe in the policy statement that, *'All energy sector investments will comply with ADB safeguards policies regarding the environment, involuntary resettlement, and indigenous peoples to ensure that affected persons are protected from impoverishment risks and development programs'*, going by the on-going and unaddressed struggles and grievances of women. These safeguards policies including gender, are themselves lacking in real merit, performance and stringency in ensuring state and corporate accountability. A review of the gender safeguards policy is much required if the energy and other Bank projects have to become gender inclusive and just. In this context we would like to emphasise the following:

- The gender policy may convey the Bank's commitments to increasing women's participation, voices and capacities.
- However, the very nature of the Bank's financing and type of energy and infrastructure projects that the Bank invests in, are often violating women's rights and weakening existing rights, knowledge practices, spaces of decision-making and security. We see a wide dichotomy in stated intent, compliance mechanisms and applied actions with respect to women. For instance, energy projects such as hydro-power, coal, and non-coal projects have disrespected indigenous, rural and pastoral women's rights and paid little respect to the free, prior and informed consent of women beyond staggered monetary compensation. There is no follow-up on the grievances and challenges faced by women once communities are relocated or projects take off. Women are permanently dispossessed in several ways with gross human rights violations. But neither states nor the Bank are ensuring any sustainability of these communities. For example, the hydro power projects which were financed by the ADB along the Mekong river are causing severe flooding downstream, affecting indigenous and fisherfolk women. There is no accountability to redress their grievances.
- Where financial inputs for women's training, enterprises, participation have been included in bank financed projects, these often do not bring sustainable long term improvement in women's lives and may address a marginal number of women in marginal ways, and not the majority women who are displaced/negatively impacted by bank projects. Hence, the result is that a majority of women gain no substantive benefits or rights and on the other hand, their traditional self-reliant livelihoods and resource rights are also lost. The benefits, therefore, do not match the losses borne by women.
- These not only result in losses but exacerbate violence against women. Yet, often, violence against women is perceived by the Bank only within the realm of domestic violence and it's superficial outreach programmes do not bring marked security to women. We see a high connection between the increase in domestic violence in project areas where the ADB and IFIs have implemented projects through displacing/affecting women's resources and livelihoods. These have led to increase in corporate and state violence on women for articulating their objections or expression of right to free, prior and informed consent. For example, the Phulbari coal mining project in Bangladesh where violence against women and children voicing their dissent to the mine led to death and serious injuries. Therefore, we wish to state that

violence has to be redefined in a larger framework of resource-alienation, marginalisation, knowledge alienation and break down of social safety nets that may result in multi-layered structural violence of states and corporates, from bank financed projects, and not merely confined to domestic violence.

Unless energy projects are redesigned to prevent women losing their lands, resources, knowledge practices by ADB financed projects, mere monetised and incentivised compensation packages, subsidies, loans, whether of WID or GAD approaches, will not lead to gender inclusive energy policies. Particularly where indigenous communities are concerned, they are blessed with natural resources and have strong systems of social exchange and regulation. ADB's commitments to sustainability and climate change mitigation will be achieved only when Bank finances are directly promoting indigenous communities' and women's skills, infrastructure and indigenous systems of power-generation, enterprises and ownership. Further, minimising Bank investments and interference would uphold indigenous peoples' resources and rights in the most sustainable way.

Key comments:

- That the ADB has announced its withdrawal from coal and coal fired power plants is a much delayed welcome decision
- The Covid 19 impacts have been misrepresented by IFIs and governments using the pandemic as an excuse for promoting environmentally and socially unsustainable processes of privatisation, marketisation and resource exploitation. The current Energy policy draft makes for a partial attempt to address climate change risks while pursuing processes that rather than mitigate, may aggravate climate challenges, especially to indigenous communities and women.
- The transition processes are unclear, especially with respect to accountability for existing and closed/abandoned projects where women have several unresolved grievances, violations and made vulnerable to unsustainable livelihoods and security. Just transition from fossil fuels should responsibly invest resources and programmes in restoration, rehabilitation and sustainable alternate livelihoods creation for local communities and workers. The energy policy and ADB's programmes should emphasise this within their coal exit policy.
- The major thrust of shift to renewables is on private sector. The ADB is involved in influencing states on critical issues of legal and policy frameworks to privatise energy, infrastructure and other industries. The aim of ensuring social equity, gender inclusivity and access to last mile poorest consumers of energy who are often women, is highly unlikely with the path of largescale privatisation of energy sector. We do not believe that ADB's future investments in privatising energy is healthy progress for women and local communities.
- Shift to renewables provides a huge opportunity for decentralised, instead of privatised framework for energy sector performance. The ADB's stated vision of making sustainable, accessible and climate resilient energy production and transmission in Asia would best be achieved when local decentralised solutions and investments are promoted. Women's participation in planning, enjoyment and gaining entitlements to energy resources would only be

possible through decentralised and women centred investment oriented energy policy.

- Corporate and market driven mode of renewables and bio-alternatives in energy also hold risks to food security, land use and deforestation in order to give way to monoculture plantations, contract farming and control of land resources by private energy corporates. No matter how well drafted the energy and gender policies are, the politics of state and corporate interests would prevent effective implementation of programmes and capacity building for women's leadership and participation unless energy for whom and energy for what are prioritised. Cooking and women's energy needs for farming or domestic work or their participation in technological management are currently the least priority in energy planning, although they are briefly mentioned. There is no level playing opportunity in these imbalances of power equations, for women. Unless the ADB places priority on decentralisation, local community driven systems of energy production and distribution, we do not have confidence that the proposed energy policy will lead to either reduction in emissions or social safeguards protection.
- Climate change mitigation programmes, green climate funds, oil, gas and hydro-power projects and extractives governance policies currently promoted by the ADB are not solutions demanded by women. We caution the ADB in the Bank's promoting of monocultural plantations for climate mitigation or green energy projects. We also caution against the promotion of hydro power projects as a consequence of exit from coal.
- Therefore, free, prior and informed consent of women which the ADB is committed to, should begin with the Bank respecting women's rights to consent, reject and recommend their own alternative visions for energy solutions but not be restricted to mere participation in compensation or rehabilitation programmes defined by the Bank or the private industry or the states. Therefore, we strongly recommend that the current safeguards policies, gender policy and compliance mechanisms be also reviewed along with the energy policy in a transparent and consultative manner that includes consultation with indigenous, pastoral and other affected women. And that the women's demands are duly incorporated in Bank financing with legally binding accountability commitments of the Bank as well as of private actors.